

00-0-0720

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCILMEMBER CATHY WOOLARD

AN ORDINANCE TO AMEND SECTIONS
10-1, 10-60, 10-86, 10-88, 10-115, and 10-209
SO AS TO PROVIDE FOR A NEW ON PREMISES
GENERAL LICENSE AND AN ON PREMISES
CONSUMPTION LATE HOUR LICENSE; TO
PROVIDE FOR THE REGULATION AND
PENALTY PROVISIONS OF THESE LICENSES;
AND FOR OTHER PURPOSES.

6/19/00 - Substitute Brought Forward
by Voice Vote (Woodard Motion);
Amended by Voice Vote; Motion
to Adopt Substitute was Amended
FAILED by roll call vote;

FILED BY JUN 19 2000
CITY COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 5/15/00

Referred To: Public Safety &
Legal Admin.

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair C. T. Woodard
Referred to _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

Committee P.S. & L.A.
Date 5/30/00
Chair _____
Action: Meeting Rescinded
Fav, Adv, Hold (see rev. side) _____
Other: Substituted & Held
Members: Meeting cancelled 6/1/00 substituted 6/2/00
Refer To _____

Committee P.S. & L.A.
Date 6/1/00
Chair C. T. Woodard
Action: Fav, Adv, Hold (see rev. side)
Other: Forwarded No Rec.
Members: [Signatures]
Refer To _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 JUN 19 2000
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 JUN 19 2000
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 2047
6/19/00
6:04 PM

Atlanta City Council

Regular Session

00-0-0720

TO PROVIDE FOR THE REGULATION & PENALTY
PROVISIONS OF LICENSES

ADOPT AS AMEND

[^]
SUBSTITUTE

YEAS: 7
NAYS: 5
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 2

*MOTION TO
ADOPT SUBSTITUTE
AS AMENDED
FAILED*

Y McCarty	E Dorsey	N Moore	N Thomas
Y Starnes	Y Woolard	N Martin	Y Emmons
N Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	N Boazman	NV Pitts

00-0-0720

Clean Version 6/19/00
Includes Amendments
Voiced by S. Langford
00-O-0720 at 6/19/00
Meeting

**AN ORDINANCE BY COUNCILMEMBER
CATHY WOOLARD AS SUBSTITUTED BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND SECTIONS 10-1, 10-60, 10-73, 10-88,
10-94, 10-115, 10-116 and 10-209 SO AS TO PROVIDE FOR A NEW
ON PREMISES CONSUMPTION GENERAL LICENSE AND AN
ON PREMISES CONSUMPTION LATE HOUR LICENSE; TO
PROVIDE FOR REGULATIONS AND PENALTY PROVISIONS
OF THESE LICENSES; TO REPEAL CONFLICTING
ORDINANCES; AND FOR OTHER PURPOSES.**

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
ORDAINS AS FOLLOWS:**

Section 1. That Chapter 10, Article I, Section 10-1 of the Code of Ordinances entitled "Definitions," is amended by deleting the existing definition for the term "license" and substituting in lieu thereof the following language:

License means the authorization by the City of Atlanta to engage in the sale of alcoholic beverages in the City of Atlanta whether for the purpose of on-premises consumption or for the sale of packaged alcoholic beverages. A license issued for the on-premises consumption of alcoholic beverages (whether for the sale of beer and wine and/or for distilled spirits) shall be either an (1) On Premises Consumption General License; or an (2) On Premises Consumption Late Hour License. Only an On Premises Consumption General Licensee may obtain an On Premises Consumption Late Hour License. In addition, the On Premises Consumption General Licensee must meet the requirements as set forth in Section 10-115 before obtaining an On Premises Consumption Late Hour license.

Section 2. That Section 10-1 entitled "Definitions" is amended by adding the following terms and definitions to the existing language:

Independent contractor means a person, other than an employee, who performs job functions or duties whether one time or on a continuous basis at an establishment licensed for the sale of alcoholic beverages if such functions or duties are related to or are in furtherance of the operation of the licensed establishment, including functions and/or duties that are related to the management of the business, the sale and serving of alcoholic beverages, the provision of entertainment, the preparation of food and the provision of security. Such term shall not include a person who performs job functions or duties related to the provision or maintenance of utilities, such as telephone service, water, electricity, gas, or other similar services; or which are related to the upkeep of the building or premises in which the licensed establishment is located, such as providing services which involve painting, construction, remodeling, or other similar services.

On Premises Consumption General License (“general license”) means a license which authorizes the holder of the license to engage in the sale of wine, malt beverages, and/or distilled spirits by the drink for on premises consumption on Monday through Friday between the hours of 9:00 a.m. of one day and 2:00 a.m. of the following day and on Saturday between the hours of 9:00 a.m. and 2:00 a.m. Sunday. No sales shall take place on Sunday after 2:00 a.m. unless authorized pursuant to Section 10-209; nor shall any sales take place on Monday between the hours of 12:01 a.m. and 8:59 a.m.

