

#1

1987

~~CORE~~ 12-1734

*Michael J. Bond*

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
Readings  
 Consent  V Vote  RC Vote

AN ORDINANCE  
BY: COUNCIL MEMBER  
MICHAEL J. BOND  
AN ORDINANCE TO ESTABLISH  
SECTION 10-109.1 OF THE CODE  
OF ORDINANCES OF THE CITY  
OF ATLANTA CHAPTER 10  
(ALCOHOLIC BEVERAGES),  
ARTICLE II (DEALERS AND  
MANUFACTURER), DIVISION 2  
(LICENSE), SUBDIVISION III  
(RENEWAL, REVOCATION  
TRANSFER) SO AS TO CREATE  
MANDATORY PROGRESSIV  
PENALTIES FOR "DUE CAUSE"  
FINDINGS MADE BY THE  
LICENSE REVIEW BOARD; TO  
WAIVE CONFLICTING  
ORDINANCES AND CODE  
SECTIONS; AND FOR OTHER  
PURPOSES. *substitute*

*PSLA* Committee  
Date *11/27/12*  
Chair \_\_\_\_\_  
Action  
Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To *PSLA*

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

CERTIFIED  
AUG 19 2013  
ATLANTA CITY COUNCIL PRESIDENT  
*CC*

CERTIFIED  
AUG 19 2013  
*Ronda Dushin Johnson*  
MUNICIPAL CLERK

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

ADOPTED BY  
AUG 19 2013  
COUNCIL

*PSLA* Committee  
Date *7/30/13*  
Chair *[Signature]*  
Action  
Fav, Adv, Hold (see rev. side)  
Other *ON Substitute*  
Members *[Signature]*  
Refer To \_\_\_\_\_

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

MAYOR'S ACTION  
APPROVED  
AUG 28 2013  
WITHOUT SIGNATURE  
BY OPERATION OF LAW

Date Referred: *11/19/12*  
Referred To: *Public Safety*  
Date Referred: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Date Referred: \_\_\_\_\_  
Referred To: \_\_\_\_\_

12-O-1734

**AN ORDINANCE BY COUNCILMAN MICHAEL J. BOND**

**AS SUBSTITUTED BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE**

**AS SUBSTITUTED BY THE FULL ATLANTA CITY COUNCIL**

**AN ORDINANCE TO AMEND SECTION 10-109(D) AND TO ESTABLISH SECTION 10-109.1 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA CHAPTER 10 (ALCOHOLIC BEVERAGES), ARTICLE II (DEALERS AND MANUFACTURER), DIVISION 2 (LICENSE), SUBDIVISION III (RENEWAL, REVOCATION TRANSFER) SO AS TO CREATE MANDATORY PROGRESSIVE PENALTIES FOR "DUE CAUSE" FINDINGS MADE BY THE LICENSE REVIEW BOARD AND PENALTIES IMPOSED BY THE MAYOR; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the city and its visitors; and,

**WHEREAS**, the alcoholic beverage laws, ordinances and regulations should be reviewed so as to ascertain and recommend improvements to the city's system of alcoholic beverage licensing and enforcement; and,

**WHEREAS**, pursuant to Resolution #11-R-0936, adopted June 20, 2011 and approved June 29, 2011, ATAG II was established; and,

**WHEREAS**, ATAG II was populated and held its first meeting on November 30, 2011; and

**WHEREAS**, ATAG II has held public input hearings in every quadrant of the city, has had experts from government and the private sector appear before its members, and has discussed, deliberated and debated the myriad of issues involved in the licensing and enforcement of alcoholic beverages; and

**WHEREAS**, at a duly noticed work session held on November 15, 2012, the members of ATAG II, voted to recommend the principles contained in this ordinance to the city council and the mayor.

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

**Section 1:** Section 10-109.1 of the Code of Ordinances of the City of Atlanta Chapter 10 (alcoholic beverages), Article II (dealers and manufacturer), Division 2 (license), Subdivision III (renewal, revocation transfer) is hereby established as follows:

**Sec. 10-109.1 Mandatory progressive penalties for “due cause” findings by the License Review Board and penalties imposed by the Mayor.**

(a) With respect to existing licenses, mandatory penalties for “due cause” findings by the ~~License Review Board and penalties imposed by the Mayor~~ shall be as follows:

- (1) **First violation – Minimum of 5-60 days to a maximum 180 days suspension of license and \$1,000 fine;**
- (2) **Second violation – Minimum of 30-180 days to one year suspension of license or revocation and \$1,000 fine;**
- (3) **Third violation – Revocation.**

(b) With respect to existing licenses, mandatory penalties for “due cause” findings by the ~~License Review Board and penalties imposed by the Mayor~~ with respect to licensees holding a license to sell alcoholic beverages for on-premise consumption shall be as follows:

- (1) **First violation – Minimum of 5-60 days to a maximum 180 days suspension of license and \$2,500 fine;**
- (2) **Second violation – Minimum of 30-180 days to one year suspension of license or revocation and \$2,500 fine;**
- (3) **Third violation – Revocation.**

**Section 2:** Section 10-109 (d) of the Code of Ordinances of the City of Atlanta, which currently provides as follows:

(d) The license review board shall conduct the hearings and report its conclusions and recommendations to the mayor. The mayor, upon receiving the report, may deny applications for new licenses or for transfer of location or transfer of ownership and may revoke, suspend or refuse to renew any license. In lieu of suspension, revocation or the failure to renew, the mayor may impose

a fine upon any licensee holding a license to sell alcoholic beverages for on-premise consumption, such fine not to exceed \$2,500.00 for each violation. For each violation pertaining to other licenses issued pursuant to this chapter, the mayor may impose a fine in an amount not to exceed \$1,000.00 in lieu of suspension, revocation or the failure to renew occurring on the licensed premises. The decision of the mayor may be appealed via Certiorari to the Superior Court of Fulton County.

**Is hereby amended to provide as follows**

(d) The license review board shall conduct the hearings and report its conclusions and recommendations to the mayor. The mayor, upon receiving the report, may deny applications for new licenses or for transfer of location or transfer of ownership and may revoke, suspend or refuse to renew any license **in accordance with Section 10-109.1. Except as provided in 10-109.1**, in lieu of ~~suspension~~, revocation or the failure to renew, the mayor may impose a fine upon any licensee holding a license to sell alcoholic beverages for on-premise consumption, such fine not to exceed \$2,500.00 for each violation. For each violation pertaining to other licenses issued pursuant to this chapter, **except as provided in 10-109.1**, the mayor may impose a fine in an amount not to exceed \$1,000.00 in lieu of ~~suspension~~, revocation or the failure to renew, occurring on the licensed premises. The decision of the mayor may be appealed via Certiorari to the Superior Court of Fulton County.

**Section 3:** 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 19, 2013  
AUG 28, 2013

RCS# 2950  
8/19/13  
4:35 PM

Atlanta City Council

12-O-1734

AMEND COA CODE 10-109(D) "ALCOHOLIC  
BEVERAGES" CREATE MANDATORY PENALTIES  
ADOPT ON SUB

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 0

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

12-O-1734