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AN ORDINANCE BY

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AN ORDINANCE TO AMEND THE PROVISION OF THE CITY OF ATLANTA CODE OF ORDINANCES FORBIDDING PERSONS UNDER SPECIFIED AGES FROM ENTERING, REMAINING IN, OR LOITERING AT CERTAIN LICENSED PREMISES AS CODIFIED IN CHAPTER 10, ARTICLE I, SECTION 10-12 ENTITLED "PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR LOITER AT CERTAIN LICENSED PREMISES", TO STRENGTHEN EFFORTS TO CURB UNDERAGE DRINKING; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, the City of Atlanta has an important and substantial interest in combating the problem of underage drinking; and

WHEREAS, it is the desire of the City of Atlanta to strengthen its efforts to curb underage drinking; and

WHEREAS, the City of Atlanta is concerned that those under the age of 21 are drinking or purchasing alcohol from certain premises that are licensed for the sale of alcoholic beverages by the drink at retail, or sale of alcoholic beverages for consumption on the premises; and

WHEREAS, the City of Atlanta believes that prohibiting individuals under the age of 21 from entering certain licensed premises is a reasonable means to prevent the sale of alcohol to underage persons;

WHEREAS, Chapter 10, Article I, Section 10-12, of the City of Atlanta Code of Ordinances currently allows persons who are 18 years of age or older, who provide entertainment or who are otherwise employed in any licensed premises, to remain in any licensed premises, during and in the course of their employment as entertainers or other such employment; and

WHEREAS, Chapter 10, Article I, Section 10-13 of the City of Atlanta Code of Ordinances currently enumerates exceptions to the prohibitions contained in Chapter 10, Article I, Section 10-12 of the City of Atlanta Code of Ordinances which shall not be restricted hereby;

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

Section 1: That Chapter 10, Article I, Section 10-12, of the City of Atlanta Code of Ordinances which reads:

No person under the age of 21 years shall enter, remain in or loiter on any licensed premises, as herein defined, licensed for the sale of alcoholic beverages by the drink at retail, or sale of alcoholic beverages for consumption on the premises; nor shall any licensee or either such licensed premises, or any person in charge thereof, or on duty while employed by the licensee therein, permit or allow any person under the age specified with respect thereto to remain in or loiter in or about such place.

Provided, however, it is lawful for persons who are 18 years of age or older that provide entertainment to enter and to remain in any licensed premises, but only during and in the course of their employment as entertainers. Provided further, that it is lawful for persons who are 18 years of age or older to sell, serve, possess or dispense alcoholic beverages in the course of their employment in any licensed premises in accordance with O.C.G.A. § 3-3-24(a), or in any other place where alcoholic beverages are lawfully present, so long as such place is the place of employment for such person under 21 years of age.

This section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, breweries, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises in accordance with O.C.G.A. § 3-3-24(b). However, the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

be amended such as Chapter 10, Article I, Section 10-12, of the City of Atlanta Code of Ordinances shall read as follows:

No person under the age of 21 years shall enter, remain in or loiter on any licensed premises, as herein defined, licensed for the sale of alcoholic beverages by the drink at retail, or sale of alcoholic beverages for consumption on the premises; nor shall any licensee or either such licensed premises, or any person in charge thereof, or on duty while employed by the licensee therein, permit or allow any person under the age specified with respect thereto to remain in or loiter in or about such place.

This section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, breweries, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises in accordance with O.C.G.A. § 3-3-24(b). However, the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

Section 2: That Chapter 10, Article II, Division 5, Section 10-208, of the City of Atlanta Code of Ordinances entitled “**Entertainment by underage persons**” is hereby repealed and deleted in its entirety.

Section 3: That Chapter 10, Article II, Division 5, Section 10-222, of the City of Atlanta Code of Ordinances entitled “**Underage persons on licensed premises**” is hereby repealed and deleted in its entirety.

Section 4: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.