

AN ORDINANCE
BY COUNCILMEMBER DEBI STARNES
AS SUBSTITUTED AND AMENDED BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

04-O-1626

AN ORDINANCE TO AMEND CITY CODE SECTION 106-59 ENTITLED
“RESALE OF ENTERTAINMENT TICKETS RESTRICTED” SO AS TO
REQUIRE PERSONS RESELLING ENTERTAINMENT TICKETS TO OBTAIN
AN ANNUAL CITY PERMIT; TO ESTABLISH A FEE FOR SAID PERMIT;
AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
GEORGIA, AS FOLLOWS:

Section 1. City Code Section 106-59 entitled “Resale of entertainment tickets
restricted”, which currently provides as follows:

“106-59. Resale of entertainment tickets restricted.

(a) As used in this section, the terms:

Exhibition means, consistent with O.C.G.A. § 43-4B-1(5), a contest where the
participants engage in the use of boxing skills and techniques and where the objective is
to display such skills and techniques without striving to win.

Person means, consistent with O.C.G.A. § 43-4B-1(12), any individual,
partnership, firm, association, corporation, or combination of individuals of whatever
form or character.

Ticket broker means, consistent with O.C.G.A. § 43-4B-1(19), any person who is
involved in the business of reselling tickets of admission to athletic contests, concerts,
theater performances, amusements, exhibitions, or other entertainment events to which
the general public is admitted and who charges a premium in excess of the price of the
ticket. The term ticket broker shall not include the owner, operator, lessee, or tenant of
the property in which an athletic contest or entertainment event is being held or the
sponsor of such a contest or event or the authorized ticket agent of such persons.

(b) In accordance with O.C.G.A. § 43-4B-30, it shall be unlawful for any ticket
broker or person who is the original purchaser for personal use of one or more
tickets to resell or offer for resale one or more tickets to any athletic contest and
entertainment event within 2,700 feet of a venue which seats or admits 15,000 or
more persons.

(c) Any person violating any of the provisions of this section shall be punished as
provided in section 1-8.”

is hereby deleted in its entirety with the following being substituted in lieu thereof:

“(a) As used in this section, the terms:

Exhibition means, consistent with O.C.G.A. § 43-4B-1(5), a contest where the participants engage in the use of boxing skills and techniques and where the objective is to display such skills and techniques without striving to win.

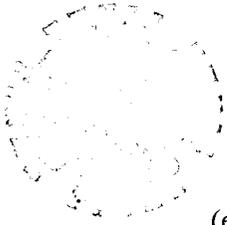
Person means, consistent with O.C.G.A. § 43-4B-1(12), any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

Ticket broker means, consistent with O.C.G.A. § 43-4B-1(19), (1) any person who is involved in the business of reselling tickets of admission to athletic contests, concerts, theater performances, amusements, exhibitions, or other entertainment events held in this state to which the general public is admitted and who charges a premium in excess of the price of the ticket; or (2) any person who has a permanent office or place of business in this state who is involved in the business of reselling tickets of admission to athletic contests, concerts, theater performances, amusements, exhibitions, or other entertainment events held inside or outside this state to which the general public is admitted and who charges a premium in excess of the price of the ticket.

The term ticket broker shall not include the owner, operator, lessee, or tenant of the property in which an athletic contest or entertainment event is being held or the sponsor of such a contest or event or the authorized ticket agent of such persons.

Original purchaser for personal use means a person who buys one or more tickets with the intention of using the ticket or tickets solely for the use of the purchaser or the purchaser’s invitees, employees, and agents. An original purchaser who resells more than six tickets to the same athletic contest or entertainment event and who resells tickets to an athletic contest or entertainment event for more than 105 percent of their face value shall be presumed to be engaged in the business of a ticket broker.

- (b) In accordance with O.C.G.A. § 43-4B-30, it shall be unlawful for any ticket broker or person who is the original purchaser for personal use of one or more tickets to resell or offer for resale one or more tickets to any athletic contest and entertainment event within 2,700 feet of a venue which seats or admits 15,000 or more persons.
- (c) Any person violating any of the provisions of this section shall be punished as provided in section 1-8 of the City Code.”
- (d) Any person reselling tickets or offering tickets for resale within the City of Atlanta shall obtain a permit from the License and Permits Unit of the Police Department if the person:
 - (1) engages in reselling tickets or offering tickets for resale in or on the streets, sidewalks or other places owned or operated by the City of Atlanta and open to the public, regardless of whether such person maintains a permanent office or place of business for reselling tickets or offering tickets for resale within the State of Georgia; or



(2) does not maintain a permanent office or place of business within the State of Georgia.

- (e) The annual permit fee shall be \$150.00.
- (f) In order to obtain a permit, an applicant shall possess a valid state license issued pursuant to O.C.G.A. 43-4B-26 and proof of the necessary occupation tax certificate required in Georgia. A copy of such state license shall be submitted with the application to obtain a city-issued permit pursuant to this section.
- (g) Any person issued an annual permit shall be required to display the permit at all times that he or she is engaging in those activities set forth in subsection (d) (1) and (2) above.
- (h) An original purchaser for personal use shall not be required to obtain a permit, nor shall a permit be required for the delivery of one or more tickets after a sales transaction has been completed at a ticket broker's permanent office or place of business within the State of Georgia.
- (i) Any person violating any of the provisions of this section involving the required permit, shall be punished as provided in Section 1-8 of this Code, shall be reported to the Georgia Athletic and Entertainment Commission for proceedings under that Commission's law and regulations, and the permit of such person shall be subject to revocation or suspension as provided below.
- (j) Denials, revocation and suspension of permit
 - (1) No permit shall be issued pursuant to this section to any person who has been convicted within five years immediately prior to the filing of the application, for any felony or misdemeanor relating to crimes of moral turpitude; gambling offenses and related matters; larceny, fraudulent conveyance, perjury and/or false swearing. Any conviction for dealing and/or trafficking in illegal drugs shall automatically disqualify an applicant.
 - (2) Failure to maintain initial qualifications shall be grounds for revocation or suspension.
 - (3) Any permit issued pursuant to this section may be denied, suspended or revoked by the License and Permits Unit of the Police Department for any of the following causes:
 - (i) Fraud, misrepresentation or false statements contained in the application for the permit.
 - (ii) Conduct of a ticket reselling business in an unlawful manner or in such a way as to constitute a menace or detriment to the health, safety or welfare of the public.



- (iii) Failure on the part of a ticket reseller to maintain initial eligibility qualifications.
 - (iv) The sale of counterfeit event tickets.
 - (v) Failure to furnish any and all documentation requested by either the police department, the department of finance or the license review board for purposes of the investigation of any application or for the inspection of records within 30 days of such request.
- (4) Any person whose permit is denied or revoked may not reapply for a permit until after the expiration of one year from the date of revocation. Four violations of any part of this section within a 12-month period, shall constitute grounds for denial, revocation or suspension of a permit. For purposes of this subsection the one year 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 during which there is in place a valid, voluntary agreement between the city and the person denied a permit or whose permit has been revoked to not enforce the mayor's decision pending the outcome of litigation in any way involving said denial or revocation.

(k) Public hearing on suspension, revocation or denial of permit

- (1) A suspension, revocation or denial of a permit issued under this division may be appealed on forms to be supplied by the License and Permits Unit, to the license review board within 20 days of the applicant or permit holder's receipt of notice as described in subsection 2 below.
- (2) Notice of the denial, suspension or revocation shall be given in writing, setting forth the complaint and the grounds for denial, suspension or revocation. Such notice shall be mailed by registered or certified mail to the address shown on the application or the last known change of address filed with the License and Permits Unit of the Police Department.
- (3) After a public hearing, the license review board shall recommend its finding to the mayor, who shall make a final determination.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3: The terms of this Ordinance shall become effective January 1, 2005.

A true copy,

Shonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

NOV 01, 2004
NOV 05, 2004

RCS# 6199
11/01/04
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 3-15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

CONSENT I

		11-01-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1626	38. 04-R-1878	48. 04-R-1162
2. 04-O-1795	39. 04-R-1940	49. 04-R-1172
3. 04-O-1796	40. 04-R-1908	50. 04-R-1178
4. 04-O-1828	41. 04-R-1909	51. 04-R-1782
5. 04-O-1819	42. 04-R-1910	52. 04-R-1900
6. 04-O-1929	43. 04-R-1911	53. 04-R-1901
7. 04-O-1758	44. 04-R-1912	54. 04-R-1902
8. 04-O-1932	45. 04-R-1913	55. 04-R-1903
9. 04-O-1430	46. 04-R-1914	56. 04-R-1904
10. 04-O-1926	47. 04-R-1915	57. 04-R-1905
11. 04-O-1885		58. 04-R-1906
12. 04-O-1937		59. 04-R-1907
13. 04-O-1941		
14. 04-R-1893		
15. 04-R-1894		
16. 04-R-1895		
17. 04-R-1916		
18. 04-R-1917		
19. 04-R-1918		
20. 04-R-1920		
21. 04-R-1896		
22. 04-R-1897		
23. 04-R-1898		
24. 04-R-1899		
25. 04-R-1930		
26. 04-R-1884		
27. 04-R-1886		
28. 04-R-1888		
29. 04-R-1889		
30. 04-R-1890		
31. 04-R-1891		
32. 04-R-1928		
33. 04-R-1938		
34. 04-R-1870		
35. 04-R-1871		
36. 04-R-1874		
37. 04-R-1945		

04-0-1626

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCILMEMBER DEBI STARNES
AN ORDINANCE TO REVISE THE
RESALE OF ENTERTAINMENT
TICKETS FOR A REQUIRED
PERMIT AND OTHER
RESTRICTIONS.

ADOPTED BY
NOV 01 2004
COUNCIL

SUBSTITUTE AS AMENDED

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

Date Referred 9/7/04
 Referred To: Public Safety + Legal Admin
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee
 Date 9/14/04
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

PSLA Committee
 Date 10/12/04
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

PSLA Committee
 Date 10/12/04
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other Public Safety + Legal Admin
 Members _____

Refer To _____
 Refer To _____
 Refer To _____

PSLA Committee

Date 10/26/04
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other SN Sub Officer
 Members Walters, Spindler, Calla, Knist

Refer To _____
 Refer To _____
 Refer To _____

PSLA Committee
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Refer To _____
 Refer To _____
 Refer To _____

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

CERTIFIED

CERTIFIED
 NOV 01 2004
 ATLANTA CITY CLERK

CERTIFIED
 NOV 01 2004
 Ronald D. Johnson
 MUNICIPAL CLERK

N. MOR'S ACTION

ED
 NOV 05 2004

NOV 05 2004