FOOTNOTE(S):

--- (1) ---

State Law reference— Constitutional grant of home rule powers, Ga. Const. art. IX, § II; statutory grant of home rule powers, O.C.G.A. § 36-35-1 et seq.; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; general powers of municipalities relative to alcoholic beverages, O.C.G.A. §§ 3-3-2, 3-3-7, 3-4-49, 3-4-50, 3-4-80 et seq., 3-5-40 et seq., 3-5-80 et seq., 3-6-40, 3-6-60, 3-7-40 et seq.

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

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

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

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

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

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

(1) If a corporation, the chief executive officer, or some other person with written authority from the corporation to bind the corporation as to its business operations within the city;

(2) If a partnership, the partner with the greatest proprietary interest;

(3) If an individual, that individual;

(4) If a firm or association, the person with the greatest proprietary interest. Auditorium means a permanent building or hall used for concerts, speakers, plays and similar activities and that has a seating capacity in excess of 3,500.

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

Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. As used herein, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.
Broker means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

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

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

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

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

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

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

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

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

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

Domestic wine means any and all wines produced by a farm winery within this state.
Entertainment means the live performance by any person, whether such person be a musician, dancer or otherwise, which occurs upon the premises of a licensed establishment.

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

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

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

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

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

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

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

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

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

Lounge means a separate room connected with a part of and adjacent to a restaurant or located in a hotel or located in any airport owned by the city, with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and shall have a seating capacity for at least 50 persons. However, lounges located in any airport owned or operated by the city shall be exempt from the seating capacity requirement. A lounge that is operated on a different floor in the premises or in a separate building or that is not connected to or adjacent to a restaurant shall be considered a separate establishment and an additional license fee shall be paid therefore.
Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specialty food shop means a retail establishment that:

(1) Deals in the sale of foods, specialty foods, and wine, fortified wine, port, sherry, and malt beverages for consumption off the premises and at which on premises consumption of alcoholic beverages is specifically prohibited, except that if a specialty food shop is the holder of a license under section 10-60(a)(1)c. of this Code, that licensed retail establishment shall be authorized to hold wine tastings in conjunction with educational programs on the subjects of enology or viticulture;

(2) Does not offer check cashing services; does not maintain a drive-thru window; and does not maintain on the premises for sale any of the following: distilled spirits, malt beverages containing more than six percent alcohol by volume, gasoline, diesel fuel, tires, lottery tickets or related games of chance, or tobacco;

(3) Offers prepared food, made and packaged on the premise available for on and off premise consumption;

(4) Maintains an inventory of saleable food products including, but not limited to, prepared foods, packaged foods, meat, dairy, vegetables, fruits, dry goods, and beverages;

(5) Has an interior floor area of not more than 5,000 square feet (inclusive of storage), of which more than 60 percent of interior floor area is devoted to the display for sale of food products; and

(6) Derives less than 30 percent of its gross receipts from the combined sale of malt beverages and wine.
Sports coliseum means premises operated exclusively for the purpose of providing major league sporting events of basketball, hockey or similar athletic or amusement events for attendance by the public and where such premises contain a minimum of 3,000 square feet.

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

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

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

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

Wine specialty shop means a retail establishment:

1. Which shall deal in the sale of table wine, fortified wines, port, sherry for consumption off the premises and/or wine accessories; and at which on-premises consumption of alcoholic beverages is specifically prohibited, except that if a wine specialty shop is the holder of a license under section 10-60(a)(1)c. of this Code, that licensed retail establishment shall be authorized to hold wine tastings in conjunction with educational programs on the subjects of enology or viticulture.

2. Which shall not maintain on the premises or offer for sale malt beverages or distilled spirits;

3. Which shall maintain on the premises and offer for sale at all times a variety of wines from not less than 100 nor more than 200 manufacturers or importers of wine or any combination thereof the total of which shall not fall below 100 nor exceed 200;

4. Which shall maintain and replenish an inventory of at least 36 bottles of wine from each manufacturer or importer of wine referred to in subsection (3) above; provided however, that any inventory which is depleted to less than 36 bottles of wine must be replenished to at least 36 bottles of wine within 15 days of the date that the inventory falls below 36 bottles;

5. Which shall submit an inventory list of all wines maintained on the premises and offered for sale to the licenses and permits unit on a quarterly basis by the first day of each of the following months: January, April, July and October; and

6. Whose total interior floor area, inclusive of storage area, shall not exceed 2,000 square feet.


Cross reference— Definitions generally, § 1-2

Sec. 10-2. - Purposes of chapter.

