



CITY OF DUNWOODY

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MEMORANDUM

To: Mayor and City Council
From: Brian Anderson, City Attorney
Date: September 14, 2009
Subject: Liquor License Application – 5020 Winters Chapel Road

Pursuant to the attached state regulations the city cannot approve the liquor license application for the above referenced location and there is no discretion within the regulations to do so. Therefore, it is staff's recommendation to deny the liquor license application for 5020 Winters Chapel Road.

560-2-3-.36 Products Other than Distilled Spirits for Sale, Display, or Offer.

(1) No retailer shall sell, offer for sale, display or keep in stock for sale or furnish at its licensed premises where distilled spirits are offered for sale, any other products or services except the following:

(a) Wines, but only if the retailer holds a valid and current license to sell wine at said place of business;

(b) Malt beverages, but only if the retail dealer holds a valid and current license to sell malt beverages at said place of business;

(c) Cigarettes, cigars, chewing tobacco, snuff, cigarette papers, lighters and matches, chewing gum and breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications and over-the-counter birth control devices;

(d) Beverages containing no alcohol and which are commonly used to dilute distilled spirits;

(e) Packaged ice, ice chests, and coozies (individual can and bottle coolers). The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, *Food from Approved Source*, relative to source of ice and packaging and that such packaging is labeled in accordance with Georgia Department of Agriculture Rule 40-7-1-.26 *Labeling*.

(f) Paper, styrofoam, or plastic cups; wine and distilled spirits gift bags which are limited to a size to accommodate one 750 ml size bottle and contain only products approved for sale or display by this regulation;

(g) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such retailer has been approved by and is in good standing with the Georgia Lottery Corporation.

(h) Bar supplies, limited to:

1. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers and wares made of glass, plastic, metal or ceramic materials.

2. Cocktail olives, onions, cherries, lemons, limes and sugars or salts produced and marketed specifically for the preparation of alcohol beverage drinks.

3. Beverage alcohol drink recipe booklets, bar guides, and consumer-oriented beverage alcohol publications.

(i) Products co-packaged with alcoholic beverages provided that such products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of alcoholic beverage product;

- (j) Check cashing services arising out of the sale of alcoholic beverages;
- (k) Automated teller machine service for customer use; and
- (l) Gift Certificates for use at the issuing licensed retailer.

(2) Should a retail dealer elect to sell malt beverages or wine as provided in this regulation, such retailer shall be subject to all laws and regulations pertaining to the sale of distilled spirits including, but not limited to, hours of sale and days of sale.

(3) Beverages containing no alcohol and commonly used to dilute distilled spirits as provided in subsection (d) of paragraph (1) may be dispensed through the use of vending machines, but no beverage alcohol shall be dispensed through such vending machines.

Authority O.C.G.A. Secs. 3-2-2, 48-2-12. **History.** Original Rule entitled "Products for Sale, Display or Offer Other Than Distilled Spirits" adopted. F. May 5, 1982; eff. May 25, 1982. **Amended:** F. June 15, 1993; eff. July 5, 1993; **Amended:** F. Sept. 21, 1993; eff. Oct. 11, 1993. **Repealed:** New Rule of same title adopted. F. Dec. 31, 2003; eff. Jan. 20, 2004. **Repealed:** New Rule entitled "Products Other than Distilled Spirits for Sale, Display, or Offer" adopted. F. Feb. 26, 2007; eff. Mar. 18, 2007. **Amended:** F. Sept. 20, 2007; eff. Oct. 10, 2007.