

Sec. 10-185. - Adding to sales price.

Licensees shall, as far as practicable, add the amount of the tax imposed under this subdivision to the sales price or charge, which shall be a debt from the purchaser to the licensee until paid and shall be recoverable at law in the same manner as other debts. If any licensee shall neglect, fail or refuse to collect such tax upon any, every and all retail sales made by the licensee or the licensee's agents or employees of alcoholic beverages which are subject to the tax imposed under this subdivision, the licensee shall be liable for and shall pay the tax.

(Code 1977, § 14-2233)

Sec. 10-186. - Sale of distilled spirits itemized separately.

Every licensee for the sale of distilled spirits by the drink operating a place of business in the city shall, at the time of collecting for food and drinks served, itemize separately the price of distilled spirits served. If the charges for food and drink are satisfied by credit or deferred payment, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefor at the time and to the extent that such credits are incurred.

(Code 1977, § 14-2234)

Sec. 10-187. - Due date of taxes.

All taxes collected by any licensee or agent under this subdivision shall be due and payable to the mayor or the mayor's designee monthly on or before the 20th day of every month next succeeding each respective monthly period, as set forth in section 10-181.

(Code 1977, § 14-2235)

Sec. 10-188. - Return.

- (a) *Required.* On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the licensing division of the department of finance in such form as the mayor or the mayor's designee may prescribe by every licensee or agent liable for the payment of tax under this subdivision.
- (b) *Contents.* All returns shall show the gross receipts from the sale of distilled spirits by the drink, the amount of tax due for the related period and such other information as may be required by the mayor or the mayor's designee.
- (c) *Delivery of return and remittance.* The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due, to the Licensing Division, Department of Finance, Room 104, City Hall, 55 Trinity Avenue SW, Atlanta, GA 30335.
- (d) *Collection fee allowed licensees.* Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the O.C.G.A. tit. 48, ch. 8 (O.C.G.A. § 48-8-1 et seq.).

(Code 1977, § 14-2236)

Sec. 10-189. - Deficiency determinations.

- (a) *Recomputation of tax.* If the mayor or the mayor's designee is not satisfied with the return of the tax levied under this subdivision or the amount of the tax levied under this subdivision required to be paid to the city by any person, the mayor may compute and determine the amount required to be paid upon the basis of any information within the mayor's possession or that may come into the mayor's possession. One or more than one deficiency determinations may be made of the amount due for one or more than one monthly period.
- (b) *Interest on deficiency.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month or any fraction of a month from the 20th day after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.
- (c) *Offsetting of overpayments.* In making a determination, the mayor or the mayor's designee may offset overpayments, for a period, against underpayments, for another period, against penalties and against the interest on underpayments.
- (d) *Penalty for negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to negligence or disregard of rules and regulations, a penalty of 15 percent of the amount of such deficiency shall be added thereto.
- (e) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade any section of this subdivision or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added thereto.
- (f) *Notice of deficiency determination.* The mayor or the mayor's designee shall give to the licensee written notice of the mayor's deficiency determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at the licensee's address as it appears in the records of the license division, department of finance. For service by mail or any notice required by this subdivision, the service is complete at the time of deposit in the United States post office.
- (g) *Time limits.* Except for a fraud, intent to evade this subdivision or authorized rules or regulations or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period shall last expire.

(Code 1977, § 14-2237)

Sec. 10-190. - Determination if no return made.

- (a) *Estimate of gross receipts.* If any licensee fails to make a return for the tax levied under this subdivision, the mayor or the mayor's designee shall make an estimate of the amount of the gross receipts of the licensee or, as the case may be, of the amount of the total sales in this city which are subject to the tax. The estimate shall be made for the period in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the mayor or the mayor's designee. Upon the basis of this estimate, the mayor or the mayor's designee shall compute and determine the amount required to be paid the city, adding to the sum thus determined a penalty equal to 15 percent thereof. One or more determinations may be made for one or for more than one period.
- (b) *Offsets; interest.* In making a determination, the mayor or the mayor's designee may offset overpayments for a period or penalties and against the interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) of this section.
- (c) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month or any fraction of a month from the 20th day after the close of the monthly period for which the amount or any portion thereof should have been returned, until the date of payment.
- (d) *Penalty for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this subdivision or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 15 percent penalty provided in section 10-191
- (e) *Notice.* Promptly after making a determination, the mayor or the mayor's designee shall give to the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

(Code 1977, § 14-2238)

Sec. 10-191. - Penalties and interest for failure to pay.

Any licensee who fails to pay the tax imposed under this subdivision to the city or who fails to pay any amount of such tax required to be collected and paid to the city within the time required shall pay a penalty of 15 percent of the tax or amount of the tax, in addition to the tax or amount of the tax, plus interest on the unpaid tax or any portion thereof as set forth in section 10-191(c).

(Code 1977, § 14-2239)

Sec. 10-192. - Collection of unpaid tax.

- (a) *Action for collection.* At any time within three years after any tax levied under this subdivision or any amount of tax required to be collected under this subdivision becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the mayor or the mayor's designee may bring an action in the courts of this state or any other state or of the United States in the name of the city to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.
- (b) *Successors or assigns of operator to withhold tax from purchase.* If any licensee liable for any amount under this subdivision sells or terminates the business, the licensee's successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the license division, department of finance, showing that the amount has been paid or a certificate stating that no amount is due.
- (c) *Liability for failure to withhold.* If the purchaser of a business fails to withhold purchase price as required, the purchaser becomes personally liable for the payment of the amount required to be withheld by the purchaser to the extent of the purchase price, valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the license division of the department of finance shall either issue the certificate or mail notice to the purchaser at the purchaser's address as it appears on the records of the license division, department of finance, of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells the business or at the time that the determination against the operator becomes final, whichever event shall last occur.
- (d) *Tax credit, penalty or interest erroneously collected.* Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously collected or received by the city under this subdivision, it may be offset as provided in [section 10-189\(c\)](#). If the operator or person determines that such person has overpaid or paid more than once, which fact has not been determined by the mayor or the mayor's designee, such person will have three years from date of payment to file claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved, the excess amount paid the city may be credited on any amounts due and payable from the person by whom it was paid or such person's successors or assigns.

(Code 1977, § 14-2240)

Secs. 10-193—10-205. - Reserved.

Sec. 10-206. - Fingerprinting of employees at adult entertainment establishment selling alcoholic beverages.

- (a) *Required.* No person shall perform job duties/functions of any type either directly as an employee or agent, or indirectly, as an independent contractor or other person, at an adult entertainment establishment, as defined in section 16-29.001(3)(e) and which is licensed for the sale of alcoholic beverages for consumption on the premises or the operation of a bottle house, until such person has been fingerprinted by the department of police and has been issued a permit by the department of police indicating such person is eligible to perform job duties /functions at the particular establishment at issue. This shall include all employees, independent contractors, agents, managers and performers and entertainers and any other persons who desire to perform and/or perform job duties /functions at an adult entertainment establishment licensed for the sale of alcoholic beverages for consumption on the premises or operating as a bottle house. An application fee of \$50.00 is due at the time of application.
- (b) *Investigation.* The department of police shall make a complete search relative to any police record of the person fingerprinted. If there is a record of a violation of this chapter, no permit will be issued and it shall be illegal for the person to perform job duties/functions of any type at the establishment at issue; however, all persons excluded from performing job duties/functions at an adult entertainment establishment under this subsection may appeal to the license review board.
- (c) *Permit term, fee.* Any permit issued under this section shall expire 12 months from the date of issue when the holder changes the location of employment or when canceled by the police. The department of police may prescribe regulations certifying the eligibility of the continued performance of job duties/functions without the necessity of the previous permit holder being fingerprinted a second time. The department of police may prescribe reasonable fees for certifying the eligibility of the continued performance of job duties/functions at the establishment of issue. The annual/renewal fees charged for issuance of the permit shall be \$10.00.
- (d) *Management to keep permits.* The management of such establishments shall keep all permits issued under this section in a place so that they may be inspected by any member of the department of police at any time. If employment is terminated, the permit shall be returned to the employee by the management.

(Code 1977, §§ 14-2122, 19-14.008; Ord. No. 1999-13, § 1, 2-9-99; Ord. No. 2001-36, § 1, 5-25-01)

Sec. 10-207. - Employment of persons with prior convictions.

- (a) No licensee under this chapter shall employ in any premises for the sale of alcoholic beverages or the operation of a bottle house any person in any capacity except performers, entertainers and musicians, who have been convicted in this or any other country within three years immediately prior to the application for employment of soliciting for prostitution, keeping a disorderly place, unlawfully dealing in narcotics, sex offense or other charge relating to the manufacture or sale of alcoholic beverages or any other crime involving moral turpitude. No such person shall be employed by the licensee if this employment would violate the terms of any probation or parole of the person.
- (b) No licensee under this chapter shall lease any premises for the sale of alcoholic beverages or the operation of a bottle house any person in any capacity except performers, entertainers and musicians, who have been convicted in this or any other country within three years immediately prior to the application for employment of an offense constituting solicitation for prostitution, keeping a disorderly place, unlawful dealing in narcotics, sex offense or other charge relating to the manufacture or sale of alcoholic beverages or any other crime involving moral turpitude. The licensee or lessee shall employ no such person if this employment would violate the terms of any probation or parole of the person.

(Code 1977, § 14-2123; Ord. No. 2001-26, § 5, 3-27-01; Ord. No. 2002-89, § 5, 12-10-02)

in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st.

