10- O-0900
(Do Not Write Above This Line)

AN ORDINANCE BY

FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SUBDIVISION I, SECTION 10-60, ENTITLED ANNUAL LICENSE FEE; REFUNDS, TO INCREASE THE ANNUAL LICENSE FEES FOR CERTAIN CLASSIFICATIONS OF ALCOHOL LICENSES; AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 21 2010

COUNCIL

[] CONSENT REFER
[] REGULAR REPORT REFER
[] ADVERTISE & REFER
[] 1st ADOPT 2ND READ & REFER
[] PERSONAL PAPER REFER

Date Referred 5-17-2010
Referred To: Finance/Exec.
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee Finance/Executive
Date 5-12-10
Chair Yolanda Adrean
Referred To Finance/Executive

Committee Fin/Exec.
Date 6/2/10
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

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

Committee Finance/Executive
Date 6/16/10
Chair Yolanda Adrean
Action
Fav, Adv, Hold (see rev. side
Other forward no recommendation
Members
Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side
Other
Members
Refer To

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

CERTIFIED
CERTIFIED
JUN 21 2010
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
JUN 21 2010
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
JUN 30 2010
WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

10-O-0900

AN ORDINANCE BY
FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SUBDIVISION I, SECTION 10-60, ENTITLED ANNUAL LICENSE FEE; REFUNDS, TO INCREASE THE ANNUAL LICENSE FEES FOR CERTAIN CLASSIFICATIONS OF ALCOHOL LICENSES; 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, O.C.G.A. § 3-4-49 and section 1-102(c)(2) of the City of Atlanta Charter authorize the City of Atlanta to adopt all reasonable rules and regulations within its police powers to regulate alcohol businesses, including the right to impose reasonable fees for the regulation thereof; and

WHEREAS, the purpose of such regulatory fees is not to raise revenue, but to cover the cost of regulating the sale of alcohol for the protection of the public, and such fees are authorized as long as the fees charged approximate the costs of the necessary regulatory activity; *Hadley v. City of Atlanta,* 232 Ga. App. 871, 874, 502 S.E. 2d 784 (1998); and

WHEREAS, City of Atlanta Code of Ordinances section 10-60 sets forth the annual regulatory license fees for each classification of City of Atlanta alcohol licenses; and

WHEREAS, currently the costs of regulating certain alcohol licenses exceed the fees imposed therefor; (*See Financial Study, attached hereto as Exhibit 'A'*); and

WHEREAS, it is the desire of the City of Atlanta to increase these alcohol license fees such that they more closely approximate the costs of the regulation thereof.

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

Section 1: That Chapter 10, Article II, Division 2, Subdivision I, Section 10-60(a), of the City of Atlanta Code of Ordinances, which currently reads:

Sec. 10-60. - Annual license fee; refunds.

(a) The annual license fee for each classification of license under this division shall be as follows:
Fee Effective for Year 2002

(1) *Wine.*

a. Manufacturer of wine $2,250.00

b. Wholesaler, importer and/or broker of wine 1,687.50

c. Retail dealer in wine to be consumed on or off the premises of the dealer, which shall be authorized to conduct wine tasting events at any time during the year 2,362.50

d. Retail dealer in wine to be consumed off the premises of the dealer only 1,575.00

e. Tasting room for retail dealer in wine and wine to be consumed on the premises 2,250.00

f. Tasting room for retail dealer in wine and wine to be consumed on the premises which sells wine by the package on Sunday 3,750.00

(2) *Malt beverages.*

a. Brewer or manufacturer of beer $2,250.00

b. Wholesaler, importer, and/or broker of beer 1,687.50

c. Retail dealer of beer to be consumed on or off the premises of the dealer 2,362.50

d. Retail dealer in beer to be consumed off the premises of the dealer only 1,575.00

(3) *Distilled spirits.*

a. Manufacturer $5,000.00

b. Manufacturer that manufactures, distills or blends liquors made whole from products raised in the state 5,000.00

c. Wholesaler 5,000.00

d. Retail sale in package form 4,500.00

Plus an amount equal to one percent of this gross sales of the previous year in excess of $200,000.00, not to exceed a maximum license fee of $5,000.00 per annum.

1. In determining the license fee to be paid by any dealer in distilled spirits, each individual store or retail outlet shall be considered singly, and the license fee fixed shall be determined by sales made at each individual store.

2. Annual sales for the purpose of determining the license fee to be paid shall be the sales made by the store or outlet the previous 12 months, except that all new stores or licenses shall, for the first year, pay $3,000.00 per annum.

(4) *Consumption on the premises of distilled spirits, wine and malt beverages.*

a. Initial license $5,000.00

b. Additional facility licenses, each 2,250.00

1. Additional licenses shall be required for all additional facilities such as lounges, restaurants, nightclubs, patios or other areas located within the same building.

