



AN ORDINANCE BY *Caesar Mitchell*
AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II,
DIVISION 5, SECTION 10-211 OF THE CITY OF ATLANTA
CODE OF ORDINANCES TO ALLOW FOR THE
CONSUMPTION OF ALCOHOLIC BEVERAGES IN
SPECIFICALLY DESIGNATED AREAS WITHIN
UNDERGROUND ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating the sale of alcoholic beverages within its city limits; and

WHEREAS, the City of Atlanta currently has in place certain regulations which prohibit the removal of alcoholic beverages beyond a selling establishment's licensed premises; and

WHEREAS, the City of Atlanta recently amended Section 10-211 to allow the consumption of alcoholic beverages within the area of Underground Atlanta commonly known as "Kenny's Alley" and on the portions of Upper Alabama Street within Underground Atlanta which lie between Central Avenue and Pryor Street and between Pryor Street and Peachtree Street on a daily basis when such alcoholic beverages are purchased in an establishment which is licensed to sell alcoholic beverages and which is adjacent to and has an entrance or exit into Kenny's Alley or the above-referenced portions of Upper Alabama Street; and

WHEREAS, the City of Atlanta continues to have in place regulations which prohibit the consumption of alcoholic beverages in certain areas within Underground Atlanta including those areas commonly known as "Lower Alabama Street", "Lower Pryor Street" and the "Exchange Area;" and

WHEREAS, Underground Atlanta has been designated a "special entertainment district" pursuant to state law; and

WHEREAS, state law defines a "special entertainment district" as "contiguous properties upon which is located a festival marketplace and entertainment project which is financed in whole or in part by public funds and which contains a minimum of 200,000 square feet of gross leasable space for retail sales and entertainment purposes and which is located in the central business district; provided however, that more than 50 percent of such contiguous properties must be owned or controlled by the city or some other governmental or quasi governmental entity;" and

WHEREAS, the City of Atlanta recognizes that Underground Atlanta continues to be in a process of revitalization and desires to attract a variety of restaurant and nightclub tenants and



to attract a larger number of visitors to Underground Atlanta; and

WHEREAS, Underground Atlanta has been successful in attracting new restaurants and nightclub tenants in the past year; and

WHEREAS, Underground Atlanta has been successful in handling the consumption of alcoholic beverages in the common areas such as Kenny's Alley by guests of Underground; and

WHEREAS, the general prohibition regarding the consumption of alcoholic beverages within controlled and secure areas such as "Lower Alabama Street", "Lower Pryor Street", the "Exchange Area" and the Food Court" has hindered Underground Atlanta's ability to attract a variety of restaurant and nightclub tenants; and

WHEREAS, the City of Atlanta desires for Underground Atlanta to be an appealing venue for visitors to the downtown area of Atlanta and for potential tenants of Underground Atlanta; and

WHEREAS, pursuant to its lawfully delegated authority to regulate the sale of alcoholic beverages within its borders, including within special entertainment districts, the City of Atlanta has provided an exception from regulations prohibiting the consumption of alcoholic beverages in certain areas of Underground Atlanta and allowing the removal of alcoholic beverages beyond a selling establishment's licensed premises when special events are held in Underground Atlanta; and

WHEREAS, the City of Atlanta recognizes that the above-referenced areas are controlled and secure areas within Underground Atlanta and that such areas provide excellent venues for special events; and

WHEREAS, Underground Atlanta has provided the City of Atlanta with a security plan which establishes specific locations for security officers and provides controlled access into and out of the above-referenced areas; and

WHEREAS, the City of Atlanta and Underground Atlanta recognize that the security plan for Underground Atlanta must be fluid and capable of flexibility in order that security can be heightened on an as-needed basis depending on the activities scheduled for Underground Atlanta and the number of estimated visitors to Underground Atlanta for any given period of time; and

WHEREAS, the City of Atlanta, in accordance with the Amended and Restated Commercial Facilities Sublease By and Among Downtown Development Authority of The City of Atlanta, Georgia, The City of Atlanta, Georgia, Underground Festival, Inc. and CV Underground, LLC, will provide necessary municipal services, including visible and effective police services in accordance with standard professional practices; and



WHEREAS, the exemptions provided herein will enhance the ability of Underground Atlanta to provide entertainment and to attract a larger number of visitors throughout the year and will have a positive economic impact on Underground Atlanta and the downtown area of the City of Atlanta; and

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

Section 1. That Chapter 10, Article II, Division 5, Section 10-211(c) of the City of Atlanta Code of Ordinances be amended by deleting said provision in its entirety.

Section 2. That Chapter 10, Article II, Division 5, Section 10-211(d)(2)(ii), of the City of Atlanta Code of Ordinances be amended by deleting the current language of said provision and inserting in lieu thereof new language which shall read as follows:

