

A RESOLUTION

BY COUNCILMEMBER MICHAEL JULIAN BOND

**A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE ALCOHOL TECHNICAL ADVISORY GROUP II; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Resolution 11-R-0936, adopted unanimously by the City Council on June 20, 2011 and approved by the Mayor on June 29, 2011, the Alcohol Technical Advisory Group II was created 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 City Council; and,

**WHEREAS**, seventeen representatives served on ATAG II appointed by the Mayor, City Council, and various community and business groups (see "Exhibit A"); and,

**WHEREAS**, since December 2011, ATAG II has held eighteen regular meetings on the second Wednesday of each month, sixteen work sessions on the third Thursday of each month and nine public input sessions held at various locations in each quadrant of the City including the Rosel Fann Recreation Center, Inman Park Middle School, Grove Park Recreation Center and Cathedral of Christ the King Church; and,

**WHEREAS**, during regular monthly meetings various presentations were made to the ATAG II Board, including: City of Atlanta Departments of Revenue, Law and Solicitor; Office of the Mayor, Citizens Advocate; Atlanta Police Department, License & Permits Unit; Atlanta Police Department, Vice Unit; Georgia Department of Revenue, Alcohol & Tobacco Division; Gwinnett County, Licensing & Revenue Department; Gwinnett County, Vice /Alcohol Squad; City of Decatur, City Attorney's Office; and,

**WHEREAS**, regular monthly meetings were televised live on City Channel 26. Regular monthly meetings, work sessions and public input meetings were all digitally recorded and are available on the City Council's "Meeting Videos" web page <<http://citycouncil.atlantaga.gov/VIDEO.HTM>>; and,

**WHEREAS**, the Office of Planning produced several maps illustrating the city-wide dispersion of alcohol licenses classified by density, median income, ethnicity, NPU and police beat (see "Exhibit B"); and,

**WHEREAS**, based on extensive input from the public, ATAG II prepared a list of conceptual recommendations, in response to the broad range of identified concerns, for consideration by the Council and Mayor; and,

**WHEREAS**, ATAG II developed an issues list that was a direct result of public input (“Exhibit C”) and on May 8, 2013 the members of ATAG II voted on the conceptual recommendations developed to address the identified concerns (see “Exhibit D”). An additional report gives background and provides the rationale for the recommendations (“Exhibit E”); and,

**WHEREAS**, although not all conceptual recommendations received majority votes from the ATAG II members, all concerns that were identified to ATAG II by the public are included in the final list of recommendations prepared by ATAG II.

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

**Section 1:** ATAG II has made the following recommendations to the Mayor and City Council for their consideration.

**Section 2:** All resolutions or part of resolutions in conflict herewith are hereby rescinded.

**APPOINTED BY**

**Mayor:**

**City Council President:**

**City Council Public Safety Committee Chair:**

**City Council Councilmembers:**

**Council Districts 1, 2, 3, 4 and Post-1:**

**Council Districts 5, 6, 7, 8 and Post-2:**

**Council Districts 9, 10, 11, 12 and Post-3:**

**Atlanta Planning Advisory Board:**

**License Review Board:**

**Independent Bar & Restaurant  
Association of Georgia:**

**Georgia Alcohol Dealers Association:**

**Georgia Restaurant Association:**

**National Association of Licensing &  
Compliance Professionals:**

**Gate City Bar Association:**

**Atlanta Bar Association:**

**Atlanta Metro Chamber of Commerce:**

**CITY STAFF:**

**Law Department:**

**Atlanta Police Department,  
License and Permits Unit:**

**City Council Staff:**

**Office of Councilmember Michael J. Bond:**

**APPOINTEE**

Scott Selig

Martha Porter Hall

Michael Bond, Post At-Large (Chair)

Kwanza Hall, District 2

Ivory Lee Young, District 3

Ron Lall (Vice-Chair)

Dianne Olansky

Renee Bailey

Rashid Muhammad

William Lobb

Pino G. Venetio

Mac Thurston

Clay Mingus, Esq.

Michael Sard, Esq.

Hakim Hilliard, Esq.

Lisa Morchower, Esq.

Open

Amber Robinson, Senior Assistant  
City Attorney

Sgt. Edward Davis

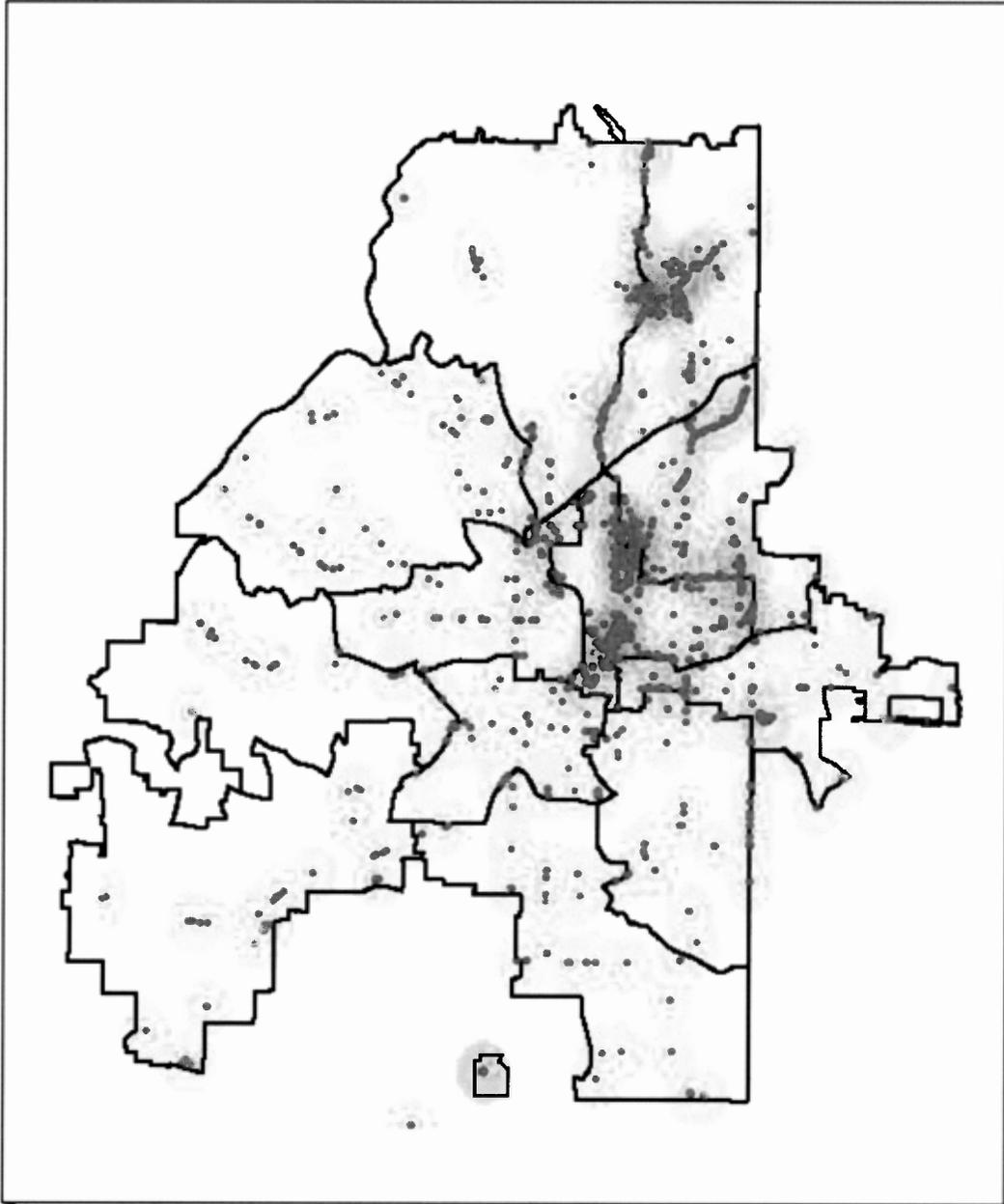
Bernard Thomas, Policy and  
Research Analyst

