

Sec. 10-93. - Exemptions for the sale of alcoholic beverages by the package in Midtown.

- (a) Any applicant for a license to sell wine and/or malt beverages by the package, and not distilled spirits by the package, shall be exempt from the distance requirement provided for in section 10-88.1(b)(5) of the City Code of Ordinances from churches or similar places of religious worship if the location for which the license is being sought and the applicant for such license meet the following requirements:
- (1) The location for which a license to sell wine and/or malt beverages is being sought must have an address on Peachtree Street or Road, and it must be within the area designated by the city as the Midtown Community Improvement District; and
 - (2) At the time of filing the application, the applicant for the license to sell wine and/or malt beverages by the package, or his agent, must hold a current license in the city to sell beer and/or wine for consumption on the premises in a restaurant which has a Peachtree Street or road address and which is located immediately adjacent to the location for which the applicant is seeking a license to sell wine and/or malt beverages by the package. For purposes of this Code section, the term "immediately adjacent to" shall mean directly next door or side by side to each other.
 - (3) In conjunction with the sale of wine and/or malt beverages by the package in the new location, the applicant must sell food to be consumed off premises which is prepared in the kitchen of the restaurant located immediately adjacent to the location which will sell packaged wine and/or beer.
- (b) Any applicant for a license to sell alcoholic beverages, including beer, wine and distilled spirits, by the package shall be exempt from the distance requirements provided for in Section 10-88.1 of the City Code of Ordinances if the applicant for such license and the location for which the license is being sought meet the following requirements:
- (1) At the time of filing the application for a license, the applicant for the license to sell alcoholic beverages by the package, or his agent, must have been issued a license to sell alcoholic beverages by the package within the past 12 months in an establishment located within SPI 16;
 - (2) The applicant or his agent has filed an application for a license to sell alcoholic beverages by the package at a new location within SPI 16 because the business can no longer be operated at the former location due to either the planned demolition or reconstruction of the building within which the establishment was located; and
 - (3) The new location for which a license to sell alcoholic beverages is being sought lies within the following area:
All that tract or parcel of land lying and being in Land Lots 106 & 107 of the 17^h District of Fulton County, Georgia and being more particularly described as follows: Beginning at a PK nail set at the intersection of the northwesterly right-of-way of Peachtree Place (50' R/W) and the southwesterly right-of-way of West Peachtree Street (75' R/W); thence along said right-of-way of Peachtree Place South 83 degrees 06 minutes 36 seconds West a distance of 182.35 feet to a PK nail set; thence departing said right-of-way North 13 degrees 58 minutes 14 seconds West a distance of 123.60 feet to a PK nail set; thence North 57 degrees 11 minutes 26 seconds East a distance of 169.77 feet to a PK nail set on said right-of-way of West Peachtree Street; thence along said right-of-way along a curve to the left an arc distance of 71.31 feet (being subtended by a chord distance of 71.29 feet a bearing of South 21 degrees 35 minutes 28 seconds East and a 920.70 foot radius) to a point; thence along a curve to the right an arc distance of 42.84 feet (being subtended by a chord distance of 42.84 feet, a bearing of South 20 degrees 36 minutes 11 seconds East and a 7791.88 foot radius) to said PK nail set and the POINT OF BEGINNING.

(Ord. No. 2001-80, § 1, 11-13-01; Ord. No. 2003-100, § 1, 10-14-03)

Sec. 10-94. - Certain areas exempt from distance restrictions for sale for consumption on premises.

- (a) Any applicant for a license for the sale of alcoholic beverages for consumption on the premises located within the following area shall not be required to comply with the distance requirements set forth in section 10-88
- (1) Any property located on Peachtree Street or Road or any property located within a shopping center which has a frontage of at least 200 feet on Peachtree Street or Road.
 - (2) Any property located on Stewart Avenue between Lakewood Freeway and I-85 or any property located within a shopping center which has a frontage of at least 200 feet on Stewart Avenue.
 - (3) Any shopping center located on the east side of Monroe Drive between Eighth Street and Virginia Avenue.
 - (4) Any property within Piedmont Park which has been leased by the city to an applicant for an initial term.
 - (5) Any room or area within the Loudermilk Building, which is bounded by Auburn Avenue on the north, Edgewood on the south, Courtland Street on the east, and Peachtree Park Avenue on the west, which is controlled by a bona-fide nonprofit organization.
 - (6) The Herndon Stadium, which is bounded by Martin Luther King, Jr. Drive on the south, Vine Street on the east, Rhode Street on the north and Sunset Street to the west, providing that such exemption shall be limited to use of Herndon Stadium by a duly incorporated division of a professional sports league in connection with official professional sporting events conducted by such league.
 - (7) Any brewpub, restaurant, convention center, bar or combination thereof located on property registered in the National Register of Historic Places.
- (b) Any applicant for a license for the sale of malt beverages or wine for consumption on the premises located within the following area shall not be required to comply with the distance requirements set forth in section 10-88
- (1) Any property located in the Little 5 Points business district fronting on the east side of Moreland Avenue between Mansfield Avenue on the north and McLendon Avenue on the south and all properties fronting on the west side of Moreland Avenue between Mansfield Avenue on the north and McLendon Avenue on the south; any properties fronting on the south side of Euclid Avenue from 1097 on the west to 1189 on the east and all properties fronting on the north side of Euclid Avenue from 1118 on the west to 1190 on the east; any properties fronting on the east side of Seminole Avenue from 441 on the north to 420 on the south.
 - (2) Any property located in the east Atlanta business district fronting on the east side of Flat Shoals Avenue between McPherson Avenue on the north and May Avenue on the south and all properties fronting on the west side of Flat Shoals Avenue between McPherson Avenue on the north and 559 Flat Shoals Avenue on the south; any property fronting on the south side of Glenwood Avenue between 1323 Glenwood Avenue on the west and Brownwood Avenue on the east and all properties fronting on the north side of Glenwood Avenue between Haas Avenue on the west and 1246 Glenwood Avenue on the west.
 - (3) Any room or area within the Loudermilk Building, which is bounded by Auburn Avenue on the north, Edgewood on the south, Courtland Street on the east, and Peachtree Park Avenue on the west, which is controlled by a bona-fide nonprofit organization.
- (c) This section shall not apply to applicants for alcoholic beverage licenses for adult entertainment establishments. (Code 1977, § 14-2044; Ord. No. 2001-7, §§ 1, 2, 1-23-01; Ord. No. 2003-56, § 1, 4-28-03; Ord. No. 2010-27(10-O-0780), § 1, 6-16-10)

Sec. 10-95. - Exemption for expansion of preexisting location.

Any applicant for a license for the sale of alcoholic beverages for consumption on the premises, which application includes an expansion of a preexisting licensed location, shall not be required to comply with the distance requirements set forth in sections 10-88.

(Code 1977, § 14-2059)

Secs. 10-96—10-105. - Reserved.

Sec. 10-106. - Annual renewal; forms.

All licensees under this division shall be required to renew their licenses annually on forms prescribed by the license review board on or before January 1 of the calendar year in which the licensee proposes to operate. All licensees who are dependent upon some contractual agreement or special exception to meet the minimum parking requirements set forth by the Zoning Code must provide, on an annual basis, proof that they will continue to have a contractual or legal interest in those spaces throughout the up coming year. The failure of an applicant for renewal to provide such proof shall result in the denial of the application. All lessees located within any licensed premises shall be subject to this requirement, by submitting a renewal application contemporaneously with the primary renewal submitted by the licensee. The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that a location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license.

(Code 1977, § 14-2081; Ord. No. 2000-65, § 1, 12-12-00; Ord. No. 2002-89, § 3, 12-10-02; Ord. No. 2003-06, § 1, 1-28-03; Ord. No. 2004-64, § 1, 9-28-04; Ord. No. 2004-82, § 1, 11-19-04)

Sec. 10-107. - License constitutes grant or privilege.

All licenses in this division shall be a mere grant or privilege to carry on the business during the term of the license, subject to all the terms and conditions imposed by the Charter and related state laws, applicable sections of this Code and other ordinances of the city relating to these businesses.

(Code 1977, §§ 14-2082(a), 14-2121)

Sec. 10-108. - Return of fee for revocation.

If a license required under this division is revoked, the licensee shall not be entitled to a return of the unearned license fee.

(Code 1977, § 14-2121)

Sec. 10-109. - Procedures.

