

12-0-0484

(Do Not Write Above This Line)

AN ORDINANCE BY
 COUNCILMEMBER ALEX WAN *Alex Wan*
 AN ORDINANCE TO AMEND
 CHAPTER 10, ARTICLE II, DIVISION
 2, SUBDIVISION II, SECTION 10-88 OF
 THE CITY OF ATLANTA CODE OF
 ORDINANCES, (ENTITLED
 "DISTANCES OF ESTABLISHMENTS
 FROM RESIDENCES, SCHOOLS,
 CHURCHES, LIBRARY, HOSPITALS
 AND OTHER PUBLIC PLACES"), TO
 PROHIBIT CERTAIN
 ESTABLISHMENTS LICENSED FOR
 THE SALE OF ALCOHOL FOR
 CONSUMPTION ON THE PREMISES
 FROM BEING LOCATED WITHIN 300
 FEET OF TATTOO
 ESTABLISHMENTS; AND FOR OTHER
 PURPOSES.

Alex Wan
 Councilmember

ADOPTED BY
 MAY 07 2012

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

COUNCIL

Date Referred 4/16/12

Referred To: Public Safety

Date Referred

Referred To:

Referred To:

Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

PSA Committee

Date 5/1/12

Chair *[Signature]*

Action *[Signature]*

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

Members

[Signature]

[Signature]

[Signature]

[Signature]

Committee

Date _____

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

Date _____

Chair _____

Action _____

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

Members

Refer To

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

CERTIFIED

CERTIFIED
 MAY 07 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

MAY 7 2012

[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 16 2012

WITHOUT SIGNATURE
 BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

12-0-0484

AN ORDINANCE BY

COUNCILMEMBER ALEX WAN

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 10-88 OF THE CITY OF ATLANTA CODE OF ORDINANCES, (ENTITLED "DISTANCES OF ESTABLISHMENTS FROM RESIDENCES, SCHOOLS, CHURCHES, LIBRARY, HOSPITALS AND OTHER PUBLIC PLACES"), TO PROHIBIT CERTAIN ESTABLISHMENTS LICENSED FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES FROM BEING LOCATED WITHIN 300 FEET OF TATTOO ESTABLISHMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of 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 is authorized to regulate the location of establishments which are licensed to sell alcoholic beverages for on premises consumption; and

WHEREAS, Section 10-88 of the City of Atlanta Code of Ordinances provides that establishments seeking a license from the City of Atlanta to sell alcoholic beverages for consumption on the premises must comply with certain specified distance requirements; and

WHEREAS, Section 30-1272 of the City of Atlanta Code of Ordinances makes it unlawful for a tattoo operator or a tattoo artist to tattoo a person who is under the influence of alcohol; and

WHEREAS, in light thereof, the City of Atlanta has determined that it would be in the best interest of the public safety and welfare of the citizens of the City of Atlanta to ensure that certain establishments seeking a license from the City of Atlanta to sell alcoholic beverages for consumption on the premises do not locate within a certain distance of tattoo establishments;

WHEREAS, a location licensed for the sale of alcohol for on premises consumption on the effective date of this Ordinance shall not be required to comply with the distance requirement related to tattoo establishments; nor shall the distance requirement promulgated herein apply to any location for which a new application for a license to sell alcohol has been filed with the police department if such application was filed prior to the effective date of this Ordinance;



WHEREAS, following the effective date of this Ordinance, eligible applicants for a new license to sell alcohol for consumption on the premises who have acquired a previously licensed liquor location shall, as it relates to the distance requirement related to tattoo establishments, be subject to Section 10-113 (a) and (b) of the City of Atlanta Code of Ordinances, which permit certain such applicants to, within one year after the expiration of the previous owner's license, obtain an alcohol license for that location even though the location may not meet distance requirements from churches, schools, private residences and other distance requirements.

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

SECTION 1: That Chapter 10, Article II, Division 2, Subdivision II, Section 10-88 of the City of Atlanta Code of Ordinances, (entitled "Distances of establishments from residences, schools, churches, library, hospitals and other public places"), which currently reads as follows:

Sec. 10-88. - Distances of establishments from residences, schools, churches, library, hospitals and other public places.

