

99-0-1558

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCIL MEMBER C.T. MARTIN

TO CREATE A NEW CODE SECTION SO AS TO REQUIRE THAT ALL CAR WASH ESTABLISHMENTS OPERATING WITHIN THE CITY OF ATLANTA OBTAIN A PERMIT FROM THE OFFICE OF THE MAYOR; TO PROVIDE FOR PROCESSING BY THE DEPARTMENT OF POLICE SERVICES; TO PROVIDE FOR PERMITTING FEES; AND TO PROVIDE FOR OTHER PURPOSES.

9/7/99 - Amended by roll call votes

ADOPTED BY
AUG 0 7 2000

COUNCIL

SUBSTITUTE As Amended

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

Date Referred 9/7/99

Referred To: P.S. & Legal Admin.

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair C.T. Martin
Referred to

Committee: P.S. & L.A.
Date: 7/13/99
Chair: C.T. Martin
Action: Held (see rev. side)
Other:
Members: [Signature]
Refer To: [Signature]

Committee: P.S. & L.A.
Date: 2/28/00
Chair: [Signature]
Action: Fav, Adv, Held (see rev. side)
Other: 2/28/00
Members: 3/17/00
3/25/00
4/11/00
5/19/00
5/29/00
6/13/00
Refer To: 6/27/00

Committee: [Signature]
Date: 7/28/99
Chair: [Signature]
Action: Fav, Adv, Held (see rev. side)
Other:
Members: 10/26/99
11/19/99
11/29/99
12/14/99
1/11/00
Refer To: [Signature]

Committee: [Signature]
Date: 8/2/00
Chair: C.T. Martin
Action: Fav, Adv, Held (see rev. side)
Other: [Signature]
Members: [Signature]
Refer To: [Signature]

FINAL COUNCIL ACTION

- 2nd
 - 1st & 2nd
 - 3rd
- Readings
- Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
AUG 7 2000
Dem M. Stevens
COUNCIL PRESIDENT PROTEM

CERTIFIED
AUG 0 7 2000
Ruth Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

AUG 2000
MAYOR
[Signature]



A SUBSTITUTE ORDINANCE

99-O-1558

BY

TO AMEND SECTION 30 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO CREATE A NEW ARTICLE TO BE ENTITLED "CAR WASH ESTABLISHMENTS," TO REQUIRE THAT ALL CAR WASH ESTABLISHMENTS OBTAIN A PERMIT TO OPERATE, TO ESTABLISH REGULATIONS REGARDING SUCH ESTABLISHMENTS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta endeavors to promote and protect the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Atlanta has an interest in maintaining law and order within its corporate limits; and

WHEREAS, the City of Atlanta may, through its police power, regulate the operation of car washes and other establishments and their employees.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1: That Chapter 30 of the Code of Ordinances be amended by adding a new article, Article XXV, titled "Car Washes" which shall contain the following section numbers and language:

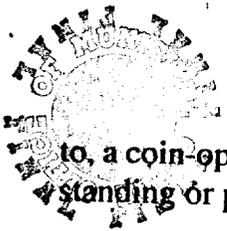
Division 1. GENERALLY

Sec. 30-1500. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Agent means any person, real or artificial, designated by the Operator in the application for a permit to operate a car wash to receive correspondence from the mayor's office and/or the department of police. The agent may be the same person as the Operator.

Car Wash means any facility constructed for the purpose of cleaning, washing, waxing, vacuuming, polishing or otherwise detailing a motor vehicle. This includes, but is not limited



to, a coin-operated, self-service, full-service, or automatic car wash. A car wash can be free-standing or part of a service station.

Car Wash Premises means the property on which the car wash is located, including parking areas and all areas that may be lawfully used by the employees, operator, agent and patrons of the car wash on the permitted property.

Operator means the person, real or artificial, who is the owner of the car wash, regardless of whether such operator is in fact the title owner of the property on which the car wash is located. Such person shall be the "licensee" of the car wash establishment.

Division 2. PERMIT

Sec. 30-1501. Required.

It shall be unlawful for any Operator to operate a car wash without having obtained a permit granted by the mayor as provided in this section. The permit issued under this article shall be cumulative and not in lieu of any other license or permit required by law.

Sec. 30-1502. Application.

- (a) Any Operator with the intent to operate a car wash shall obtain a permit by filing a written application with the License and Permits Unit of the Atlanta Police Department. The application shall state the location of the desired business, the name, residence and occupation of both the operator and the agent, and the type of car wash (self-service, full-service, coin or code operated). The Atlanta Police Department may prescribe reasonable nonrefundable fees for processing the permit application. Operators of multiple car wash locations shall apply for a permit for each location.
- (b) Any Operator currently operating a car wash shall apply for a permit from the Licenses and Permits Unit of the Atlanta Police Department by January 1, 2001. The Atlanta Police Department may prescribe reasonable nonrefundable fees for processing the permit application.
- (c) *Report of Changes.* Under this article, any change of ownership of the car wash, change of location of the car wash, or change of the agent designated in the permit application must be reported to the Licenses and Permits Unit of the Atlanta Police Department within five working days of the change. Failure to report a change may result in a fine not to exceed \$ 1,000, and/or in suspension, revocation, or non-renewal of the permit.

