

**AN ORDINANCE BY COUNCILMEMBER KWANZA HALL**

**AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-126.2 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE PERMITTED DURATION OF SPECIAL EVENT ALCOHOL LICENSES FOR TRAVELING COMPANIES PROVIDING PUBLIC ENTERTAINMENT; TO CORRECT AN ERROR IN ORDINANCE 00-O-1851, 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 benefits from attracting national and international traveling companies and wishes to ensure that the City's regulatory requirements do not discourage this type of entertainment from visiting the City of Atlanta; and

**WHEREAS**, having determined that it was in the best interest of the citizens of the City of Atlanta to amend the City's requirements related to special events to identify a special class of event defined by its national and/or international status, the Mayor and City Council in ordinance #00-O-1851 enacted Chapter 10, Article II, Section 10-126.2 of the City of Atlanta Code of Ordinances which created a special event alcohol license for traveling companies providing public entertainment; and

**WHEREAS**, Chapter 10, Article II, Section 10-126.2 of the City of Atlanta Code of Ordinances has successfully enabled traveling companies providing public entertainment to visit the City of Atlanta; and

**WHEREAS**, due in part to the success of Chapter 10, Article II, Section 10-126.2 of the City of Atlanta Code of Ordinances, traveling companies providing public entertainment in the City of Atlanta have expressed an interest to extend their visits to the City of Atlanta in excess of the ninety (90) day license period provided in Chapter 10, Article II, Section 10-126.2 of the City of Atlanta Code of Ordinances; and

**WHEREAS**, due to the benefits to the City of Atlanta and its citizens from the presence of traveling companies providing public entertainment and the City of Atlanta's desire to ensure that the City's regulatory requirements do not discourage this type of entertainment from visiting the City of Atlanta for periods in excess of ninety (90) days, the City of Atlanta wishes to ensure that the City's regulatory requirements do not discourage this type of entertainment from visiting the City of Atlanta for periods in excess of ninety (90) days; and

**WHEREAS**, when enacting Chapter 10, Article II, Section 10-126.2 of the City of Atlanta Code of Ordinances, ordinance #00-O-1851 identified an incorrect time for ceasing alcohol sales on Sundays of 12:00 p.m. rather than midnight.

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

**SECTION 1:** The provisions of Chapter 10, Article II, Section 10-126.2 of the City of Atlanta Code of Ordinances be amended by striking Sections 10-126.2 (a) and (b) and replacing them as follows:

(a) For purposes of this section, the term "traveling companies providing public entertainment" means any national or international company which travels to various locations throughout the country to provide public entertainment for a limited time period of no more than ~~365~~ **90** days.

(b) Upon filing an application and payment of a filing fee of \$100.00 and a permit fee of \$500.00 per day, up to a maximum of \$5,000.00, and after investigation by the department of police and review by the license review board, the mayor may issue a permit to an individual or organization authorizing the sale of alcoholic beverages for consumption on premises only during the performance of a show by a traveling company providing public entertainment under the following conditions:

(1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption.

(2) The permit will allow the sale of alcoholic beverages beyond the premises described in the annual license only in the areas specifically described in the application and only during the period specified in the application.

(3) The application for such permit must have been filed with the department of police at least 30 days prior to the date of the special event.

(4) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other city ordinances governing such sales, except those provisions of the Code of Ordinances in express conflict with this Code section.

(5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this section between the hours of 12:30 p.m. and **midnight**~~12:00 p.m.~~ in eating establishments. As used in this subsection, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food in accordance with O.C.G.A. § 3-3-7.

(6) Each such special event permitted pursuant to this section must comply with the following conditions:

- a. Said permit shall last for a period not to exceed ~~365~~90 days;
  - b. The area in which the special event is held must be fenced;
  - c. The applicant must submit a site plan for the special event;
  - d. The applicant must provide a traffic plan and a security plan, and said plan must be approved by the police department; and
  - e. The applicant must submit a plan for removal of trash and provision of toilet facilities, and said plan must be approved by the department of public works.
- (7) Food must be served during any period of time that alcoholic beverages are served.
- a. A special event permit issued pursuant to this Code section may be denied, suspended or revoked by the mayor for due cause for a violation of this chapter in accordance with the procedures provided in section 10-109.
  - b. A special event permit may be immediately suspended or revoked by the chief of police for due cause for a violation of this chapter when such violation results in an emergency situation in which continued operations of the premises by the licensee endangers the health, safety and/or welfare of the public. A hearing on the suspension or revocation shall be held at the next regularly scheduled meeting of the license review board. Prior publication on the license review board agenda shall not be required for such hearing. Thereafter, the procedures for suspension or revocation of the special event permit provided in section 10-109 shall be followed.

**SECTION 2:** This ordinance shall become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

**SECTION 3:** Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.