- (a) As used in this chapter, the term "due cause" for the denial of applications for all new alcoholic beverage licenses, or for the transfer of location or the transfer of ownership, or for revocation, suspension or refusal to renew any license, or for the assessment of a fine in regard to any license includes but is not limited to the following:
- (1) The solicitation on the licensed premises by a licensee or by any employee of the licensee, for the licensee or employee or for any person other than a patron and guest of a patron, the purchase by the patron of any drink, whether alcoholic or nonalcoholic, or money with which to purchase the drink; the paying by a licensee of a commission or any other compensation to any person frequenting the establishment of the licensee or to the agent, employee or manager of the licensee to solicit the purchase by the patron of any drink, whether alcoholic or nonalcoholic. For purposes of this subsection, neither the licensee nor any employee of such licensee shall be considered a guest of any patron.
 - (2) The selling to or serving of any alcoholic beverage to any person below the age of 21 years; or permitting the entrance of anyone under 21 years of age in violation of [section 10-12](#); or failure to post a sign pursuant to [section 10-14](#)
 - (3) The conviction of any felony reasonably related to the ability of the licensee to operate and maintain the premises in a proper manner.
 - (4) The violation of any state law or regulation governing the manufacture, sale, distribution or transportation of alcoholic beverages.
 - (5) The violation of any section of O.C.G.A. tit. 10, ch. 1, art. 15, pt. 1 (O.C.G.A. § 10-1-370 et seq.), the Uniform Deceptive Trade Practices Act, reasonably related to the operation of licensed establishments.
 - (6) Permitting the solicitation of patrons on the licensed premises for prostitution or any other unlawful act where the licensee or the licensee's employee or agent knew or should have known of such conduct.
 - (7) The selling or serving of any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be in a state of intoxication.
 - (8) The failure to comply with any and all federal, state or municipal tax laws and regulations applicable to the operation of establishments licensed to sell alcoholic beverages.
 - (9) The failure to furnish any and all data, information and records related to the operation of licensed establishments, when such has been requested by the department of police or the license review board.
 - (10) The failure to maintain any and all of the general qualifications applicable to the initial issuance of a license as set forth in [section 10-57](#)
 - (11) The failure to obtain prior approval of the mayor after hearing by the license review board for changing the type of establishment operated pursuant to [section 10-62](#)
 - (12) Failure by the licensee to adequately supervise and monitor the conduct of the employees, patrons and others on the licensed premises or on any property owned or leased by the licensee, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of a licensed establishment, in order to protect the safety and well-being of the general public and of those utilizing the premises.
 - (13) The violation of [chapter 94](#), which violation shall be evidenced by receipt of an order by the human relations commission which shall contain findings of discrimination pursuant to such chapter.
 - (14) The violation of any other law, ordinance or regulation governing the operation of establishments licensed to sell alcoholic beverages or which are reasonably related to the operation of such establishments.
 - (15) The failure of a licensee whose licensed premises directly abuts a public street directly to maintain all property outside the lot and property line and inside the curb line upon the public street, including any sidewalk. Said duty to maintain the above-designated property must be accomplished within reasonable time after the close of business each day. "Maintain" as used in this subsection shall mean keeping the specified area free of bottles, cups, trash and other debris. "Within a reasonable time" as used in this subsection shall mean within four hours of the close of business.
 - (16) The violation by either the owner, the licensee, the management, an employee, an independent contractor, or anyone acting as an agent for or on behalf of any establishment licensed to sell alcohol of any of the city's ordinances which pertain to the posting of signage and/or banners found in chapters 138 and 16-28A of the City of Atlanta Code of Ordinances if such violation is reasonably related to the operation of the licensed establishment and the owner or licensee knew or should have known of the posting. The director of the bureau of buildings, or his designee, shall report all violations of such ordinances of which the bureau of buildings is aware to the City of Atlanta Police Department's Licenses and Permits Unit within ten days of the occurrence of such violation.
 - (17) The violation by either the owner, the licensee, the management, an employee, an independent contractor,

or anyone acting as an agent for or on behalf of any establishment licensed to sell alcohol of the city's noise ordinance found in chapter 74 of the City of Atlanta Code of Ordinances or of section 10-60(a)(4)(3) if such violation is reasonably related to the operation of the licensed establishment and the owner or licensee knew or should have known of the violation of the noise ordinance.