- (4) Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)).
- (g) *Time limit for clearing patrons from premises.* All licensed premises described in subsections (c), (d), (e) and (f) of this section shall be closed to the public at the time set by this section for the discontinuance of the sale of alcohol and the premises cleared of patrons within 30 minutes after the time set by this section for discontinuance of the sale of alcoholic beverages on the premises.
- (h) *Occupancy time.* Upon clearing patrons from the premises 30 minutes after the sale of alcohol has been discontinued as provided for in subsection (g) of this section, establishments licensed for on premises alcoholic beverage consumption, excluding restaurants as defined in the Code by [section 10-1](#), shall remain closed and shall not re-open earlier than 6:00 a.m. Nothing in this subsection shall be construed as altering the hours alcoholic beverages may be sold as otherwise provided for in this section.

(Code 1977, § 14-2126; Ord. No. 2000-9, §§ 1, 2, 2-21-00; Ord. No. 2000-63, §§ 1, 2, 12-12-00; Ord. No. 2001-26, §§ 6, 7, 3-27-01; Ord. No. 2001-39, §§ 1, 2, 5-30-01; Ord. No. 2003-115, §§ 1—5, 12-9-03; Ord. No. 2004-09, §§ 1—5, 2-24-04; Ord. No. 2004-38, § 1, 6-24-04; Ord. No. 2005-37, §§ 1, 2, 6-23-2005; Ord. No. 2010-27(10-O-0780), § 2, 6-16-10)

State law reference— Sales on Sunday and Christmas Day, O. C. G. A. § 3-3-20.

Sec. 10-208. - Entertainment by underage persons.

It shall be unlawful for any person under the age of 18 years to provide entertainment in an establishment licensed under this article unless such person has obtained written permission from such person's legal guardian.

(Ord. No. 2010-16(10-O-0466), § 3, 4-27-10)

Sec. 10-209. - Hours of operation.

- (a) *Packaged distilled spirits.* Licensees in distilled spirits by the package shall not engage in the sale of such distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. on weekdays.
- (b) *Packaged wine or malt beverages.* Licensees in wine or malt beverages by the package shall be allowed to engage in the sale of these beverages for 24 hours a day, on weekdays. It shall be unlawful to sell any wine or malt beverages by the package between the hours of 12:00 midnight on Saturday night until the hour of 12:00 midnight on Sunday night, at any time. Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell packaged wine on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2.
- (c) *Sale of wine or malt beverages for on premises consumption.*
- (1) Except as otherwise provided by O.C.G.A. § 3-3-7 and those licensees located within a special entertainment district as defined by Code [section 10-211](#) and those licensees that elect to be subject to Code [section 10-94\(a\)\(7\)](#), all other licensees for the sale of wine or malt beverages for consumption on the premises shall be authorized to engage in the sale of wine or malt beverages on Monday through Friday between the hours of 9:00 a.m. of one day and 2:30 a.m. of the following day and on Saturday from 9:00 a.m. to 2:30 a.m. on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code [section 10-8](#)
- (2) Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 2:30 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 2:30 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 2:30 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:30 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)).
- (3) This section shall apply in all respects to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.
- (4) Those licensees that elect to be subject to Code [section 10-94\(a\)\(7\)](#) shall be authorized to engage in the sale of wine and malt beverage on Monday through Thursday between the hours of 9:00 a.m. and 11:00 p.m., on Friday and Saturday between the hours of 9:00 a.m. and midnight and on Sunday, subject to O.C.G.A. § 3-3-7, between the hours of 12:30 p.m. and 11:00 p.m.
- (d) *Sale of distilled spirits by the drink or for on premises consumption.*
- (1) Except as otherwise provided by O.C.G.A. § 3-3-7, and those licensees located within a special entertainment district as defined by Code [section 10-211](#) and those licensees that elect to be subject to Code [Section 10-94\(a\)\(7\)](#), all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises shall be authorized to engage in the sale of those distilled spirits only on Monday through Friday between the hours of 9:00 a.m. of one day and 2:30 a.m. of the following day and on Saturday from 9:00 a.m. to 2:30 a.m. on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code [section 10-8](#)
- (2) Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 2:30 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 2:30 a.m. Monday, January 1st.

Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:30 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:30 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)).