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

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


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

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

(b) It shall be a violation of this chapter for any premises, that performs or undertakes any type of operation or activity for which a occupation tax certificate issued pursuant to Chapter 30 to provide alcoholic beverages to persons on the premises unless a license issued under this chapter allowing on premises consumption of alcoholic beverages has first been obtained. This prohibition shall apply without regard to whether the alcoholic beverages are provided free of charge as a part of any promotion by the owner of the premises or operator of the business, given as prizes in connection with any type of contests or raffles, given as bonuses or inducements offered in connection with the purchases of goods and/or services.

(c) Any person employed by the business and who is present at the time when alcoholic beverages are being provided by a non-licensed premises or location may be charged with this offense.


Sec. 10-4. - Jurisdiction.

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

Sec. 10-5. - [Severability.]

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


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

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

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

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

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

(a) Generally. It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage within 100 feet of any retail store where alcoholic beverages are sold in package form or within the boundary lines of the property on which such retail store is located, whichever constitutes the greater distance.

(b) Enforcement. The department of police shall be responsible for the enforcement of this section.

(Code 1977, §§ 17-3015, 17-3016; Ord. No. 2004-68, § 3, 10-8-04)

Sec. 10-8. - Drinking in public.

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

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


Sec. 10-9. - Disorderly while under the influence.
(a) Acts constituting violation. It shall be unlawful for any person within the corporate limits of the city to be disorderly while under the influence on the streets, sidewalks or other public places. The following acts are declared to be in violation of this section:

1. Any person who acts in a reckless manner so as to create an unreasonable risk of harm to himself, to other persons or to property in the vicinity while under the influence of alcohol or drugs.

2. Any person who shall defecate or urinate on the streets or sidewalks or in the halls or elevators of public or commercial buildings, or on any property open to public view in the city while under the influence of alcohol or drugs.

3. Any person who, without provocation, uses to or of another, in such person's presence, fighting words, or who shall panhandle while under the influence of alcohol or drugs.

4. Any person who shall act in a violent or tumultuous manner toward another so as to endanger the life, limb, health or property of another while under the influence of alcohol or drugs.

5. Any person who shall lie down or otherwise obstruct, block or impede pedestrian or vehicular traffic on any sidewalk, street, or entrance or exit to any other public way, house of worship, business, public hall, theater, public conveyance or other public place and who shall refuse to remove themselves when ordered to do so by a city police officer or other lawful authority while under influence of alcohol or drugs.

6. Any person who shall act in a boisterous, turbulent, or agitated manner, or who shall use profane, vulgar, loud or unbecoming language while under the influence of alcohol or other drugs while on the streets, sidewalks, or other public places within the corporate limits of the city.

(b) Duty of peace officer. Any peace officer, in accordance with standards set out in standard operating procedures promulgated by the police chief or designee, may take or send an individual under the influence of alcohol or other drugs to such person’s home or to a treatment facility in lieu of incarcerating such person for violations of this section or when such person is unresponsive to the officer's communications. Any peace officer so acting shall be considered as carrying out such peace officer's official duty. The standard operating procedures shall set out the circumstances under which a peace officer may send an individual home or to a treatment facility without formally rendering charges against such person.

(c) Penalty. Upon a finding of guilty for violation of this section, the offender shall be subject to imprisonment for a term not to exceed 180 days or by fine not to exceed $1,000.00, either of such penalties to be in the discretion of the municipal judge. Such punishment may be probated by the municipal judge for those offenders desiring to participate in a detoxification program.

(d) Habitual abusers. Any person who shall have been convicted or have forfeited collateral under the provisions of subsection (b) of this section three times in the preceding 12 months may be deemed a habitual alcohol abuser and may be probated by the court to an outpatient treatment resource for a period of not more than 180 days.

(e) Alcoholics. It is the policy of the city that alcoholics may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. It is the intent of this section to provide for the identification and referral to treatment of persons who are alcoholic and who may be charged with violations of this section.