- (18) The failure of an applicant for renewal that is exempt from the certain distance requirements as provided in section 10-88.1, to provide the police department with a statement from a certified public accountant evidencing that the package store derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages shall result in the denial of a renewed license.
- (19) Permitting the sale of illegal drugs on the licensed premises where the licensee or the licensee's employee or agent knew or should have known of such conduct.
- (b) Upon a finding of due cause, the mayor shall have the authority to deny applications for new licenses or for transfer of location or transfer of ownership and to revoke, suspend or refuse to renew any license issued by the city to any licensee under this division.
- (c) No application for a new license or for a transfer of location or transfer of ownership shall be denied and no license issued by the city or any license under this division shall be revoked, suspended or refused renewal except upon a finding of due cause and after a hearing and upon a five-day written notice to the licensee, stating the place, date, time and purpose of such hearing and setting forth the charge upon which the hearing shall be held. The commander of the licenses and permits unit, or his designee, shall notify the commissioner of the DPDNC, or his designee, regarding any adverse action being taken on any application for a renewal license to sell alcohol or on any proposed revocation of a current license to sell alcohol. The commander of the licenses and permits unit, or his designee, shall also notify the city councilmember who represents the district within which the licensed establishment, which is subject to adverse action is located and all at-large councilmembers regarding the adverse action. Such notice shall provide the date, time and place of any hearing regarding the adverse action. The commissioner of the DPDNC, or his designee, shall then notify both the chairperson and the vice chairperson of the NPU in which the licensed establishment is located regarding the hearing. Such notice shall provide the date, time and place of any hearing regarding the adverse action.
- (d) The license review board shall conduct the hearings and report its conclusions and recommendations to the mayor. The mayor, upon receiving the report, may deny applications for new licenses or for transfer of location or transfer of ownership and may revoke, suspend or refuse to renew any license. In lieu of suspension, revocation or the failure to renew, the mayor may impose a fine upon any licensee holding a license to sell alcoholic beverages for on-premise consumption, such fine not to exceed \$2,500.00 for each violation. For each violation pertaining to other licenses issued pursuant to this chapter, the mayor may impose a fine in an amount not to exceed \$1,000.00 in lieu of suspension, revocation or the failure to renew occurring on the licensed premises.
- (e) After denial, revocation or the failure to renew a license, the mayor, upon the recommendation of the license review board and after a hearing by the board, may refuse to accept or consider any application for a license to operate at the location for the sale of alcoholic beverages for a period of 12 months from the time of denial, revocation or failure to renew such license; however, any new application for licensure at such location shall ask of the new applicant whether the location has been denied, revoked or not renewed under this division. For purposes of this subsection the 12 month period as stated in this subsection shall be tolled during any period of time that an appeal is pending of said refusal to accept or consider any application, or any period of time that by operation of law the city cannot enforce said refusal to accept or consider any application, or any period of time during which there is in place a valid, voluntary agreement between the city and the entity whose application the mayor has refused to accept or consider to not enforce the mayor's decision pending the outcome of litigation in any way involving said refusal to accept or consider any application.
- (f) For due cause, if a violation of this chapter occurs which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public, the mayor or the mayor's designee may suspend any license. Any such suspension may be made effective immediately and shall remain in force until the next regular or called meeting of license review board.
- (g) The mayor may, upon a finding of due cause, deny, revoke, suspend or refuse to renew any license upon a determination that public convenience and advantage would not be promoted by the approval of an applicant's application. In making such a determination the mayor may consider the general welfare and safety of the community, noise, parking and traffic with reasonable consideration being given to the character of the area and its peculiar suitability to the proposed uses and the stability of the neighborhood as they may be impacted by the proposed licensed premises.
- (h) Property owners of licensed premises will be responsible to a reasonable extent for unlawful activity which occurs on their premises on a regular basis such that the property owner knows or should have known that such unlawful activity was taking place on the licensed premises. If it appears that such activity was encouraged or if it appears that the property owner could have prevented such activity, in addition to being authorized to deny, revoke and refuse to renew the license, the mayor shall be authorized to deny the issuance of any license under this division at that location for a period up to two years from the occurrence of such unlawful activity, and such property shall also lose its permitted and nonconforming uses for the same period. At the time an application is submitted, the

applicant shall also submit a form, provided by the department of police and signed by the property owner of the proposed licensed premises, which states that the owner has been notified of this section. Property owners will not be responsible for unlawful activity on their property unless they have first been warned in writing by certified or registered mail, at least once, that such activity was occurring on the property. Property owners shall only be responsible for unlawful activity similar to that about which they were warned. However, this section does not require that such owners be notified about every instance of unlawful activity occurring on their property.

- (i) The provisions of section 10-109 shall supercede any and all other provisions of the City Code of Ordinances with which there exists a conflict.
- (j) The provisions of 10-109 shall apply in all respects to anyone seeking to obtain a license or to the holder of a license to sell alcoholic beverages in a leased location within a licensed premise.

(Code 1977, § 14-2083; Ord. No. 1998-49, § 1, 7-13-98; Ord. No. 1999-64, § 2, 9-16-99; Ord. No. 1999-72, §§ 1, 2, 9-30-99; Ord. No. 2001-6, § 4, 1-23-01; Ord. No. 2001-26, §§ 3, 4, 3-27-01; Ord. No. 2001-78, § 2, 11-13-01; Ord. No. 2001-94, § 3, 12-11-01; Ord. No. 2002-89, § 4, 12-10-02; Ord. No. 2003-106, § 3, 11-24-03; Ord. No. 2005-11, § 1, 2-28-05; Ord. No. 2005-90, § 1, 12-13-05; Ord. No. 2006-45, § 2, 7-25-06)

Sec. 10-110. - Automatic revocation of city license upon revocation of state license.

Whenever the state shall revoke any permit or license to manufacture or sell at wholesale or retail any alcoholic beverages, the city license to manufacture or deal in these products shall thereupon be automatically revoked without any action by the council or any municipal officer.

(Code 1977, § 14-2084)

Sec. 10-111. - Removal of signs after revocation.

When any license for selling alcoholic beverages is revoked, all signs indicating that those beverages may be sold or purchased shall be removed from the place of business, both outside and inside. The department of police shall enforce this section.

(Code 1977, § 14-2085)

Sec. 10-112. - Restrictions upon transfers.

- (a) Licenses under this division shall not be transferable, except as otherwise provided in this section.
- (b) If the death of any person holding a license or any interest therein occurs, the license may, in the discretion of the mayor, be transferred to the administrator, executor or the lawful heirs of the deceased person.
- (c) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. The withdrawal shall not, however, bring any new ownership into the partnership.
- (d) Should a transfer of a location be approved, there shall be no pro rata return of any license fee, and the new location shall be considered and meet the requirements of a new license under this division; provided, however, if a transfer of an existing location is approved and there is no change in the ownership of the business, the license fee paid for the old location shall be applied to the new location.
- (e) A licensee may take in partners or additional stockholders if it is determined that the additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and if it appears that the licensee receives directly none of the additional capital invested. Under this section an additional partner or new principal stockholder must be approved by the license review board, except as provided in this division for the retail sale of distilled spirits by the package.

(Code 1977, § 14-2087)

Sec. 10-113. - Application for new license at existing licensed location.

- (a) An applicant for a new liquor license who has acquired a previously licensed liquor location may, within one year after the expiration of the previous owner's license, obtain a liquor license for that location even though the location may not meet distance requirements from churches, schools, private residences and other distance requirements set forth in this division.
- (b) An application filed under this section shall meet and qualify under all other requirements of this division for the granting of a new license; however, this section shall not apply to applications for alcoholic beverage licenses for adult entertainment establishments.

(Code 1977, § 14-2088; Ord. No. 1995-43, § 9, 8-28-95)

Sec. 10-114. - Active participation in licensed premises by licensee; transfer of right to operate.

- (a) For the purposes of this section, the term "active participation" means direct control or supervision over the employees and location of the premises licensed under this division.
- (b) Every individual person granted a license for the sale of alcoholic beverages under this division shall maintain an active participation in the operation of the licensed premises during the term of the license. For a corporation, partnership or association issued a license for the sale of alcoholic beverages, the individual agent named in the application for the license shall maintain an active participation in the operation of the licensed premises during the term of the license.
- (c) No licensee or agent of any licensee shall transfer the right to operate under any license to any other person by lease, agreement, contract or any other agreement.

(Code 1977, § 14-2091)

Secs. 10-115—10-125. - Reserved.

Sec. 10-126. - Temporary permit for special events.

- (a) Upon the filing of an application and payment of a filing fee of \$100.00 and a permit fee of \$500.00 per day, up to a maximum of \$2,000.00, and after investigation by the department of police and review by the license review board, the mayor may issue a permit to an individual or organization for the sale of alcoholic beverages for consumption on the premises only during a special event under the following conditions:
- (1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption.
 - (2) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.
 - (3) Food must be served during any period of time that alcoholic beverages are served.
 - (4) The application for such permit must have been filed with the department of police at least 30 days prior to the date of the special event.
 - (5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this section between the hours of 12:30 p.m. and 11:00 p.m. in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons and in eating establishments. As used in this subsection, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food in accordance with O.C.G.A. § 3-3-7.
 - (6) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other city ordinances governing such sales, including but not limited to sections of this Code and other ordinances relating to the hours of operation, distance requirements and the permit requirements for employees contained in [section 10-206](#)
 - (7) Each special event shall last a maximum of seven consecutive days, and no more than two special event permits shall be issued to any applicant in any calendar year.
- (b) A special event permit may be immediately revoked by the police chief for due cause for a violation of this chapter which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

(Code 1977, §§ 14-2032.3, 19-14.005)

Sec. 10-126.1. - Reserved.*Editor's note—*

Ord. No. 2004-64, § 2, approved Sept. 28, 2004, repealed § 10-126.1 in its entirety. Formerly, said section pertained to temporary permit for sale of alcoholic beverages as enacted by Ord. No. 1996-35, § 1, 6-12-96; as amended.

Sec. 10-126.2. - Traveling companies providing public entertainment.

