

AN ORDINANCE BY

04-○-0047

COUNCILMEMBER ANNE FAUVER

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-226, SO AS TO MAKE SAID SECTION CONSISTENT WITH CURRENT LAW; SO AS TO PREVENT ALCOHOLIC BEVERAGE LICENSEES FROM INCREASING THE VOLUME OF ALCOHOLIC BEVERAGES SOLD WITHOUT INCREASING PROPORTIONATELY THE PRICE CHARGED FOR SUCH DRINKS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, currently Atlanta City Code §10-226(a)(4) has been declared unconstitutional by the Municipal Court of the City of Atlanta because it fails to provide ascertainable standards as to determine when the prices of alcoholic beverages sold for on premises consumption may be changed.

WHEREAS, the City now wishes to make Atlanta City Code §10-226 constitutional and consistent with the original intent of the law to prevent alcoholic beverage licensees from providing free drinks or selling reduced price drinks for an unreasonably long period of time.

WHEREAS, the City further wishes to restrict alcoholic beverages licensees from increasing the volume of a drink sold without proportionately increasing the price of such drink, to prevent alcohol licensees from getting around the City's reduced price drink ordinance(s).

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

Section 1.

That Chapter 10, Article II, Division 5, Section 10-226(a)(4) be amended to delete the current language and to insert in lieu thereof the following language:

- (4) Offering to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week.

Section 2.

That Chapter 10, Article II, Division 5, Section 10-226(a) be amended to add the following language:

- (6) Offering or delivering any free alcoholic beverage to any person or group of persons.

- 
- (7) Increasing the volume of distilled spirit, malt beverage or wine contained in an alcoholic beverage **served** without increasing proportionally the price regularly charged for such alcoholic beverage during the same calendar week.

Section 3.

The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, issued after the enactment of this Ordinance.

Section 4.

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

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council
APPROVED by the Mayor

MAR 01, 2004
MAR 09, 2004

COUNCIL FLOOR AMENDMENT FORM

COUNCIL MEMBER: Moore DATE: March 1, 2004

ORDINANCE I.D. #: 04-0-0047 RESOLUTION I.D. #: _____

PAGE #: 3 SECTION: 2 (7)

PARAGRAPH: _____ LINE: _____

CAPTIONS': Blue Back Legislation Other _____

AMENDMENT:

Section 2 (7)
Delete ^{in its entirety}, and insert in lieu thereof:

(7) Increasing the volume of ~~an alcoholic beverage~~, distilled spirit, malt beverage or wine, ^{contained in an alcoholic beverage} served without increasing proportionally the price regularly charged for such alcoholic beverage during the same calendar week.

WAB OK

Approved by Toll
Council
3/1/04

- 
- (7) Increasing the volume of distilled spirit, malt beverage or wine contained in an alcoholic beverage **served** without increasing proportionally the price regularly charged for such alcoholic beverage during the same calendar week.

Section 3.

The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, issued after the enactment of this Ordinance.

Section 4.

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

- (7) Increasing the volume of distilled spirit, malt beverage or wine contained in an alcoholic beverage without increasing proportionally the price regularly charged for such alcoholic beverage during the same calendar week.

Section 3.

The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, issued after the enactment of this Ordinance.

Section 4.

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

**ITEMS
REMOVED
FROM
CONSENT AGENDA**

I.D.#: 04-0-0047

PAGE: _____

BY: MOORE

COMMITTEE: Public Safety

DATE: 3/1/04, 2004

04-0-0047

(Do Not Write Above This Line)

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COUNCILMEMBER ANNE FAUVER

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ADOPTED BY

MAR 01 2004

COUNCIL

As Amended

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

Date Referred 01/05/04

Referred To: Public Safety & Legal Affairs

Date Referred

Referred To:

Date Referred

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

PSLA Committee

1-13-04 Date

Chair

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

Members

Refer To

PSLA Committee

2-24-04 Date

Chair

Action:

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

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
MAR 01 2004

CERTIFIED
MAR 01 2004

Franklin D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

Mayor's Signature
MAR 9 2004

MAYOR