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

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

(a) Except as otherwise authorized by law:
(1) No person directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age;

(2) No person under 21 years of age shall purchase, drink or knowingly possess any alcoholic beverages;

(3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage;

(4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age;

(5) No person under 21 years of age shall misrepresent such person's identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage; or

(6) No person shall keep or maintain a place where persons under 21 years of age are allowed and permitted to come and purchase, drink or possess any alcoholic beverage.

(b) The prohibitions contained in subsections (1), (2) and (4) of subsection (a) of this section shall not apply with respect to the sale, purchase or possession of alcohol beverages for consumption:

(1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or

(2) At a religious ceremony.

(c) The prohibitions contained in subsections (1), (2) and (4) of subsection (a) of this section shall not apply with respect to the possession of alcoholic beverages for consumption by a person under 21 years of age when the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.

(d) The prohibition contained in subsection (1) of subsection (a) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-104. "Proper identification" shall not include a birth certificate.

(e) If such conduct is not otherwise prohibited pursuant to O.C.G.A. § 3-3-24, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:

(1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishments;

(2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or

(3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.

(f) Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used as an admission in any administrative or judicial proceedings brought against such testifying person under 21 years of age.

(g) Nothing in this section shall be construed to modify, amend or supersede O.C.G.A. tit. 15, ch. 11 (O.C.G.A. § 15-11-1 et seq.).

(h) Any person convicted of violating any prohibition contained in subsection (a) of this section shall be punished by a fine not to exceed $1,000.00 or imprisonment in the city jail or stockade for not more
than 180 days or both; except that any person convicted of violating subsection (a)(2) of this section shall be punished by not more than 30 days' imprisonment or a fine of not more than $300.00 or both. Any defendant charged under this section shall be entitled upon request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred. Any person charged with a second or subsequent offense under this section shall be punished as for a misdemeanor of a high and aggravated nature in the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred.

(i) Whenever any person who has not been previously convicted of any offense under this section or under any other law of the United States or this or any other state relating to alcoholic beverages pleads guilty to or is found guilty of a violation of subsection (a)(2) or (a)(3) of this section, the court, without entering a judgment of guilt and with the consent of such person, may defer further proceedings and place such person on probation upon such reasonable terms and conditions as the court may require. The terms of probation shall preferably be such as require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical treatment, not to exceed three years, designed to acquaint such person with the ill effects of alcohol abuse and to provide such person with knowledge of the gains and benefits which can be achieved by being a good member of society. Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed accordingly. Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against such person. Discharge and dismissal under this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this subsection or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this subsection may occur only once with respect to any person.

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

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

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

Sec. 10-11. - Reserved.


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

No person under the age of 21 years shall enter, remain in or loiter on any licensed premises, as herein defined, licensed for the sale of alcoholic beverages by the drink at retail, or sale of alcoholic beverages for consumption on the premises; nor shall any licensee or either such licensed premises, or any person in charge thereof, or on duty while employed by the licensee therein, permit or allow any person under the age specified with respect thereto to remain in or loiter in or about such place.
Provided, however, it is lawful for persons who are 18 years of age or older that provide entertainment to enter and to remain in any licensed premises, but only during and in the course of their employment as entertainers. Provided further, that it is lawful for persons who are 18 years of age or older to sell, serve, possess or dispense alcoholic beverages in the course of their employment in any licensed premises in accordance with O.C.G.A. § 3-3-24(a), or in any other place where alcoholic beverages are lawfully present, so long as such place is the place of employment for such person under 21 years of age.

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

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

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

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

1. Upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of alcoholic beverages by the drink or for the sale of alcoholic beverages for consumption on the premises or that alcohol beverages, are prepared, mixed or dispensed and served and consumed therein.

2. In any public stadiums, sports coliseums, government centers, auditoriums, convention centers, and fairgrounds and parks for which a valid license is obtained, notwithstanding that such premises or any portion thereof may be licensed for the sale of distilled spirits, wine or malt beverages by the drink for consumption on the licensed premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of 21 years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment.

3. Upon the licensed premises of a tasting room when in the immediate company of at least one of his parents, or of his legal guardian.