- (3) This section shall apply in all respects to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.
 - (4) Those licensees that elect to be subject to Code [Section 10-94\(a\)\(7\)](#) shall be authorized to engage in the sale of distilled spirits on Monday through Thursday between the hours of 9:00 a.m. and 11:00 p.m., on Friday and Saturday between the hours of 9:00 a.m. and midnight and on Sunday, subject to O.C.G.A. § 3-3-7, between the hours of 12:30 p.m. and 11:00 p.m.
- (e) *Sale of wine or malt beverages for on-premises consumption within a special entertainment district.* Except as otherwise provided by O.C.G.A. § 3-3-7, all licensees in wine or malt beverages for consumption on the premises within a special entertainment district as defined by Code [section 10-211](#) shall be authorized to engage in the sale of those wines or beverages in the following manner:
- (1) Wine and/or malt beverages may be sold on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday.
 - (2) Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell wine for on-premises consumption on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2. Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of a special event permit pursuant to Code [section 10-8](#). Wine and/or malt beverages may also be sold by the drink for on-premises consumption within special entertainment district on Mondays between the hours of 12:01 a.m. and 4:00 a.m.
 - (3) Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 4:00 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)).
 - (4) This section shall apply in all respects to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.
- (f) *Sale of distilled spirits by the drink or for on-premises consumption within a special entertainment district.* Except as otherwise provided by O.C.G.A. § 3-3-7, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises within a special entertainment district as defined by Code [section 10-211](#) shall be authorized to engage in the sale of those distilled spirits in the following manner:
- (1) Distilled spirits may be sold by the drink or for on-premises within a special entertainment district on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday.
 - (2) Distilled spirits may be sold by the drink or for on-premises within a special entertainment district on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code [section 10-1](#)). Distilled spirits may also be served on Sunday in conjunction with the issuance of a special event permit pursuant to Code [section 10-8](#). Distilled spirits may also be sold by the drink for on-premises consumption within a special entertainment district on Mondays between the hours of 12:01 a.m. and 4:00 a.m.
 - (3) Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st to 4:00 a.m. Monday, January 1st, only

Sec. 10-210. - Sale on election days.

Pursuant to O.C.G.A. § 3-3-20(b), the sale of alcoholic beverages on election dates is authorized.

(Code 1977, § 14-2144)

Cross reference— *Elections, ch. 66.*

Sec. 10-211. - Special entertainment districts.

- (a) *Definition.* As required by O.C.G.A. § 3-3-7(c)(2), the term "special entertainment district" means contiguous properties upon which is located a festival marketplace and entertainment project which is financed in whole or in part by public funds and which contains a minimum of 200,000 square feet of gross leasable space for retail sales and entertainment purposes and which is located in the central business district; provided, however, more than 50 percent of such contiguous properties must be owned or controlled by the city or some other governmental or quasigovernmental entity.
- (b) *Intent and declaration.* Pursuant to O.C.G.A. § 3-3-7(c)(2), it is the intention and declaration of the city to provide for the creation of special entertainment districts and to regulate the licensing, sale and consumption of alcoholic beverages therein.
- (c) *Modifications and exceptions.* The licensing and regulation of alcoholic beverages in special entertainment districts shall be the same as that required for the city at large, with the following modifications and exceptions:
- (1) In addition to the requirements imposed by [section 10-62](#), a license for the sale of distilled spirits by the drink in a special entertainment district may issue to an applicant for the operation of a freestanding bar. A freestanding bar, as used in this subsection, means a bar facility which is not required to meet the definition of premises, as defined in [section 10-1](#). Further, as provided in the definition of premises, any area or patio shall be immediately adjacent to the main licensed facility and located on property owned or leased by such licensee; however, licensed establishments in special entertainment districts shall be exempt from the remaining requirements applicable to such immediately adjacent areas of patios.
 - (2) Sale and consumption of alcoholic beverages in a special entertainment district.
 - i. The sale and consumption of alcoholic beverages in a special entertainment district shall only be permitted in or on the commercial facilities and shall not be permitted in or on the public facilities, including the mall facilities, except as provided herein. The term "commercial facilities" as used in this subsection means the retail food and beverage service facilities, including any common area seating facilities specifically provided for the consumption of food and beverages, which common area seating facilities are not required to be owned or leased by any particular alcoholic beverage licensee. The term "public facilities" as used in this subsection means the parking facilities, plazas, streets and sidewalks. The term "mall facilities" as used in this subsection as such term pertains to Underground Atlanta, means those areas within Underground Atlanta commonly known as Upper Alabama Street, Lower Alabama Street, Lower Pryor Street and Kenney's Alley, including any adjacent enclosed entrance structures, escalators and elevators, service areas and loading docks.
 - ii. Notwithstanding the prohibition stated herein in [section 10-211\(c\)\(2\)\(i\)](#) above and in [section 10-212](#) of the City of Atlanta Code of Ordinances, those establishments licensed to sell alcoholic beverages which are adjacent to and which have an entrance or exit into any of the following areas within Underground Atlanta commonly known as: "Kenny's Alley", "Lower Alabama Street", "Lower Pryor Street", the "Exchange Area" or the "Food Court" are not prohibited from allowing the removal and consumption of alcoholic beverages beyond their licensed premises as long as any such alcoholic beverages which are removed or consumed beyond the premises of the licensed establishment are consumed only within these specifically named areas within Underground Atlanta. Furthermore, "restaurants," as such term is defined in [section 10-1](#) of this chapter, which are licensed to sell alcoholic beverages and which are adjacent to and which have an entrance or exit onto the portions of Upper Alabama Street which lie between Central Avenue and Pryor Street or between Pryor Street and Peachtree Street are not prohibited from allowing the removal and consumption of alcoholic beverages beyond their licensed premises as long as any such alcoholic beverages which are removed or consumed beyond the premises of the licensed establishment are only consumed within the above described portions of Upper Alabama Street and while patrons of such licensed restaurants are seated at tables owned by the restaurant which are completely enclosed, except for a single point of ingress and egress that is controlled by the licensee of such restaurant, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height. Before any alcoholic beverage may be sold or consumed in any of the above-referenced areas, the management entity of the special entertainment district must utilize a security plan that has been approved by the Atlanta Police Department. Any time an additional restaurant which is licensed to sell alcoholic beverages leases space with an entrance or exit onto the portions of Upper Alabama Street which lie between Central Avenue and Pryor Street or between Pryor Street and Peachtree Street, and before any alcoholic beverages can be consumed off premises by patrons of the additional restaurant, the management entity of the special entertainment district must submit to the Atlanta Police Department a security plan reflecting such addition which must be utilized by the management entity-of the

- special entertainment district upon approval by the Atlanta Police Department.
- iii. Any alcoholic beverages which are consumed in either Kenny's Alley, Lower Alabama Street, Lower Pryor Street, the Exchange Area, the Food Court or on the above-described portions of Upper Alabama Street shall only be provided and sold by establishments licensed to sell alcoholic beverages for on premises consumption which have either an entrance or exit into Kenny's Alley, Lower Alabama Street, Lower Pryor Street, the Exchange Area, the Food Court or onto the portions of Upper Alabama Street which lie between Central Avenue and Pryor Street or between Pryor Street and Peachtree Street. Any alcoholic beverages which are consumed in any of the above-referenced areas shall be dispensed and transported only in plastic containers bearing the name of the respective licensed establishment from which the alcoholic beverage was dispensed.
 - iv. Notwithstanding the definition of "premises" contained in section 10-1 of this chapter, alcoholic beverage licensees are required to adequately supervise and monitor the areas within which their patrons are lawfully allowed to consume alcoholic beverages and the failure to do so may be grounds to deny, revoke, suspend, or refuse to renew a license, or assess a fine against any licensee in accordance with the provisions of City of Atlanta Alcohol Code Section 10-109 if such violations are found to be attributable to the licensee.
 - v. Kenny's Alley, Lower Alabama Street, Lower Pryor Street, the Exchange Area, the Food Court and the above-described portions of Upper Alabama Street shall be cleared of patrons within 30 minutes after the time set by section 10-209(e) and (f) of this chapter for the discontinuance of the sale of alcoholic beverages.
- (3) The provisions of section 10-8(b) of this Code, pertaining to the issuance of permits for special events, shall be applicable in special entertainment districts. Further, the provisions of section 10-126(a)(7) which provides as follows:
- "(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, shall not be applicable to special events held within a special entertainment district.
- a. Section 10-212(b) prohibiting the removal of alcoholic beverages beyond a selling establishment's licensed premises shall not be applicable to special events held within a special entertainment district.
 - b. The fee requirements of section 10-126 shall not apply to special events held within a special entertainment district unless the applicant is the current holder of an annual license for the sale of alcoholic beverages for on-premises consumption.
 - c. The sale and consumption of alcoholic beverages during special events held within a special entertainment district shall be permitted only as follows:
 1. Monday through Sunday—12:00 noon until 2:00 a.m. of the following day.
 2. Sunday—12:30 p.m. until 12:00 midnight.
 - d. Alcoholic beverages shall be dispensed and transported only in plastic containers during special events held within a special entertainment district.
- (4) Adult businesses, as defined in part 16, shall not be permitted in special entertainment districts.
- (d) *Underground Atlanta*. It is found and declared that the area of the central business district bound on the north by Wall Street, on the west by Peachtree Street and at one point, by Broad Street, on the south by Martin Luther King, Jr. Drive and on the east by Washington Avenue complies with the definition of special entertainment district as set forth in subsection (a) of this section and is established as the Underground Atlanta special entertainment district.

(Code 1977, §§ 14-2243—14-2246; Ord. No. 1996-04, §§ 1, 2, 1-8-96; Ord. No. 1996-13, § 1, 3-25-96; Ord. No. 2003-64, §§ 1, 2, 1-8-96; Ord. No. 2003-82, § 1, 7-29-03; Ord. No. 2005-38, §§ 1—4, 6-23-05)

Sec. 10-212. - Sale or delivery to unlicensed premises.