- (ii) Notwithstanding the prohibition stated herein in Section 10-211(c)(2)(i) above and in Section 10-212 of the City of Atlanta Code of Ordinances, those establishments licensed to sell alcoholic beverages which are adjacent to and which have an entrance or exit into any of the following areas within Underground Atlanta commonly known as: "Kenny's Alley", "Lower Alabama Street", "Lower Pryor Street", the "Exchange Area" or the "Food Court" are not prohibited from allowing the removal and consumption of alcoholic beverages beyond their licensed premises as long as any such alcoholic beverages which are removed or consumed beyond the premises of the licensed establishment are consumed only within these specifically named areas within Underground Atlanta. Furthermore, "restaurants," as such term is defined in section 10-1 of this chapter, which are licensed to sell alcoholic beverages and which are adjacent to and which have an entrance or exit onto the portions of Upper Alabama Street which lie between Central Avenue and Pryor Street or between Pryor Street and Peachtree Street are not prohibited from allowing the removal and consumption of alcoholic beverages beyond their licensed premises as long as any such alcoholic beverages which are removed or consumed beyond the premises of the licensed establishment are only consumed within the above described portions of Upper Alabama Street and while patrons of such licensed restaurants are seated at tables owned by the restaurant which are completely enclosed, except for a single point of ingress and egress that is controlled by the licensee of such restaurant, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height. Before any alcoholic beverage may be sold or consumed in any of the above-



referenced areas, the management entity of the special entertainment district must utilize a security plan that has been approved by the Atlanta Police Department. Any time an additional restaurant which is licensed to sell alcoholic beverages leases space with an entrance or exit onto the portions of Upper Alabama Street which lie between Central Avenue and Pryor Street or between Pryor Street and Peachtree Street, and before any alcoholic beverages can be consumed off premises by patrons of the additional restaurant, the management entity of the special entertainment district must submit to the Atlanta Police Department a security plan reflecting such addition which must be utilized by the management entity-of the special entertainment district upon approval by the Atlanta Police Department.

Section 3. That Chapter 10, Article II, Division 5, Section 10-211(d)(2)(iii), of the City of Atlanta Code of Ordinances be amended by deleting the current language of said provision and inserting in lieu thereof new language which shall read as follows:

- (iii) Any alcoholic beverages which are consumed in either Kenny's Alley, Lower Alabama Street, Lower Pryor Street, the Exchange Area, the Food Court or on the above-described portions of Upper Alabama Street shall only be provided and sold by establishments licensed to sell alcoholic beverages for on premises consumption which have either an entrance or exit into Kenny's Alley, Lower Alabama Street, Lower Pryor Street, the Exchange Area, the Food Court or onto the portions of Upper Alabama Street which lie between Central Avenue and Pryor Street or between Pryor Street and Peachtree Street. Any alcoholic beverages which are consumed in any of the above-referenced areas shall be dispensed and transported only in plastic containers bearing the name of the respective licensed establishment from which the alcoholic beverage was dispensed.

Section 4. That Chapter 10, Article II, Division 5, Section 10-211(d)(2)(v), of the City of Atlanta Code of Ordinances be amended by deleting the current language of said provision and inserting in lieu thereof new language which shall read as follows:

- (v). Kenny's Alley, Lower Alabama Street, Lower Pryor Street, the Exchange Area, the Food Court and the ~~above-described~~ portions of Upper Alabama Street shall be cleared of patrons within 30 minutes after the time set by section 10-209(e) and (f) of this chapter for the discontinuance of the sale of alcoholic beverages.



Section 5. Should any ordinance or any part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

June 20, 2005
June 23, 2005

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-1075 2. 05-O-1076 3. 05-O-1078 4. 05-O-1101 5. 05-O-1102 6. 05-O-1103 7. 05-O-1089 8. 05-O-1099 9. 05-O-0904 10. 05-O-0910 11. 05-O-0911 12. 05-O-0912 13. 05-O-0916 14. 05-O-0968 15. 05-O-0976 16. 05-O-1080 17. 05-O-0981 18. 05-O-0982 19. 05-O-1085 20. 05-O-1104 21. 05-O-1105 22. 05-O-1106 23. 05-O-0960 24. 05-O-0961 25. 05-R-1060 26. 05-R-1061 27. 05-R-1077 28. 05-R-1098 29. 05-R-1067 30. 05-R-1068	31. 05-R-1069 32. 05-R-1072 33. 05-R-0903 34. 05-R-1062 35. 05-R-1063 36. 05-R-1064 37. 05-R-1054 38. 05-R-1055 39. 05-R-1056 40. 05-R-1057 41. 05-R-1073 42. 05-R-1074 43. 05-R-1108 44. 05-R-1116 45. 05-R-1117 46. 05-R-0819 47. 05-R-1043 48. 05-R-1044 49. 05-R-1047 50. 05-R-1049 51. 05-R-1019 52. 05-R-1020 53. 05-R-1021 54. 05-R-1022	55. 05-R-1023 56. 05-R-1024 57. 05-R-1025 58. 05-R-1026 59. 05-R-1027 60. 05-R-1028 61. 05-R-1029 62. 05-R-1030 63. 05-R-1031 64. 05-R-1032 65. 05-R-1033 66. 05-R-1034 67. 05-R-1035 68. 05-R-1036 69. 05-R-1037 70. 05-R-1038 71. 05-R-1039 72. 05-R-1040 73. 05-R-1041 74. 05-R-1042

#18

05-0-1106

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AN ORDINANCE BY
COUNCILMEMBER CEASAR MITCHELL:

TO AMEND CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-211 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ALLOW FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN SPECIFICALLY DESIGNATED AREAS WITHIN UNDERGROUND ATLANTA; AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 20 2005

SUBSTITUTE COUNCIL

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

Date Referred 6/2/05
Referred To: Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)

Other

Members

Public Safety
Date 6/2/05
Chair ...
Referred To ...

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

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

CERTIFIED

JUN 20 2005

CERTIFIED
MAYOR'S ACTION

Handwritten signature