4. Upon the licensed premises of a lounge when in the immediate company of at least one of his parents, or of his legal guardian.

5. Upon the licensed premises of a supermarket, convenience store, brewery, drugstore, package store, brew pub, private club or open air cafe as defined herein.

6. Upon the licensed premises of a hotel, except for any area within the premises of a hotel being operated as a nightclub as defined herein.

7. In any theater, concert hall, or similar establishment which is primarily devoted to theatrical performances. As used in this section only, the phrase "theater, concert hall, or similar establishment which is primarily devoted to theatrical performances" shall mean a building, playhouse, room, hall, or other place, licensed for consumption of alcoholic beverages on the premises, having at least 350 permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage upon which theatrical, vaudeville, live concert or similar performances are given, and in which the serving of alcoholic beverages is clearly incidental to such performances, and where the revenue derived from the sale of alcoholic beverages is insubstantial when compared to all other sources of gross revenue; provided, that the person under the age of 21 years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment.
Sec. 10-14. - Posting signs as to restrictions.

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


ARTICLE II. - DEALERS AND MANUFACTURERS

FOOTNOTE(S):

--- (2) ---

Cross reference— Businesses, ch. 30.

DIVISION 1. - GENERALLY

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

All agreements between and among any persons or stockholders of corporations or partners of partnerships holding a license to sell or dispense any alcoholic beverages by the bottle or by the drink and which agreements reflect or control ownership, division of profits, sharing of revenues of any kind, including payment of rents, or which agreements reflect any other arrangements in connection with ownership, rents, profit sharing or income application of use shall be in writing, and copies of all these agreements shall upon request be furnished to the department of police.

(Code 1977, § 14-2006)

Sec. 10-32. - Inspection of establishments.

(a) Authorized. Sworn officers of the department of police shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with this chapter.

(b) Fees. The bureau of buildings and the department of fire shall each charge a fee of $50.00 for the inspections made to report on the compliance status of structures were alcoholic beverage licenses are requested.


Sec. 10-33. - Sale of alcoholic beverages by certain nonprofit organizations.
An applicant may be issued a license for the sale of alcoholic beverages for consumption on the premises owned or chosen by any nonprofit corporation within the city conducting events upon meeting all the following requirements:

1. The applicant is a nonprofit corporation within the city sponsoring a fundraising event for the purpose of expanding research in the cure for cancer and providing information for the general public.

2. The applicant's fundraising event is held within the area described as follows:

   Beginning at the intersection of North Avenue and Marietta Street; thence east on North Avenue to Piedmont Avenue; thence east on Piedmont Avenue to Pine Street; thence south on Pine Street to Bedford Place; thence south on Bedford Place to Baker Street; thence west on Baker Street to Piedmont Avenue; thence south on Piedmont Avenue to Capitol Avenue to Memorial Drive; thence west on Memorial Drive to Peachtree Street to Spring Street; thence north on Spring Street to Marietta Street; thence north on Marietta Street to North Avenue.

3. The applicant sponsors a maximum of one fundraising event per year involving the sale of alcoholic beverages on the premises, provided that no such fundraising event shall exceed four hours.

4. The applicant shall show that the profits realized under any license granted under this section shall be used for the benefit of the nonprofit entity's organizational purposes.

5. The applicant shall show by plat the physical location of defined areas within which alcoholic beverages are to be sold, which shall comply with all sections of this chapter other than sections 10-62, 10-86(d) and 10-88.

6. The applicant shall pay an annual license fee of $100.00.


Secs. 10-34—10-45. - Reserved.

DIVISION 2. - LICENSE

FOOTNOTE(S):

--- (3) ---

State Law reference— General authority relative to alcoholic beverage licensing, O.C.G.A. § 3-3-2.

Subdivision I. - General Provisions

Sec. 10-46. - Required.

   No alcoholic beverages shall be manufactured, imported, brokered, sold to wholesalers or other importers or brokers, sold at wholesale or retail in the original package or by the drink nor shall any tasting room be operated except under a license granted by the mayor as provided in this division. No licensee shall be authorized to operate a business until the license required in this section has been paid for by money order, certified check or cashier's check, and delivered to the licensee by the proper city official. Where there is a pending application for a new licensee or a change of ownership on a prior existing licensed premises, the authority of the prior licensee to operate the business shall be extended for a maximum period of 30 days beyond the termination date of the prior license.
Sec. 10-47. - Keeping or storing without appropriate license.

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


Sec. 10-48. - Application.

(a) All persons desiring to obtain a license required under this division shall make written application to the Licenses and Permits Unit of the Atlanta Police Department for that privilege upon forms approved by the License Review Board. The application shall consist of two sections. Section 1 of the application will be used by the licenses and permits unit, the license review board and the relevant neighborhood planning unit (NPU). Section 2 of the license application will be used only by the licenses and permits unit and the license review board for confidential investigation. The applicant shall complete the application and file it with the business tax division along with all required supporting documentation and a non-refundable $300.00 filing fee payable by money order, certified check or cashier's check and the license fee payable by money order, certified check or cashier's check. The business tax division shall deposit the funds into the appropriate accounts and forward the application to the licenses and permits unit.

(b) The application shall be sworn to by the applicant or agent thereof and shall state the following:

1. The name and address of the applicant;
2. If a corporation, the names of the officers;
3. If a partnership, the names of the partners;
4. The address where the proposed business is to be located;
5. Information regarding the distance of the location from the uses identified in section 10-88 or 10-88.1 provided however that such information need not be provided if the proposed business or location is exempt from or not required to comply with the measurements identified in section 10-88 and 10-88.1
6. The nature and character of the business to be carried on;
7. The hours or operation of the proposed licensed business;
8. The name of the agent/licensee;
9. The name of the manager of the business;
10. The identity of the owner of the property where the business is located;
11. The plan for traffic flow, control and access in case of fire or other catastrophe;
12. Ingress and egress to the property and proposed structure or uses thereon with particular preference to automotive and pedestrian safety and convenience;
13. Parking and loading areas where required, with particular attention to the items in subsections (10) and (11) immediately preceding this subsection;
14. Refuse and service areas and plans for maintenance thereof;
15. The plan for appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion;
(16) Security plans and plans for training of employees;

(17) The nature of any entertainment to be provided on premises;

(18) Provisions for parking; and

(19) Such other information as may be required by the Atlanta Police Department Licenses and Permits Unit or the license review board to investigate compliance with the provisions of this chapter.

(c) All applicants shall furnish all data, information and records requested of them in writing by the license review board or the department of police, and failure to furnish this data, information and records within 30 days from the date of the request shall automatically dismiss, with prejudice, the application provided however the license review board may extend the time to respond for good cause shown. Applicants, by filing an application, agree to produce for oral interrogation any person requested by the license review board, the department of police or the city attorney and considered as being important in the ascertainment of the facts relative to the license. The failure to produce the person within 30 days after being requested to do so shall result in the automatic dismissal of the application provided however the license review board may extend the time to respond for good cause shown.

(d) Upon receipt of an application, the licenses and permits unit shall make a copy of section 1 of the application and provide the copy and a blank NPU Report Form to the applicant. Within five business days, the applicant shall take the copy of section 1 of the application and the blank NPU report form to the commissioner of the department of planning and community development DPCD or his designee for assignment to the appropriate NPU.

(e) The DPCD shall provide the applicant with a "notice to appear" before the NPU in which the proposed licensed establishment is located. The DPCD shall determine the date of the next regularly scheduled meeting at which it is possible for the applicant to appear, shall schedule the appearance on that date and shall include that information and the contact telephone numbers for the representatives designated by the NPU to handle liquor license applications on the notice to appear.

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

(f) All applicants for licenses to sell alcohol shall abide by the following regulations pertaining to appearances before the appropriate NPU:

(1) The applicant shall appear before the appropriate NPU on the scheduled date set forth in the notice to appear. At such meeting, the applicant shall be prepared to respond, to the best of his ability, to any questions regarding section 1 of the application. The applicant shall provide, to the best of his ability, any additional relevant information about the proposed licensed establishment, which the NPU members want to know.