Wasonna Griffin, Legislative  
Analyst

Kristina Garcia-Buñuel, Senior  
Legislative Aide

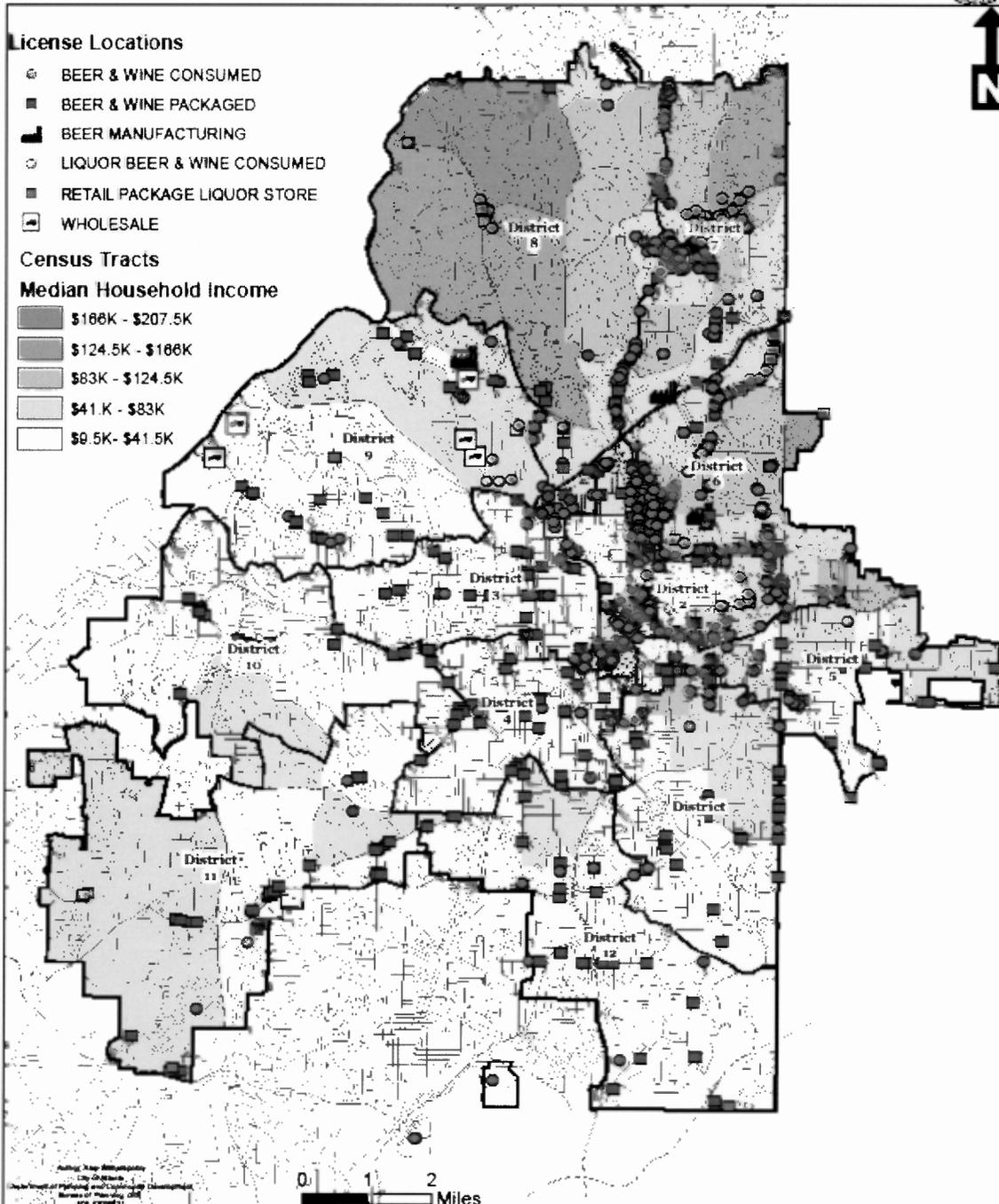
Exhibit A

City of Atlanta  
Density of Alcohol Licenses

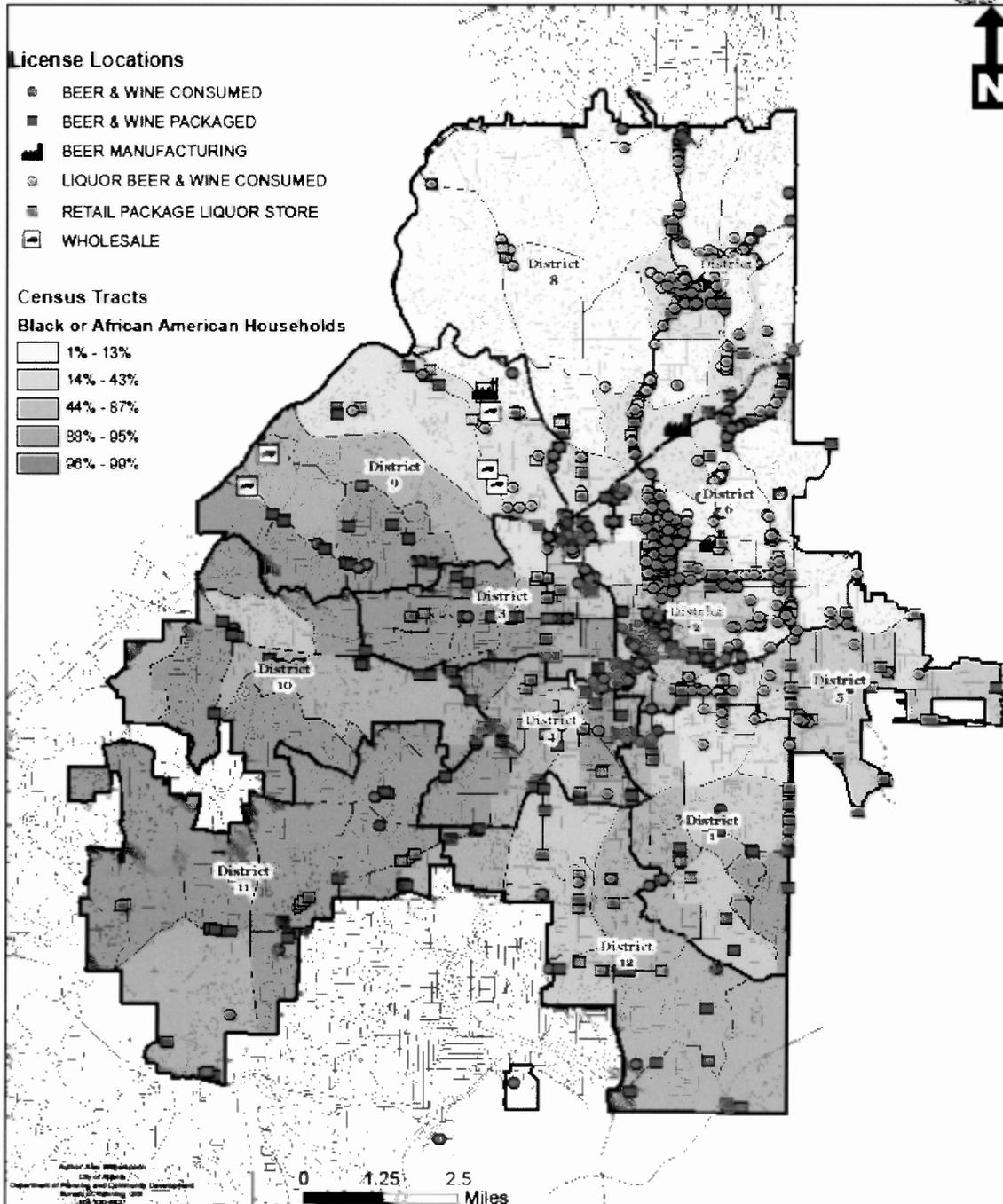


*This map was created using a list of active Alcohol Licenses as of June 2012*

# City of Atlanta Locations of Alcohol Licenses



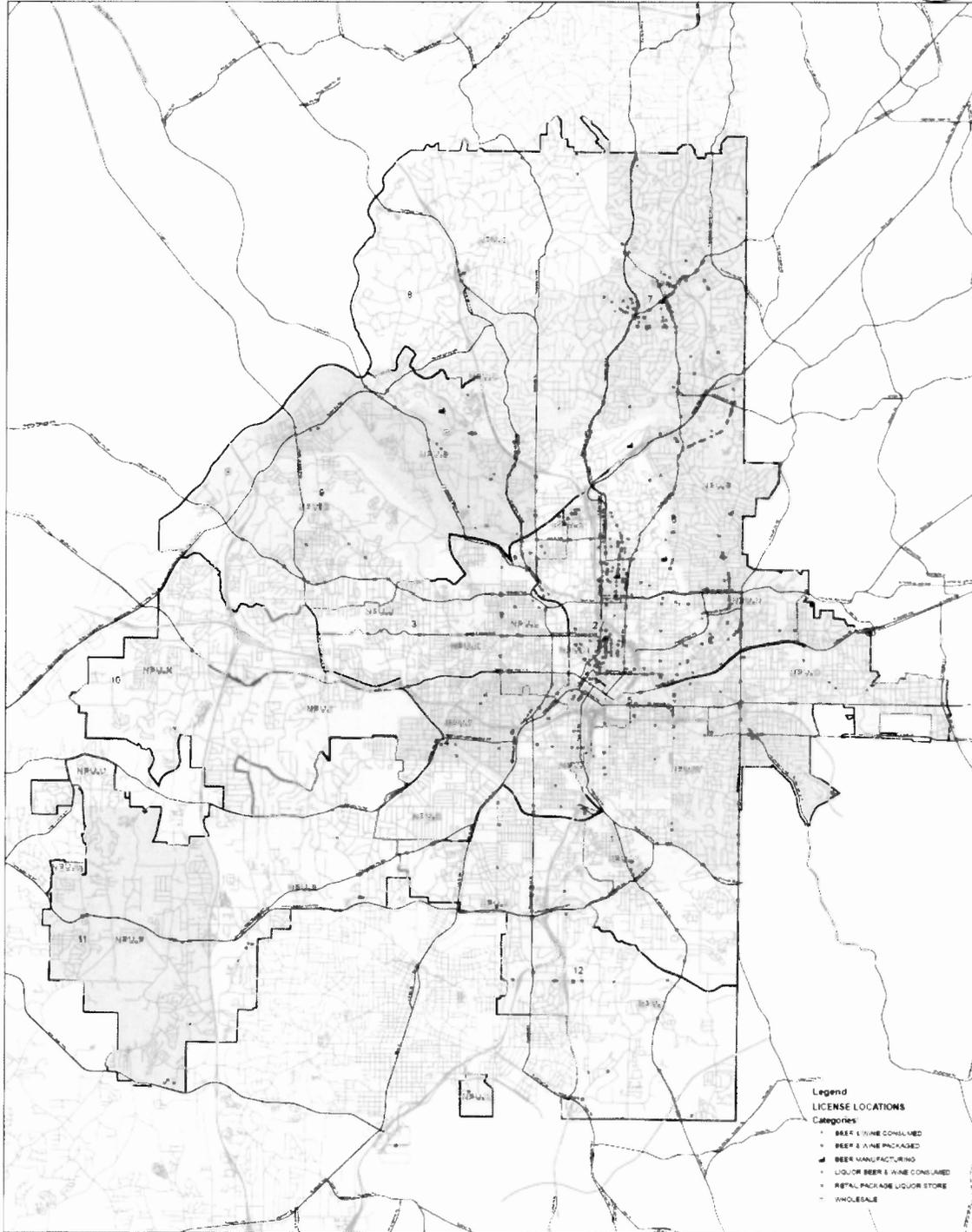
# City of Atlanta Locations of Alcohol Licenses