- (a) For purposes of this section, the term "traveling companies providing public entertainment" means any national or international company which travels to various locations throughout the country to provide public entertainment for a limited time period of no more than 90 days.
- (b) Upon filing an application and payment of a filing fee of \$100.00 and a permit fee of \$500.00 per day, up to a maximum of \$5,000.00, and after investigation by the department of police and review by the license review board, the mayor may issue a permit to an individual or organization authorizing the sale of alcoholic beverages for consumption on premises only during the performance of a show by a traveling company providing public entertainment under the following conditions:
- (1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption.
 - (2) The permit will allow the sale of alcoholic beverages beyond the premises described in the annual license only in the areas specifically described in the application and only during the period specified in the application.
 - (3) The application for such permit must have been filed with the department of police at least 30 days prior to the date of the special event.
 - (4) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other city ordinances governing such sales, except those provisions of the Code of Ordinances in express conflict with this Code section.
 - (5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this section between the hours of 12:30 p.m. and 12:00 p.m. in eating establishments. As used in this subsection, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food in accordance with O.C.G.A. § 3-3-7.
 - (6) Each such special event permitted pursuant to this section must comply with the following conditions:
 - a. Said permit shall last for a period not to exceed 90 days;
 - b. The area in which the special event is held must be fenced;
 - c. The applicant must submit a site plan for the special event;
 - d. The applicant must provide a traffic plan and a security plan, and said plan must be approved by the police department; and
 - e. The applicant must submit a plan for removal of trash and provision of toilet facilities, and said plan must be approved by the department of public works.
 - (7) Food must be served during any period of time that alcoholic beverages are served.
 - a. A special event permit issued pursuant to this Code section may be denied, suspended or revoked by the mayor for due cause for a violation of this chapter in accordance with the procedures provided in [section 10-109](#)
 - b. A special event permit may be immediately suspended or revoked by the chief of police for due cause for a violation of this chapter when such violation results in an emergency situation in which continued operations of the premises by the licensee endangers the health, safety and/or welfare of the public. A hearing on the suspension or revocation shall be held at the next regularly scheduled meeting of the license review board. Prior publication on the license review board agenda shall not be required for such hearing. Thereafter, the procedures for suspension or revocation of the special event permit provided in [section 10-109](#) shall be followed.

(Ord. No. 2000-60, § 1, 11-28-00)

Sec. 10-127. - Temporary permit for nonprofit civic organizations.

- (a) Upon filing an application and payment of a fee of \$25.00 and after review by the license review board, the mayor may issue a permit authorizing a bona fide nonprofit civic organization to sell alcoholic beverages for consumption on the premises only, for a period not to exceed one day, subject to any law regulating the time for selling such beverages.
- (b) The application for such permit must have been filed with the License and Permits Unit of the Atlanta Police Department at least 30 days prior to the date of the special event.
- (c) Not more than six permits may be issued pursuant to this section to an organization in any one calendar year.
- (d) Permits issued pursuant to this section shall be valid only for the place specified in the permit.

(Code 1977, §§ 14-2032.1, 19-14.003; Ord. No. 2007-65(07-O-2123), § 1, 11-13-07; Ord. No. 2009-59(09-O-1558), § 1, 10-13-09; Ord. No. 2010-52(10-O-1535), § 1, 9-28-10)

Sec. 10-128. - Approved outdoor festivals.

- (a) Whenever an application is made for an outdoor festival permit pursuant to chapter 138, article VI, an application may be made pending approval of the festival permit for a special permit pursuant to this section to sell alcoholic beverages for on-premises consumption at a specified location and time in connection with such festival. The location and time specified must be at the place and time specified in the festival permit application. A special permit may be issued under this section only after the festival permit has been issued. Such permits may be issued to the following:
- (1) Any natural person holding a license from the city for on-premises consumption of alcoholic beverages simply by payment of the fee provided for in subsection (b) of this section, without further review or approval. Festival organizers may contract with any such license holder for this purpose.
 - (2) Any natural person listed as one of the applicants or officers of an organization applying for an outdoor festival permit, provided such person shall comply with all other sections of this Code for the issuance of licenses for on-premises consumption of alcoholic beverages, including review by the license review board.
- (b) Applicants approved to sell alcoholic beverages at outdoor festivals pursuant to this section shall pay a special license fee of \$50.00 per day for malt beverages and wine and \$50.00 per day for distilled spirits per sales location for each calendar day of the festival.

(Code 1977, §§ 14-2032.2, 19-14.004)

Cross reference— *Outdoor festivals, § 138-186 et seq.*

Sec. 10-129. - Wine tastings.

Upon filing an application and payment of a filing fee of \$100.00 and a permit fee of \$250.00 per day and after investigation by the department of police and review by the license review board, the mayor may issue a permit to a licensed retail package wine dealer or licensed wine wholesaler to hold a wine tasting. The permit shall allow the applicant to provide samples of wine to the public for consumption at a location which meets legal requirements for on-premises consumption, under the following conditions:

- (1) The applicant for a wine tasting must hold a valid current wine license in the state.
- (2) No wine tasting may be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken container at retail.
- (3) No permit to conduct a wine tasting will be issued to conduct a wine tasting on the premises of a malt beverage and wine store operating in connection with a licensed retail liquor store.
- (4) Wine tastings may only be conducted in connection with an instructional or educational promotion.
- (5) All wines secured for tasting purposes must be obtained through a retail or wholesale wine outlet.
- (6) Any advertising of such wine tasting must receive prior approval from the commissioner of the state department of revenue.
- (7) Wine tastings must comply with all laws and regulations otherwise pertaining to the sale and distribution of alcoholic beverages in the state.
- (8) No wine tasting shall last more than two days, and no applicant may hold more than two wine tastings per year.
- (9) The permit will allow tasting of wine beyond the premises described in the annual license only in the area specifically described in the application and only during the time set out in the permit.
- (10) The application for such permit must have been filed with the department of police at least 30 days prior to the date of the wine tasting.
- (11) All applicants and permit holders must comply with all state statutes and sections of this Code and other city ordinances concerning alcoholic beverages, including but not limited to those dealing with hours of operation, zoning and distance requirements.
- (12) This section shall not apply to licensed wine specialty shops that hold an annual license pursuant to section 10-60(a)(1)(c) of this Code.

