

(Do Not Write Above 1866)

AN ORDINANCE BY:

THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND SECTION 30-30 OF THE CHAPTER 30, ARTICLE II, AND SECTION 10-55 AND 10-109(e) OF CHAPTER 10, ARTICLE II TO THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO AMEND SAID CODE SECTIONS TO ALLOW FOR THE FOLLING OF THE TIME PERIODS CONTAINED WITHIN EACH OF SAID SECTIONS; AND FOR OTHER PURPOSES.

APPROVED BY

[Signature]

NOV 17 2003

JERRY DELGACH
DEPUTY CITY ATTORNEY

COUNCIL

ADOPTED BY

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

Date Referred 11/18/03

Referred To: Public Safety/Logs

Date Referred

Referred To:

Date Referred

Referred To:

Committee PSLKA First Reading
Date 10/28/03
Chair [Signature]
Referred To

Committee PSLKA

Date 11/10/03
Chair

Action [Signature]
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To [Signature]

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Admin

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 17 2003

John A. Moore
COUNCIL PRESIDENT PROTEM

CERTIFIED
NOV 17 2003

[Signature]
MUNICIPAL CLERK

APPROVED

NOV 24 2003
[Signature]
MAYOR



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

03-0-1868

AN ORDINANCE TO AMEND SECTION 30-30 OF CHAPTER 30, ARTICLE II, AND SECTIONS 10-55 AND 10-109(e) OF CHAPTER 10, ARTICLE II TO THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO AMEND SAID CODE SECTIONS TO ALLOW FOR THE TOLLING OF THE TIME PERIODS CONTAINED WITHIN EACH OF SAID SECTIONS; AND FOR OTHER PURPOSES.

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

WHEREAS, currently, sections 30-30, 10-55 and 10-109(e) of the Code of Ordinances, City of Atlanta, Georgia, all provide, in general, that once a license or permit issued by City pursuant to its police powers is denied or revoked, a similar license or permit may not issue either to the same location or person or both for a set period of time.

WHEREAS, the City of Atlanta has learned that the clear purpose(s) of these ordinances may not be able to be carried out due to the often lengthy appeals process that takes place after the City's denies or revokes a licenses or permit where such appeals process exceeds the time periods contained in said ordinances.

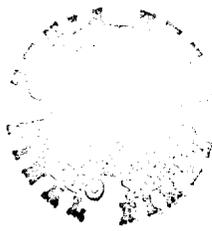
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Chapter 30, Article II, Section 30-30 be amended to delete the current language and to insert in lieu thereof the following language:

(a) When any application for a license or permit to transact any business within the control of the police powers of the city is denied for cause or revoked for cause by the mayor, it shall be unlawful for the department of police to accept or consider any application for a license to operate at that location the same type of business within 12 months from the time of **denial or revocation** by the mayor. **For purposes of this subsection the 12 month period as stated in this subsection shall be tolled during any period of time that an appeal is pending of said denial or revocation, or any period of time that by operation of law the city cannot enforce said denial or revocation, or any period of time during which there is in place a valid, voluntary agreement between the city and the entity denied a license or permit or whose license or permit has been revoked to not enforce the mayor's decision pending the outcome of litigation in any way involving said denial or revocation.**

(b) It shall be unlawful for the license review board to consider any application mentioned in subsection (a) of this section or a motion for rehearing of that



application within 12 months without specific authority from the mayor. **For purposes of this subsection the 12 month period as stated in this subsection shall be tolled during any period of time that an appeal is pending of the denial or revocation mentioned in subsection (a) of this section, or any period of time that by operation of law the city cannot enforce said denial or revocation, or any period of time during which there is in place a valid, voluntary agreement between the city and the entity denied a license or whose license or permit has been revoked as mentioned in subsection (a) of this section to not enforce the mayor's decision pending the outcome of litigation in any way involving said denial or revocation.**

Section 2.

That Chapter 10, Article II, Section 10-55 be amended by adding the following language to the end of said section:

For purposes of this section the 24 month period as stated in this section shall be tolled during any period of time that an appeal is pending of said denial or revocation, or any period of time that by operation of law the city cannot enforce said denial or revocation, or any period of time during which there is in place a valid, voluntary agreement between the city and the entity denied a license or whose license has been revoked to not enforce the mayor's decision pending the outcome of litigation in any way involving said denial or revocation.

Section 3.

That Chapter 10, Article II, Section 10-109(e) be amended to delete the current language and to insert in lieu thereof the following language:

(e) After denial, revocation or the failure to renew a license, the mayor, upon the recommendation of the license review board and after a hearing by the board, may refuse to accept or consider any application for a license to operate at the location for the sale of alcoholic beverages for a period of 12 months from the time of **denial**, revocation or failure to renew such license; however, any new application for licensure at such location shall ask of the new applicant whether the location has been **denied**, revoked or not renewed under this division. **For purposes of this subsection the 12 month period as stated in this subsection shall be tolled during any period of time that an appeal is pending of said refusal to accept or consider any application, or any period of time that by operation of law the city cannot enforce said refusal to accept or consider any application, or any period of time during which there is in place a valid, voluntary agreement between the city and the entity whose application the mayor has refused to accept or consider to not enforce the mayor's decision pending the outcome of litigation in any way involving said refusal to accept or consider any application.**



Section 4.

The provisions of this ordinance shall be effective as of January 1, 2004.

Section 5.

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

A true copy,

A handwritten signature in black ink, appearing to be "L. S. ...", written over the text "A true copy," and "Deputy Clerk".

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

NOV 17, 2003
NOV 24, 2003

RCS# 5155
11/17/03
3:51 PM

Atlanta City Council

Regular Session

CONSENT I

EXCEPT:03-R-1973,03-R-1974,1981,1834,
03-R-1801,03-R-1878 03-R-1879, 03-R-1971
ADOPT

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

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		11-17-03 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1812	42. 03-R-1902	80. 03-R-1940
2. 03-O-1802	43. 03-R-1903	81. 03-R-1941
3. 03-O-1958	44. 03-R-1904	82. 03-R-1942
4. 03-O-1959	45. 03-R-1905	83. 03-R-1943
5. 03-O-1960	46. 03-R-1906	84. 03-R-1944
6. 03-O-1961	47. 03-R-1907	85. 03-R-1945
7. 03-O-1962	Items Adversed on	86. 03-R-1946
8. 03-O-1963	consent	87. 03-R-1947
9. 03-O-1809	48. 03-R-1908	88. 03-R-1948
10. 03-O-1957	49. 03-R-1909	89. 03-R-1949
11. 03-O-1862	50. 03-R-1910	90. 03-R-1950
12. 03-O-1868	51. 03-R-1911	91. 03-R-1951
13. 03-O-1699	52. 03-R-1912	
14. 03-O-1805	53. 03-R-1913	
15. 03-O-1806	54. 03-R-1914	
16. 03-O-1807	55. 03-R-1915	
17. 03-O-1813	56. 03-R-1916	
18. 03-O-1871	57. 03-R-1917	
19. 03-O-1966	58. 03-R-1918	
20. 03-R-1477	59. 03-R-1919	
21. 03-R-1877	60. 03-R-1920	
22. 03-R-1952	61. 03-R-1921	
23. 03-R-1886	62. 03-R-1922	
24. 03-R-1882	63. 03-R-1923	
25. 03-R-1883	64. 03-R-1924	
26. 03-R-1884	65. 03-R-1925	
27. 03-R-1885	66. 03-R-1926	
28. 03-R-1980	67. 03-R-1927	
29. 03-R-1972	68. 03-R-1928	
30. 03-R-1982	69. 03-R-1929	
31. 03-R-0929	70. 03-R-1930	
32. 03-R-0982	71. 03-R-1931	
33. 03-R-1665	72. 03-R-1932	
34. 03-R-1889	73. 03-R-1933	
35. 03-R-1891	74. 03-R-1934	
36. 03-R-1892	75. 03-R-1935	
37. 03-R-1893	76. 03-R-1936	
38. 03-R-1894	77. 03-R-1937	
39. 03-R-1900	78. 03-R-1938	
40. 03-R-1953	79. 03-R-1939	
41. 03-R-1975		