(d) Appearance Required Before Neighborhood Planning Unit:

- (1) Prior to the filing of the application for a permit, the applicant shall notify the Commissioner of the Department of Planning, Development and Neighborhood Conservation (DPDNC), or his designee, that the applicant intends to file an application for a permit to operate a car wash establishment.**
- (2) The DPDNC shall then provide the applicant with a "Notice to Appear" before the NPU in which the proposed establishment will be located. Such notice to appear shall include but not be limited to the date on which the applicant is scheduled to appear before the NPU and the contact telephone numbers for both the chairperson and vice-chairperson of the NPU. A copy of the notice to appear shall be forwarded to the NPU chairperson.**
- (3) The applicant shall appear before the appropriate NPU on the scheduled date set forth in the notice to appear. At such meeting, the applicant shall provide the NPU with information regarding the application, the hours of operation of the proposed business, and details regarding the type of business that will be conducted. The applicant shall provide to the best of his ability any additional information about the proposed establishment, which the NPU members want to know.**
- (4) If the applicant fails to appear at the meeting on the scheduled date of the NPU which is set forth in the notice to appear, the applicant shall be required to request from the DPDNC a new date on which the applicant shall appear before the NPU.**
- (5) The NPU shall have 14 days from the date on which the applicant appears before the NPU to make a recommendation regarding the application. The date of the NPU meeting shall not be included in the 14-day calculation.**

Sec. 30-1503. False information contained in application.

Any material omission, untrue or misleading information contained in or left out of an original, renewal or transfer application for a permit under this division shall be cause for the denial thereof, and if any permit has previously been granted under these circumstances, such shall constitute cause for the suspension, revocation or non-renewal of the permit. This subsection is independent of any other penalty provisions in this division.

Sec. 30-1504. Reapplication after ceasing operation.

Any car wash facility that ceases operation for more than six months or for which no city business license is maintained for more than six months shall not subsequently be operated as a car wash, except by making a new application for and receiving a permit as required by this division.

Sec. 30-1505. Grounds for denial, suspension and revocation.

- (a) No application for a new permit, a renewal permit or for transfer of location or transfer of ownership shall be denied, and no permit that has been issued or that may hereafter be issued hereunder shall be revoked or suspended except upon a finding of "due cause" as defined in this article, and after a hearing before the license review board and upon a written notice to the Agent, stating the place, date, time and purpose of such hearing and setting forth the charge or charges upon which the hearing shall be held.
- (b) As used in this section, the term "due cause," for the denial of applications for a new or renewal car wash permit or for transfer of location or transfer of ownership or for revocation or suspension includes but is not limited to the following:
- (1) The conviction of the operator or agent of any felony reasonably related to the ability of the operator to operate and maintain the car wash premises in a proper manner.
 - (2) The violation of any law, ordinance or regulation governing the operation of a car wash facility.
 - (3) Permitting the commission by, or solicitation of, patrons on the car wash premises for any unlawful act (such as prostitution, gambling, or drug-related crimes) where the operator or the operator's employee or agent knew or should have known of such conduct.
 - (4) The failure to maintain any and all of the general qualifications applicable to the initial issuance of a permit under this division.
 - (5) Failure by the Operator or Agent to adequately supervise and monitor the conduct of the employees, patrons and others on the car wash premises in order to protect the safety and well-being of the general public and of those utilizing the premises.
- (c) The License Review Board, after the hearing, shall report its conclusions and recommendations to the Mayor or the Mayor's designee. The Mayor or the Mayor's designee, upon receiving the report, may deny applications for new or renewal permits or for transfer of location or transfer of ownership and may revoke or suspend any permit. In lieu of or in addition to suspension, revocation, or non-renewal of the permit, the Mayor or the Mayor's designee may impose a fine upon any operator, such fine not to exceed \$1,000.00 for each violation occurring on the permitted premises.
- (d) The decision of the Mayor or the Mayor's designee may be appealed by the filing of a petition for writ of certiorari in the Fulton County Superior Court within thirty days of the decision being appealed.

Sec. 30-1506. Requirements.

It shall be unlawful for:

- (a) A car wash to be open to the public unless attended by an agent or employee of the operator of the car wash.
- (b) Persons other than a car wash operator, or a designated agent or employee of the operator, to be on or about any property used as part of the operator's car wash during hours other than those posted as the hours of operation.
- (c) A car wash operator to fail to conspicuously display the following information on a sign not smaller than 12" x 24":

Ordinance _____ of the City of Atlanta prohibits occupancy of this property between the hours of _____ and _____ by anyone without the express permission of the owner(s); violators will be prosecuted and are subject to a fine not exceeding \$1,000 confinement for not more than 180 days (six months) or both for each violation.

- (d) A car wash operator not to obstruct ingress to or egress from the car wash premises so as to prevent public access during non-business hours.

Sec. 30-1507. Active participation in licensed premises by licensee.

- (a) For purposes of this section, the term "active participation" means direct control or supervision over the employees and location of the premises licensed under this division.
- (b) Every individual person granted a car wash permit under this division shall maintain an active participation in the operation of the licensed premises during the term of the license. For a corporation, partnership or association issued a license for the sale of alcoholic beverages, the individual agent named in the application for the license shall maintain an active participation in the operation of the license premises during the term of the license.

Secs. 30-1508 – 30-1520. Reserved.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

OMC-Amendment Incorporated by tcp 8/17/00

-5-

A true copy,

Blonda Loughtin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

AUG 07, 2000
AUG 13, 2000

President Pro Tem Starnes Presided

RCS# 2189
8/07/00
7:29 PM

Atlanta City Council

Regular Session

99-0-1558

Create new code sec. to require permits
for car wash establishments

ADOPT AS AMEND

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2
ABSENT 1

RDH

Y McCarty	<i>RDH</i> E Dorsey	NV Moore	Y Thomas
NV Starnes	NV Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	E Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

President Pro Tem Starnes
Presided

RCS# 2188
8/07/00
7:28 PM

Atlanta City Council

Regular Session

99-0-1558

Create new code sec. to require permits
for car wash establishments

AMEND

YEAS: 10 11 RDJ
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 2
ABSENT 1

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

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