- (a) It shall be unlawful for any licensee under this article to make deliveries of any alcoholic beverage by the package beyond the boundaries of the premises covered by the license.
- (b) It shall be unlawful for any licensee to allow the sale or delivery of any alcoholic beverage by the drink to any area other than the premises covered in the application for license, private, meeting and dining rooms located on the premises of the licensee and the designated rooms of any guest in a hotel or motel in which is located a licensee under this article. It shall also be unlawful for any person to remove any alcoholic beverage served by the drink to any area beyond the licensed premises. Each retail licensee licensed to sell alcoholic beverages for on-premises consumption shall have the following notice prominently displayed at all exits and printed on any menus which the licensee distributes:
- "It is unlawful for any person to remove any alcoholic beverage served here to any area beyond these premises.
Atlanta City Code."
- (c) Anything in this chapter to the contrary notwithstanding, the owner or operator of an establishment commonly known as a "drive-in restaurant," which has as its primary source of income the sale of prepared foods and which serves at least a portion of such prepared foods to patrons in motor vehicles parked on the property of such restaurant, may, by obtaining a valid license for the sale of malt beverages for consumption on the premises, sell and serve malt beverages by the drink to patrons within motor vehicles parked on the property of such drive-in restaurant, and malt beverages thus served may be consumed within such parked motor vehicles.

(Code 1977, § 14-2129)

Sec. 10-213. - Posting signs at package stores.

- (a) Each person holding a license for the sale of alcoholic beverages at retail in package form shall post a sign in a prominent place in the retail store where such alcoholic beverages are sold, which sign shall read as follows:
"It is unlawful to consume alcoholic beverages on these premises or within 100 feet of this store, except as specifically authorized by law."
- (b) Nothing in this section shall be construed as prohibiting the sale of alcoholic beverages by the drink and the consumption of such alcoholic beverages on the premises where such are sold and when such sales and consumption are expressly authorized by law and an appropriate license is obtained.

(Ord. No. 1995-43, § 11(14-2152, 14-2153), 8-28-95)

Sec. 10-214. - Additional rules for nonprofit performing arts theaters, museums and botanical gardens.

Any applicant granted a license under section 10-58 pertaining to the sale of alcoholic beverages for on-premises consumption at nonprofit performing arts theaters, museums and botanical gardens shall, in addition to meeting all other sections of this chapter for the sale of alcoholic beverages, be subject to the following additional rules:

- (1) Sales of alcoholic beverages shall be made not more than one hour before curtain time and during intermission, but sales shall not be authorized following the conclusion of the performance and sales shall not be made prior to 6:00 p.m. or later than 11:00 p.m.; provided, however, that this restriction shall not apply to nonprofit museums, nonprofit botanical gardens or to nonprofit theaters operating in conjunction with nonprofit museums. No sales shall be authorized during any matinee or Sunday performances.
- (2) All sales shall be made in bar glassware, and no sales shall be made in paper cups or any other temporary-type receptacle.
- (3) No alcoholic beverages shall be allowed out of the area designated in the licensee's application or be allowed within the auditorium area of any theater.

(Code 1977, § 14-2090(1)—(3))

Sec. 10-215. - Sanitation; unlawful conduct; fire prevention.

- (a) All premises licensed under this article shall be kept clean, in proper sanitary condition and in full compliance with the applicable sections of this Code governing the conditions of premises used for the storage and sale of food for human consumption.
- (b) It shall be unlawful to permit any disturbance of the peace or any obscenity or any lewd, immoral or improper entertainment, conduct or practice on the premises.
- (c) The department of fire shall, upon request of the license review board, inspect the premises and report the findings to the board. All premises licensed under this article shall conform at all times with all sections of this Code pertaining to fire protection.

(Code 1977, § 14-2130)

Sec. 10-216. - Misrepresentation of alcoholic beverages.

It shall be unlawful for licensees under this article or their agents to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

(Code 1977, § 14-2132)

Sec. 10-217. - Advertisement of malt beverages or wine.

No licensee operating premises wherein malt beverages, wine or both are sold shall operate lighted electrical signs or devices advertising these beverages or wines, except during the hours that these products are being offered for sale to the public.

(Code 1977, § 14-2134)

Sec. 10-218. - Exterior advertisements of distilled spirits.

No sign of any kind, painted or electric, advertising any brand or price of distilled spirits shall be permitted on the exterior or in the window of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any distilled spirits sold therein; provided, however, that tags showing the prices of individual bottles or containers may be posted with numbers sufficiently large to be clearly visible to the public.

(Code 1977, § 14-2140)

Sec. 10-219. - Purchase price of drinks credited against admission or cover charge.

No licensee for the sale of alcoholic beverages by the drink shall authorize or permit the purchase price of any alcoholic beverage sold by the licensee to a customer to be credited against any minimum, admission or cover charge imposed upon the customer by the licensee.

