

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

03-O-1702

BY: COUNCILMEMBERS C. T. MARTIN AND MARY NORWOOD

AS SUBSTITUTED BY FULL COUNCIL

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES CHAPTER 10, ARTICLE II, SECTION 10-209 SO AS TO ESTABLISH A NEW CLOSING TIME FOR THOSE ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; AND OTHER PURPOSES.

WHEREAS, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards; and

WHEREAS, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government of the city; and

WHEREAS, the City's current ordinances pertaining to the sale of alcoholic beverages authorizes establishments licensed to sale alcohol for consumption on the premises to sell alcoholic beverages until 4:00 a.m. the following day on weekdays, and on Saturday until 2:55 a.m. Sunday; and

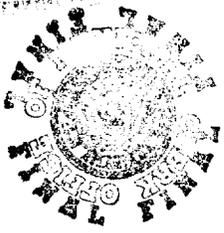
WHEREAS, these current closing times for establishments located near residential neighborhoods are a concern to the city in their responsibility to safeguard the health, welfare and safety of the citizens of the City.

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

Section 1:

That section 10-209(c), which currently states:

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 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. 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 section 10-1); and in special entertainment districts (as defined in Code section 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 section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only 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). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 4:00 a.m. Monday, on the date of that particular holiday, only 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). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only 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). This section shall apply to private clubs, as defined by Code Section 10-1, except as provided by O.C.G.A. § 3-7-2.

Shall be amended as follows:

Sale of wine or malt beverages for on-premises consumption. Except as otherwise provided by O.C.G.A § 3-3-7 and those licensees located within a special entertainment district as defined by Code Section 10-211, all other licensees in wine or malt beverages for consumption on the premises 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 2:30a.m. of the following day and on Saturday from 9:00 a.m. to 2:30a.m. on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 2:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). 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 section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided

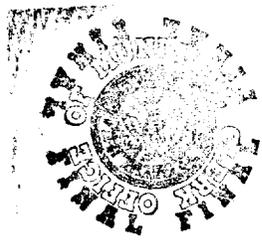


by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to **2:00 a.m.** Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to **2:00 a.m.** Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to **2:00 a.m.** Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to **2:00 a.m.** Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). This section shall apply to private clubs, as defined by Code Section 10-1, except as provided by O.C.G.A. § 3-7-2.

Section 2

That section 10-209(d), which currently states:

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 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. 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 section 10-1); and in special entertainment districts (as defined in Code section 10-211). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only 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). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day,



Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only 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). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only 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). This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.

Shall be amended as follows:

Sale of distilled spirits by the drink or for on-premises consumption. Except as otherwise provided by O.C.G.A. § 3-3-7, **and those licensees located within a special entertainment district as defined by Code Section 10-211**, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises shall be authorized to engage in the sale of those distilled only on Monday through Friday between the hours of 9:00 a.m. of one day and **2:30a.m.** of the following day and on Saturday from 9:00 a.m. to **2:30a.m.** on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and **2:00 a.m.** only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to **2:00 a.m.** Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to **2:00 a.m.** Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to **2:00 a.m.** Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to **2:00 a.m.** Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.



Section 3

That section 10-209(e), which currently states:

Time limit for clearing patrons from premises. All licensed premises described in subsections (c) and (d) of this section shall be closed to the public and the premises cleared of patrons within 30 minutes after the time set by this section for discontinuance of the sale of alcoholic beverages on the premises.

Shall be amended as follows:

- (g) *Time limit for clearing patrons from premises.* All licensed premises described in subsections (c), (d), (e) and (f) of this section shall be closed to the public at the time set by this section for the discontinuance of the sale of alcohol and the premises cleared of patrons within 30 minutes after the time set by this section for discontinuance of the sale of alcoholic beverages on the premises.

Section 4

That Section 10-209(e) be amended by deleting current section and inserting in lieu of the following:

- (e) *Sale of wine or malt beverages for on-premises consumption within a special entertainment district.* Except as otherwise provided by O.C.G.A § 3-3-7, all licensees in wine or malt beverages for consumption on the premises within a special entertainment district as defined by Code Section 10-211 shall be authorized to engage in the sale of those wines or beverages in the following manner:

On Monday through Friday between the hours of 9:00 a.m. of one day and **2:30a.m.** of the following day and on Saturday from 9:00 a.m. to **2:30a.m.** on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and **2:00 a.m.** only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). 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 a special event permit pursuant to Code section 10-8. Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day,



Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 4:00 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).

Section 5

That Section 10-209 be amended by adding the following:

- (f) *Sale of distilled spirits by the drink or for on-premises consumption within a special entertainment district.* 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 within a special entertainment district as defined by Code Section 10-211 shall be authorized to engage in the sale of those distilled spirits in the following manner:

On Monday through Friday between the hours of 9:00 a.m. of one day and **2:30a.m.** of the following day and on Saturday from 9:00 a.m. to **2:30a.m.** on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and **2:00 a.m.** only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Distilled spirits may also be served on Sunday in conjunction with the issuance of a special event permit pursuant to Code section 10-8. Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).



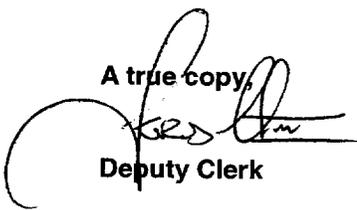
Section 6

That the full council shall make a determination as to whether to continue in effect the above changes no later than the last full council meeting in November of 2004; however, the changes shall remain in effect indefinitely until the code is amended through the appropriate process, regardless of whether such a determination is made.

Section 7

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

A true copy,


Deputy Clerk

ADOPTED as amended by the City Council DEC 01, 2003
APPROVED by the Mayor DEC 09, 2003

RCS# 5235
12/02/03
1:01 AM

Atlanta City Council

Regular Session

03-O-1702

ESTABLISH NEW CLOSING TIME FOR ESTABLMENT
TO SELL ALCOHOL FOR ON-PREMISES CONSUMP
ADOPT SUB AMEND

YEAS: 11
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

03-O-1702

03-0-1702

(Do Not Write Above This Line)

AN ORDINANCE BY
 COUNCILMEMBERS C.T. MARTIN AND MARY NORWOOD
C. T. Martin
Mary Norwood
 AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES CHAPTER 10, ARTICLE II, SECTION 10-209 SO AS TO ESTABLISH A NEW CLOSING TIME FOR THOSE ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; AND OTHER PURPOSES.
Substitute as amended

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

Date Referred: 10/06/03
 Referred To: Public Safety & Support
 Date Referred: _____
 Referred To: _____
 Date Referred: _____
 Referred To: _____

ADOPTED BY

DEC 01 2003

COUNCIL

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSUA Committee

10/14/03

Chair

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

Members

Refer To

Committee

Date

Chair

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

Members

Refer To

PSUA Committee

11/24/03

Chair

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

Members

Committee

Date

Chair

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

Members

Refer To

Refer To

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

CERTIFIED

CERTIFIED
 DEC 01 2003

Approved by Council
 [Signature]

CERTIFIED
 DEC 01 2003

Rachel Dunbar Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

DEC 09 2003

MAYOR

[Signature]
 [Signature]