On Premises Consumption Late Hour License (“late hour license”) means a license which authorizes the holder of the license to engage in the sale of wine, malt beverages, and/ or distilled spirits by the drink for on premises consumption on ~~Monday through Friday~~ ^{Tuesday through Saturday} between the hours of 2:00 a.m. of one day and 4:00 a.m. of the following day and on ~~Saturday~~ ^{Sunday} from 2:00 a.m. to 2:55 a.m. ~~of the following day~~. No sales shall take place on Sunday after 2:55 a.m. unless authorized pursuant to Section 10-209; nor shall any sales take place on Monday between the hours of 12:01 a.m. and 8:59 a.m.

Section 3. That Chapter 10, Article II, Division 2, Section 10-60(a)(4)b.3. of the Code of Ordinances which currently states:

3. The licensee shall not provide any electronically amplified music on any patio or on any outdoor or open eating areas in which the licensed premises are within 500 feet of any area zoned for single-family residences.

Be deleted in its entirety.

Section 4. That Chapter 10, Article II, Division 2, Section 10-60(a)(4)b.4. of the Code of Ordinances, which currently states:

4. All such licensees shall be required to comply with the requirements as to limitations on noise levels established by ordinance.

Shall be deleted in its entirety.

Section 5. That Chapter 10, Article II, Division 2, Section 10-60 (a)(4) a. be deleted in its entirety and the following inserted in lieu thereof:

On Premises Consumption General License.

.....\$5,000.00

Section 6. That Chapter 10, Article II, Division 2, Section 10-60(a)(5) of the Code of Ordinances be amended by renumbering the current subsection (a)(5) as a new subsection (a)(6).

Section 7. That Chapter 10, Article II, Division 2, Section 10-60 of the Code of Ordinances be amended by creating a new subsection (a)(5) to read as follows:

(5) On Premises Consumption Late Hour License.
.....\$1,000.00

Section 8. That Chapter 10, Article II, Division 2, Section 10-88 of the Code of Ordinances shall be amended to create a new subsection (f), which shall read as follows:

(f) On Premises Consumption Late Hour Licenses shall be subject to the requirements set forth above. However, no On Premises Consumption Late Hour License shall be issued to any establishment that is within 1,000 feet of any private residence regardless of whether the establishment is a restaurant that does not provide entertainment. The distance, for the purpose of this type of license, shall be measured by straight line from the property line of the proposed licensed establishment to the nearest property line of the property which is used as a private residence; provided, however, that when the applicant is located within a shopping center containing a minimum of 80,000 square feet the distance of any private residence shall be reduced to 150 feet.

Section 9. That Chapter 10, Article II, Division 2, Section 10-94(c) of the Code of Ordinances be amended by deleting the existing Section 10- 94(c) and inserting in lieu thereof the following:

Applicants for alcoholic beverage licenses at adult entertainment establishments or for On Premises Consumption Late Hour Licenses shall not be eligible for the exemptions provided in this section.

Section 10. That Chapter 10, Article II, Division 2 of the Code of Ordinances be amended by creating a new Section 10-115 to be entitled, *On Premises Consumption Late Hour License*; and which shall read as follows:

(a) All applicants for an On Premises Consumption Late Hour License must make separate application for an On Premises Consumption Late Hour License.

(b) All applicants for an On Premises Consumption Late Hour License shall demonstrate adequate parking as defined in Section 10-1 as one (1) parking space for each fifty (50) square feet of customer service area within the premises of the applicant.

(c) An On Premises Consumption Late Hour Licensee, and its employees, agents, and/or independent contractors shall be subject to fines, suspension and/or revocation of the late hour license for violations of Section 10-109, or any other ordinance which are related to the license to sell alcohol or to the operation of the licensed establishments which occur between the hours of 2 a.m. and 4 a.m. and day of the week. Upon notice and a hearing as prescribed in Section 10-109(b), (c), and (d), the License Review Board is hereby authorized to recommend to the mayor fines, suspensions and/or revocations for those who violate the conditions for the late hour license.

(1) First Violation

After a licensee, its employee(s), agent(s) and/or independent contractor(s) is/are found by the License Review Board to have violated Section 10-109 or any ordinance related to its alcohol license or the operation of its alcohol licensed establishment between the hours of 2:00 a.m. and 4:00 a.m. on any day of the week for the first time, the License Review Board, after a hearing as prescribed in Section 10-109 of this Code, may recommend a fine for the licensee and/or its employee(s), agent(s), or independent contractor(s) in an amount not to exceed \$500 and/or suspension of the license for a period of not more than (14) calendar days.

(2) Second Violation

After a licensee, its employee(s), agent(s) and/or independent contractor(s) is/are found by the License Review Board to have violated Section 10-109 or any ordinance related to its alcohol license, or the operation of its alcohol licensed establishment between the hours of 2:00 a.m. and 4:00 a.m. on any day of the week for the second time, the License Review Board, after a hearing as prescribed in Section 10-109 of this Code, shall recommend a fine of \$1,000, the imposition of a suspension of no less than thirty calendar days, and/or revocation of the late hour license.

(3) Three or More Violations of Any Type

After a licensee, its employee(s), agent(s) and/or independent contractor(s) is/are found by the License Review Board to have violated Section 10-109, or any ordinance related to its alcohol license or the operation of its alcohol licensed establishment between the hours of 2:00 a.m. and 4:00 a.m. on any day of the week three or more times, the License Review Board, after a hearing as prescribed in Section 10-109 of this Code, shall recommend a fine of \$1,000.00 and revocation of the late hour license.

Section 11. That Chapter 10, Article II, Division 2 of the Code of Ordinances be amended by creating a new Section 10-116 to be entitled, *Late Hour Consumption Licenses; Amplified Music and Noise Outside*; and which shall read as follows:

An On Premises Consumption Late Hour Licensee shall not provide any music, entertainment, food, beverage, service or seating on any patio, balcony, outdoor, or open service area after 2:00 am. on any day of the week. Failure to comply with this section shall be due cause for revocation of this license as provided by this Code.

Section 12. That Section 10-209(c) of the Code of Ordinances be amended to delete the current language and to insert in lieu thereof the following language so that said section shall read as follows:

1 Except as otherwise provided by O.C.G.A. § 3-3-7, licensees in wine or malt
2 beverages for consumption on the premises who hold an On Premises
3 Consumption General License shall be authorized to engage in the sale of those
4 wine or malt beverages by the drink for on premises consumption on Monday
5 through Saturday between the hours of 9:00 a.m. of one day and 2:00 a.m. of the
6 following day. Licensees in wine or malt beverages for consumption on the
7 premises who hold an On Premises Consumption Late Hour License shall be
8 authorized to engage in the sale of those wine or malt beverages by the drink for
9 on premises consumption on ~~Monday through Friday~~ ^{Tuesday} between the hours of 2:00
10 a.m. of one day and 4:00 a.m. of the ~~following~~ ^{same} day and on ~~Saturday~~ ^{Saturday} from 2:00
11 a.m. to 2:55 a.m. ~~on Sunday~~. Regardless of whether a licensee holds a general
12 consumption license or a late hour license, no sale of wine or malt beverages by
13 the drink shall take place on Monday between the hours of 12:01 a.m. and 8:59
14 a.m. Wine and/or malt beverages may only be sold on ~~Sundays~~ ^{Sunday} in public
stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500
persons; in restaurants (as defined in Code Section 10-1); and in special
entertainment districts (as defined in Code Section 10-211); and such sales shall
only take place between the hours of 12:30 p.m. and 12:00 midnight in such
establishments. Notwithstanding this subsection, a licensed farm winery tasting
room located within a special entertainment district may sell wine for on-premises
consumption on Sundays from 12:30 p.m. until midnight, as permitted by
O.C.G.A. § 3-6-21.2. Wine and/or malt beverages may also be served on Sunday
in conjunction with the issuance of an outdoor festival permit pursuant to Code
Section 138-204 and/or a special event permit pursuant to Code Section 10-8.
This section shall not apply to those establishments licensed to sell alcohol as a
private club.

after 2:55
a.m.

Section 13. That Chapter 10, Article II, Division 5, Section 10-209(d) of the Code of Ordinances be amended by deleting the current language in its entirety and inserting in lieu thereof the following:

1 Except as otherwise provided by O.C.G.A. § 3-3-7, licensees in distilled spirits by
2 the drink for consumption on the premises or for the operation of a bottle house
3 on the premises who hold an On Premises Consumption General License shall be
4 authorized to engage in the sale of those distilled spirits by the drink for on
5 premises consumption on Monday through Saturday between the hours of 9:00
6 a.m. of one day and 2:00 a.m. of the following day. Licensees in distilled spirits
7 by the drink for consumption on the premises or for the operation of a bottle
8 house on the premises who hold an On Premises Consumption Late Hour License
9 shall be authorized to engage in the sale of those distilled spirits by the drink for
10 on premises consumption on ~~Monday~~ ^{Tuesday} through ~~Friday~~ ^{Saturday} between the hours of 2:00
11 a.m. of one day and 4:00 a.m. of the ~~following~~ ^{same} day and on ~~Saturday~~ ^{Sunday} from 2:00
12 a.m. to 2:55 a.m. ~~on Sunday~~. Regardless of whether a licensee holds a general
13 consumption license or a late hour license, no sale of distilled spirits shall take
14 place on Monday between the hours of 12:01 a.m. and 8:59 a.m.. Distilled spirits
15 ~~may only be sold on Sundays~~ in public stadiums, coliseums and auditoriums with
a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code
Section 10-1); and in special entertainment districts (as defined in Code Section
10-211); and such sales only occur between the hours of 12:30 p.m. and 12:00
midnight in such establishments. Distilled spirits may also be served on Sunday in
conjunction with the issuance of an outdoor festival permit pursuant to Code
Section 138-204 and/or a special event permit pursuant to Code Section 10-8.
This section shall not apply to those establishments licensed to sell alcohol as a
private club.

after
2:55
a.m.

Section 14.

The effective date of this ordinance shall be January 1, 2001.

Section 15.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW