

12-0-1003

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMAN ALEX WAN TO AMEND CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURERS), DIVISION 5 (OPERATIONAL RULES), SECTION 10-209 (a) AND (b) (HOURS OF OPERATION), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO REFLECT THE ALLOWANCE OF PACKAGED ALCOHOL SALES ON SUNDAY AS THE RESULT OF A REFERENDUM HELD AND APPROVED ON NOVEMBER 8, 2011; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

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

Date Referred: July 16, 2012  
 Referred To: J.S. & A.H.  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

7/31/12  
 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

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

ADOPTED BY  
 AUG 2 0 2012  
 COUNCIL  
 Refer To

Refer To

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

CERTIFIED  
 AUG 2 0 2012  
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
 AUG 2 0 2012  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

WITHOUT SIGNATURE BY OPERATION OF LAW

AUG 2 9 2012



AN ORDINANCE

BY COUNCILMAN ALEX WAN

**AN ORDINANCE TO AMEND CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURERS), DIVISION 5 (OPERATIONAL RULES), SECTION 10-209 (a) AND (b) (HOURS OF OPERATION), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO REFLECT THE ALLOWANCE OF PACKAGED ALCOHOL SALES ON SUNDAY AS THE RESULT OF A REFERENDUM HELD AND APPROVED ON NOVEMBER 8, 2011; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Senate Bill 10 was enacted during the 2011 session of the Georgia General Assembly and was signed by the Governor; and

**WHEREAS**, said Senate Bill which amended Code Section 3-3-7 of the Official Code of Georgia Annotated relates to the local authorization and regulation of sales of alcoholic beverages on Sunday; and

**WHEREAS**, a referendum was held on November 8, 2011 for the purpose of submitting the question of Sunday package sales by retailers of malt beverages, wine, and distilled spirits to the electors of the City of Atlanta; and

**WHEREAS**, a majority of the electors in the City of Atlanta voted to authorized the governing authority of the City of Atlanta to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.; and

**WHEREAS**, the Code of Ordinances of the City of Atlanta needs to be amended so as to reflect this mandate as authorized by the voters.

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

**Section 1:** Chapter 10 (Alcoholic Beverages), Article II (Dealers and Manufacturers), Division 5 (Operational Rules), Section 10-209 (a) and (b) (Hours of operation), of the Code of Ordinances of the City of Atlanta, Georgia, which currently provides as follows:



(a)

*Packaged distilled spirits.* Licensees in distilled spirits by the package shall not engage in the sale of such distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. on weekdays.

(b)

*Packaged wine or malt beverages.* Licensees in wine or malt beverages by the package shall be allowed to engage in the sale of these beverages for 24 hours a day, on weekdays. It shall be unlawful to sell any wine or malt beverages by the package between the hours of 12:00 midnight on Saturday night until the hour of 12:00 midnight on Sunday night, at any time. Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell packaged wine on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2.

Is hereby amended by restating the referenced subsections as positive, as opposed to negative directives, and to add the provision approved by the voters regarding the sale and regulation of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., so that when amended, said subsections shall provide as follows:

(a) *Packaged distilled spirits.* Retail merchants licensed to sell distilled spirits by the package, shall be allowed to engage in the sale of such distilled spirits between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday and on Sunday from 12:30 p.m. and 11:30 p.m.

(b) *Packaged wine or malt beverages.* Retail merchants licensed to sell wine or malt beverages by the package, shall be allowed to engage in the sale of such beverages 24 hours a day, Monday through Saturday and on Sunday from 12:30 p.m. and 11:30 p.m. Notwithstanding this sub-subsection, a licensed farm winery tasting room located within a special entertainment district may sell packaged wine on Sunday from 12:30 p.m. until 12:00 midnight, as permitted by O.C. G. A. § 3-6-21.2.

**Section 2:** All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

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

AUG 20, 2012  
AUG 29, 2012

RCS# 2210  
8/20/12  
3:39 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I  
MONDAY, AUGUST 20, 2012  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 1

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

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>08-20-12 ITEMS ADVERSED ON CONSENT</b>
1. 12-O-0910 2. 12-O-0911 3. 12-O-1005 4. 12-O-0905 5. 12-O-0906 6. 12-O-0452 7. 12-O-0999 8. 12-O-1002 9. 10-O-2228 10. 12-O-1003 11. 12-O-1007 12. 11-R-1104 13. 12-R-0985 14. 12-R-0986 15. 12-R-0988 16. 12-R-0990 17. 12-R-0993 18. 12-R-0994 19. 12-R-0995 20. 12-R-0996 21. 12-R-1008 22. 12-R-1011 23. 12-R-1012 24. 12-R-1013 25. 12-R-1014 26. 12-R-1015 27. 12-R-1016 28. 12-R-1017 29. 12-R-1018 30. 12-R-1019 31. 12-R-1020 32. 12-R-1021 33. 12-R-1022 34. 12-R-1023	35. 12-R-1024 36. 12-R-1025 37. 12-R-1026 38. 12-R-1039	39. 12-R-1027 40. 12-R-1028 41. 12-R-1029 42. 12-R-1030 43. 12-R-1031 44. 12-R-1032 45. 12-R-1033 46. 12-R-1034 47. 12-R-1035