City of Atlanta  
Locations of Alcohol Licenses



# City of Atlanta Locations of Alcohol Licenses



Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

A	B	C	D	E	F
	Issue (brief statement of the matter)	Explanation (full description of the problem, correction, challenge etc., so that someone not familiar with the issue will understand it)	Potential resolution (describe the method through which the issue could be resolved, addressed, corrected etc.)	Issue Type	
1	Provide sufficient guidance on role of Neighborhood Planning Units (NPUs).	Ensure the City's Alcohol Code reflects the reality of what neighborhoods can actually do when it comes to influencing/impacting the issuance of beer, wine and/or liquor licenses. Make this clear to communities so they can be more effective in addressing the issues associated with owners of such licenses.	City attorney to review section 10-48 with APAB; Add language of 10-48 to NPU Report Form	Application	
2	Timeliness of the NPU process.	Often NPUs will refer the license application to a Public Safety sub-committee for review and recommendation.	City attorney to review section 10-48 (60 day/1 meeting limitation) with APAB; Add 10-48 to NPU Report Form	Application	
3	Revise and streamline the application process.	The application is long, confusing and does not reflect the language of the Code of Ordinances. The application must be clearly reflect the language of the code. It also requires too much time on the part of both the License & Permits Unit as well as the applicant.		Application	
4	License applicants should be should be fully knowledgeable of the relevant Code.	During License Review Board meetings applicants are simply asked if they are familiar with the Code and perhaps one or two other questions. This is not sufficient to demonstrate a true understanding of the Code.	Applicants for alcohol licenses should be tested for their understanding of the City's Alcohol Code.	Application	
5	Tighten the license renewal process.	The license renewal process should review for violations/citations/911 calls during the prior year.		Application	
6	Application info is not easily available.	Application information is not available on-line and has to be requested of the APD. APD records are all paper based and are not easily accessible to staff or to the public.		Application	
7	Application status is not available.	Once an application is under review, there is no mechanism through which an applicant or the public can track the review process and status of the different stages of the review.		Application	
8	Applicant knowledge	Applicant is not required to demonstrate knowledge of the ordinance. There should be an objective measure of the applicant's knowledge of the ordinance, demonstrated at the time of application of the license, and perhaps periodically every X years after that.		Application	
9	Limited background checks.	Background checks are run only on the applicant/agent and not on all of the persons involved with the ownership of the business. Not clear whether background checks of violations in other jurisdictions are also considered as part of background check or renewal process. Mike Sard: This is not so. 100% of ownership interest of private companies are identified and when individuals, are subjected to criminal background investigations.		Application	
10	Unclear from application whether applicant applying for full year or half year license		APD to add check box to page 1 of application indicating whether license is for 7 -12 months or 1 - 6 months	Application	
11	Lack of enforcement of Chapter 10 violations.	License and Permits Unit does not have enough staff to vigorously surveil, identify and cite violators. As a result, problem locations grow into loci of criminal and/or nuisance activity.	City council resolution requesting Mayor Reed to add police officers to APD licenses and permits unit	Enforcement/ Operational	
12	Alcohol servers should be fully knowledgeable of the relevant Code.	Servers without a proper and thorough knowledge of the Alcohol Code endanger the public, the establishments' customers and the holder of the alcohol license.	Individuals serving alcohol should be tested for their understanding of the City's Alcohol Code.	Enforcement/ Operational	
13	Clarify Code as pertains to due cause and denial provisions.			Enforcement/ Operational	

Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

A	B	C	D	E	F
5	14 City departments are understaffed.	The City Solicitor and APD License & Permit Unit need staffing increase to adequately administrate, enforce and prosecute cases.	City council resolution requesting that Mayor Reed direct resources to these offices	Enforcement/ Operational	
6	15 Clarify use of license fees.	Are the license fees charged to applicants being used solely for the licensing process.	Review police department budget	Enforcement/ Operational	
7	16 Consistency between regulation and enforcement.			Enforcement/ Operational	
8	17 No audit function.	There is no internal or external audit function associated with the issuance and renewal of alcohol licenses.		Enforcement/ Operational	
9	18 Temporary permits	No notification provided to NPU when temporary permit is applied for/issued. Renee: No formal process other than the Police Chief approving the license. No individual should have power to approve license without supporting evidence of applicant's business practices/community input. Mike Sard: Such licenses are revocable without cause and only used for previously licensed establishments. Temporary license must be for same type of business as former license		Enforcement/ Operational	
0	19 Tighten the license renewal process		All licensed establishments with more than 2 calls for service in the previous 12 months shall automatically be sent before LRB. Mandatory notification of the NPU and Councilmember of the upcoming LRB date.	Enforcement/ Operational	
1	20 Under-reporting of violations in businesses holding alcohol licenses.	For example, in situations where a business holds a restaurant liquor license and does not maintain a functioning/stocked kitchen.	Develop a system allowing building/health inspectors to easily report obvious violations to the License and Permits Department.	Enforcement/ Operational	
2	21 Hold license owners more accountable for the violence/trash/crime/noise that takes place in their parking lot and surrounding area.	At this time license owners can avoid accountability for violence that starts inside their business by simply pushing it out onto the street or into the parking lot.		Enforcement/ Operational	
3	22 Fines issued by the Solicitors Office do not discourages violations.		Increase the amount of fines issued by the Solicitors Office to an amount which discourages violations.	Enforcement/ Operational	
4	23 Hold property owner accountable for actions of those alcohol license-holders leasing from them.			Enforcement/ Operational	
5	24 APD officers working second jobs in alcohol licensed establishments should carry ticket books so they can issue citations.			Enforcement/ Operational	
6	25 Ordinance language needs to be reviewed and modified to be consistent with current case law rulings.	The language of the ordinance cannot be in conflict with Court decisions that have been handed down since the ordinance was last updated. One example of this need for updating comes through the Marietta vs Goldrush case, which addressed the property owner's right to an alcohol license.	Identification of conflicting language and then editing/correction of conflicting language.	Policy	

Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

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7	26 Should permit/pouring licenses be required.			Policy	
3	27 Due cause criteria inadequate and/or ineffective.	Criteria listed are inadequate and/or poorly worded making interpretation subjective. Enforcement of the listed criteria is not taking place.		Policy	
9	28 Language in ordinance needs improvement to remove ambiguity and to increase clarity - various clauses.	There are a number of clauses in the ordinance that need to be reworded to better express the intent of the ordinance.		Policy	
0	29 No training or certification requirements for alcohol servers.	Ordinance does not establish any minimum training or certification standards for bartenders or waiters/waitresses who serve alcohol.		Policy	
1	30 Role of the LRB	Function of LRB does not add any value to the license review and approval process. Function is purely administrative for the majority of license applications. For those situations where an application is being contested, the LRB process does not achieve an equitable balance of community and applicant interests.		Policy	
2	31 Role of the Mayor	Role of Mayor's office in giving final approval to alcohol licenses does not add any value to the review and approval process.		Policy	
3	32 License categories do not reflect actual practice at licensed locations.	Locations that operate as restaurants and then switch to being bars later at night put pressure on neighborhoods with increased noise, trash, parking and other quality of life impacts.		Policy	
4	33 Inconsistent administration of the license review process between NPUs.	The review and comment process varies from one NPU to the next with no consistent approach or decision making tools being used across the City.		Policy	
5	34 Capacity of License & Permits to properly administer the alcohol license program.	Limited staff, limited resources and complicated workflow processes make the process of applying for and obtaining a license a challenging one for business owners.		Policy	
6	35 Applicants pay for either a one year or a six month license, with no option for smaller initial license increments.	If an applicant submits an application for a license during months 1 through 5, they have to pay for a 12 month license. If an applicant submits an application for a license during months 6 to 12, they have to pay for a 6 month license. There is no option to pay a license fee based on just the number of months remaining in the calendar year.	Amend alcohol code to allow monthly proration of license fee.	Policy	
7	36 Excessive cost of legal advertisement of alcohol license applications in Atlanta Journal Constitution (typically \$1600 - \$2100)	Fewer people read newspapers. The cost is excessive. AJC has moved out of Atlanta.	Legislation for alternative means such as Fulton County Daily Report or posting on City of Atlanta website. Consider eliminating requirement as License Review Board agenda is published on the City of Atlanta website.	Policy	
8	37 Practice of Bring Your Own Bottle (BYOB) to businesses	Some businesses that hold alcohol licenses permit customers to bring their own alcohol. The alcohol code identifies businesses that allow guests to BYOB to be "bottle houses" and requires that a bottle house license issue. However, the City of Atlanta has not granted a "bottle house" license is many, many years	Adopt a law to permit BYOB at businesses licensed for on premises consumption without requirement for additional licensing	Policy	

Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

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38	City of Atlanta does not have a law that authorizes catering of alcohol, although authorized by state law	State law empowers local governments to adopt laws to allow retail licensees to cater alcoholic beverages off premises. The City of Atlanta does not have such an ordinance. Instead on premises consumption licensees may apply for no more than 2 special event licenses each calendar year. The 2 event limit restricts the ability of licensees to lawfully cater events. Also, special event licenses are expensive (\$500 per day) and require much advance planning (application to be filed at least 30 days in advance of the event). Businesses who abide by the law lose out on business opportunities to those caterers who cater functions without an alcohol license. Also, the public is at risk because non-licensees are catering events with alcohol in the city of Atlanta.	Adopt a catering alcohol license in accordance with state law.	Policy	
39	City of Atlanta non - profit special event law does not conform to state law	State law authorizes non-profits to hold as many as six (6), three (3) day event each year. The city code authorizes only six (6), one (1) day permits	Amend existing law in accordance with state law	Policy	
40	Unlike other local governments, the City of Atlanta does not have a mechanism to create exemptions to the distance requirements in the alcohol code short of the creation of new laws.	As in Cobb County and Athens Clarke County, create a process for applicants to request and for the City of Atlanta to evaluate a process to waive distance requirements for alcohol licenses.	Amend existing law.	Policy	
41	Relax distance requirements for boutique distilled spirits package shops	There has been a growth of craft distilleries in the U.S. Small neighborhood stores, like wine specialty shops, would allow the growth of this sector of the market and encourage walkable, live, work and play neighborhoods	Amend existing law. Still subject to state law.	Policy	
42	End prohibition against selling reduced price drinks up to 1/2 normal price	In a challenging economy, this will facilitate more traffic at dinner time in local establishments. Practice allowed in some metro Atlanta cities/counties. Many businesses illegally offer 1/2 priced bottles of wine in the City of Atlanta. Legalizing this practice will create a level playing field between businesses	Amend existing law.	Policy	
43	Tailgate parties and other private functions at locations for which business licenses are issued are prohibited without an alcohol license	Venues too small to be convention centers where family reunions, weddings, etc. are held allowed guests to BYOB for private functions. Alcohol was not sold at these functions. City law adopted 8/2011 requires such functions to be licensed. This is not cost effective for small businesses. Law prohibits Falcons tailgate parties in pay parking lots with	Amend existing law to assure that desired harm - unauthorized parties for pay - are regulated while truly private functions can continue	Policy	

Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

	A	B	C	D	E	F
5	44	Additional facility alcohol license fees are excessive and nonsensical	Cost of additional facility license is equal to cost of an annual license. City does not need 2x the fee to regulate alcoholic beverages at such businesses. Regardless of size/capacity, requirement of an additional facility license is determined by visibility of 2 points of sale from one another. A 20,000 sq ft one story space w/ 10 bars and capacity for 1,500 pays 1 annual license fee, typically \$5,000. A 2 story 1,000 sq ft building with capacity of 60 and a bar on each floor pays 1 annual license fee, typically \$5,000 + 1 additional facility license fee of \$5,000 for a total of	Create license pricing and # of licenses based on capacity of business or dramatically reduce the price of additional facility licenses.	Policy	
6	45	Time of receipt of alcohol license should be more predictable and less dependent upon the mayor's schedule	While current law authorizes the Mayor to issue alcohol licenses based on building plans submitted to and approved by the Bureau of Building, Fire Department, etc. at the conclusion of the filing/NPU/LRB process, the Mayor routinely does not exercise this authority. Once the applicant completes the filing process and then completes construction i.e., receives C.O., food service permit and fire department final approval, only then does the Mayor consider the application based on her/his schedule. After a licensing process of many months, it is frustrating for a licensee, who has trained staff, marketed its opening and is paying various expenses without revenue, to wait for Mayoral approval.	Amend the law to allow Mayor to approve licenses "subject to final inspection" for prompt consideration of applications and in such cases, authorize the business license office to issue the alcohol license upon receipt of the C.O., food service permit and final fire approval. This will allow for more orderly openings of business and alleviate stress in the licensing process.	Policy	
7	46	Grandfathering allows a business to forever remain non conforming to updated city zoning. This negates the city's comprehensive development plan indefinitely.	When business owners sell nonconforming use businesses, the nonconforming use is grandfathered, allowing new owner to continue noncompliance. For example, a nightclub in an area rezoned for neighborhood commercial and failing the distance requirements from single family homes. Years after the rezoning, the nightclub has changed owners multiple times but the grandfathered use continues and is incongruent with surrounding uses.	Remove grandfather option for businesses with alcohol licenses.	Policy	
8	47	Due Cause Violations (Section 10-109).	Many due cause violations are not enforced by L&P or LRB. Legal Dept. says they are not enforceable. Our alcohol code should be written so that they are enforceable. (This is different from the "Lack of Enforcement of Chapter 10 Violations." It may be the reason for some of "Lack of Enforcement")	Review all due causes in current code and rewrite them to make them enforceable. Make sure that the due cause section of code properly protects surrounding communities.	Policy	
9	48	APD officers working as security guards in Atlanta restaurant/bar/nightclub should not be allowed to answer 911 pertaining to their employer.	Creates a conflict of interest for the officer and may prevent crime from being properly reported and recorded.		Policy	
0	49	Practice which allows for any portion of a beverage to be considered part of food sales.	Currently, beverage garnishes, like lemons and cherries, can be recorded as food sales at a disproportional percentage of the overall beverage price. This allows business to unfairly tweak their food to beverage sales to qualify for a restaurant liquor license.	Define such food items differently.	Policy	
1	50	Liquor license fee structure should adequately fund the cost of enforcement and oversight.			Policy	
2	51	Eliminate temporary licenses			Policy	
3	52	Add language to the code stating that any establish charging an entrance fee of any type cannot be considered a restaurant.	There is a rash of applicants who apply for the much less expensive restaurant license but essentially function as a nightclub after opening.			

Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

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Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

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Alcohol Technical Licensing Group (ATAG) II  
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Board Identified Issues

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Alcohol Technical Licensing Group (ATAG) II

Board Identified Issues

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Board Identified Issues

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Board Identified Issues

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Alcohol Technical Licensing Group (ATAG) II  
Board Identified Issues

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ATAG II – Record of Vote – 05/08/2013

Item	Issue	Concept	Corresponding Recommendations	Councilmember Michael J. Bond, Post 1 At-Large	Councilmember Kwanza Hall, District 1	Martha Porter Hall/ Council President	Hakim Hilliard/ Gate City Bar Ass.	Ron Lall/ Districts 1, 2, 3, 4 & Post 1	William Lobb/ License Review Board	Clay Mingus/ Georgia Rest. Ass.	Lisa Morchower/ Atlanta Bar Association	Rashid Muhammad/ Atlanta Planning Advisory Board	Diann Olansk Distric 5, 6, 7, & Post
1.	Public notification of license application (for new businesses and change of ownership)	Change ordinance to delete the current requirement that an application be published in a daily newspaper and in lieu thereof, require that a sign be posted at the property location with basic information about the application, NPU appearance date, LRB hearing date and URL for City web page where the application shall be made available for viewing and downloaded by any member of the public.	K	Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y
2.	Bring your own bottle	Change ordinance to permit restaurants, hotels, private clubs, brewpubs, convention centers, lounges, park facilities and sidewalk cafes to decide if they will or will not allow customer to bring their own beer and wine to the licensed location, and to allow the licensed business to charge a "corkage" fee for that privilege. This is not currently permitted/allowed by City ordinance.	U	N	Absent	N	Absent	N	Absent	Y	Y	Y	N
3.	Prorating of initial license fee (see also #16)	Change ordinance to allow for the initial license fee to be prorated from the time of the issuance of the license, until the end of that calendar year i.e. for the number of months of that year that the license will be in effect.	A	Abstained	Absent	Y	Absent	Abstained	Absent	Y	Y	Y	Y
4.	Special event	Modify ordinance to allow non-profit	T	Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y