2. All restaurant patios and outdoor or open air eating areas which are immediately adjacent to restaurants shall be exempt from the additional facility license fee.

3. The licensee shall not provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas in which the licensed premises are within 500 feet of any area zoned for single-family residences. Notwithstanding the foregoing, no licensee shall provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas after 12:00 midnight.

4. All such licensees shall be required to comply with the requirements as to limitations on noise levels established by ordinance.

c. Bottle house $2,000.00

(5) Retail of beer or wine off premise:

a. Initial license $2,250.00

b. Leased locations as additional facilities, each license $2,250.00 Additional licenses shall be required for each leased location located within a licensed premise, such as the Sweet Auburn Curb Market located

at 209 Edgewood Avenue. In no event, however, shall there be no more than four additional facilities licenses at any location licensed for off premises consumption. Provided further, however, that the entire licensed location shall derive less than five percent of its gross receipts from the sale of alcoholic beverages.

be deleted in its entirety and replaced with the following:

Sec. 10-60. - Annual license fee; refunds.

(a) The annual license fee for each classification of license under this division shall be as follows:
Fees Effective **Beginning in** the Year **2010**

(1) *Wine.*

a. Manufacturer of wine $2,250.00

b. Wholesaler, importer and/or broker of wine **2,000.00**

c. Retail dealer in wine to be consumed on or off the premises of the dealer, which shall be authorized to conduct wine tasting events at any time during the year **2,500.00**

d. Retail dealer in wine to be consumed off the premises of the dealer only **2,500.00**

e. Tasting room for retail dealer in wine and wine to be consumed on the premises **2,500.00**

f. Tasting room for retail dealer in wine and wine to be consumed on the premises which sells wine by the package on Sunday 3,750.00

(2) *Malt beverages.*

a. Brewer or manufacturer of beer **$5,000.00**

b. Wholesaler, importer, and/or broker of beer **2,000.00**

c. Retail dealer of beer to be consumed on or off the premises of the dealer **4,000.00**

d. Retail dealer in beer to be consumed off the premises of the dealer only **2,500.00**

(3) *Distilled spirits.*

a. Manufacturer $5,000.00

b. Manufacturer that manufactures, distills or blends liquors made whole from products raised in the state 5,000.00

c. Wholesaler 5,000.00

d. Retail sale in package form 4,500.00

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1. In determining the license fee to be paid by any dealer in distilled spirits, each individual store or retail outlet shall be considered singly, and the license fee fixed shall be determined by sales made at each individual store.

2. Annual sales for the purpose of determining the license fee to be paid shall be the sales made by the store or outlet the previous 12 months, except that all new stores or licenses shall, for the first year, pay $3,000.00 per annum.

(4) *Consumption on the premises of distilled spirits, wine and malt beverages.*

a. Initial license $5,000.00

b. Additional facility licenses, each **5,000.00**

1. Additional licenses shall be required for all additional facilities such as lounges, restaurants, nightclubs, patios or other areas located within the same building.

2. All restaurant patios and outdoor or open air eating areas which are immediately adjacent to restaurants shall be exempt from the additional facility license fee.

3. The licensee shall not provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas in which the licensed premises are within 500 feet of any area zoned for single-family residences. Notwithstanding the foregoing, no licensee shall provide any electronically amplified music or live entertainment on any patio,

deck or in any other outdoor or open eating or drinking areas after 12:00 midnight.

4. All such licensees shall be required to comply with the requirements as to limitations on noise levels established by ordinance.

c. Bottle house $2,000.00

(5) *Retail of beer or wine off premise.*

a. Initial license **$2,500.00**

b. Leased locations as additional facilities, each license $2,250.00 Additional licenses shall be required for each leased location located within a licensed premise, such as the Sweet Auburn Curb Market located at 209 Edgewood Avenue. In no event, however, shall there be no more than four additional facilities licenses at any location licensed for off premises consumption. Provided further, however, that the entire licensed location shall derive less than five percent of its gross receipts from the sale of alcoholic beverages.

Section 2: The amendments reflected in this ordinance shall become effective July 1, 2010.

Section 3: That all ordinances or parts thereof in conflict with this ordinance are hereby repealed to the extent of the conflict.

A true copy,
Rhonda Daughtin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council **JUN 21, 2010**
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403 **JUN 30, 2010**

RCS# 339
6/21/10
5:11 PM

Atlanta City Council

REGULAR SESSION

10-O-0900

AMEND CHAPT.10 ART.II DIV.2 SUBDIV.1
SEC.10-60 OF THE CODE OF ORDINANCES
ADOPT

YEAS:	8
NAYS:	6
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	1
ABSENT	0

Y Smith	N Archibong	N Moore	N Bond
N Hall	Y Wan	Y Martin	N Watson
N Young	Y Shook	Y Bottoms	E Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell