

13-0-1264

**First Reading**

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair Michael J. Bond  
 Referred To \_\_\_\_\_

2841  
**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 COUNCILMAN MICHAEL J. BOND

AN ORDINANCE TO AMEND 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.

PSLA Committee  
 Date 9/18/13  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

PSLA Committee  
 Date 11/26/13  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other ON Substitute #2  
 Members Clota Minalon No Rec  
 Refer To \_\_\_\_\_

**CERTIFIED**  
 DEC 02 2013  
 ATLANTA CITY COUNCIL PRESIDENT

**CERTIFIED**  
 DEC 03 2013  
 Rhonda Dunning Johnson  
 MUNICIPAL CLERK

FILED  
 DEC 02 2013  
 substitute

- CONSENT REFER
  - REGULAR REPORT REFER
  - ADVERTISE & REFER
  - 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
  - PERSONAL PAPER REFER
- Date Referred: 9/3/13  
 Referred To: Public Safety  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_

PSLA Committee  
 Date 10/15/13  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other ON Substitute #1  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

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

**MAYOR'S ACTION**

RCS# 3193  
12/02/13  
4:25 PM

Atlanta City Council

13-O-1264

AMEND COA CODE SECTION 10-109.1  
ALCOHOLIC BEVERAGES  
FILE

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

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

13-O-1264

**AN ORDINANCE**

**BY COUNCILMAN MICHAEL J. BOND**

**AS SUBSTITUTED BY PUBLIC SAFETY-LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND 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**, one of the issues discussed, deliberated and debated by ATAG II was the imposition of penalties on licensees upon violations of the Alcoholic Beverage Code of Ordinances; and

**WHEREAS**, on May 8, 2013, ATAG II took a vote on each of myriad issues to determine whether to include a recommendation regarding each specific issue in a final report to the City Council;

**WHEREAS**, the City Council recognizes that the Georgia Department of Revenue has had a long-standing policy of utilizing a penalty matrix in regard to the imposition of penalties for violations by alcohol license holders which: categorizes violations by severity, allows for consideration of both mitigating and aggravating circumstances related to violations, imposes only financial penalties for some violations and a mix of financial and suspension and/or revocation penalties for more severe violations, and which utilizes a three (3) year review period to assess the number of violations attributed to a licensee when imposing an adequate penalty for a current violation; and

**WHEREAS**, in addition to establishing a penalty matrix based on the category and severity of the violation, the City Council also desires to implement a finite period of time within which violations by alcohol license holders are calculated, comparable with that of the Georgia Department of Revenue's three (3) year review as referenced immediately above; and

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

**Section 1:** Chapter 10, Article II, Division II, Section 10-109.1 of the Code of Ordinances of the City of Atlanta is hereby amended to delete the current language contained in said section and to insert in lieu thereof the following language:

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

- (a) **Purpose.** The purpose of this Subsection is to establish a standard by which the mayor may determine the financial penalties to be assessed, the length of license suspensions and/or the propriety of revocations after he or she reviews the conclusions and recommendations of the License Review Board following a "due cause" hearing. The License Review Board, in making its conclusions and recommendations, shall consider all of the standards established by this section. This section shall apply to licensees of all premises licensed under this Chapter and the penalties herein shall be presumed to be appropriate. The License Review Board may recommend deviation from and the mayor may deviate from the presumptive penalty when he/she or it finds that there exists extenuating, aggravating, and/or mitigating, reasons to deviate, including, but not limited to a licensee's efforts, in combination with the state or the city, to prevent the sale of alcohol of minors, and those other circumstances as set forth in this section below. When deviating from these standards, the mayor shall provide written findings supporting the penalty selected.

<u>Sub-Section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1<sup>st</sup> Violation</u>	<u>Penalty Recommendation 2<sup>nd</sup> Violation</u>	<u>Penalty Recommendation 3<sup>rd</sup> Violation</u>
(3)	Failure to timely renew.	10-61	A Fine between \$500.00 and \$1,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,000.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and a Suspension between 1 Day and 3 days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and a Suspension between 1 Day and 3 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(4)	Failure to timely file CPA reports with renewals.	10-109(a)(18)	A Fine between \$500.00 and \$1,000.00, and/or a Suspension between 1 Days and 3 Days subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$1,000.00, and/or a Suspension between 3 Days and 5 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and a Suspension of 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.

<u>Sub-Section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1<sup>st</sup> Violation</u>	<u>Penalty Recommendation 2<sup>nd</sup> Violation</u>	<u>Penalty Recommendation 3<sup>rd</sup> Violation</u>
(12)	Failure to post sign regarding removal of alcohol from premises.	10-212	A Fine between \$500.00 and \$1,500.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$2,500.00, and/or a Suspension between 1 Day and 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$2,500.00 and a Suspension between 3 Days and 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(13)	Failure to post sign on package store.	10-213	A Fine between \$500.00 and \$500.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$1,000.00, and/or a Suspension between 1 Day and 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$1,000.00 and a Suspension between 3 Days and 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(14)	Failure to abide by fire or health codes.	10-215	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension of 1 Day, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$1,500.00 and/or a Suspension of 1 Day, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,000.00 and/or a Suspension between 1 Days and 3 Days subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 5 days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(15)	Crediting drink price to cover charge or admission fee.	10-219	A Fine between \$500.00 and \$1,500.00, subject to mitigating and/or aggravating factors.	A Fine between \$1000.00 and \$2,500.00, and/or a Suspension between 1 Day and 2 Days, subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension of 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(16)	No underage person loitering.	10-222	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of between \$500.00 and \$1,500.00, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of between \$500.00 and \$2,000.00 and/or a Suspension between 1 Days and 3 Days subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(17)	Failure to uniformly apply dress code.	10-227	A Fine between \$500.00 and \$1,500.00, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$2,500.00, and/or a Suspension between 1 Day and 3 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$2,500.00, and a Suspension between 3 Days and 5 Days and/or Revocation, subject to mitigating and/or aggravating factors.

<u>Sub-Section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1<sup>st</sup> Violation</u>	<u>Penalty Recommendation 2<sup>nd</sup> Violation</u>	<u>Penalty Recommendation 3<sup>rd</sup> Violation</u>
(22)	Failure to provide agreements that reflect or control ownership, division of profits, sharing of revenues of any kind, including payment of rents, or which agreements reflect any other arrangements in connection with ownership, rents, profit sharing or income application upon request of the Police Department, and/or failure to furnish any and all data, information, and records related to the operations of a licensed establishment, when such has been requested by the Police Department or the License Review Board.	10-31 10-109(a)(9)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(23)	Providing false information in an application.	10-49	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 Days and 30 Days, and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(24)	Failure to disclose change of ownership interest in liquor store.	10-64	A Fine between \$500.00 and \$1,000 and/or a Suspension between 0 Days and 10 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$1,000.00 and/or a Suspension between 10 Days and 30 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors.
(25)	Interest in more than two (2) liquor stores.	10-64	A Fine between \$500.00 and \$1,000 and/or a Suspension between 0 Days and 10 Days, subject to mitigating and/or aggravating factors.	A Fine between \$500.00 and \$1,000.00 and/or a Suspension between 10 Days and 30 Days, subject to mitigating and/or aggravating factors.	A Fine of \$1,000.00 and Revocation, subject to mitigating and/or aggravating factors.

<u>Sub-Section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1<sup>st</sup> Violation</u>	<u>Penalty Recommendation 2<sup>nd</sup> Violation</u>	<u>Penalty Recommendation 3<sup>rd</sup> Violation</u>
(32)	Employment of entertainer who is less than 18 years-of-age without permission of parent or guardian.	10-208	A Fine between \$500.00 and \$2,500.00 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors	A Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	A Fine of \$2,500.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(33)	Selling/delivering alcohol beyond premises.	10-212	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and/or a Suspension between 5 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and/or a Suspension between 5 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(34)	Misrepresentation of alcohol product.	10-216	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(35)	Maintenance of Coin Operating Amusement Machines in package store.	10-221	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(36)	Discrimination in admission or cover charge.	10-223 10-224 10-109(a)(13)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.

<u>Sub-Section No.</u>	<u>Type of Violation</u>	<u>Code Section</u>	<u>Penalty Recommendation 1<sup>st</sup> Violation</u>	<u>Penalty Recommendation 2<sup>nd</sup> Violation</u>	<u>Penalty Recommendation 3<sup>rd</sup> Violation</u>
(42)	The selling or serving of any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be in a state of intoxication.	10-109(a)(7)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 0 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and/or a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and/or a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(43)	The failure to obtain prior approval of the mayor after hearing by the license review board for changing the type of establishment operated pursuant to Section 10-62.	10-109(a)(11)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 3 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension between 10 Days and 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.
(44)	Permitting the sale of illegal drugs on the licensed premises where the licensee or the licensee's employee or agent knew or should have known of such conduct.	10-109(a)(19)	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and/or a Suspension between 1 Days and 3 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine between \$500.00 and \$1,000.00 and a Suspension between 5 Days and 10 Days, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine between \$500.00 and \$2,500.00 and a Suspension between 5 Days and 10 Days, subject to mitigating and/or aggravating factors.	For all licensees except for retail consumption on premises licensees, a Fine of \$1,000.00 and a Suspension of 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.  For all retail consumption on premises licensees, a Fine of \$2,500.00 and a Suspension of 30 Days and/or Revocation, subject to mitigating and/or aggravating factors.

(f) **Computation of Violations.** In determining the penalty for a current violation, the mayor may consider any previous violation of the same type which has occurred within thirty-six (36) months of the date of the current violation being considered for penalty. The date of the previous violation shall be the date from which the thirty-six (36) month period commences. In assessing a penalty for a specific violation, the mayor is prohibited from considering violations of the same type which took place more than thirty-six months before the occurrence of the violation being considered.

(g) **Extenuating, Aggravating and Mitigating Circumstances.** In determining the penalty to impose on a licensee for any violation or for multiple violations of the law by the licensee, the License Review Board shall and the mayor shall consider extenuating, aggravating and/or mitigating circumstances, including but not limited to the following:

1. Implementation and components of the licensee's written alcohol awareness training policies;
2. Implementation and results of licensee's engagement in a mystery shopper program;
3. Implementation and components of licensee's management and employee training program;
4. The number of violations of the licensed business in the city of Atlanta within the three (3) years immediately preceding the violations being considered;
5. The number of violations of the licensee in the city of Atlanta within the three (3) years immediately preceding the violations being considered;
6. The length of time the licensee has been in business;
7. Whether the compliance check was due to a complaint;
8. Whether identification was checked; and
9. Any other facts properly in the record deemed relevant by the mayor.

(h) **Public notice of "Due Cause" hearing.** A first read notice of a "due cause" charge(s) and hearing date shall appear on one of the two monthly License Review Board meeting agendas and shall serve as notice to the general public. The License Review Board shall not conduct the "due cause" hearing until after the "due cause" charge has been published twice on the License Review Board Agenda.

**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.