- (a) No license hereunder shall be issued for any location where alcoholic beverages are sold whose proposed boundary line is within 300 feet of any private residence. The distance for the purpose of this section, notwithstanding the definition of distance contained in section 10-1, shall be measured by straight line from the closest point of the property line of the proposed site where alcoholic beverages are sold to the nearest point of any residential building, provided, however, that when the applicant is located within a shopping center containing a minimum of 80,000 square feet the distance from any private residence shall be reduced to 150 feet.
- (b) No license shall be issued hereunder where the applicant's place of business where alcoholic beverages are to be sold is located within 300 feet of a branch of the Atlanta Public Library or within 500 feet of any church, or public park or within 300 feet of any private hospital, or mental health care facility, or public hospital which is owned and operated by any government agency or authority and used for hospitalization, or within 600 feet of a school ground or college campus, or any youth serving organization or any recreational facility that primarily serves schoolchildren under 18 years of age, except that the restrictions of this section shall not apply to hotels of 50 rooms or more which have been in continuous operation for a period of at least five years immediately prior to April 5, 1938, or to the operator of a restaurant applying for a license for the sale and consumption by the drink of spirituous liquors where the operator held a license authorizing the sale and consumption by the drink of either malt beverages or vinous liquors at that restaurant on October 3, 1966, and has maintained the license in good standing from that time until the time of the application hereunder; provided further, that alcoholic beverage establishments which are located within a shopping center having 30,000 square feet or more and in which



a branch of the Atlanta Public Library is also located shall not be required to comply with the above-described distance requirement for a branch of the Atlanta Public Library; provided further with regard to applications for licenses to sell alcoholic beverage for consumption on the premises, no distance requirements as to churches shall apply to churches which are located in commercial buildings or that move into existing commercial buildings in areas zoned for commercial purpose, and when such churches are within 300 feet of an existing establishment with a license to sell alcoholic beverages on the premises.

- (c) The wholesaler's license for the sale of alcoholic beverages may be issued for a location within the above-prescribed distances of a private residence or residences, if the residence or residences are situated on property which is zoned for commercial or industrial use under the zoning ordinance of the city.
- (d) The distance requirements and exemptions set forth in this section shall no longer apply to package stores which must meet the distance requirements set forth in section 10-88.1; provided, however, that the provisions of this section shall not apply to locations licensed prior to the effective date of this section or to renewals thereof. The distance requirements and exemptions set forth in this section shall not apply to wine specialty shops which must meet the distance requirements set forth in subsection 10-88.1(e); city food markets which must meet the distance requirements set forth in subsection 10-88.1(f); or specialty food shops which must meet the distance requirements set forth in subsection 10-88.1(g).
- (e) The provisions of this section shall not apply to licenses issued hereunder to continuing education centers, restaurants or sidewalk cafes, as defined in section 10-1, for the sale of alcoholic beverages for on-premises consumption; provided, however, that in order for a restaurant or sidewalk cafe to come within this exemption it shall provide no entertainment, as defined in section 10-1, unless it is located either:
 - (i) Within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units or
 - (ii) Within a multi-building complex, which, for purposes of this code section, shall mean a group of buildings planned, developed and managed as a unit which is comprised of at least 50,000 square feet of retail shopping and/or restaurant space, at least 50,000 square feet of institutional office space; at least 100,000 square feet of space used for research and education, and at least 100,000 square feet of conference center space, as long as such multi-building complex is located on a college campus. Under no circumstances may music and/or live entertainment be provided in an outdoor dining area.



- (iii) Or within a mixed-use development (as that term is defined in section 16-29.001(24)), comprised of not less than 99,000 total square feet, that has zoning approval for at least 2,000 square feet of retail space, 3,000 square feet of office space and at least 70 residential units, which is located within the jurisdictional boundaries of the City of Atlanta Downtown Development Authority and is also located within an Urban Enterprise Zone created by the city.

be amended such that Chapter 10, Article II, Division 2, Subdivision II, Section 10-88 of the City of Atlanta Code of Ordinances shall read as follows:

Sec. 10-88. - Distances of establishments from residences, schools, churches, libraries, hospitals and other public places.

