

Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate parking means parking that meets the requirements of the Code.

Adequate parking for a nightclub means one lawful parking space for each 75 square feet of floor area within the licensed premises. Such parking space shall be exclusively available to the nightclub's patrons between the hours of 10:00 p.m. and 2:30 a.m. the following day on days on which alcoholic beverages may be lawfully sold for on premises consumption at a nightclub. Parking spaces on a street or within any part of the right-of-way shall not be included within this definition of adequate parking for a nightclub. The term "floor area" as used in this definition means, in addition to those areas defined in section 16-29.001(13)(b) of the Code, areas within the existing building footprint where the walls have been removed and a permanent roof remains.

Alcoholic beverages means and includes but is not limited to malt beverages, wine and distilled spirits.

Applicant means the person who files an application to obtain a license to sell alcoholic beverages and:

- (1) If a corporation, the chief executive officer, or some other person with written authority from the corporation to bind the corporation as to its business operations within the city;
- (2) If a partnership, the partner with the greatest proprietary interest;
- (3) If an individual, that individual;
- (4) If a firm or association, the person with the greatest proprietary interest.

Auditorium means a permanent building or hall used for concerts, speakers, plays and similar activities and that has a seating capacity in excess of 3,500.

Bar means an establishment having a minimum capacity of 25 persons and a maximum capacity of 100 persons per the City of Atlanta Fire Code that does not meet the definition of a restaurant, nightclub, lounge, farm, winery, convention center, hotel, brewpub, open air cafe or sidewalk cafe, that is primarily devoted to selling and dispensing alcoholic beverages by the drink for on-premises consumption. The bar must make food available to its patrons.

Bottle house means any place of business open to the public or any private club which allows patrons or members to bring in and consume alcoholic beverages on the premises.

Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. As used herein, 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.

Broker means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

Business area means any street length between intersections where 50 percent or more is in use for business purposes.

Church means a permanent building where persons regularly assemble for religious worship.

City food market means a retail grocery supermarket which (a) does not sell or offer for sale any of the following: gasoline, diesel fuel or tire, distilled spirits, tobacco products, lottery tickets or related games of chance or malt beverages by the keg; (b) does not provide for the on premises use of coin operated amusements; (c) maintains at all times that it is open to the public, an inventory of saleable food products, including meat, dairy, vegetable, fruit, dry goods and beverages, with a minimum, cumulative cost of goods sold of such food products of at least \$225,000.00; (d) has an interior floor area of at least 10,000 square feet and not more than 30,000 square feet, of which more than 50 percent of such interior floor area is devoted to the display for sale of food products; (e) employs not less than 50 employees who work at least 35 hours per week on the premises, and (f) derives less than 20 percent of its gross receipts from the sale of malt beverages and wine.

City park organization means a nonprofit entity which is organized for the purposes of preserving, restoring,

developing, rehabilitating, enhancing, improving, and/or maintaining a park owned by the City of Atlanta; and which assumes complete or partial responsibility for improving and/or maintaining said park, and the majority of the organization's park services are provided without cost to the city, pursuant to a current memorandum of understanding or other agreement with the City of Atlanta.

College means only state, county, city, church or other colleges that teach the subjects commonly taught in the common colleges of this state and does not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Continuing education center means any facility offering adult education which is operated by a unit of the University System of Georgia and which has housing facilities capable of accommodating 200 people and banquet facilities capable of serving 400 people. The sale of alcoholic beverages shall only be incidental to the principal business of a continuing education center licensed under this chapter.

Convention center means premises that are operated exclusively for the purpose of providing accommodations for conventions, trade shows and other similar activities, as well as some social events such as wedding receptions, bar mitzvahs, banquets and meetings. The facility must be available to public or private groups of persons for monetary consideration on a rental, fee, percentage or similar basis; be used primarily for special occasions, including but not limited to the events mentioned in this definition; be open to or attended by invited or selected guests or paying patrons; and the premises shall contain a minimum occupancy load of 200 persons for each show, event, reception or activity as permitted by the department of fire. The term "convention center" shall not include premises that provide adult entertainment, as that term is defined and used in Part 16 of this Code, either regularly or occasionally, nor shall convention centers licensed to sell alcoholic beverages under this Code provide such adult entertainment on their licensed premises. All convention center licensees holding a valid city license for the sale of alcoholic beverages at the time of the enactment of the ordinance from which this amended definition derives (January 21, 1992) shall be deemed to have complied with all requirements for a convention center.

Distance means the measurement in linear feet from the front door of the structures from which alcoholic beverages are sold or offered for sale in a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route to the front door of the building or to the nearest portion of the ground, whichever is applicable. For the purposes of this chapter, distances shall be measured along the pedestrian route of travel to and from the premises.

Distilled spirits or spirituous liquors means all beverages containing alcohol obtained by distillation or containing more than 21 percent alcohol by volume, including fortified wines.

Domestic wine means any and all wines produced by a farm winery within this state.

Entertainment means the live performance by any person, whether such person be a musician, dancer or otherwise, which occurs upon the premises of a licensed establishment.

Family means and includes any person related to the holder of a license within the first degree of consanguinity or affinity, as determined according to civil law.

Farm winery means a domestic winery located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries or fruits to be utilized in the manufacture or production of wine by the winery, or a domestic winery which:

- (1) Makes at least 40 percent of its annual production from agricultural produce grown in this state;
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the state agricultural produce used in its annual production, and for this purpose such production of a substantial portion of such state agricultural produce shall be determined by the state commissioner of revenue;
- (3) Produces less than 100,000 gallons per year; and
- (4) Has been certified and licensed as a farm winery by the state commissioner of revenue.

Government center means a building owned or leased by and operated by the state or the county and which contains a lobby or atrium area or other room which is used for group functions. The city is specifically excluded from this definition. If a license is issued for premises within a government center, a government official or employee shall be the named licensee. All government centers, while being used for the serving of alcoholic beverages, shall have posted the following sign visible to persons being served:

"No person may purchase and/or consume within a government center more than three regular servings of alcoholic beverages within a two-hour period. Violations of this ordinance shall be punishable by a fine of up to \$1,000.00 or imprisonment up to 30 days."

Hotel means a building or other structure kept, used, maintained, advertised and held out to the public to be a

place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 50 or more rooms are used for the sleeping accommodations of these guests, and having one or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least 40 where meals are regularly served to those guests, the sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant or nightclub in their premises and the holder of the franchise shall be included in the definition of hotel.

Importer means any person who imports an alcoholic beverage into the State of Georgia from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.

License means the authorization by the council to engage in the sale or consumption of alcoholic beverages on the premises.

Licensee means a person, real or artificial, holding any class of license issued under this chapter.