(Code 1977, § 14-2061; Ord. No. 2007-61(07-O-1900), § 3, 10-22-07)

Secs. 10-130—10-140. - Reserved.

Sec. 10-141. - [Reporting of food sales required.]

- (a) Each wholesale dealer selling alcoholic beverages, including but not limited to malt beverages and distilled spirits, shall file a report on forms furnished by the city disclosing the following: report sales in even dollars and as a percent of the total, gross food sales in even dollars and as a percent of the total, gross alcoholic beverage sales in even dollars and as a percent of a total, the amount of tax at the percent required under this division, and any other information reasonably related to the operation of the business required by the City of Atlanta. The report shall be accompanied by remittance to the city for all taxes collected or due as shown on the report.
- (b) Failure to provide any and all of the information required by this report may result in penalties specified in this chapter, including but not limited to, penalties and interest on the amount of tax due and payable, suspension or revocation of the license, or fines imposed by the mayor or his designee.

(Ord. No. 2001-4, § 1, 1-8-01)

Secs. 10-142—10-150. - Reserved.

Sec. 10-151. - Levy; report of sales; payment of tax.

- (a) There is levied and imposed upon all wholesale dealers selling malt beverages within the city a specific excise tax in the amount of \$0.05 per 12 ounces or proportionately thereof so as to graduate the tax on bottles, cans and containers of various sizes, and a specific excise tax on tap or draft beer shall be in the amount of \$6.00 for each container of 15½ gallons or proportionately thereof so as to graduate the tax on containers of various sizes where the beverage is sold in or from a barrel or bulk container, such beverage being commonly known as tap or draft beer, of all malt beverages sold by each wholesale dealer within the corporate limits of the city, to be paid as provided in this section.
- (b) On or before the tenth day of each month, each wholesale dealer selling malt beverages within the city shall file a report on forms furnished by the city disclosing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, constituting a beginning and ending inventory for the month, sold within the city. Each wholesale dealer shall remit to the city on the tenth day of the month next succeeding the calendar month in which the sales were made the amount of excise tax due in accordance with this subdivision.
- (c) There shall be no excise tax levied or imposed upon sales of malt beverages sold to persons outside of the state, for resale or consumption outside of the state, or upon sales of malt beverages sold to stores or canteens located on United States military posts or reservations; provided, however, that malt beverages sold to licensed airlines and railway passenger carriers for resale or consumption in or over the state shall not be exempt from such taxation.

(Code 1977, § 14-2201)

Sec. 10-152. - Tax in addition to other fees and taxes.

The excise tax levied in this subdivision shall be in addition to any license fee, tax or charge imposed upon the business of selling malt beverages at retail or wholesale within the corporate limits of the city.

(Code 1977, § 14-2202)

Sec. 10-153. - Penalties for late reporting and payment.

The failure to make a timely report and remittance of the tax levied in this subdivision shall render a wholesale dealer liable for a penalty equal to two percent of the total amount due during the first 30 days following the date the report and remittance were due and a further penalty of five percent of the amount of the remittance for each consecutive 30 days or any portion thereof during which the report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making the report liable for a penalty equal to 20 percent of the amount of the remittance which would be required under an accurate and truthful report.

(Code 1977, § 14-2203)

Secs. 10-154—10-165. - Reserved.

Sec. 10-166. - Levy.

- (a) In addition to all other taxes or license fees, all wholesale dealers engaged in the city in the business of selling wine or distilled spirits, as defined under the laws of the state, there is imposed and levied upon all such wholesale dealers within the city a tax for the privilege of doing such business in the city, to be computed and collected as set forth in this section.
- (b) The amount of the tax imposed on such dealers shall be computed on the following basis:
- (1) Wholesale dealers in distilled spirits (fortified wine excluded), per liter\$ 0.22
 - (2) Wholesale dealers in wine, per liter0.22
- (c) The special or excise tax imposed in this section upon such wholesale sales shall be paid by the wholesale dealers to the chief financial officer by the tenth of each month based upon the volume in liters of liquor and wine sold during the previous month. For prompt payment on or before the tenth of each month, the wholesale dealer shall be entitled to receive and may deduct from such remittance two percent of the total tax for the preceding month. Such wholesale dealers shall be subject to all the conditions set forth in [section 10-166](#) and shall, in all respects, comply with this subdivision, particularly with reference to the keeping of true and correct records of all sales and shipments and the rendering of a sworn statement of the records.