- (a) No license hereunder shall be issued for any location where alcoholic beverages are sold whose proposed boundary line is within 300 feet of any private residence. The distance for the purpose of this section, notwithstanding the definition of distance contained in section 10-1, shall be measured by straight line from the closest point of the property line of the proposed site where alcoholic beverages are sold to the nearest point of any residential building, provided, however, that when the applicant is located within a shopping center containing a minimum of 80,000 square feet the distance from any private residence shall be reduced to 150 feet.
- (b) No license shall be issued hereunder where the applicant's place of business where alcoholic beverages are to be sold is located within 300 feet of a branch of the Atlanta Public Library or within 500 feet of any church, or public park or within 300 feet of any private hospital, or mental health care facility, or public hospital which is owned and operated by any government agency or authority and used for hospitalization, or within 600 feet of a school ground or college campus, or any youth serving organization or any recreational facility that primarily serves schoolchildren under 18 years of age, **or within 300 feet of any tattoo establishment as defined in section 30-1271**, except that the restrictions of this section shall not apply to hotels of 50 rooms or more which have been in continuous operation for a period of at least five years immediately prior to April 5, 1938, or to the operator of a restaurant applying for a license for the sale and consumption by the drink of spirituous liquors where the operator held a license authorizing the sale and consumption by the drink of either malt beverages or vinous liquors at that restaurant on October 3, 1966, and has maintained the license in good standing from that time until the time of the application hereunder; provided further, that alcoholic beverage establishments which are located within a shopping center having 30,000 square feet or more and in which a branch of the Atlanta Public Library is also located shall not be required to comply with the above-described distance requirement for a branch of the Atlanta Public Library; provided further with regard to applications for licenses to sell alcoholic beverage for consumption on the premises, no distance requirements as to churches shall apply to churches which are located in



commercial buildings or that move into existing commercial buildings in areas zoned for commercial purpose, and when such churches are within 300 feet of an existing establishment with a license to sell alcoholic beverages on the premises.

- (c) The wholesaler's license for the sale of alcoholic beverages may be issued for a location within the above-prescribed distances of a private residence or residences, if the residence or residences are situated on property which is zoned for commercial or industrial use under the zoning ordinance of the city.
- (d) The distance requirements and exemptions set forth in this section shall no longer apply to package stores which must meet the distance requirements set forth in section 10-88.1; provided, however, that the provisions of this section shall not apply to locations licensed prior to the effective date of this section or to renewals thereof. The distance requirements and exemptions set forth in this section shall not apply to wine specialty shops which must meet the distance requirements set forth in subsection 10-88.1(e); city food markets which must meet the distance requirements set forth in subsection 10-88.1(f); or specialty food shops which must meet the distance requirements set forth in subsection 10-88.1(g).
- (e) The provisions of this section shall not apply to licenses issued hereunder to continuing education centers, restaurants or sidewalk cafes, as defined in section 10-1, for the sale of alcoholic beverages for on-premises consumption; provided, however, that in order for a restaurant or sidewalk cafe to come within this exemption it shall provide no entertainment, as defined in section 10-1, unless it is located either:
 - (i) Within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units or
 - (ii) Within a multi-building complex, which, for purposes of this code section, shall mean a group of buildings planned, developed and managed as a unit which is comprised of at least 50,000 square feet of retail shopping and/or restaurant space, at least 50,000 square feet of institutional office space; at least 100,000 square feet of space used for research and education, and at least 100,000 square feet of conference center space, as long as such multi-building complex is located on a college campus. Under no circumstances may music and/or live entertainment be provided in an outdoor dining area.
 - (iii) Or within a mixed-use development (as that term is defined in section 16-29.001(24)), comprised of not less than 99,000 total square feet, that has zoning approval for at least 2,000 square feet of retail space, 3,000 square feet of office space and at least 70 residential units, which is located within the jurisdictional boundaries of the City of Atlanta Downtown



Development Authority and is also located within an Urban Enterprise Zone created by the city.

SECTION 2: That a location licensed for the sale of alcohol for on premises consumption on the effective date of this Ordinance shall not be required to comply with the distance requirement related to tattoo establishments.

SECTION 3: That the distance requirement related to tattoo establishments shall not apply to any location for which a new application for a license to sell alcohol has been filed with the police department if such application was filed prior to the effective date of this Ordinance.

SECTION 4: That following the effective date of this Ordinance, eligible applicants for a new license to sell alcohol for consumption on the premises who have acquired a previously licensed liquor location shall, as it relates to the distance requirement related to tattoo establishments, be subject to Section 10-113 (a) and (b) of the City of Atlanta Code of Ordinances, which permit certain such applicants to, within one year after the expiration of the previous owner's license, obtain an alcohol license for that location even though the location may not meet distance requirements from churches, schools, private residences and other distance requirements.

SECTION 5: That this Ordinance shall take effect July 1, 2012.

SECTION 6: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

A true copy,

Thonda Daughin Johnson

Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

May 07, 2012
May 16, 2012

RCS# 1940
5/07/12
3:32 PM

Atlanta City Council

12-O-0484

AMEND SECTION 10-88; PROHIBIT ALCOHOL
SALES; 300 FT OF TATOO ESTABLISHMENT
ADOPT

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

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

12-O-0484