

**AN ORDINANCE BY THE  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

01-0-1671

**AN ORDINANCE TO AMEND SECTION 10-13 TO CHAPTER 10, ARTICLE I, AND TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-109(a)(2) SO AS TO PROHIBIT INDIVIDUALS UNDER 21 YEARS OF AGE FROM ENTERING CERTAIN PREMISES WHERE ALCOHOL IS CONSUMED OR SOLD DURING REGULAR HOURS OF OPERATION, UNLESS LAWFULLY EMPLOYED THEREIN; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the City of Atlanta is concerned that those under the age of 21 are drinking or purchasing alcohol from establishments that sell alcohol in the City of Atlanta; and

**WHEREAS**, the City of Atlanta is concerned that establishments licensed by the City as nightclubs are misusing Section 10-13(2) in contravention of the City's wish to keep persons under 21 years of age out of nightclubs and other similar establishments.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1.**

That Chapter 10, Article I, Section 10-13 be amended to delete the current language, though the current language found within Section 10-13(2), attached hereto as Exhibit "A" and incorporated herein by this reference, shall continue to apply to any calendar year 2001 license that was issued pursuant to Chapter 10 by the City prior to the enactment of this Ordinance, and to insert in lieu thereof the following language:

**Section 10-13. Exceptions from restriction on entering or remaining.**

It shall not be unlawful for, nor shall Section 10-12 be construed to restrict, any person under the age of twenty-one (21) years from entering or being:

(1) Upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of alcoholic beverages by the drink or for the sale of alcoholic beverages for consumption on the premises or that alcohol beverages, are prepared, mixed or dispensed and served and consumed therein.

(2) In any public stadiums, sports coliseums, government centers, auditoriums, convention centers, and fairgrounds and parks for which a valid license is obtained, notwithstanding that such premises or any portion thereof may be licensed for the sale of distilled spirits, wine or malt beverages by the drink for consumption on the licensed

premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of twenty-one (21) years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment.

(3) Upon the licensed premises of a tasting room when in the immediate company of at least one of his parents, or of his legal guardian.

(4) Upon the licensed premises of a lounge when in the immediate company of at least one of his parents, or of his legal guardian.

(5) Upon the licensed premises of a supermarket, convenience store, brewery, drugstore, package store, brewpub, private club or open air cafe as defined herein.

(6) Upon the licensed premises of a hotel, except for any area within the premises of a hotel being operated as a nightclub as defined herein.

(7) In any theater, concert hall, or similar establishment which is primarily devoted to theatrical performances. As used in this Section only, the phrase "theater, concert hall, or similar establishment which is primarily devoted to theatrical performances" shall mean a building, playhouse, room, hall, or other place, licensed for consumption of alcoholic beverages on the premises, having at least 350 permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage upon which theatrical, vaudeville, live concert or similar performances are given, and in which the serving of alcoholic beverages is clearly incidental to such performances, and where the revenue derived from the sale of alcoholic beverages is insubstantial when compared to all other sources of gross revenue; provided, that the person under the age of twenty-one (21) years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment.

## **SECTION 2.**

That Chapter 10, Article II, Division 2, Section 10-109(a)(2) be amended by deleting the Subsection and adding a new Subsection stating the following:

(2) The selling to or serving of any person below the age of 21 years; or permitting the entrance of anyone under 21 years of age in violation of Section 10-12; or failure to post a sign pursuant to Section 10-14.

## **SECTION 3.**

If it shall be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

A true copy,

*Phonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

NOV 05, 2001  
NOV 13, 2001



## **EXHIBIT "A"**

### **Section 10-12. Exceptions from restriction on entering or remaining.**

It shall not be unlawful for, nor shall Section 10-12 be construed to restrict, any person under the age of twenty-one (21) years from entering or being:

(2) in any building, a part or portion of which is used as a licensed premises, as herein defined, provided such licensed premises is separated or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under the ages specified with respect thereto in Section 10-12 from entering therein.

RCS# 3222  
11/05/01  
3:31 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 15

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA

01-O-1591  
01-O-1696  
01-O-1698  
01-O-1712  
01-R-1595  
01-R-1786  
01-R-1793

CONSENT

**11/05/01 Council Meeting**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-1703
2. 01-O-1671
3. 01-O-1664
4. 01-R-1667
5. 01-R-1729
6. 01-R-1745
7. 01-R-1777
8. 00-R-0820
9. 01-R-1682
10. 01-R-1782
11. 01-R-1706
12. 01-R-1708
13. 01-R-1709
14. 01-R-1730
15. 01-R-1746
16. 01-R-1791
17. 01-R-1748
18. 01-R-1749
19. 01-R-1750
20. 01-R-1751
21. 01-R-1752
22. 01-R-1753
23. 01-R-1754
24. 01-R-1755
25. 01-R-1756

**ITEMS ADVERSED ON  
CONSENT AGENDA**

26. 01-R-1757
27. 01-R-1758
28. 01-R-1759
29. 01-R-1760
30. 01-R-1761
31. 01-R-1762
32. 01-R-1763
33. 01-R-1764
34. 01-R-1765
35. 01-R-1766
36. 01-R-1767
37. 01-R-1768
38. 01-R-1769
39. 01-R-1770
40. 01-R-1771
41. 01-R-1772
42. 01-R-1773
43. 01-R-1774
44. 01-R-1775
45. 01-R-1776

01-0-1671

(Do Not Write Above This Line)

AN ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

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CHAPTER 10, ARTICLE II, DIVISION 2, SECTION  
10-109(a)(2) SO AS TO PROHIBIT INDIVIDUALS  
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CONSUMED OR SOLD DURING REGULAR  
HOURS OF OPERATION, UNLESS LAWFULLY  
EMPLOYED THEREIN; AND FOR OTHER  
PURPOSES.

ADOPTED BY  
NOV 05 2001  
COUNCIL

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

Date Referred 10/15/01

Referred To: Public Safety & Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

Committee  
Date  
Chair  
Referred to

Committee  
Public Safety

Date  
10/30/01

Chair  
C. L. Smith

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Refer To

Refer To

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

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  
NOV 5 2001

COUNCIL PRESIDENT PROTEM

CERTIFIED  
NOV 05 2001

Frank Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

CERTIFIED  
NOV 5 2001  
Mayor's Signature