(Code 1977, § 14-2136)

Sec. 10-220. - Employees mingling with customers on licensed premises.

- (a) It shall be unlawful for any employees of nightclubs or of lounges to dance or sit with customers in the premises or for any customer to be permitted to purchase food or drink for employees in these premises for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution or sodomy or any other unlawful act. Among the circumstances which may be considered in determining whether this purpose is manifested are that the employee or customer is a known prostitute, pimp or sodomist. No arrest shall be made for a violation of this subsection unless the arresting officer first affords the employee or customer an opportunity to explain that conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. For the purpose of this subsection, a known prostitute, pimp or sodomist is a person who, within one year prior to the date of arrest for violation of this subsection, has within the knowledge of the arresting officer been convicted of violating any section of this Code or other ordinance of the city or any law of any state defining and punishing acts of soliciting, committing or offering or agreeing to commit prostitution or sodomy.
- (b) Alcoholic beverages by the drink under this section shall only be served by employees of the licensee.
(Code 1977, § 14-2137)

Sec. 10-221. - Coin-operated devices and amusement machines on licensed premises where packaged distilled spirits sold.

No retail dealer in distilled spirits by the package shall permit on the premises any slot machines or mechanical music boxes or pinball machines of any kind or any coin-operated machines or any machines operated for amusement purposes.

(Code 1977, § 14-2141)

Sec. 10-222. - Underage persons on licensed premises.

- (a) As used in this section, the term "underage person" means a person under 18 years of age.
- (b) No person who holds a license to sell alcoholic beverages shall allow any underage person to be in, frequent or loiter about the premises of the licensee unless accompanied by a parent or legal guardian. However, underage persons shall be permitted in restaurants or private clubs without being accompanied by a parent or legal guardian. This section shall not apply to underage persons who are employees as authorized under this chapter.

(Ord. No. 2010-16(10-O-0466), § 4, 4-27-10)

Sec. 10-223. - Nondiscrimination in admission or service.

- (a) It shall be unlawful for any holder of a license to sell alcoholic beverages in the city who serves the public or for any private club who serves persons in addition to the members or guests of members or any employee or agent thereof to discriminate against any person insofar as admission to the premises or in the sale of products in an establishment licensed to sell alcoholic beverages because of such person's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, disability or age, except that nothing in this provision shall prohibit the imposition of age limits up to 21. For purposes of this section, any private club claiming exemption under this subsection must be incorporated as a nonprofit corporation under the laws of the state or officially certified as a nonprofit association by the United States Internal Revenue Service. For purposes of this subsection, the term "licensed alcoholic beverages establishment" means the premises for which the subject license was issued.
- (b) A finding by the board of such discriminatory admission or service practice as forbidden in subsection (a) of this section shall constitute sufficient grounds for the nonrenewal, revocation or suspension of such license by the mayor in accordance with section 10-109

(Code 1977, § 14-2145; Ord. No. 2000-78, 12-12-00)

State law reference— Underaged persons on premises that sell alcohol, O.C.G.A. § 3-3-24.1.

Sec. 10-224. - Discrimination in admission fees or membership fees; notice of admission charges or membership fees.

- (a) No retail licensee, licensed for the sale of alcoholic beverages for on-premises consumption, who requires an admission fee or periodic membership fee before permitting any person to enter the licensed premises shall discriminate as to the amount of such fees because of any person's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, disability or age, except that nothing in this provision shall prohibit the imposition of age limits up to 21.
- (b) Any retail licensee, licensed for the sale of alcoholic beverages for on-premises consumption, who requires an admission fee or periodic membership fee as a condition of admission of any person to the licensed premises shall prominently display, unobstructed in a place clearly visible at the point of entry, a sign setting forth the amount of the admission fee or periodic membership applicable to all patrons, as well for the time at which application for any membership may be required.

(Code 1977, § 14-2146; Ord. No. 2000-78, 12-12-00)

Cross reference— Discrimination generally, § 94-66 et seq.

Sec. 10-225. - Proof of age.

- (a) No retail licensee licensed to sell alcoholic beverages for on-premises consumption who requires proof of age before permitting any person to enter the licensed premises shall require proof of age other than as provided in this section.
- (b) Except as provided in subsection (c) of this section, any document issued by an agency of municipal, state or federal government for the purpose of identification that has affixed the name, date of birth and photograph of the individual to whom it was issued shall constitute acceptable proof of age, and the licensee shall require no other identification for proof of age.
- (c) A person who produces proof of age from a local or state jurisdiction outside the state where no photograph is affixed as provided in subsection (b) of this section may be required to produce additional proof of age at the discretion of the licensee or the licensee's designated employee; however, if such identification contains a photograph, no other identification for proof of age shall be required by the licensee.
- (d) A licensee subject to subsection (a) of this section shall prominently display, unobstructed in a place clearly visible at the point of entry, a sign with the following notice verbatim:

PROOF OF AGE REQUIREMENT: YOU MAY BE REQUESTED TO SHOW NO MORE THAN ONE CURRENTLY VALID PICTURE IDENTIFICATION WITH NAME AND DATE AFFIXED AS ISSUED BY ANY AGENCY OF GOVERNMENT. MORE THAN ONE IDENTIFICATION MAY BE REQUESTED, IF NO VALID PICTURE IDENTIFICATION IS PRESENTED.

IT IS UNLAWFUL FOR THIS ESTABLISHMENT TO DISCRIMINATE IN ADMISSION TO THESE PREMISES OR IN THE SALE OF PRODUCTS ON ACCOUNT OF A PERSON'S RACE, SEX, SEXUAL ORIENTATION OR NATIONAL ORIGIN.

IF YOU BELIEVE THAT THIS LAW HAS BEEN VIOLATED CALL OR WRITE THE PERMITS SECTION OF THE ATLANTA DEPARTMENT OF POLICE, 175 DECATUR STREET, S.E., ATLANTA, GEORGIA 30303.

- (e) Any licensee subject to subsection (a) of this section who has a sign in existence and prominently displayed in the licensed establishment on the effective date of the ordinance from which this subsection derives shall not be required to replace that sign to reflect any change in language created by this subsection.
- (f) A licensee subject to this section shall maintain the sign required by subsection (d) of this section in good repair and in accordance with any further stipulation, including the posting of the current address and telephone number of the department of police within five days of written notice by the department of police of any change.
- (g) A licensee or the licensee's designee shall make a good-faith effort to ascertain that any person requesting admission to the premises or to purchase an alcoholic beverage is of legal drinking age as provided by law. For the purpose of this subsection, any person who supplies proof of age as provided in subsection (a) of this section shall be deemed to be of legal drinking age.

(Code 1977, § 14-2147)

Sec. 10-226. - Certain promotions prohibited.

- (a) All on-premises alcoholic beverage licensees are prohibited from selling or giving away alcoholic beverages under the following circumstances:
- (1) Serving multiple drinks for a single price or offering all you can drink for a set price.
 - (2) Making a single price the basis for a required purchase of two or more servings.
 - (3) Serving alcoholic beverages by the pitcher, except to two or more persons at any one time.
 - (4) Offering to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week.
 - (6) Offering or delivering any free alcoholic beverage to any person or group of persons.
 - (7) Increasing the volume of distilled spirit, malt beverage or wine contained in an alcoholic beverage without increasing proportionally the price regularly charged for such alcoholic beverage during the same calendar week.
 - (5) Using coupons or other special promotional items as an inducement to purchase alcoholic beverages.
- (b) This section shall not apply to private functions not open to the public. The term "private function not open to the public" means any function wherein the licensee has agreed to the use of licensee's establishment by a person for a set period of time for valuable consideration.
- (Code 1977, § 14-2148; Ord. No. 2004-12, §§ 1, 2, 3-9-04)*

Sec. 10-228. - Conduct of employees, entertainers and other persons in certain establishments.

- (a) For the purposes of this section, the term "alcoholic commercial establishment" means any hotel, motel, restaurant, park, nightclub, lounge, bar or private club where alcoholic beverages are dispensed or consumed, but the definition excludes any theater which sells alcoholic beverages pursuant to sections 10-58 and 10-214 or any auditorium as defined in section 10-1
- (b) It shall be unlawful for any person to commit the following acts in any alcoholic commercial establishment or for any licensee to knowingly permit or allow such acts to be performed:
- (1) For any person to touch, caress or fondle an entertainer or dancer, except to place money in garters worn for such purposes.
 - (2) For any dancer in such establishment to leave the premises and return during the same shift, without signing out on a log provided by the employer stating the dancer's name, destination and expected time of return.
 - (3) For any dancer to, by bending, stooping and other postural movements, display the interior of the dancer's anus or vagina.
- (c) The owner or manager of such adult commercial entertainment establishment shall submit to the licensing division of the department of police a copy of its rules and regulations for the conduct of its patrons and employees.
- (d) Failure to comply with this section shall be considered as due cause to suspend, revoke or refuse to renew any license issued by the city pursuant to this article.

(Code 1977, § 14-2150)

State law reference— Prohibited sexual conduct on premises that serve alcohol, O.C.G.A. § 3-3-40 et seq.

Sec. 10-227. - Dress codes.

Any retail licensee licensed to sell alcoholic beverages for on-premises consumption who utilizes a dress code in determining who may be admitted to the premises must apply such dress code uniformly to all persons who request admittance to the establishment. Such a dress code must remain consistent on any given date or for any special event and shall not be used to discriminate among patrons.

(Code 1977, § 14-2149)