

12-0-1736
 (Do Not Write Above This Line)

AN ORDINANCE BY
 COUNCIL MEMBER MICHAEL JULIAN
 BOND

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 10, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 10-106 (ANNUAL RENEWAL), IN ORDER TO REQUIRE APPLICANTS FOR RENEWAL OF ALCOHOL LICENSES AT ESTABLISHMENTS, WHICH PURSUANT TO 10-88(G) ARE EXEMPTED FROM CERTAIN DISTANCE REQUIREMENTS CONTAINED IN SECTION 10-88, TO REPORT THEIR GROSS FOOD AND GROSS ALCOHOL SALES AT THE TIME OF RENEWAL, AND FOR OTHER PURPOSES.

Approved By: **ADOP**

Michael Julian Bond, Councilmember
 DEC 0

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: 11/9/12
 Referred To: Public Safety
 Date Referred
 Referred To:
 Date Referred
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee
 Date 11/27/12
 Chair [Signature]
 Action [Signature]
 Fav, Adv, Hold (See rev. side)
 Other _____
 Members 3 Years 1 at Georgia-Mississipi
Police Training Center

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 _____

ADOPTED BY
 COU:
 DEC 03 2012

COUNCIL
 Action _____
 Fav, Adv, Hold (See rev. side)
 Other _____
 Members _____

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

- FINAL COUNCIL ACTION
- 2ND
 - 1ST & 2ND
 - 3RD
 - Consent
 - V Vote
 - RC Vote
- Readings

CERTIFIED
 DEC 03 2012
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 DEC 03 2012
Ronald D. Simpson
 MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
 DEC 12 2012
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



AN ORDINANCE BY

COUNCILMEMBER MICHAEL JULIAN BOND

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 10, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 10-106 (ANNUAL RENEWAL), IN ORDER TO REQUIRE APPLICANTS FOR RENEWAL OF ALCOHOL LICENSES AT ESTABLISHMENTS, WHICH PURSUANT TO 10-88(e) ARE EXEMPTED FROM CERTAIN DISTANCE REQUIREMENTS CONTAINED IN SECTION 10-88, TO REPORT THEIR GROSS FOOD AND GROSS ALCOHOL SALES AT THE TIME OR RENEWAL; 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 and certain other types of businesses within its territorial limits; and

WHEREAS, Resolution 11-R-0936 was adopted by the City Council on June 20, 2011 and approved by the Mayor on June 29, 2011 established the Atlanta Alcohol Technical Advisory Group (ATAG) II; and

WHEREAS, the purpose of ATAG II is to review the laws, ordinances, and regulations applicable to the licensing and sale of alcoholic beverages in the City of Atlanta and the enforcement thereof; to ascertain and recommend improvements to said laws, ordinances, and regulations; and to present recommendations to the Mayor and the City Council; and

WHEREAS, in accordance therewith ATAG II has recommended that establishments which are exempted from certain distance requirements related to establishments licensed for the sale of alcohol other than package stores, be required to file reports disclosing their gross food and gross alcohol sales at the time or renewal; and

WHEREAS, currently, an applicant for renewal of a license to sell alcohol by the package which is exempt from certain distance requirements because they derive less than a certain percentage of their gross receipts from the sale of alcoholic beverages must provide the police department with a statement from a certified public accountant evidencing that a location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages; and

WHEREAS, it is therefore the desire of the City of Atlanta to amend the City of Atlanta Code of Ordinances at Chapter 10, Article II, Division 2, Subdivision II, Section 10-106



(Annual Renewal), in order to require applicants for renewal of alcohol licenses at establishments, which pursuant to 10-88(e) are exempted from certain distance requirements contained in Section 10-88, to report their gross food and gross alcohol sales at the time of renewal.

NOW THEREFORE, the City Council of the City of Atlanta Georgia, hereby ordains as follows:

SECTION 1:That Chapter 10, Article II, Division 2, Subdivision II, Section 10-106 of the City of Atlanta Code of Ordinances which currently reads as follows:

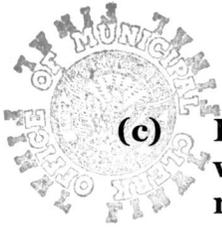
Sec. 10-106. - Annual renewal; forms.

All licensees under this division shall be required to renew their licenses annually on forms prescribed by the license review board on or before January 1 of the calendar year in which the licensee proposes to operate. All licensees who are dependent upon some contractual agreement or special exception to meet the minimum parking requirements set forth by the Zoning Code must provide, on an annual basis, proof that they will continue to have a contractual or legal interest in those spaces throughout the upcoming year. The failure of an applicant for renewal to provide such proof shall result in the denial of the application. All lessees located within any licensed premises shall be subject to this requirement, by submitting a renewal application contemporaneously with the primary renewal submitted by the licensee. The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that a location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license.

be amended so that it shall read as follows:

Sec. 10-106. - Annual renewal; forms.

- (a)** All licensees under this division shall be required to renew their licenses annually on forms prescribed by the license review board on or before January 1 of the calendar year in which the licensee proposes to operate.
- (b)** All licensees who are dependent upon some contractual agreement or special exception to meet the minimum parking requirements set forth by the Zoning Code must provide, on an annual basis, proof that they will continue to have a contractual or legal interest in those spaces throughout the upcoming year.
 - 1.** The failure of an applicant for renewal to provide such proof shall result in the denial of the application.
 - 2.** All lessees located within any licensed premises shall be subject to this requirement, by submitting a renewal application contemporaneously with the primary renewal submitted by the licensee.



(c) Each applicant for renewal of an alcohol license at an establishment, which pursuant to Section 10-88(e) is exempted from certain distance requirements contained in Section 10-88, shall report at the time of renewal, sales in even dollars and as a percent of the total, gross food sales in even dollars and as a percent of the total, and gross alcoholic beverage sales in even dollars and as a percent of a total.

1. The applicant for renewal shall report sales as described herein for the fifty-two week period preceding renewal, or for the period time following the initial issuance of the license, whichever is greater.
2. The failure of an applicant for renewal to report sales as required by this subsection, shall result in the denial of a renewed license.

(d) The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that a location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license.

SECTION 2: That this ordinance shall become effective June 1, 2013.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

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

DEC 03, 2012
DEC 12, 2012

RCS# 2473
12/03/12
4:21 PM

Atlanta City Council

12-O-1736

AMEND CHAPTER 10-106; ALCOHOL LICENSE
RENEWALS;REPORT GROSS FOOD/ALCOHOL SALES
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

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