Exhibit D

ATAG II – Record of Vote – 05/08/2013

9.	License & Permits audit	Request that a financial audit of the City's Alcohol License program be completed by the City Auditor to accurately determine the licensing program costs and revenues, and to determine if license revenues are reflective of the costs of the license program.	Y	Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y
10. **	License Appeal Board	Change ordinance to eliminate the License Review Board from considering alcohol license applications and instead create a License Appeal Board to address due cause/license denial cases. The decision of the License Appeal Board would be final and binding, and subject to the normal appeal processes and mechanisms.	B		Absent		Absent		Absent				
11.	Electronic application intake and tracking	Change the ordinance to require that all license applications be submitted electronically through on-line forms, and that an on-line tracking feature be incorporated so that the review progress of the application is available.	A	Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y
12.	License sign-off	Change the ordinance to allow the Mayor to designate someone to provide final sign-off on license applications where all application requirements have been satisfied.	C	N	Absent	Y	Absent	Y	Absent	Y	Y	Y	N
13.	Provisional approval	Change the ordinance to allow provisional approval of a license be given by the Mayor's office, with the license only being issued when final clearance letters have been provided by Fire, Health and Buildings.	C	N	Absent	Y	Absent	Abstained	Absent	Y	Y	Y	N
14.	Shelf life of an application	Change the ordinance to indicate that once heard by the License Review Board, that the application shall have a life of 12 months from that date, before it is deemed to have expired.	C	Abstained	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y

ATAG II – Record of Vote – 05/08/2013

19.	Permissible non-conforming locations (grandfathered locations)	Change ordinance to establish that when penalty for a license violation is suspension of the license for a period of 12 months (to be specified in the penalty matrix), the grandfathering privilege for that location will expire.	F	Y	Absent	Y	Absent	Y	Absent	N	N	Abstained	Y
20.	Enforcement – site inspections	Change the ordinance to specify that all licensed locations will be visited/inspected a minimum of two times each calendar year, and that the inspection reports that are generated be available on-line.	G	Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y
21. **	Enforcement – 911 calls	Change the ordinance to specify that off-duty officers working extra-jobs at licensed locations be prohibited from providing the disposition of any 911 calls made about the location where they are working, and that the beat officer be responsible for providing the final disposition of any such calls.	G		Absent		Absent		Absent				
22. **	Enforcement – penalty matrix / 12-0-1734 / (currently held in Public Safety-Legal Administration Committee)	Change the ordinance to include a penalty matrix for violations of the alcohol ordinance, such that for each type of violation there is a prescribed penalty for the first, second and third violation of the ordinance, and that the prescribed penalties increase with each violation of the ordinance.	H		Absent		Absent		Absent				
23.	Caterer license	Change the ordinance to create a license category for "caterer" to be consistent with the State law for caterer. This type of license, in keeping with State law, shall be available only to individuals who have a City and State license for the sale of alcohol.	M	Y	Absent	Y	Absent	N	Absent	Abstained	Y	Y	Y
24.	Entrance fees	Change the ordinance language to clearly indicate that restaurants may not charge	N	Abstained	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y

ATAG II – Record of Vote – 05/08/2013

27.	Additional facility (bar) definition	Change the ordinance to include a method for reducing the existing fee for an additional bar on the licensed premises, based on variables such as the square footage of the public area and the licensed capacity of the premises.	Q	N	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y
28.	Licensed agent definition	Change the ordinance to place the definition for "agent" in the definitions section of the ordinance, and to include in that definition the responsibilities of the licensed agent in the operation of the licensed business.	R	Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y
29.	Happy hour – ½ priced drinks	Change the ordinance to allow licensed businesses to offer reduced price drinks between 4:00 PM and 8:00 PM, of up to half off the regular posted price for the drink. Also, create an ordinance that would prohibit one from advertising a promotion that is prohibited by Code of Ordinances Section 10-226.	S	N	Absent	N	Absent	N	Absent	Y	Y	Y	N
30.	Applicant testing	Change ordinance to require each applicant for an alcohol license be required to take and pass a test, to demonstrate thorough understanding of the requirements of the alcohol ordinance.	AA	Y	Absent	Y	Absent	Y	Absent	N	N	Y	Y
31.	Server certification	Change the ordinance to require that anyone involved with the handling and sale of alcohol, whether by the drink or by the package, be required to obtain a permit from the City to do so.	BB	Y	Absent	Y	Absent	Y	Absent	N	Y	Y	Y
32. **	Convenience store license fee	Recommend that the license fee for convenience stores be reviewed and re-examined to determine if the license fee for convenience stores should be less than \$5K/year.	Z		Absent		Absent		Absent				
33. **	License fees	Recommend all license fees for licensed businesses be reviewed to consider	Z		Absent		Absent		Absent				

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36.	Promoter license	Change the ordinance to include a definition for "promoter" and for the definition to clearly outline the role, function, scope of activity, license requirements and responsibility of a "promoter" at a licensed business.	Y	Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y
37. **	Enforcement framework	Recommend an enforcement framework be developed for the alcohol ordinance so that both proactive and reactive types of enforcement activity are occurring such that a range of enforcement techniques and actions are being used to enforce the requirements of the alcohol code.	L		Absent		Absent		Absent				
38.	Occupancy limits	Change the ordinance to require that restaurant businesses adhere to the approved seating plan occupancy, including seating and standing capacity at bar areas, as the upper occupancy limit for the restaurant when alcohol is being served.	X	Y	Absent	Y	Absent	Y	Absent	N	N	Y	Y
39.	Convenience stores / 11-0-1479 (currently held in Public Safety-Legal Administration Committee)	Change ordinance to establish which products cannot be sold in convenience stores, such as those defined as drug paraphernalia, weapons, and separate the sale of alcohol from the sale of adult entertainment materials. Also to regulate the placement of coin operated amusement machines and prohibit gambling in convenience stores.		Y	Absent	Y	Absent	Y	Absent	N	N	N	Y
40.	Notice of application / 12-0-1735 (currently held in Public Safety-Legal Administration Committee)	Without extending the existing time frame for processing alcohol license applications, change ordinance to establish a notification process whereby the agenda for the License Review Board would list applications that have been recently received, and which will be coming before the Board after going through the review		Y	Absent	Y	Absent	Y	Absent	Y	Y	Y	Y

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**A. Process issues – application forms (3, 6, 7, 10, 12, 15) (Concepts 6, 7, 11, 35)**

- Recommend that an electronic, on-line application form be developed and implemented, and that all first-time applications, change of agent or change of owner applications, temporary and renewal applications be submitted through the on-line application form, and that paper application forms be eliminated.
- Recommend that electronic, on-line application forms should include data field controls/validation on input to ensure that forms are complete when submitted.
- Recommend that changes to the application after it has been submitted/received/reviewed, should be tracked by updating the electronic form so that a current and accurate version is maintained on-line.
- Recommend that a database of submitted application forms should be visible to the public, in a similar way to how building permits are visible to the public, with any parts of the application form that contain confidential information being kept confidential.
- Recommend that on-line application functionality should allow anyone to review the progress of the application through the review process, similar to how building permit review progress is tracked and reported.
- Recommend that the database should include all applications submitted in the City of Atlanta, and should include a copy of the license when the license has been issued.
- Recommend that database functionality should include automatic flagging of licenses, which have not been renewed, and include flagging of licenses that are scheduled for Due Cause hearings, and the outcome of the Due Cause hearing.
- Recommend that the application identify a commencement date of the license. This will assure that the applicant does not receive an initial license before the applicant needs the license and will assure that the license fee is properly pro-rated (provided that the license is valid for a calendar year).

What would implementation of these recommendations achieve?

- It would allow access to information about alcohol license applications that have been issued, that are under review, and that have been denied, to be available to the citizens of Atlanta, and which is not currently available through electronic means.
- It would allow City employees, including Police officers, and staff of License & Permits, who might need access to alcohol license information as part of their field work, to also access application information without having to rely on a paper file in a fixed location.
- It would allow for an electronic connection between an issued City of Atlanta license, and the State of Georgia license, when it is issued.
- It will assure that all application questions are answered especially the non-confidential section that will be available for viewing by the public.
- It would allow automated notice to NPU's of new applications.

ATAG II approved Concepts 6, 7 and 35 (10 – 0).

ATAG II approved Concept 11 (9 – 1).

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**B. Process issues – role and function of the LRB (31, 42) (Concept 10)**

- Recommend establishing a License Appeal Board to deal with all alcohol related matters pertaining to license denial and Due Cause hearing matters.
- Recommend that applicants who have satisfied all of the ordinance requirements for their particular type of license application, not be required to appear at the License Review Board.
- Recommend that in future, when an applicant or application fails to meet the requirements of the ordinance, and a license application is denied, the applicant will have the opportunity to appeal the license denial to the License Appeal Board.
- Recommend that in future, When an investigation by the Atlanta Police Department finds sufficient grounds to hold a Due Cause hearing, the hearing shall be held before the License Appeal Board.
- Recommend that the decision(s) of Appeal Board would represent the final decision of the City, and would be subject to appeal through the same appeal mechanisms currently available to an applicant who is denied a license or is assessed a penalty based on the findings of a Due Cause hearing.
- The composition of the License Appeal Board, and the qualification of the Appeal Board members are not yet specified.
- Recommend that the Appeal Board use a progressive discipline penalty matrix for alcohol code violations, so that any penalties assessed as a result of a Due Cause hearing are consistent and are known to all, at the time of application.

What would implementation of these recommendations achieve?

- Removing the requirement for an applicant whose application meets all of the ordinance requirements to appear at a Board hearing will shorten the application process timeline, without sacrificing the ability to identify applications that fail to meet the requirements of the Ordinance.
- This process modification would significantly reduce the workload of the License Review Board as the majority of alcohol license applications that come before the Board are without issue.
- A better use of resources would be to establish a quasi-judicial body, such as the License Appeal Board, dedicated to dealing only with alcohol license violations through Due Cause hearings, and with the appeals of denied applications.

