AN ORDINANCE

BY COUNCILMEMBER LEE MORRIS

00-O-0185

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES CHAPTER 10, ARTICLE II, SECTION 10-209 TO ESTABLISH A NEW CLOSING TIME FOR THOSE ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT ARE LOCATED WITHIN THE SPI-9 ZONING DISTRICT; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare; and

WHEREAS, pursuant to its police powers, the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including businesses which involve the manufacture, distribution, or sale of alcoholic beverages; and

WHEREAS, in the SPI-9 Zoning District, establishments licensed to sell alcoholic beverages are not required to provide parking for their patrons; and

WHEREAS, the lack of parking requirements for such establishments has led to a concentration of establishments licensed to sell alcoholic beverages in the SPI-9 Zoning District; and

WHEREAS, because of the lack of parking requirements in the SPI-9 Zoning District, there exists a limited number of parking spaces for patrons of all of the licensed establishments; and

WHEREAS, because owners and operators of licensed establishments are not required to provide parking for their patrons, there exists a failure by such establishments to adequately monitor and supervise the parking lots utilized by their patrons; and

WHEREAS, there exists a serious public safety concern associated with the concentration of these establishments and their failure to adequately monitor and supervise the parking lots utilized by their patrons, particularly after 2:00 a.m., in the SPI-9 Zoning District; and

WHEREAS, the City of Atlanta's current regulations pertaining to the sale of alcoholic

beverages authorizes establishments selling alcoholic beverages to sell such beverages up to 4:00 a.m. on the weekdays, 2:55 a.m. on Sundays and, depending on the type of license that has been issued to a particular establishment, up to 12:00 midnight on Sundays; and

WHEREAS, the City of Atlanta believes that to best serve the interest of the public safety and general welfare of its citizens and visitors, it is necessary to change the time at which establishments licensed to sell alcoholic beverages in the SPI-9 Zoning District must cease the sale of alcoholic beverages;

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

Section 1. That Chapter 10, Article II, Section 10-209(c) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language so that said section reads as follows:

> (c) *Sale of wine or malt beverages for on-premises consumption.* Except as otherwise provided by O.C.G.A § 3-3-7, all licensees in wine or malt beverages for consumption on the premises, other than those located in the SPI-9 Zoning District, shall be authorized to engage in the sale of those wines or beverages on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday. Licensees in wine or malt beverages for consumption on the premises which are located in the SPI-9 Zoning District shall be authorized to engage in the sale of those wines or beverages on Monday through Saturday between the hours of 9:00 a.m. of one day and 2:00 a.m. of the following day. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code § 10-1); and in special entertainment districts (as defined in Code § 10-211). 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 12:00 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 both an outdoor festival permit pursuant to Code § 138-204 and a special event permit pursuant to Code § 10-8. This section shall not apply to private clubs as defined in Code § 10-1.

Section 2. That Chapter 10, Article II, Section 10-209(d) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof

the following language so that said section reads as follows:

> (d) *Sale of distilled spirits by the drink or for on-premises consumption.* Except as otherwise provided by O.C.G.A § 3-3-7, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises, other than those located in the SPI-9 Zoning District, shall be authorized to engage in the sale of those distilled spirits only on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday. Licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises which are located in the SPI-9 Zoning District shall be authorized to engage in the sale of distilled spirits by the drink only on Monday through Saturday between the hours of 9:00 a.m. of one day and 2:00 a.m. of the following day. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and 12:00 midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code § 10-1); and in special entertainment districts (as defined in Code § 10-211). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code § 138-204 and a special event permit pursuant to Code § 10-8. This section shall not apply to private clubs as defined in Code § 10-1.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

00-○-0185

(Do Not Write Above This Line)

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BY COUNCILMEMBER LEE ~~MORRIS~~ Clair Muller

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FILED BY
CITY COUNCIL

DEC 0 3 2001 w/o objection voice vote

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

Date Referred 2/7/00

Referred To: Public Safety & Legal Affairs

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee	Committee
P.S. + L.A.	P.S. + L.A.
Date 2/15/00	Date 9/26/00
Chair C. Tilman	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members 2/29/00, 3/14/00, 3/28/00, 4/11/00, 5/9/00	Members 10/16/00, 11/14/00, 11/28/00, 12/12/00
Refer To	Refer To 1/16/01

Committee	Committee
P.S. + L.A.	P.S. + L.A.
Date 5/30/00 + 6/5/00	Date 1/30/01
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other: 2/13/01
Members 6/13/00, 6/27/00, 7/11/00, 8/1/00, 8/16/00	Members 2/27/01, 3/13/01, 3/27/01, 4/12/01, 5/15/01, 5/29/01, 6/12/01, 11/19/01
Refer To 9/12/00	Refer To

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd Readings ☐3rd

☐Consent ☐V Vote ☐RC Vote

CERTIFIED

CERTIFIED
DEC 3 2001
ATLANTIC CITY

CERTIFIED
DEC 0 3 2001

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION