10-O-1342

AN ORDINANCE
BY COUNCILMEMBERS KWANZA HALL AND MICHAEL JULIAN BOND

**AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 3 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA BY CREATING A NEW SECTION 10-130 TO BE ENTITLED "EXTENDED HOURS PERMIT PILOT PROGRAM;" TO TEMPORARILY WAIVE THE PROVISIONS OF CHAPTER 10, ARTICLE II, SECTION 10-209 (C) AND (D) OF THE CODE OF ORDINANCES IN THE EDGEWOOD AVENUE/AUBURN AVENUE DISTRICT OF THE CITY SO AS TO ALLOW FOR A PILOT PROGRAM TO EXAMINE THE IMPACT OF EXTENDING THE PERMISSIBLE HOURS FOR ESTABLISHMENTS AUTHORIZED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; TO DEFINE THE BOUNDARIES OF THE EDGEWOOD AVENUE/AUBURN AVENUE DISTRICT; TO WAIVE CONFLICTING ORDINANCES FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the public health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcohol within its territorial limits; and

**WHEREAS**, the City of Atlanta is authorized to regulate the hours within which establishments licensed to sell alcoholic beverages may sell such beverages; and

**WHEREAS**, vibrant and active commercial areas, which often include well-run hospitality establishments that sell alcohol for in-premises consumption, can positively contribute to the economic development objectives of these areas while generating significant tax revenue; and

**WHEREAS**, the City of Atlanta recognizes the benefit of promoting the development of vibrant and active commercial centers where appropriate; and

**WHEREAS**, the City of Atlanta believes it would be appropriate to conduct a temporary pilot program to examine the benefits versus the risks of extending the permissible hours for sales of alcohol for businesses located in a specific and limited area; and

**WHEREAS**, the City of Atlanta believes that said pilot program may assist the City in determining whether said hours of operation should be extended city-wide and, if so, how the expansion of this privilege should be managed so as to serve the best interests and public safety of the City of Atlanta.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS** as follows:

**SECTION 1: That Chapter 10, Article II, Division 3 of the Code of Ordinances be amended by creating a new Section 10-130, which shall read as follows:**

**Section 10-130 - Extended Hours Permit Pilot Program**

(a) The provisions of Section 10-209 (c)(1) and (d)(1) of the Code of Ordinances of the City of Atlanta, Georgia are hereby temporarily waived to the extent that said provisions prohibit qualified establishments licensed for the sale of alcoholic beverages for on-premises consumption, that are located in the Edgewood Avenue/Auburn Avenue Pilot District of the City of Atlanta, to extend the hours within which alcohol may be sold to Monday through Friday from 9:00 a.m. until 3:55 a.m. of the following day and on Saturdays from 9:00 a.m. until 2:55 a.m. on Sunday. The Edgewood Avenue/Auburn Avenue Pilot District is more particularly described in the map attached hereto as Exhibit A.

(b) A qualified establishment under Section 1 above shall meet the following requirements:

(1) Said establishment shall possess a valid annual license for the sale of alcohol pursuant to Section 10-60(a)(4) of the Code for on-premises consumption of distilled spirits, wine and malt beverages; and

(2) Said establishment shall be located within the boundaries of the Edgewood Avenue/Auburn Avenue Pilot District shown on Exhibit A; and

(3) Said establishment shall possess an extended hours permit issued by the City of Atlanta Police Department in accordance with this section.

(c) The City of Atlanta Police Department shall be authorized to issue an extended hours permit under the following circumstances:

(1) The annual license holder seeking to obtain an extended hours permit at said license holder's licensed establishment located within the Edgewood Avenue/Auburn Avenue Pilot District shall make written application to the Licenses and Permits Unit of the Atlanta Police Department for that privilege upon forms approved by the City of Atlanta Police Department. The annual license holder shall file the application for an extended hours permit with the Licenses and Permit Unit of the Police Department along with all required supporting documentation and a non-refundable $300.00 filing fee payable by money order, certified check or cashier's check and an annual extended hour permit fee of $2,500 payable by money order, certified check or cashier's check; and

(2) The annual license holder seeking an extended hours permit has not been found, by either the City or any Court of competent jurisdiction, to have violated any provision of the City of Atlanta Alcohol Code or state laws regulating the sale of alcohol within twelve (12) months immediately preceding submission of an application; and

(3) The annual license holder seeking to obtain an extended hours permit provides a copy of an agreement for the provision of off-duty police services at the licensed establishment for the additional time authorized by the extended hours permit, at an enhanced level established by the police chief.

(4) An extended hours 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.

(d) An extended hours permit shall be valid for the same period of time as its' associated annual license and shall be renewable in the same manner as an annual license. Without further action by the City Council of the City of Atlanta, extended hours permits issued pursuant to this Code section may not be renewed beyond December 31, 2011.

(e) During the time period that the Extended Hours Permit Pilot Program shall be authorized by this ordinance, the Atlanta City Council and Department of Police shall study the impact of said extended hours of service of alcohol for on-premises consumption on the Edgewood Avenue/Auburn Avenue District defined by Exhibit A, in order to make a determination as to whether it would be in the best interest of the City to extend said Pilot Program to other areas of the City of Atlanta.

(f) This ordinance shall become effective thirty (30) days after its adoption by Council and approval by the Mayor.

**SECTION 2**: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only, and shall otherwise remain in full force and effect.

# EXHIBIT "A"

Auburn: From the east side of Piedmont Avenue to the Downtown Connector.

Edgewood: From the east side of Piedmont Avenue to the west side of Daniel Street.