ATAG II did not support Concept 10 (3 – 1 – 6).

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**C. Process issues – Mayor’s office (43, 57) (Concepts 12, 13, 14)**

- Recommend that, in addition to the Mayor, the Mayor designate a person, to provide timely final signoff on alcohol licenses where all of the application requirements of the Alcohol Ordinance have been satisfied.
- Recommend that (under current process) after a positive recommendation from the LRB that a provisional approval be given by the Mayor, or his/her designee within sixty (60) days of the LRB recommendation.
- Recommend that the Mayor’s provisional approval may be recorded on a modified version of the sign-off sheet that is currently used by the LRB, and modified to include the signature of the Mayor or his/her designee.
- Recommend that when the Mayor or his/her designee gives provisional approval, the modified sign-off (provisional approval) form would be transmitted to the Business License Office (or whichever department is responsible for issuing the license certificate).
- Recommend that the license certificate (City of Atlanta license) would be issued only when all application requirements as specified in the City’s Alcohol Ordinance, have been satisfied i.e., when clearance letters from AFRD, Office of Buildings (Certificate of Occupancy) and Fulton County or DeKalb County (food service) are received by the applicant, and provided to the Business License Office, to form a complete and approved application.
- Recommend that provisional approval would have a term of 12 months from the date of the provisional approval being granted<sup>1</sup>. The applicant would have 12 months within which to secure any outstanding approvals as specified in the City’s Alcohol Ordinance, before the provisional approval expires.

What would implementation of these recommendations achieve?

- This recommendation would shorten the application review time line, without sacrificing any of the controls or requirements of the Alcohol Ordinance requirements.
- Applicants would have increased certainty about the timing of the issuance of the City’s license.

ATAG II approved Concept 12 (8 – 2).

ATAG II approved Concept 13 (7 – 2 – 1).

ATAG II approved Concept 14 (9 – 0 – 1).

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<sup>1</sup> If the provisional application approval recommendation is not acted on, then extending the time window from the time of receiving a positive LRB recommendation to the time by which the applicant must secure clearance letters from other jurisdictions/departments, from the current six months to 12 months is recommended.

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**D. Process issues – temporary license (24, 63) (Concept 15)**

- Recommend that additional training be provided to License & Permits application intake and review staff to ensure that;
  - Temporary licenses are not granted incorrectly, such as in situations where an operating business does not exist,
  - Notification of issuance of a temporary license is provided to the NPU,
  - Other provisions of the temporary license regulation are being adhered to.
- Recommend that temporary license form (paper version and future electronic version) be amended to include the ability to identify the type of temporary license being requested, such as “restaurant,” “bar,” “nightclub,” “package store,” “wine specialty shop,” “live entertainment,” etc.

What would implementation of these recommendations achieve?

- This recommendation is intended to eliminate or at least minimize the situations where a temporary license is issued in error, and without the community having knowledge about the (erroneous) issuance of the temporary license.
- Temporary licenses have been issued to new businesses, when there was no previous business entity at the location, and NPUs are not consistently being notified when temporary licenses are issued.
- An online application system will also assist with dissemination of information about temporary licenses.

ATAG II approved Concept 15 (6 – 0 – 4).

**E. Process issues – license renewal (5, 13, 16) (Concepts 16, 17, 18)**

- Recommend that annual renewal should not be based on the calendar year, as it is presently, but rather the license should be valid for one year from the date of issue, and should be renewed on the issuance anniversary date.
- Recommend that the NPU be notified in writing of all “failure to renew” instances within the boundaries of the NPU.
- Recommend that an internal audit protocol be developed for alcohol license applications and renewals, to serve as a check on completeness of the applications that are being sent to the NPU for review and comment, and to identify any process improvements that might be made, which could improve the effectiveness and efficiency of the application form and process.

What would implementation of these recommendations achieve?

- This recommendation is intended to eliminate the end of calendar year work backlog that occurs every year with the calendar year renewal of all alcohol licenses. The end of year backlog effectively removes all investigative resources from the field, at a time when alcohol consumption is at the highest point during the calendar year.

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- Using the anniversary of the issuance date as the renewal date will distribute the renewal dates across a 12 month period.
- Internal audit processes are an accepted practice for monitoring and improving internal operations and procedures.

ATAG II approved Concept 16 (8 – 1 - 1).

ATAG II approved Concept 17 (10 - 0).

ATAG II approved Concept 18 (6 – 0 - 4).

**F. Process issues – grandfathering of licensed locations (58) (Concept 19)**

- Recommend that the progressive penalty matrix include the following conditions/situations for loss of location grandfathering privilege:
  - Conviction of a violation of the City alcohol ordinance (or of the state alcohol ordinance) and where the penalty assessed includes a 12 month suspension of the license and a prohibition on the location being licensed for 12 months plus one day.
  - Conviction of multiple offenses on multiple days and with an assessed penalty of license revocation.

What would implementation of these recommendations achieve?

- At present, there are no triggers for the loss of the exemption from separation distances for licensed locations (grandfathered locations). This recommendation proposes that there could and should be identified violations of the alcohol ordinance that would carry a penalty of a license suspension of twelve months, plus one day, thereby forcing the loss of the exemption from separation distances.

Some ATAG II members raised concerns that the proposed recommendation could unfairly harm property owners.

Some ATAG II members felt that current City of Atlanta Code of Ordinances Section 10 – 109 (h) adequately addresses this issue.

ATAG II did not support Concept 19 (4 – 5 – 1).

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**G. Process issues – enforcement of ordinance (17, 19, 22, 26, 27, 29, 32, 59, 60)  
(Concepts 20, 21)**

- Recommend that all licensed locations be visited/inspected a minimum number of times annually, during operating hours, and that an inspection report be completed for each visit. Additional police resources may be required, to adequately achieve this level of inspection.
- Recommended minimum frequency of two annual site visits/reports to be completed for each licensed location.
- Recommend that inspection reports should be added to the electronic on-line license application file and be made accessible to the public.
- Recommend that inspectors should be properly trained on the requirements of the ordinance, and on how to properly conduct a site inspection.
- Recommend that officers working extra jobs (EJ) should not dispose of a 911 call that is connected to the location where they have received authorization to work that EJ. Officer working at the location may respond to the call, however, should not provide disposition code for the call. Disposition should be provided by the assigned beat officer or shift supervisor.

What would implementation of these recommendations achieve?

- Regular site visits and inspections are one technique that may be used to determine whether or not the licensed location is operating in compliance with the requirements of the Alcohol Ordinance.
- Regular site visits and inspections are not intended to eliminate or replace any investigative actions that may be required as the result of infractions of the Alcohol Ordinance that are identified through other means, such as police incident reports or other supported concerns.
- To minimize the potential for conflicts of interest, or the appearance of a conflict of interest, when off duty officers are working at private business locations, the goal of this recommendation is to establish separation between the off duty officer and the manner in which the 911 call is disposed of, by placing the responsibility for disposing of the call on someone other than the on-site, off duty officer.
- Removing the responsibility for disposition of the 911 call from the off duty officer will still allow the off duty officer to respond to the call, as she/he is required to do, in accordance with standard operating procedures.

ATAG II approved Concept 20 (10 - 0).

ATAG II approved Concept 21 (7 - 0 - 3).

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**H. Process issues – enforcement penalties (27) (Concept 22)**

- Recommend the creation and adoption of a penalty matrix, for violations of the alcohol ordinance, which establishes progressive discipline for multiple and/or repeat violations/violators.

What would implementation of this recommendation achieve?

- The Alcohol Ordinance does not contain or provide guidance on how to assess penalties for violations of the ordinance. This can lead to inconsistent assessment of penalties, and does not give applicants or licensees any indication of, or information on, the nature and extent of a penalty associated with a violation. This recommendation, if implemented, will provide certainty to the applicant, licensee and community about penalty expectations for all offenses identified in the Alcohol Ordinance.
- This recommendation is meant to establish a three step penalty matrix, with penalty ranges being set out for first, second and third violations of the same or of different provisions of the ordinance.
- Conceptually and in general, as a function of the nature of the violation, the penalty for a first violation may involve only a financial penalty, or a fine and/or a short suspension of the license. A second violation (which may be similar to or different from the first) within a certain time of the first violation, may involve only a larger financial penalty, or a fine and/or a longer suspension of the license. A third violation (which may be similar to or different from the second) within a certain time of the second violation may result in only a very large financial penalty and/or revocation of and loss of the license. This is a conceptual explanation of how the “progressive” three step or incremental penalty assessment framework should be structured.
- This recommendation provides a penalty framework and guidance for the License Review Board, the mayor, and for those appearing before the License Review Board Board, while still allowing the Board and mayor to use discretion in assessing penalties, by providing a penalty range for each infraction.

ATAG II approved Concept 22 (6 – 0 - 4).

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**K. Process issues - Newspaper advertisement (48) (Concept 1)**

- Recommend removing the requirement of “daily newspaper ad” as currently identified in the Alcohol Ordinance.
- Recommend adding a requirement to post a sign at the subject property to serve as public notice that an application for an alcohol license at the subject location has been submitted to the License & Permits unit.
- Recommend that the property posting requirement apply only to new license applications or to change of ownership of existing businesses, consistent with current notice requirements.
- Recommendation should not apply to agent changes or change of status as a newspaper ad is not presently required for those changes to an alcohol license.
- Recommend that a sign, similar to those used by Office of Planning for variance and rezoning requests, and containing information about where the application can be found at the City’s web site, NPU and (if applicable) LRB meeting dates, be employed for posting at the subject location.
- Recommend that a notice of application be posted on a web page at the city’s website.