(Code 1977, § 14-2221)

Sec. 10-167. - Payment of tax; records; report of sales.

- (a) The tax imposed in this subdivision shall be computable and payable monthly.
- (b) Each wholesale dealer or distributor selling, shipping or delivering wines or distilled spirits to any retail dealer in the city, whether delivered to the retail dealer's place of business in the city or elsewhere for resale in the city, shall as a condition to the privilege of carrying on the business in the city:
 - (1) Keep true and correct records of all sales, shipments or deliveries of wines or distilled spirits to each retail dealer in the city, such records to be preserved for a period of one year and to be made available on request for the inspection of any duly authorized representative of the city.
 - (2) On or before the tenth day of each calendar month make a verified and comprehensive return to the city, which shall correctly show all sales and deliveries of wines or distilled spirits made to or for retail dealers in the city for the month immediately preceding the report. The report shall show the name and address of each retail dealer, the quantities delivered to each retail dealer, the amount collected under the terms of this subdivision, and such other information as may be called for by the city. The report shall be accompanied by remittance to the city for all taxes collected or due as shown on the report.

(Code 1977, § 14-2222)

Sec. 10-168. - Failure to make returns.

If any wholesale dealer fails or refuses to make the returns provided for in this subdivision, the city shall notify the party in writing. If the returns are not made and the taxes levied in this subdivision remitted within five days from date of the notice, the city may withdraw from the wholesale dealer the privilege of doing business in the city by revoking the dealer's license. Upon the failure to make returns and pay the taxes accrued, the city shall proceed to assess the amount of taxes due under this subdivision from retail dealers, who have purchased from the wholesale dealer, from the best information available and proceed to collect the taxes as provided by this subdivision for the collection of delinquent taxes.

(Code 1977, § 14-2223)

Sec. 10-169. - Penalty for violation.

It shall be a violation of this subdivision for any person to sell at retail within the city any wines or distilled spirits on which the taxes levied in this subdivision have not been paid by the wholesale dealer to the city, as provided under this subdivision, and the dealer shall be subject to the general penalty as provided in section 1-8.

(Code 1977, § 14-2224)

Secs. 10-170—10-180. - Reserved.

Sec. 10-181. - Definitions.

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

Agent means that person designated by a licensee in the licensee's application for a permit to sell distilled spirits by the drink in the city.

Drink means any distilled spirits not in its original package for consumption on the premises which may or may not be diluted by any other liquid.

Licensee means any person who holds a license from the city to sell distilled spirits by the drink for consumption on the premises.

Monthly period means the calendar month of the year.

Purchase price means the consideration received for the sale of distilled spirits by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.

Purchaser means any person who orders and gives present or future consideration for any distilled spirits by the drink from a licensee.

Tax means the tax imposed by this subdivision.

(Code 1977, § 14-2231)

Cross reference— Definitions generally, § 1-2.

Sec. 10-182. - Administration.

- (a) *Authority.* The mayor or the mayor's designee shall administer and enforce this subdivision.
- (b) *Rules and regulations.* The mayor or the mayor's designee shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this subdivision or other laws of the city and the state or the constitution of this state or the United States for the administration and enforcement of this subdivision and the collection of the taxes under this subdivision.
- (c) *Records required from licensees.* Every licensee for the sale of distilled spirits by the drink to any person shall keep such records, receipts, invoices and other pertinent papers in such form as the mayor or the mayor's designee may require.
- (d) *Examination of records; audits.* The mayor or the mayor's designee may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee to ascertain and determine the amount required to be paid.
- (e) *Authority to require reports.* In administration of this subdivision, the mayor or the mayor's designee may require the filing of reports by any person having in such person's possession or custody information relating to sales of beverages which are subject to the tax. The reports shall be filed with the license division, department of finance, when required and shall set forth the price charged for each sale, the dates of sales and such other information as may be required.
- (f) *Confidentiality.* The mayor or the mayor's designee or any person having an administrative duty under this subdivision shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any licensee or any other person visited or examined in the discharge of official duty or the amount or source of income, profits, losses, expenditures or any particular thereof set forth or disclosed in any return or permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this subdivision, except for judicial proceedings or other proceedings necessary to collect the tax levied and assessed. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

(Code 1977, § 14-2241)

Sec. 10-183. - Violations.

Any person violating this subdivision shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-8. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this subdivision is committed, continued or permitted by such person and shall be punished accordingly.

(Code 1977, § 14-2242)

Sec. 10-184. - Levy.

There is imposed and levied in addition to all other taxes imposed by law upon every purchase of distilled spirits by the drink in the city a tax in the amount of three percent of the purchase price.

(Code 1977, § 14-2232)

State law reference— Maximum tax rate, O.C.G.A. § 3-4-131.