Lounge means a separate room connected with a part of and adjacent to a restaurant or located in a hotel or located in any airport owned by the city, with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and shall have a seating capacity for at least 50 persons. However, lounges located in any airport owned or operated by the city shall be exempt from the seating capacity requirement. A lounge that is operated on a different floor in the premises or in a separate building or that is not connected to or adjacent to a restaurant shall be considered a separate establishment and an additional license fee shall be paid therefore.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.

Manufacturer means any maker, producer or bottler of an alcoholic beverage. The term also means:

- (1) For distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits;
- (2) For malt beverages, any brewer; and
- (3) For wine, any vintner.

Nightclub means an establishment having a capacity of at least 100 persons per the City of Atlanta Fire Code, with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air conditioning. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.

Open air cafe means an establishment which serves food during all hours of operation and which has a seating capacity of at least 40 and which is located within the pedestrian court area of a shopping and retail entertainment center. Such an establishment may be licensed for on-premises consumption only.

Outdoor dining area means a space in which a licensee serves food and beverages as part of the operation of the licensed premises as a sidewalk cafe. An outdoor dining area must be located directly in front of a licensed restaurant and may only be separated from the licensee's premises by a sidewalk. No part of a sidewalk cafe shall be located within a public right-of-way. The width of an outdoor dining area shall not exceed the width of the licensed premises. An outdoor dining area shall contain no more than 50 percent of the premises total seating capacity. The space within an outdoor dining area shall be enclosed within a clearly delineated area, which is surrounded by a continuous physical barrier no less than 36 inches and no more than 40 inches in height. An outdoor dining area shall have a single point of ingress and egress that is controlled by the licensee. Music and/or live entertainment shall not be provided within an outdoor dining area.

Package store means an establishment engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine, and whiskey for consumption off the premises and at which on-premises consumption is specifically prohibited, as distinct from a bar, restaurant or similar establishment which is licensed for the retail sale of alcoholic beverages of any type by the drink and/or for consumption on the premises. The term "package store" is considered synonymous with the term "liquor store." A package store shall include any premises classified as Industry No. 5921 in the Standard Industrial Classification (SIC) Manual 1972, prepared by the Executive Office of the President, Office of Management and Budget. The term "package store" shall not include a "wine specialty shop" and shall not include a city food market.

Park means all public lands owned or controlled and operated by the city, the state or any county of the state, in and upon which play facilities are provided for the recreation and enjoyment of the general public.

Park facility means any city-owned premises (as defined in this section with the modifications set forth in section 10-58(d) of this chapter) that is leased, managed, and/or operated by a city park organization, and that is located in a city-owned park that is completely or partially improved and/or maintained by the city park organization, pursuant to a current memorandum of understanding or other agreement with the City of Atlanta.

Pharmacy means any place of business of a pharmacist, which also sells cosmetics, stationary and other such products.

Premises means the definite closed or partitioned-in locality, whether room, shop or building, wherein alcoholic beverages are sold or consumed. Premises also includes any area or patio immediately adjacent to the main licensed facility and located on property owned or leased by such licensee. The area or patio need not be covered, but must be completely enclosed, except for entrances and exits, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height. Premises of an open air cafe need not be completely partitioned, and patios attached to such an establishment must be enclosed, except for entrances and exits, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height or by a body of water at least three feet wide and one foot deep or by some other architectural or landscaping barrier which would prevent access to the premises. Open air cafes shall be subject to all other requirements contained in this definition.

Private club means a corporation chartered, organized and existing under the laws of the state, exempt from federal income taxes pursuant to section 501(c) of the Internal Revenue Code, as amended, actively and continuously in operation within the city as a nonprofit corporation for at least one year immediately prior to the application for a license under this chapter and during which time such corporation shall have had continuously not less than 250 members whose names, current addresses and current telephone numbers shall be kept listed on the club premises and made available for inspection on the premises by the Atlanta Police Department during all hours during which the private club is open for business, which members shall have regularly paid monthly, quarterly, semiannual or annual dues. In no event shall dues be paid on a daily basis. All applications for either a new or renewal license to sell alcoholic beverages by a private club for the year 2001 and all years thereafter must be accompanied by proof from the Internal Revenue Service that the corporation seeking such license is deemed exempt from federal income taxes by the Internal Revenue Service at the time of application for the new or renewal license. In addition, the corporation shall be required to submit its most recent Form 990 Return of Organization Exempt from Income Tax as certified by a certified public accountant. Furthermore, the corporation shall maintain on its premises any additional federal and state income tax returns filed by the corporation within the past three years and shall make such documents available for inspection upon request by the Atlanta Police Department during all hours during which the private club is open for business. In the event that a corporation licensed as a private club for any given year loses its 501(c) exemption, such private club must inform the licenses and permits unit in writing of such change in status within 15 days of the change in status. The failure to provide in writing notification of such change in status within 15 days, in addition to the violation of any other provision of this chapter, shall be grounds for the denial, suspension or revocation of said license and/or the implementation of a fine of up to \$1,000.00 against the corporation. The corporation shall be operated exclusively for pleasure, recreation and other non-profitable purposes, but in no event shall the corporation have as its primary purpose the operation of an establishment licensed for the sale of alcoholic beverages. No part of the net earnings of the corporation shall inure to the benefit of any member, director or officer. During the period of time prior to the time of application, the corporation shall have owned, hired or leased a building having kitchen and dining room space therein for the reasonable use of its members and shall have maintained sufficient personnel and equipment to prepare on the premises and serve hot meals, which hot meals shall have been served and shall continue to be served at least once per day at least six days per week. After an establishment has been granted private club status from the city, these requirements as to meal preparation, kitchen equipment and dining room facilities shall continue in effect. No member, director, officer, agent, or employee of the club shall be paid or directly or indirectly, receive, in the form of salary or other compensation, any profits from the sale of alcoholic beverages by or to the club or its members or guests, except such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club. The nonprofit corporation must be the sole owner and operator of the private club. Prior to the date of application, no nonprofit corporation shall have transferred, either directly or indirectly, by sale, lease or otherwise, any ownership, or any interest in the nonprofit entity or its assets (other than in the ordinary course of business), or the right to manage the private club in order to obtain its license to sell alcoholic beverages nor shall any nonprofit corporation transfer, during the time that the nonprofit corporation holds a license pursuant to this chapter, any such interest or right.

Private residence means a house or dwelling wherein not less than one or more than three families customarily reside and does not include a mobile home, an apartment house having facilities for housing more than four families, a boardinghouse or roominghouse where there are five or more boarders or roomers or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where

meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 40 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. However, restaurants located in any airport owned or operated by the city shall be exempt from the seating capacity requirement. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations and periods of redecorating, and the serving of those meals shall be the principal business conducted, with the serving of distilled spirits to be consumed on the premises as only incidental thereto.

Retail grocery supermarket means any retail market or supermarket selling a full range of food products including meat, dairy, vegetable, fruit, dry goods and beverages.

Retail sale means selling or offering for sale alcoholic beverages to any member of the public.

School means only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools of this state and does not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Sexual orientation means the state of being heterosexual, homosexual or bisexual.

Shopping and retail entertainment center means a structure containing five or more retail establishments and three or more eating establishments, which has a court area for pedestrian use covered and enclosed on at least three sides. Such a court must extend vertically two or more floor levels and must constitute a minimum of 10,000 square feet. This definition shall also include single floor level shopping and retail entertainment centers which are completely enclosed and which meet all other requirements contained in this definition.

Sidewalk cafe means an establishment that serves food during all hours of operation, has a seating capacity of at least 30 people, operates an outdoor dining area, and is located within a mixed-use development (as that term is defined in [section 16-29.001\(24\)](#)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units. A sidewalk cafe shall not provide any outdoor seating or any other outdoor service unless it is within an outdoor dining area. When interpreting the hours of operation listed in [section 10-209\(c\)](#) and [10-209\(d\)](#) of this Code, sidewalk cafes shall be subject to the same limitations as restaurants. Sidewalk cafes must operate in compliance with the city's noise ordinance, found in [chapter 74](#) of the City of Atlanta Code of Ordinances, and with [section 10-60\(a\)\(4\)b.3](#). [As provided for in [section 10-109\(a\)\(17\)](#) of this part]

Specialty food shop means a retail establishment that:

- (1) Deals in the sale of foods, specialty foods, and wine, fortified wine, port, sherry, and malt beverages for consumption off the premises and at which on premises consumption of alcoholic beverages is specifically prohibited, except that if a specialty food shop is the holder of a license under [section 10-60\(a\)\(1\)\(c\)](#) of this Code, that licensed retail establishment shall be authorized to hold wine tastings in conjunction with educational programs on the subjects of enology or viticulture;
- (2) Does not offer check cashing services; does not maintain a drive-thru window; and does not maintain on the premises for sale any of the following: distilled spirits, malt beverages containing more than six percent alcohol by volume, gasoline, diesel fuel, tires, lottery tickets or related games of chance, or tobacco;
- (3) Offers prepared food, made and packaged on the premise available for on and off premise consumption;
- (4) Maintains an inventory of saleable food products including, but not limited to, prepared foods, packaged foods, meat, dairy, vegetables, fruits, dry goods, and beverages,
- (5) Has an interior floor area of not more than 5,000 square feet (inclusive of storage), of which more than 60 percent of interior floor area is devoted to the display for sale of food products; and
- (6) Derives less than 30 percent of its gross receipts from the combined sale of malt beverages and wine.

Sports coliseum means premises operated exclusively for the purpose of providing major league sporting events of basketball, hockey or similar athletic or amusement events for attendance by the public and where such premises contain a minimum of 3,000 square feet.

Suite hotel means a building or other structure kept, used, maintained, advertised and held out to the public to be a place where 50 or more suites, each consisting of at least one bedroom, a living room and a bathroom, are offered for adequate pay to travelers and guests, whether transient, permanent or residential, and where alcoholic beverages are served and the price of such beverages is included in the suite rates.

Tasting room means an outlet operated by a farm winery for the promotion of a farm winery's wine by providing complimentary samples of such wine to the public and for the sale of such wine at retail.

Wholesaler means any person engaged in distribution or selling of alcoholic beverages to retailers for the purpose

of resale.

Wine or vinous liquors means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to this definition of wine.

"Wine specialty shop" means a retail establishment:

- (1) Which shall deal in the sale of table wine, fortified wines, port, sherry for consumption off the premises and/or wine accessories; and at which on-premises consumption of alcoholic beverages is specifically prohibited, except that if a wine specialty shop is the holder of a license under [section 10-60\(a\)\(1\)\(c\)](#) of this Code, that licensed retail establishment shall be authorized to hold wine tastings in conjunction with educational programs on the subjects of enology or viticulture.
- (2) Which shall not maintain on the premises or offer for sale malt beverages or distilled spirits;
- (3) Which shall maintain on the premises and offer for sale at all times a variety of wines from not less than 100 nor more than 200 manufacturers or importers of wine or any combination thereof the total of which shall not fall below 100 nor exceed 200;
- (4) Which shall maintain and replenish an inventory of at least 36 bottles of wine from each manufacturer or importer of wine referred to in subsection (3) above; provided however, that any inventory which is depleted to less than 36 bottles of wine must be replenished to at least 36 bottles of wine within 15 days of the date that the inventory falls below 36 bottles;
- (5) Which shall submit an inventory list of all wines maintained on the premises and offered for sale to the licenses and permits unit of the police department. Such inventory list shall be submitted to the licenses and permits unit on a quarterly basis by the first day of each of the following months: January, April, July and October; and
- (6) Whose total interior floor area, inclusive of storage area, shall not exceed 2,000 square feet.

(Code 1977, § 14-2001; Ord. No. 1995-43, § 1, 8-28-95; Ord. No. 1999-6, § 1, 1-27-9; Ord. No. 1999-48, § 1, 6-15-99; Ord. No. 2001-26, § 1, 3-27-01; Ord. No. 2001-43, § 2, 6-13-01; Ord. No. 2001-60, § 1, 8-13-01; Ord. No. 2001-88, § 1, 11-28-01; Ord. No. 2004-46, §§ 1, 2, 7-22-04; Ord. No. 2004-68, §§ 1, 2, 10-8-04; Ord. No. 2004-83, §§ 2, 3, 11-19-04; Ord. No. 2005-40, § 1, 7-12-05; Ord. No. 2005-56, § 1, 9-27-05; Ord. No. 2006-87, §§ 1, 2, 12-13-06; Ord. No. 2007-60(07-O-1897), §§ 1, 2, 10-8-07; Ord. No. 2007-61(07-O-1900), § 1, 10-22-07; Ord. No. 2009-12 (08-O-0843), § 1, 3-25-09; Ord. No. 2010-27(10-O-0780), § 4, 6-16-10; Ord. No. 2010-58(10-O-1419), § 1, 10-27-10)

Cross reference— Definitions generally, § 1-2.

State law reference— Definitions for alcoholic beverage laws generally, O.C.G.A. § 3-1-2.

Sec. 10-2. - Purposes of chapter.

This chapter has been enacted in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community; to establish reasonable and ascertainable standards for the regulation and control of the licensing and sales of alcoholic beverages and operation of bottle houses; to protect and preserve schools and churches; to give effect to land use and to preserve certain residential areas, with reasonable considerations, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets and with a general view of promoting desirable living conditions and sustaining stability of neighborhoods and property values; and to protect against the evils of concentration of the retail outlets for distilled spirits in one family or to prevent undesirable persons from engaging in or having any interest in alcoholic beverage licenses.

- (a) The purposes of this chapter are not advanced when alcoholic beverages are provided to the general public under the guise that such alcoholic beverages are not being sold but are being given away as part of a business operation or other activity and unless a premises which provides alcoholic beverages to the general public is licensed by the city for that particular purpose, the violation of practices which are regulated this chapter and other applicable law, including without limitation, the serving of alcoholic beverages to under age persons, the serving of alcoholic beverages to intoxicated persons, the serving of alcoholic beverages at times other than those allowed, and the consumption of alcoholic beverages at public places inside of the prescribed distances from churches, schools, libraries and parks are more difficult to enforce.

(Code 1977, § 14-2002; Ord. No. 2004-68, § 3, 10-8-04; Ord. No. 2011-35(11-O-1137), § 1, 8-24-11)

Sec. 10-3. - Compliance with chapter required.

It shall be unlawful for any person to sell or offer for sale at wholesale or retail any alcoholic beverages without having first complied with this chapter.

- (a) It shall be a violation of this chapter for any premises, that performs or undertakes any type of operation or activity for which a occupation tax certificate issued pursuant to Chapter 30 is required to be operated in a manner that allows any person to consume alcoholic beverages at such premises unless a license issued under this chapter allowing on premises consumption of alcoholic beverages has first been obtained. This prohibition shall apply without regard to whether the alcoholic beverages are provided free of charge as a part of any promotion by the owner of the premises or operator of the business, given as prizes in connection with any type of contests or raffles, given as bonuses or inducements offered in connection with the purchases of goods and/or services, brought onto the premises by other persons or otherwise made available. Any person employed by the business and who is present at the time when alcoholic beverages are being consumed at a non-licensed premises or location maybe charged with this offense.

(Code 1977, § 14-2003; Ord. No. 2004-68, § 3, 10-8-04; Ord. No. 2011-35(11-O-1137), § 2, 8-24-11)

Sec. 10-4. - Jurisdiction.

This chapter shall apply to the corporate limits of the city and outside the city limits in all territory to which the jurisdiction of the city extends.

(Code 1977, § 14-2004; Ord. No. 2004-68, § 3, 10-8-04)

Sec. 10-5. - [Severability.]

If any provision, clause, sentence or paragraph of this chapter, or the application thereof to any person or circumstances, shall be held invalid and unconstitutional, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are hereby declared to be severable.

(Code 1977, § 14-2005; Ord. No. 2004-68, § 3, 10-8-04)

Sec. 10-6. - Outstanding licenses; compliance assumed.

All licensees holding a valid license for the manufacture or sale of alcoholic beverages issued by the city at the time of the enactment of the ordinance from which this chapter derives shall be deemed to have complied with all requirements as to application and issuance of licenses under this chapter. The licensees shall, however, meet all other requirements as to regulation and control as set forth in this chapter.

(Code 1977, § 14-2142; Ord. No. 2004-68, § 3, 10-8-04)

State law reference— Possession, etc., of alcohol by underaged persons, O.C.G.A. § 3-3-23.

Sec. 10-7. - Alcohol consumption near package stores.

- (a) *Generally.* It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage within 100 feet of any retail store where alcoholic beverages are sold in package form or within the boundary lines of the property on which such retail store is located, whichever constitutes the greater distance.
- (b) *Enforcement.* The department of police shall be responsible for the enforcement of this section.
(Code 1977, §§ 17-3015, 17-3016; Ord. No. 2004-68, § 3, 10-8-04)

Sec. 10-8. - Drinking in public.

It shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while on any streets, sidewalks, alleyways, parking areas or other open areas operated and controlled by the city, or while in or on the grounds of any MARTA station. Further, it shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while in any city park except during permitted outdoor festivals pursuant to the provisions of Atlanta Code of Ordinances [section 110-76\(a\)\(5\)](#), or at other licensed locations within such parks. Nothing in this section shall be construed to prohibit the sale and consumption of vinous, malt or any other alcoholic beverage at any convention center or sports coliseum, as defined in [section 10-1](#), or in any golf pro shop which is situated on any golf course owned or operated by the city.

A licensee may prepare and serve alcoholic beverages to be consumed within an outdoor dining area as part of the operation of a sidewalk cafe. Open containers of alcoholic beverages shall only be transported into or out of outdoor dining areas by the licensees' working employees as part of their work duties.

(Code 1977, § 17-3018; Ord. No. 2001-88, § 2, 11-28-01; Ord. No. 2004-68, § 3, 10-8-04; Ord. No. 2006-66, § 13, 9-26-06)

Editor's note—

Ord. No. 2006-66, [§ 14](#), provided for an effective date of Jan. 1, 2007.

Sec. 10-9. - Disorderly while under the influence.

- (a) *Acts constituting violation.* It shall be unlawful for any person within the corporate limits of the city to be disorderly while under the influence on the streets, sidewalks or other public places. The following acts are declared to be in violation of this section:
- (1) Any person who acts in a reckless manner so as to create an unreasonable risk of harm to himself, to other persons or to property in the vicinity while under the influence of alcohol or drugs.
 - (2) Any person who shall defecate or urinate on the streets or sidewalks or in the halls or elevators of public or commercial buildings, or on any property open to public view in the city while under the influence of alcohol or drugs.
 - (3) Any person who, without provocation, uses to or of another, in such person's presence, fighting words, or who shall panhandle while under the influence of alcohol or drugs.
 - (4) Any person who shall act in a violent or tumultuous manner toward another so as to endanger the life, limb, health or property of another while under the influence of alcohol or drugs.
 - (5) Any person who shall lie down or otherwise obstruct, block or impede pedestrian or vehicular traffic on any sidewalk, street, or entrance or exit to any other public way, house of worship, business, public hall, theater, public conveyance or other public place and who shall refuse to remove themselves when ordered to do so by a city police officer or other lawful authority while under influence of alcohol or drugs.
 - (6) Any person who shall act in a boisterous, turbulent, or agitated manner, or who shall use profane, vulgar, loud or unbecoming language while under the influence of alcohol or other drugs while on the streets, sidewalks, or other public places within the corporate limits of the city.
- (b) *Duty of peace officer.* Any peace officer, in accordance with standards set out in standard operating procedures promulgated by the police chief or designee, may take or send an individual under the influence of alcohol or other drugs to such person's home or to a treatment facility in lieu of incarcerating such person for violations of this section or when such person is unresponsive to the officer's communications. Any peace officer so acting shall be considered as carrying out such peace officer's official duty. The standard operating procedures shall set out the circumstances under which a peace officer may send an individual home or to a treatment facility without formally rendering charges against such person.
- (c) *Penalty.* Upon a finding of guilty for violation of this section, the offender shall be subject to imprisonment for a term not to exceed 180 days or by fine not to exceed \$1,000.00, either of such penalties to be in the discretion of the municipal judge. Such punishment may be probated by the municipal judge for those offenders desiring to participate in a detoxification program.
- (d) *Habitual abusers.* Any person who shall have been convicted or have forfeited collateral under the provisions of subsection (b) of this section three times in the preceding 12 months may be deemed a habitual alcohol abuser and may be probated by the court to an outpatient treatment resource for a period of not more than 180 days.
- (e) *Alcoholics.* It is the policy of the city that alcoholics may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. It is the intent of this section to provide for the identification and referral to treatment of persons who are alcoholic and who may be charged with violations of this section.

(Code 1977, § 17-3019; Ord. No. 2004-68, § 3, 10-8-04)

Sec. 10-10. - Furnishing to, purchasing of, or possession by persons under 21 years of age of alcoholic beverages.

- (a) Except as otherwise authorized by law:
- (1) No person directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age;
 - (2) No person under 21 years of age shall purchase, drink or knowingly possess any alcoholic beverages;
 - (3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage;
 - (4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age;
 - (5) No person under 21 years of age shall misrepresent such person's identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage; or
 - (6) No person shall keep or maintain a place where persons under 21 years of age are allowed and permitted to come and purchase, drink or possess any alcoholic beverage.
- (b) The prohibitions contained in subsections (1), (2) and (4) of subsection (a) of this section shall not apply with respect to the sale, purchase or possession of alcohol beverages for consumption:
- (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or
 - (2) At a religious ceremony.
- (c) The prohibitions contained in subsections (1), (2) and (4) of subsection (a) of this section shall not apply with respect to the possession of alcoholic beverages for consumption by a person under 21 years of age when the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.
- (d) The prohibition contained in subsection (1) of subsection (a) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-104. "Proper identification" shall not include a birth certificate.
- (e) If such conduct is not otherwise prohibited pursuant to O.C.G.A. § 3-3-24, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:
- (1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishments;
 - (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or
 - (3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- (f) Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used as an admission in any administrative or judicial proceedings brought against such testifying person under 21 years of age.
- (g) Nothing in this section shall be construed to modify, amend or supersede O.C.G.A. tit. 15, ch. 11 (O.C.G.A. § 15-11-1 et seq.).
- (h) Any person convicted of violating any prohibition contained in subsection (a) of this section shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the city jail or stockade for not more than 180 days or both; except that any person convicted of violating subsection (a)(2) of this section shall be punished by not more than 30 days' imprisonment or a fine of not more than \$300.00 or both. Any defendant charged under this section shall be entitled upon request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred. Any person charged with a second or subsequent offense under this section shall be punished as for a misdemeanor of a high and aggravated nature in the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred.
- (i) Whenever any person who has not been previously convicted of any offense under this section or under any other law of the United States or this or any other state relating to alcoholic beverages pleads guilty to or is found guilty of a violation of subsection (a)(2) or (a)(3) of this section, the court, without entering a judgment of guilt and with the consent of such person, may defer further proceedings and place such person on probation upon such reasonable terms and conditions as the court may require. The terms of probation shall preferably be such as

require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical treatment, not to exceed three years, designed to acquaint such person with the ill effects of alcohol abuse and to provide such person with knowledge of the gains and benefits which can be achieved by being a good member of society. Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed accordingly. Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against such person. Discharge and dismissal under this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this subsection or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this subsection may occur only once with respect to any person.

- (j) Unless the officer has reasonable cause to believe such person is intoxicated, a law enforcement officer may arrest by issuance of a citation a person accused of violating only subsection (a)(2) of this section. The citation shall enumerate the specific charges against the person and either the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. If the person charged shall fail to appear as required, the judge having jurisdiction of the offense may issue a warrant or other order directing the apprehension of such person and commanding that such person be brought before the court to answer the charges contained within the citation and the charge of such person's failure to appear as required. Nothing in this subsection shall be construed to invalidate an otherwise valid arrest by citation of a person who is intoxicated.

(Code 1977, § 17-11010; Ord. No. 2004-68, § 3, 10-8-04)

State law reference— Possession, etc., of alcohol by underaged persons, O.C.G.A. § 3-3-23.

Sec. 10-11. - Reserved.

Editor's note—

Ord. No. 2004-68, § 3, approved Oct. 8, 2004, renumbered the provisions of § 10-11 as 10-5

Sec. 10-12. - Persons under specified ages forbidden to enter, remain in or loiter at certain licensed premises.

No person under the age of 21 years shall enter, remain in or loiter on any licensed premises, as herein defined, licensed for the sale of alcoholic beverages by the drink at retail, or sale of alcoholic beverages for consumption on the premises; nor shall any licensee or either such licensed premises, or any person in charge thereof, or on duty while employed by the licensee therein, permit or allow any person under the age specified with respect thereto to remain in or loiter in or about such place.

Provided, however, it is lawful for persons who are 18 years of age or older that provide entertainment to enter and to remain in any licensed premises, but only during and in the course of their employment as entertainers. Provided further, that it is lawful for persons who are 18 years of age or older to sell, serve, possess or dispense alcoholic beverages in the course of their employment in any licensed premises in accordance with O.C.G.A. § 3-3-24(a), or in any other place where alcoholic beverages are lawfully present, so long as such place is the place of employment for such person under 21 years of age.

This section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, breweries, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises in accordance with O.C.G.A. § 3-3-24(b). However, the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

(Ord. No. 2001-6, § 1, 1-23-01; Ord. No. 2004-68, § 3, 10-8-04; Ord. No. 2007-62(07-O-2135), § 1, 10-22-07; Ord. No. 2010-16(10-O-0466), § 2, 4-27-10)

Sec. 10-13. - Exceptions from restriction on entering or remaining.

It shall not be unlawful for, nor shall section 10-12 be construed to restrict, any person under the age of 21 years from entering or being:

- (1) Upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of alcoholic beverages by the drink or for the sale of alcoholic beverages for consumption on the premises or that alcohol beverages, are prepared, mixed or dispensed and served and consumed therein.
- (2) In any public stadiums, sports coliseums, government centers, auditoriums, convention centers, and fairgrounds and parks for which a valid license is obtained, notwithstanding that such premises or any portion thereof may be licensed for the sale of distilled spirits, wine or malt beverages by the drink for consumption on the licensed premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of 21 years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment.
- (3) Upon the licensed premises of a tasting room when in the immediate company of at least one of his parents, or of his legal guardian.
- (4) Upon the licensed premises of a lounge when in the immediate company of at least one of his parents, or of his legal guardian.
- (5) Upon the licensed premises of a supermarket, convenience store, brewery, drugstore, package store, brew pub, private club or open air cafe as defined herein.
- (6) Upon the licensed premises of a hotel, except for any area within the premises of a hotel being operated as a nightclub as defined herein.
- (7) In any theater, concert hall, or similar establishment which is primarily devoted to theatrical performances. As used in this section only, the phrase "theater, concert hall, or similar establishment which is primarily devoted to theatrical performances" shall mean a building, playhouse, room, hall, or other place, licensed for consumption of alcoholic beverages on the premises, having at least 350 permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage upon which theatrical, vaudeville, live concert or similar performances are given, and in which the serving of alcoholic beverages is clearly incidental to such performances, and where the revenue derived from the sale of alcoholic beverages is insubstantial when compared to all other sources of gross revenue; provided, that the person under the age of 21 years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment.

(Ord. No. 2001-6, § 2, 1-23-01; Ord. No. 2001-33, § 1, 5-15-01; Ord. No. 2001-78, § 1, 11-13-01; Ord. No. 2004-68, § 3, 10-8-04)

Sec. 10-14. - Posting signs as to restrictions.

Every licensee herein referred to shall keep a sign conspicuously posted over or near each entrance to any place from which persons under 21 years are herein restricted giving public notice of such fact. The wording and size of such signs shall be in accordance with such regulations as the chief of police may prescribe.

(Ord. No. 2001-6, § 3, 1-23-01; Ord. No. 2004-68, § 3, 10-8-04)

Secs. 10-15—10-30. - Reserved.

Sec. 10-31. - Copies of agreements of persons holding license furnished to police.

All agreements between and among any persons or stockholders of corporations or partners of partnerships holding a license to sell or dispense any alcoholic beverages by the bottle or by the drink and which agreements 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 of use shall be in writing, and copies of all these agreements shall upon request be furnished to the department of police.

(Code 1977, § 14-2006)

Sec. 10-32. - Inspection of establishments.

- (a) *Authorized.* Sworn officers of the department of police shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with this chapter.
 - (b) *Fees.* The bureau of buildings and the department of fire shall each charge a fee of \$50.00 for the inspections made to report on the compliance status of structures where alcoholic beverage licenses are requested.
- (Code 1977, §§ 14-2007, 19-14.001; Ord. No. 2002-35, § 6, 5-28-02)

Sec. 10-33. - Sale of alcoholic beverages by certain nonprofit organizations.

An applicant may be issued a license for the sale of alcoholic beverages for consumption on the premises owned or chosen by any nonprofit corporation within the city conducting events upon meeting all the following requirements:

- (1) The applicant is a nonprofit corporation within the city sponsoring a fundraising event for the purpose of expanding research in the cure for cancer and providing information for the general public.
 - (2) The applicant's fundraising event is held within the area described as follows:
Beginning at the intersection of North Avenue and Marietta Street; thence east on North Avenue to Piedmont Avenue; thence south on Piedmont Avenue to Pine Street; thence east on Pine Street to Bedford Place; thence south on Bedford Place to Baker Street; thence west on Baker Street to Piedmont Avenue; thence south on Piedmont Avenue to Capitol Avenue to Memorial Drive; thence west on Memorial Drive to Peachtree Street to Spring Street; thence north on Spring Street to Marietta Street; thence north on Marietta Street to North Avenue.
 - (3) The applicant sponsors a maximum of one fundraising event per year involving the sale of alcoholic beverages on the premises, provided that no such fundraising event shall exceed four hours.
 - (4) The applicant shall show that the profits realized under any license granted under this section shall be used for the benefit of the nonprofit entity's organizational purposes.
 - (5) The applicant shall show by plat the physical location of defined areas within which alcoholic beverages are to be sold, which shall comply with all sections of this chapter other than sections 10-62, 10-86(d) and 10-88.
 - (6) The applicant shall pay an annual license fee of \$100.00.
- (Code 1977, §§ 14-2008, 19-14.002)*

Secs. 10-34—10-45. - Reserved.

Sec. 10-46. - Required.

No alcoholic beverages shall be manufactured, imported, brokered, sold to wholesalers or other importers or brokers, sold at wholesale or retail in the original package or by the drink nor shall any bottle house or tasting room be operated except under a license granted by the mayor as provided in this division. No licensee shall be authorized to operate a business until the license required in this section has been paid for by money order, certified check or cashier's check, and delivered to the licensee by the proper city official. Where there is a pending application for a new licensee or a change of ownership on a prior existing licensed premises, the authority of the prior licensee to operate the business shall be extended for a maximum period of 30 days beyond the termination date of the prior license.

(Code 1977, § 14-2031; Ord. No. 1999-48, § 2, 6-15-99; Ord. No. 2004-61, § 1, 9-28-04)

Sec. 10-47. - Keeping or storing without appropriate license.

It shall be unlawful for any person operating a place licensed for the sale of malt beverages or wine or both to store or have therein any distilled spirits without an appropriate license therefor.

(Code 1977, § 14-2127)

Sec. 10-48. - Application.

- (a) All persons desiring to obtain a license required under this division shall make written application to the Licenses and Permits Unit of the Atlanta Police Department for that privilege upon forms approved by the License Review Board. The application shall consist of two sections. Section 1 of the application will be used by the licenses and permits unit, the license review board and the relevant neighborhood planning unit (NPU). Section 2 of the license application will be used only by the licenses and permits unit and the license review board for confidential investigation. The applicant shall complete the application and file it with the business tax division along with all required supporting documentation and a non-refundable \$300.00 filing fee payable by money order, certified check or cashier's check and the license fee payable by money order, certified check or cashier's check. The business tax division shall deposit the funds into the appropriate accounts and forward the application to the licenses and permits unit.
- (b) The application shall be sworn to by the applicant or agent thereof and shall state the following:
- (1) The name and address of the applicant;
 - (2) If a corporation, the names of the officers;
 - (3) If a partnership, the names of the partners;
 - (4) The address where the proposed business is to be located;
 - (5) Information regarding the distance of the location from the uses identified in section 10-88 or 10-88.1 provided however that such information need not be provided if the proposed business or location is exempt from or not required to comply with the measurements identified in section 10-88 and 10-88.1
 - (6) The nature and character of the business to be carried on;
 - (7) The hours or operation of the proposed licensed business;
 - (8) The name of the agent/licensee;
 - (9) The name of the manager of the business;
 - (10) The identity of the owner of the property where the business is located;
 - (11) The plan for traffic flow, control and access in case of fire or other catastrophe;
 - (12) Ingress and egress to the property and proposed structure or uses thereon with particular preference to automotive and pedestrian safety and convenience;
 - (13) Parking and loading areas where required, with particular attention to the items in subsections (10) and (11) immediately preceding this subsection;
 - (14) Refuse and service areas and plans for maintenance thereof;
 - (15) The plan for appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion;
 - (16) Security plans and plans for training of employees;
 - (17) The nature of any entertainment to be provided on premises;
 - (18) Provisions for parking; and
 - (19) Such other information as may be required by the Atlanta Police Department Licenses and Permits Unit or the license review board to investigate compliance with the provisions of this chapter.
- (c) All applicants shall furnish all data, information and records requested of them in writing by the license review board or the department of police, and failure to furnish this data, information and records within 30 days from the date of the request shall automatically dismiss, with prejudice, the application provided however the license review board may extend the time to respond for good cause shown. Applicants, by filing an application, agree to produce for oral interrogation any person requested by the license review board, the department of police or the city attorney and considered as being important in the ascertainment of the facts relative to the license. The failure to produce the person within 30 days after being requested to do so shall result in the automatic dismissal of the application provided however the license review board may extend the time to respond for good cause shown.
- (d) Upon receipt of an application, the licenses and permits unit shall make a copy of section 1 of the application and provide the copy and a blank NPU Report Form to the applicant. Within five business days, the applicant shall take the copy of section 1 of the application and the blank NPU report form to the commissioner of the department of planning and community development DPCD or his designee for assignment to the appropriate NPU.
- (e) The DPCD shall provide the applicant with a "notice to appear" before the NPU in which the proposed licensed establishment is located. The DPCD shall determine the date of the next regularly scheduled meeting at which it is possible for the applicant to appear, shall schedule the appearance on that date and shall include that information and the contact telephone numbers for the representatives designated by the NPU to handle liquor license applications on the notice to appear.

The application shall be afforded the opportunity to appear before the NPU within 60 days from the date the applicant receives the notice to appear from the DPCD. The date of the notice to appear shall not be included in the 60-day calculation. A copy of the notice to appear shall be forwarded by DPCD to the NPU designee along with a copy of section 1 of the application and a blank NPU report form. The applicant and the NPU may mutually agree to hold the hearing outside the above-described 60-day time period. Should the NPU fail to hold the hearing for the applicant within the above described 60-day time period or on the date mutually agreed to by the applicant and the NPU, the form upon which the NPU provides its recommendation and comments shall indicate "no recommendation" by the NPU and shall immediately be executed and forwarded by the NPU to the DPCD as set forth in section 10-48(f)(5) upon the expiration of the above described 60-day time period or the date for the applicant's hearing mutually agreed to by the applicant and NPU.

- (f) All applicants for licenses to sell alcohol shall abide by the following regulations pertaining to appearances before the appropriate NPU:
- (1) The applicant shall appear before the appropriate NPU on the scheduled date set forth in the notice to appear. At such meeting, the applicant shall be prepared to respond, to the best of his ability, to any questions regarding section 1 of the application. The applicant shall provide, to the best of his ability, any additional relevant information about the proposed licensed establishment, which the NPU members want to know.
 - (2) If the applicant fails to appear at the NPU meeting on the scheduled set forth in the notice to appear, the applicant shall be required to request from the DPCD a new date on which the applicant shall appear before the NPU and a new notice to appear. The NPU shall submit its original NPU Report Form to DPCD indicating that the applicant failed to appear by checking that box on the form. Once the DPCD schedules a new date for the applicant to appear, the DPCD shall send to the NPU designee a new notice to appear and a new NPU report form.
 - (3) After the applicant appears before the NPU, the NPU shall provide its recommendation to the DPCD in writing on the form to be provided by the DPCD. The form shall contain the following information:
 - a. The name and address of the proposed licensed business;
 - b. The name and address of the owner of the proposed licensed business;
 - c. The name of the agent/licensee of the proposed licensed business;
 - d. The date the applicant appeared before the NPU;
 - e. The comments of the NPU as set forth in section 10-48(f)(4); and
 - f. Whether the NPU:
 1. Recommends that the license be approved;
 2. Recommends that the license be denied; or
 3. Provides no recommendation.
 - (4) In making its recommendation, the NPU shall consider and provide comments regarding any information contained in section 1 of the application and any additional information the applicant provides at the NPU meeting. The NPU shall specifically note any information not found within the application but provided at the meeting and relied upon by the NPU in making its recommendation.
 - (5) The form upon which the NPU provides its recommendation and comments shall be signed by the chairperson of the NPU, or his designee. The NPU shall have five days from the date on which the applicant appears before the NPU to submit the written, signed recommendation form to DPCD and to provide a copy to the applicant. The date of the NPU meeting shall not be included in the five-day calculation. The form upon which the NPU provides its recommendation and comments shall be signed by the commissioner of the DPCD, or his designee within three days after its receipt from the NPU. Such signatures shall confirm the accuracy of the NPU recommendation. The original signed form shall be sent by the commissioner of the DPCD or his designee to the Atlanta Police Department's Licenses and Permits Unit and a copy thereof shall be maintained in the DPCD.
 - (6) The license review board shall not hear any application for a license to sell alcohol if the signed form verifying the applicant's attendance before the NPU, or indicating that the NPU has no recommendation as to the applicant, has not been submitted to the licenses and permits unit.
 - (7) Any application for a license to sell alcohol that receives a recommendation from the NPU that the license be denied shall be listed on the license review board agenda for the date of the hearing on that application as, "PRESENTED WITH NPU RECOMMENDATION FOR DENIAL."
 - (8) The commander of the licenses and permits unit, or his designee, shall notify the commissioner of the DPCD, or his designee, of the date, time and place of the license review board hearing scheduled for each application. Within three days after the commissioner of the DPCD, or his designee, receives such information, he shall notify the appropriate city councilmembers (district and at-large) and the designated representative of the NPU of the date, time, and place of the hearing before the license review board. Such notification shall also include the name of the applicant and the address of the proposed business.

- (g) Within 48 hours of the receipt of each new application for a liquor license, the licenses and permits unit of the police department shall forward a copy of section 1 of the application to the councilmember who represents the district within which the applicant proposes to sell alcohol and to all at-large councilmembers.
- (h) In addition to the above requirements, an applicant for a new or renewal license to sell alcoholic beverages as a private club, as defined in section 10-1, shall submit the names, addresses, and telephone numbers of each of its officers and directors of the private club, and of any other person(s) who will manage, operate, direct, supervise or otherwise have any control over the day to day operations of the private club, including the sale of alcoholic beverages. Such information shall be submitted to the licenses and permits unit on a quarterly basis by the first day of each of the following months: January, April, July, and October. Furthermore, the applicant must submit the minutes of any meeting held during the prior 12 months at which time the salary of any member, director, officer, agent, or employee of the corporation has been set. The private club must also provide proof of its tax exempt status under section 501(c) of the Internal Revenue Code. The failure of the applicant to submit the information set forth herein shall be grounds for denial, suspension, revocation of the license and/or the implementation of a fine of up to \$1,000.00.
- (i) A person desiring to obtain a license to sell alcoholic beverages in a leased location within a licensed premises, shall, in addition to the application required hereinabove, provide additional sworn application forms and the required application fees for each proposed leased location. The prospective lessees shall in all other respects comply with this code section. In the event a licensee shall seek to change, substitute or add a leased location within the licensed premises, then before alcohol sales can continue or commence, the individuals in control of the proposed leased locations must comply with the provisions of this code section. No applicant or licensee may allow sales of alcoholic beverages at a leased location within a licensed premise without compliance with this section and all other applicable provisions of this chapter.