What would implementation of these recommendations achieve?

- The public would be notified of new alcohol license applications and change of ownership applications through the following:
  - The sign posted at the property
  - City web page
  - NPU agenda and meeting date
  - LRB agenda
- The applicant’s cost of providing public notice of an application for an alcohol license would be reduced.
- The local public would be better notified with the use of a sign posted on the property, and which contains relevant information about the license application, and information on where additional information is available.

ATAG II approved Concept 1 (10 - 0).

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**L. Enforcement – Enforcement Framework. (Concept 37)**

- Recommendation that an enforcement framework be developed for the alcohol ordinance.

What would implementation of this recommendation achieve?

- Proactive and reactive types of enforcement activity are needed to adequately govern the manufacture, distribution and sale of alcohol in the City of Atlanta. Proactive enforcement can take the form of regular site inspections while reactive enforcement can take the form of an investigation triggered by the details of a routine APD incident report.
- A regulatory enforcement framework must be developed to ensure that reported violations of the ordinance are being investigated and violators prosecuted, and to identify where unreported infractions are occurring, and where follow up investigation is required.
- An enforcement framework should include such elements as, but not limited to: ongoing review and updating of the ordinance language; periodic review and updating of data tracking and reporting systems used to facilitate enforcement of the ordinance; periodic review and updating of staffing levels and skills required to enforce the ordinance, staff training needs and workload allocation; ongoing review of performance and attainment of annual strategic plan.

ATAG II did not approve Concept 37 (5 – 0 - 5).

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**M. Definitions – caterer license (50) (Concept 23)**

- Recommend that the City create/adopt an ordinance that allows licensees who are licensed to sell alcohol, to apply for and obtain a caterer’s license and that the Alcohol Ordinance/application form be modified to create a new license category for such a license.
- Recommend that the provisions contained in the State law be used to define the requirements and conditions and terms of the caterer license.

What would implementation of this recommendation achieve?

- The Alcohol Ordinance does not contain a provision to allow a food caterer to also provide alcohol at a catered event. At present, catering clients themselves have to obtain and provide any alcohol to be served at a catered event.
- This recommendation would establish the operational rules and limits, consistent with State law, whereby someone who already holds a license to sell alcohol, may apply for a caterer license.

ATAG II approved Concept 23 (8 – 1 - 1).

**N. Definitions – entrance fees (34) (Concept 24)**

- Recommend that the Alcohol Ordinance language be modified to make it clear that restaurants may not charge an entry fee, unless that restaurant license includes a provision for entertainment on the premises, or is broadcasting a televised event.
  - Additional police resources may be required, to adequately enforce this requirement.

What would implementation of this recommendation achieve?

- This recommendation is intended to curb or curtail circumstances where restaurants that are not licensed for live entertainment are transformed into nightclubs or other non-restaurant venues at a point in time during operating hours. This transformation is done as a means of circumventing the separation distance requirement that would otherwise apply to licensed non-restaurant businesses.

ATAG II approved Concept 24 (9 – 0 - 1).

**O. Definitions – drink & garnish (61) (Concept 25)**

- Recommend that the ordinance include a definition the term “drink”, and that the definition makes clear that any edible garnish and/or non-alcoholic mix is included in the value of the drink and not as a separate food item, for the purpose of reporting alcohol sales as a percentage of gross food and alcoholic beverage sales.

What would implementation of this recommendation achieve?

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- The Alcohol Ordinance does not contain a definition of the term “drink”.
- The Alcohol Ordinance uses the percentage of food and alcohol sold, i.e. drinks sold, as a function of gross sales, as one method in determining whether a business is operating as a restaurant or as something other than a restaurant.
- Providing a definition for “drink” and guidance on how to attribute the value of a drink as a percentage of gross food and alcohol sales will assist in determining whether a business is a restaurant, or something other than a restaurant.

ATAG II approved Concept 25 (10 - 0).

**P. Definitions – hybrid restaurant/bar business type (44) (Concept 26)**

- Recommendation to develop a definition for a business type that operates as a restaurant for a portion of the day/night, and operates as a bar for a portion of the day/night. The purpose of this would be to prevent the current practice of licensed restaurants operating as bars for a portion of their business day/week, at locations where the separation distance requirements prohibit the operation of a bar or nightclub.

ATAG II did not support Concept 26 (3 – 6 – 1).

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**Q. Definitions – additional facility (56) (Concept 27)**

- Recommend that the ordinance be changed to include a method for reducing the existing fee for an additional bar on the licensed premises based on variables such as the square footage of the public area and the licensed capacity of the premises. Also, recommend that a better definition of/for an additional facility be placed in Sec.10-1 of the ordinance.

What would implementation of this recommendation achieve?

- The existing description of additional facility alcohol licenses is difficult to understand and difficult to apply. The ordinance should be revised to provide better direction to law enforcement and to applicants.
- The existing description of additional facility is in the portion of the code that sets license pricing. The description/definition of an additional facility logically should be identified in the definition section of the code (Section 10 – 1).
- In practice, whether additional facility alcohol licenses are required, with the attendant costs of as much as \$5,000 per year per additional facility alcohol license, are inequitable. For example, a one floor, one room, 30,000 square foot nightclub with ten bars all visible from one another would not be required to have an additional facility alcohol license and would have only one main facility license for a total annual license fee of \$5,000. In contrast, a three story restaurant with a room and a bar on each floor, and each floor being 1,000 square feet for a total restaurant area of 3,000 square feet would be required to have a main facility license and two additional facility licenses for a total annual license fee of \$15,000.

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- Augusta – Richmond County provides one possible guideline for establishing a new method of setting license fees for consumption on the premises establishments based upon total capacity of the business.

ATAG II approved Concept 27 (9 – 1).

**R. Definitions – agent (Concept 28)**

- Recommend that the ordinance be changed to place the definition of “agent” in the Sec.10-1 of the ordinance, and clearly defining the responsibilities of the agent in the operation of a licensed business.

What would implementation of this recommendation achieve?

- The Alcohol Ordinance does not clearly define the responsibilities and limits of responsibility of an “agent”, which can be difficult to ascertain who the responsible party is when an infraction of the ordinance occurs.
- Identifying the role, responsibility and limits of responsibility of an agent will assist in all parties having a common understanding of (i) who the agent is, and (ii) what the agent is responsible for, as required by the ordinance.

ATAG II approved Concept 28 (10 – 0).

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**S. Definitions – happy hour (Concept 29)**

- Recommend changing the ordinance to allow licensed businesses to offer reduced priced drinks, up to half off the regular posted price for the drink, between the hours of 4:00 PM and 8:00 PM.
- Recommend changing the ordinance to prohibit all advertising of a unlawful drink promotions

What would implementation of this recommendation achieve?

- This would allow businesses to offer reduce priced drinks during certain hours.
- The committee was advised that reduced priced drinks are offered at licensed establishments at present, however, it is a low enforcement priority for the Police Department, given their other enforcement priorities. Accordingly, those businesses who act in violation of the law gain an unfair, competitive advantage over businesses that abide by the law. Business operators advised that this would allow on premises consumption establishments in the City of Atlanta to compete with businesses in adjacent local governmental jurisdictions where the laws allow for licensed businesses to reduce alcoholic beverage drink prices for an entire day or for as much as 50% off regular prices.
- Business operators advised that this would help businesses to draw customers during customarily slower business hours.
- Business operators advised that this would help businesses to sell out less popular inventory items.
- Business operators advised that they receive complaints from out of town business guests that unlike other cities they visit, Atlanta does not have a “happy hour.”
- The Atlanta Police Department, Licenses and Permits Unit advised that successful prosecution for reduced priced drink violations has been challenging.
- Enforcement of a “happy-hour” provision may require additional Police resources. The resources currently allocated to enforcing the Alcohol Ordinance are inadequate, as evidence by the lack of enforcement of the present prohibition on reduced price drinks.

ATAG II approved Concept 29 (6 – 4).

**T. Definitions - Non-profit special event license (51) (Concept 4)**

- Recommend that registered non-profit entities be able to apply for non-profit special event alcohol licenses for as many as six (6) event licenses per calendar year.
- Recommend that each event may last up to three (3) consecutive days.
- Recommend that the license fee for such non-profit licensed events be \$25 per day.
- No other changes to existing non-profit special event alcohol license ordinance.

What would implementation of these recommendations achieve?

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- This recommendation would allow registered non-profit organizations to have more licensed events that the ordinance allows for at present (six instead of three), and that the event could extend for three consecutive days (instead of the current limit of two consecutive days).
- This recommendation would make the City of Atlanta Code of Ordinances consistent with state law.

ATAG II approved Concept 4 (10 – 0).

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**U. Definitions - Bring your own bottle (49) (Concept 2)**

- Recommend allowing licensees to permit guests to bring their own beer and wine to licensed premises, for their own consumption, or consumption of their invited guests.
- Licensee must have or must be making application for an on premises consumption license for the type of alcoholic beverages being brought on premises (i.e., guests may bring a bottle of wine to a business licensed for on premises consumption of wine).
- Recommend eliminate existing “bottle house” definition and references from the code.
- Recommend making this option available only to restaurants, hotels, private clubs, brewpubs, convention centers, lounges, park facilities and sidewalk cafes, with an on premise consumption license.
- Recommend allowing the licensee may charge guest a fee for the service a/k/a “corkage fee” per bottle of guest wine or beer that is opened and consumed.
- Recommend adding a check box on page 1 of application if BYOB is desired by the applicant.
- Recommend adding a question to Section 1 of application asking: “Under what circumstances will guests be allowed to bring their own alcoholic beverages to your business?”

What would implementation of these recommendations achieve?

- The Alcohol Ordinance does not allow customers to bring beer, wine or liquor to a licensed establishment for their own consumption, or for any other purpose, yet it is common practice for customers to bring wine to a restaurant, and for restaurants to charge the customer a “corkage” fee.
- Corkage fees are not provided for in the current Alcohol Ordinance. Corkage fees are often displayed on the wine menu at Atlanta restaurants.
- This recommendation would allow the licensee at the types of businesses listed above, to decide whether they want the option of allowing customers to legally bring beer and/or wine to that licensed business, for consumption by the customer(s), while continuing to require licensee compliance with all provisions of the Alcohol Ordinance.
- This recommendation does not give the customer the right to take beer or wine to a licensed business, but rather allows the licensee to decide if they want to allow customers to have this privilege.
- Additional police resources may be required, to adequately enforce a BYOB provision, although such practice is presently common place without any enforcement.

ATAG II approved Concept 2 (6 – 4).

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**V. Definitions - Licensing/regulatory framework for promoters. (Concept 36)**

- Recommend that a license category be created to define the role, function and scope of activity/responsibility of a ‘promoter’ at a location licensed to sell alcohol, and that promoters be required to obtain a promoter license, in order to operate as a promoter in the City of Atlanta.

What would implementation of these recommendations achieve?

- The ordinance does not contain a definition for/of a ‘promoter’. As such, the roles and responsibilities of the ‘promoter’ are undefined and unclear in the Alcohol Ordinance.
- Individuals who refer to themselves or self define themselves as ‘promoters’ often advertise, organize and produce events at licensed locations where alcohol is served.
- Including a definition for/or ‘promoter’ in the Alcohol Ordinance, and specifying the licensing requirements, responsibilities, and allowable activities of the promoter will assist in separating the role of the promoter from the role of the licensee, at a location.
- Additional police resources may be required, to adequately enforce this type of regulatory framework.

ATAG II approved Concept 36 (10 – 0).

**W. Definitions - License category for hair salon’s/clothing stores, etc. (Concept 34)**

- Recommend that a license category be created, to allow for alcohol to be served to customers at hair salons, art galleries, clothing stores, spas and other specified business venues, and to establish the conditions under which such activity should take place.

What would implementation of these recommendations achieve?

- There is no license category/class/provision in the current ordinance for giving away alcohol to customers in the kinds of settings listed above.
- Based on information provided to the committee, it appears that alcohol is being provided to customers at some hair salons, barbershops, clothing boutiques, privately owned art galleries and other similar venues in the City of Atlanta.
- There will be challenges in enforcing this type of license, and there is high potential to abuse the conditions of the license once it is granted.
- Additional police resources may be required, to adequately enforce this type of license.

ATAG II did not approve Concept 34 (1 – 3 - 6).

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**X. Definitions – Fluctuating occupancy limits and business types (44). (Concept 38)**

- Recommend that to ensure that a licensed restaurant operates as the kind/type of business that is described on the submitted application form, that the seated occupancy number as determined by AFRD<sup>2</sup> be used as the upper limit of allowed occupancy when alcohol is being served at the licensed location, and that the maximum occupancy number as determined by AFRD be used as the upper limit of allowed occupancy when alcohol is not being served at the licensed location, when the licensed restaurant is open to the public.

What would implementation of these recommendations achieve?

- The public should reasonably expect that when an application for a licensed restaurant is submitted by an applicant and presented to the NPU for review and comment, that the establishment will operate as a restaurant and in the manner described on the application form.
- When restaurants change their occupancy levels beyond what has been applied for and permitted, doing so can create increase parking demand, increased noise/sound levels and can create other detrimental unforeseen and unaddressed hardships on the immediate and surrounding community, whether residential or commercial in nature.
- The stamped, approved seating plan, including seating/standing allocation for bar areas, should be posted alongside the AFRD issued occupancy certificates for the establishment.
- Additional police and fire resources may be required, to adequately enforce this concept.
- Capacity requirements are already established in the Life Safety Codes adopted by the City.

ATAG approved Concept 38 (6 – 4).

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<sup>2</sup> When the licensed restaurant includes a bar or bars (other than service or serving bars), whether with fixed bar seating, without fixed bar seating or any combination thereof, the maximum seating and/or standing capacity of the bar area shall be considered as part of the seated occupancy number for the facility.

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**Y. Fees – financial audit (Concept 9)**

- Recommend that a financial audit of the revenues and expenses associated with the alcohol license program be completed under the supervision of the City Auditor.
- Recommend that the audit be undertaken with the overall goal of identifying how the license fees collected through alcohol licenses offset the expense of the alcohol license program.

What would implementation of these recommendations achieve?

- ATAG made numerous requests, between January 2012 and January 2013, for information about the revenues generated from alcohol license fees, and the expenses associated with administering the alcohol licensing program.
- The information requested had not been provided at the time of the finalization of these recommendations.
- A financial audit of the alcohol license program will provide the analysis and information needed to allow Council to determine whether (i) the expense of administering the alcohol license program is covered by the fees collected, or (ii) if there needs to be an adjustment to alcohol license fees.

ATAG approved Concept 9 (10 – 0).

**Z. Fees – license fees for beer & wine license (Concepts 32, 33)**

- Recommend that the license fee structure be reviewed and re-examined, with a view to:
  - Establishing a \$5K license fee cap per location.
  - That the fee for a beer & wine license be less than \$5K.
  - That the possibility of the license fee being correlated, among other things, to the square footage of the establishment (public access area) be examined.

What would implementation of these recommendations achieve?

- The recommendation applies to all categories of alcohol license, i.e. the license fees associated with all alcohol licenses should be re-examined with a view to achieving the objectives outlined above.
- License fees are supposed offset the cost of running the licensing program and there is an open question as to whether this is a true condition for the alcohol-licensing program in the City of Atlanta.
- Given the lack of information forthcoming around the current revenues and expenses associated with administering the alcohol-licensing program, this recommendation fits with the recommendation for a financial audit of the alcohol-licensing program.

ATAG II did not approve Concept 32 (0 – 1 – 9).

ATAG II approved Concept 33 (6 – 4).

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**AA. Requirements – applicant training/testing (4, 8) (30)**

- Recommend that an applicant test be developed and implemented, and that a method for administering a test to all applicants for a license be established, and that the applicant be required to pass (pass score to be determined) prior to or at the same time as the submission of a license application, in order for the application to be accepted for review and processing.

What would implementation of this recommendation achieve?

- The purpose of a test would be to establish applicant knowledge of the requirements of the ordinance that are applicable to their particular type of licensed business, i.e. convenience package store, restaurant, nightclub, lounge etc..
- At present, there is no reliable method used to determine if the applicant has knowledge of the requirements of the ordinance that pertain to the type of license that is being applied for.
- Numerous private programs are available and are used in practice by many applicants.
- Government imposed programs would be an unnecessary additional cost to businesses already use existing programs or who have already developed private programs.
- Additional police resources may be required to enforce this requirement.

ATAG II did not approve Concept 30 (5 – 5).

**BB. Requirements – server training/licensing (18, 39, 41) (Concept 30, 31)**

- Recommend that persons involved with the handling and sale of alcohol, whether by drink or by the package, be required to obtain a permit from the City to do so.
- Recommend that server certification/licensing involve training, testing, background checks and being permitted by the City to serve/handle alcohol at a licensed business.

What would implementation of this recommendation achieve?

- Server permits were once a requirement in the City of Atlanta, and the license application form inquires whether proposed agents hold server permits in other jurisdictions.
- Server permit programs are in effect in a number of nearby municipal jurisdictions, such as DeKalb county and Peachtree City, among others.
- The primary goal of a server permit program is to identify individuals who are prohibited to work in establishments that sell alcoholic beverages due to criminal record.
- A server permit program would require additional resources to establish and operate the program, including additional enforcement staff, additional physical space, labor and computer infrastructure to process permit applicants and issue permits. It is estimated that tens of thousands of workers in alcohol establishments would be required to obtain server permits.
- Hospitality industry training and education, already available, could be incorporated into a server permit program, with the role and responsibility of the City being held to the administrative and enforcement aspects of the program.

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- Establishment of a server permit requirement will change the focus of law enforcement to the simple task of whether or not one has a server's permit in their possession instead of enforcement of laws that have a more direct impact on neighborhoods e.g., sale to underage, sale of alcohol without a license, entertainment in businesses not licensed for entertainment, capacity issues, promotions, proper licensing).

ATAG II did not approve Concept 30 (5 – 5).

ATAG II approved Concept 31 (6 – 4).