Size limited to 16 ounces. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.

(3)

Drinking from can, bottle, or glass prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.

(4)

Outside consumption of alcoholic beverages permitted within the area. Outside consumption of an alcoholic beverage from a container that is in compliance with this subsection (c) of section 6-9 and obtained from an establishment within the area licensed to dispense alcoholic beverages by the drink for consumption on the premises is permitted within the area between 12:30 p.m. and midnight. Provided, however, consumption of an alcoholic beverage in a parked or moving vehicle within the area is prohibited.

(Ord. of 9-7-1999, § 1(4-9), (4-10); Ord. No. 09-09, § 1, 4-20-2009; Ord. No. 15-06, § 1, 10-5-2015)

Cross reference— Streets, sidewalks and other public places, ch. 98.

Sec. 6-10. - Sidewalk cafes, open area and patio sales.

The consumption and/or sale of alcoholic beverages shall be allowed in sidewalk cafes that are in compliance with Article 5 of Chapter 10 of this Code, and in open areas and patios under the control of the licensee provided that such open areas and patios are separated from public areas by a physical barrier, fence, rail or similar structure sufficient to prevent ingress and egress by a person(s) except through a controlled access point and further provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such establishment and its sidewalk cafe, open area or patio, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress. In the event the designated area is separated from the licensee's premises so that it is necessary to traverse public property to get from one location to the other, then in such event it shall be unlawful for alcoholic beverages to be carried from said premises to the designated area or vice versa by anyone but licensee or employees of licensee.

(Ord. No. 11-08, § 1, 7-18-2011)

Editor's note— Ord. No. 11-08, § 1, adopted July 18, 2011, repealed the former § 6-10 and enacted a new § 6-10 as set out herein. The former § 6-10 pertained to open area and patio sales and derived from Ord. of 9-7-1999, § 1(4-11); Ord. No. 09-09, § 2, 4-20-2009.

Sec. 6-8. - Possession of unsealed containers.

It shall be unlawful for any person to possess any distilled spirit in an unsealed container on premises licensed for the sale of alcoholic beverages by the package, and it shall be unlawful for any licensee to permit possession of a distilled spirit in an unsealed container on the premises licensed for the sale of alcoholic beverages by the package.

(Ord. of 9-7-1999, § 1(4-8); Ord. No. 05-20, § 2, 12-5-2005)

Sec. 6-9. - Possession in public places.

(a)

Except as provided in subsection (b) of this section and section 6-10, it shall be unlawful for any person to drink, consume, transport, carry alcoholic beverage (except in the original package and with the seal unbroken), on any public street, sidewalk, or in any city park, city maintained recreation facility, public parking lot or semi-public parking lot located within the city limits. The term "semi-public parking lot" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, commercial establishment, office building or apartment building.

(b)

The following activities shall not be a violation of this section:

(1)

Alcohol beverage sales by the drink at the Northwest Georgia Trade and Convention Center within areas designated by its management.

(2)

Beer and/or wine sales by the drink within a special outdoor area as provided for in section 10-112.

(c)

Within the area bordered on the north by Hawthorne Street, on the east by the western right-of-way of the L&N Railway, on south by Morris Street and on the west by Thornton Avenue (the "area"); the following regulations shall apply:

(1)

One drink on-street limit. Any establishment within the Area licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup conforming to cup specifications promulgated by the Downtown Dalton Development Authority from time to time for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(2)

Drinking from can, bottle, or glass prohibited. It shall be unlawful within a Carry District for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private.

(5) *Consumption limited to certain areas in the Carry District.* No alcoholic beverage purchased pursuant to this provision may be consumed outside of the Carry District, upon any sidewalk adjacent to a church, school or park (unless specifically authorized by the City of Roswell) or upon any private property without the express written consent of the property owners.

(6) *Consumption limited to lawful hours of operation.* Unless authorized by Mayor and Council in the Resolution creating the Carry District, no alcoholic beverage purchased within the Carry District pursuant to this provision shall be consumed within the Carry District on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private, prior to 10 a.m. or later than 11:00 p.m.

(Ord. No. 2015-03-06, § 1, 03/23/2015 ; Ord. No. 2008-10-15, § 1(Exh. A), 10/06/2008)

Section 3.7.15 - Carry-Out of Alcoholic Beverage Unlawful.

(a) All alcoholic beverages sold by consumption on the premises licensees shall be consumed only on the licensed premises unless allowed by state law or as provided in subsection (c) of this Section. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises unless specifically permitted by state law (See O.C.G.A. § 3-6-4) or as specifically permitted by the Roswell Mayor and Council. The licensee shall be responsible for ensuring that no person removes any unauthorized alcoholic beverages from the premises in any type of container.

(b) Each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form:

"It is a violation of the Code of Ordinances of the City of Roswell to take any type alcoholic beverage out of this establishment unless specifically permitted by State law or City of Roswell Ordinance."

Such sign shall be in uniform letters not less than one (1) inch in height.

(c) Exceptions - Outside consumption of alcoholic beverages permitted - Carry Districts.

(1) For the purposes of this Chapter only, a Carry District is defined as follows: A specifically authorized and pedestrian oriented area of the City as established by resolution of Mayor and Council that allows those establishments with valid consumption on the premises licenses within such area to dispense and/or serve an alcoholic beverage for "carry out" purposes provided all other laws, rules and ordinances are followed.

(2) *One drink per person on-street limit.* Within a Carry District, any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no person shall remove more than one such alcoholic beverage from the licensed premises at a time.

(3) *Size limited to a maximum of sixteen (16) ounces.* Within a Carry District, no container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in its possession on the streets and sidewalks, in parks and squares, or in other public places within a Carry District any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.

(4)