(Code 1977, § 14-2032; Ord. No. 1997-45, §§ 1, 2, 8-25-97; Ord. No. 1999-64, § 1, 9-16-99; Ord. No. 1999-82, § 2, 10-12-99; Ord. No. 2001-26, § 2, 3-27-01; Ord. No. 2001-44, §§ 1—5, 6-8-01; Ord. No. 2002-89, § 1, 12-10-02; Ord. No. 2004-69, § 1, 10-8-04)

Sec. 10-49. - False information in applications.

Any material omission, untrue or misleading information contained in or left out of an original, renewal or transfer application for a license under this division shall be cause for the denial thereof, and if any license has previously been granted, these circumstances shall constitute cause for revocation.

(Code 1977, § 14-2086)

Sec. 10-50. - Minimum age of applicant.

No application for any license under this division shall be granted unless the agent/licensee has attained the age of 21 years.

(Code 1977, § 14-2046; Ord. No. 2004-62, § 1, 9-28-04)

Sec. 10-51. - Citizenship, residence requirements.

- (a) *Sale of malt beverages or wine.* No license for the sale of malt beverages or wine or the operation of a bottle house shall be issued to any person unless the licensee is a resident of Metropolitan Atlanta, which is defined as including Fulton, DeKalb, Cobb, Clayton, Gwinnett, Paulding, Henry, Cherokee, Douglas, Rockdale, Fayette, Coweta and Forsyth Counties. The person must also be a citizen of the United States or an alien lawfully admitted for permanent residence.
- (b) *Sale of packaged distilled spirits.* No license for the sale of distilled spirits by the package shall be granted to any applicant who is not a citizen of the United States or an alien lawfully admitted for permanent residence and who has not resided continuously within the state and Metropolitan Atlanta, as defined in subsection (a) of this section, for a one-year period next preceding the year for which application is made. The applicant shall have been a resident of the state for one year prior to the year for which the application is made. If the applicant is a corporation whose primary business is the operation of a liquor store, the majority stockholder must meet the requirements of this subsection, and the license shall be issued to the corporation and the majority stockholder. If the applicant is a corporation whose primary business is other than the operation of a liquor store, the license shall be issued to the corporation and an officer or agent of the corporation who meets the requirements of this subsection. If the applicant is a partnership, the same requirements pertaining to corporations shall apply to all partnerships.
- (c) *Sale of distilled spirits for on-premises consumption.* No license for the sale of distilled spirits for on-premises consumption shall be granted to any applicant who is not a citizen of the United States or an alien lawfully admitted for permanent residence and who is not, at the time the application is made, a resident of Metropolitan Atlanta, as defined in subsection (a) of this section. If the applicant is a corporation, partnership or association, the license shall be issued to the corporation, partnership or association and an officer or agent of the corporation, partnership or association who meets the requirements of this subsection.
- (d) *Grounds for denial or revocation.* The inability of the police chief to verify any statement of information required to be disclosed on forms furnished by the police chief or to be able to adequately conduct a full investigation of an applicant or a place of business due to foreign background, ties or interest or for any reason beyond the police chief's control shall be, in addition to all other grounds, cause for denial of any license and if any license has been granted shall be cause for revocation of the license.

(Code 1977, § 14-2036; Ord. No. 2004-63, § 1, 9-28-04)

Sec. 10-52. - Advertisement of intent to engage in business.

- (a) Each applicant for a license under this division shall give notice of the purpose of making the application by advertisement at least two times on different days in the daily paper published in the city in which the legal advertisements of the city are carried. The notice shall contain a particular description of the location of the proposed business and shall give the name of the applicant and, if a partnership, the names of the partners and, if a corporation, the names of the officers and the date and time the license review board would hear the application. The second day of the advertisement shall be at least ten days prior to the meeting of the license review board at which the application would be considered. The advertisement referred to in this subsection shall be in type not smaller than ten point capital and lower case and shall be at least one inch, one column advertisement.
- (b) The running of the advertisement required in this section in a newspaper may be concurrent with the time after the application for a license is filed, and if the two days' advertisement is not made before the filing of the application, the application shall state that the advertisement is being made.

(Code 1977, § 14-2033)

Sec. 10-53. - Tasting rooms of farm wineries.

No tasting room shall be operated except under a license granted by the mayor as provided in this section. The applicant for a tasting room license must be a farm winery and must meet all legal requirements contained in this chapter for the sale of wine by the package and for the sale of wine by the drink. Individual patrons of tasting rooms may be given or sold samples of up to seven different wines for consumption, but may not be given or sold in excess of five ounces of wine in any one two-hour period. A tasting room license shall allow the license holder to sell wine by the package and to give or sell wine samples at one location. No other license shall be required for the tasting room location pursuant to this chapter. Tasting room licensees are subject to all laws, rules and regulations of the state and are subject to revocation for violation thereof.

(Code 1977, § 14-2060)

Sec. 10-54. - Investigation of application; report.

All applications for licenses required by this division shall be investigated and not acted upon by the license review board until 20 days after the filing thereof. After the expiration of 20 days the license review board shall report its recommendations to the mayor.

(Code 1977, § 14-2034)

Sec. 10-55. - Grounds for nonacceptance of application.

No application for a license for the sale of alcoholic beverages shall be accepted by the department of police or considered by the license review board if the person applying has had a license to conduct a similar type business denied or revoked by the mayor within the immediately preceding 24 months for any reason other than location disqualification.

For purposes of this section the 24 month period as stated in this section shall be tolled during any period of time that an appeal is pending of said denial or revocation, or any period of time that by operation of law the city cannot enforce said denial or revocation, or any period of time during which there is in place a valid, voluntary agreement between the city and the entity denied a license or whose license has been revoked to not enforce the mayor's decision pending the outcome of litigation in any way involving said denial or revocation.

(Code 1977, § 14-2053; Ord. No. 1997-25, § 3, 5-8-97; Ord. No. 2003-106, § 2, 11-24-03)