(2) If the applicant fails to appear at the NPU meeting on the scheduled set forth in the notice to appear, the applicant shall be required to request from the DPCD a new date on which the applicant shall appear before the NPU and a new notice to appear. The NPU shall submit its original NPU Report Form to DPCD indicating that the applicant failed to appear by checking that box on the form. Once the DPCD schedules a new date for the applicant to appear, the DPCD shall send to the NPU designee a new notice to appear and a new NPU report form.
(3) After the applicant appears before the NPU, the NPU shall provide its recommendation to the DPCD in writing on the form to be provided by the DPCD. The form shall contain the following information:

a. The name and address of the proposed licensed business;
b. The name and address of the owner of the proposed licensed business;
c. The name of the agent/licensee of the proposed licensed business;
d. The date the applicant appeared before the NPU;
e. The comments of the NPU as set forth in section 10-48(f)(4); and
f. Whether the NPU:
   1. Recommends that the license be approved;
   2. Recommends that the license be denied; or
   3. Provides no recommendation.

(4) In making its recommendation, the NPU shall consider and provide comments regarding any information contained in section 1 of the application and any additional information the applicant provides at the NPU meeting. The NPU shall specifically note any information not found within the application but provided at the meeting and relied upon by the NPU in making its recommendation.

(5) The form upon which the NPU provides its recommendation and comments shall be signed by the chairperson of the NPU, or his designee. The NPU shall have five days from the date on which the applicant appears before the NPU to submit the written, signed recommendation form to DPCD and to provide a copy to the applicant. The date of the NPU meeting shall not be included in the five-day calculation. The form upon which the NPU provides its recommendation and comments shall be signed by the commissioner of the DPCD, or his designee within three days after its receipt from the NPU. Such signatures shall confirm the accuracy of the NPU recommendation. The original signed form shall be sent by the commissioner of the DPCD or his designee to the Atlanta Police Department's Licenses and Permits Unit and a copy thereof shall be maintained in the DPCD.

(6) The license review board shall not hear any application for a license to sell alcohol if the signed form verifying the applicant's attendance before the NPU, or indicating that the NPU has no recommendation as to the applicant, has not been submitted to the licenses and permits unit.

(7) Any application for a license to sell alcohol that receives a recommendation from the NPU that the license be denied shall be listed on the license review board agenda for the date of the hearing on that application as, "PRESENTED WITH NPU RECOMMENDATION FOR DENIAL."

(8) The commander of the licenses and permits unit, or his designee, shall notify the commissioner of the DPCD, or his designee, of the date, time and place of the license review board hearing scheduled for each application. Within three days after the commissioner of the DPCD, or his designee, receives such information, he shall notify the appropriate city councilmembers (district and at-large) and the designated representative of the NPU of the date, time, and place of the hearing before the license review board. Such notification shall also include the name of the applicant and the address of the proposed business.

(g) Within 48 hours of the receipt of each new application for a liquor license, the licenses and permits unit of the police department shall forward a copy of section 1 of the application to the councilmember who represents the district within which the applicant proposes to sell alcohol and to all at-large councilmembers.

(h) In addition to the above requirements, an applicant for a new or renewal license to sell alcoholic beverages as a private club, as defined in section 10-1, shall submit the names, addresses, and telephone numbers of each of its officers and directors of the private club, and of any other person(s) who will manage, operate, direct, supervise or otherwise have any control over the day to day
operations of the private club, including the sale of alcoholic beverages. Such information shall be submitted to the licenses and permits unit on a quarterly basis by the first day of each of the following months: January, April, July, and October. Furthermore, the applicant must submit the minutes of any meeting held during the prior 12 months at which time the salary of any member, director, officer, agent, or employee of the corporation has been set. The private club must also provide proof of its tax exempt status under section 501(c) of the Internal Revenue Code. The failure of the applicant to submit the information set forth herein shall be grounds for denial, suspension, revocation of the license and/or the implementation of a fine of up to $1,000.00.

(i) A person desiring to obtain a license to sell alcoholic beverages in a leased location within a licensed premises, shall, in addition to the application required hereinabove, provide additional sworn application forms and the required application fees for each proposed leased location. The prospective lessees shall in all other respects comply with this code section. In the event a licensee shall seek to change, substitute or add a leased location within the licensed premises, then before alcohol sales can continue or commence, the individuals in control of the proposed leased locations must comply with the provisions of this code section. No applicant or licensee may allow sales of alcoholic beverages at a leased location within a licensed premise without compliance with this section and all other applicable provisions of this chapter.

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

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

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

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

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

(a) Sale of malt beverages or wine. No license for the sale of malt beverages or wine shall be issued to any person unless the licensee is a resident of Metropolitan Atlanta, which is defined as including Fulton, DeKalb, Cobb, Clayton, Gwinnett, Paulding, Henry, Cherokee, Douglas, Rockdale, Fayette, Coweta and Forsyth Counties. The person must also be a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) Sale of packaged distilled spirits. No license for the sale of distilled spirits by the package shall be granted to any applicant who is not a citizen of the United States or an alien lawfully admitted for permanent residence and who has not resided continuously within the state and Metropolitan Atlanta, as defined in subsection (a) of this section, for a one-year period next preceding the year for which application is made. The applicant shall have been a resident of the state for one year prior to the year for which the application is made. If the applicant is a corporation whose primary business is the operation of a liquor store, the majority stockholder must meet the requirements of this subsection, and the license shall be issued to the corporation and the majority stockholder. If the applicant is a
corporation whose primary business is other than the operation of a liquor store, the license shall be issued to the corporation and an officer or agent of the corporation who meets the requirements of this subsection. If the applicant is a partnership, the same requirements pertaining to corporations shall apply to all partnerships.

(c) Sale of distilled spirits for on-premises consumption. No license for the sale of distilled spirits for on-premises consumption shall be granted to any applicant who is not a citizen of the United States or an alien lawfully admitted for permanent residence and who is not, at the time the application is made, a resident of Metropolitan Atlanta, as defined in subsection (a) of this section. If the applicant is a corporation, partnership or association, the license shall be issued to the corporation, partnership or association and an officer or agent of the corporation, partnership or association who meets the requirements of this subsection.

(d) Grounds for denial or revocation. The inability of the police chief to verify any statement of information required to be disclosed on forms furnished by the police chief or to be able to adequately conduct a full investigation of an applicant or a place of business due to foreign background, ties or interest or for any reason beyond the police chief's control shall be, in addition to all other grounds, cause for denial of any license and if any license has been granted shall be cause for revocation of the license.


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

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

(b) The running of the advertisement required in this section in a newspaper may be concurrent with the time after the application for a license is filed, and if the two days' advertisement is not made before the filing of the application, the application shall state that the advertisement is being made.

(Code 1977, § 14-2033)

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

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

(Code 1977, § 14-2060)

Sec. 10-54. - Investigation of application; report.
All applications for licenses required by this division shall be investigated and not acted upon by the license review board until 20 days after the filing thereof. After the expiration of 20 days the license review board shall report its recommendations to the mayor.

(Code 1977, § 14-2034)

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

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

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


Sec. 10-56. - Issuance to persons with prior convictions.

No original license for the sale of alcoholic beverages shall be issued to any person, partnership or corporation for pecuniary gain if any individual having an interest, either as owner, partner or principal stockholder, directly or indirectly beneficial or absolute, or the individual's spouse shall have been convicted or shall have taken a plea of nolo contendere, within ten years immediately prior to the filing of the application, for any felony or misdemeanor of any state or of the United States or any municipal ordinance, except traffic violations. The term "conviction" includes an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime; if the violation is for a misdemeanor, forfeiture of bond, municipal ordinance or if there is a plea of nolo contendere, the license review board may, after investigation, waive that disqualification.

(Code 1977, § 14-2037; Ord. No. 2014-17(14-O-1232), § 5, 5-28-14)

Sec. 10-57. - Grounds for denial.

In addition to all other grounds for denial, no application for any license under this division shall be granted if the application or the evidence on a hearing before the license review board shows:

(1) The applicant is of bad moral character or has a bad reputation in the community or does not have sufficient mental capacity to conduct the business for which application is made.

(2) The applicant has had any license issued under the police powers of the city previously suspended or revoked; provided, however, the license review board may waive this subsection if two years have passed since any prior revocation of any license held by the applicant.

(3) The applicant for a license to sell alcoholic beverages at a nightclub, other than those nightclubs located within a special entertainment district, does not furnish evidence of adequate parking for a nightclub, as defined by section 10-1, available to the applicant's patrons for the term of the license applied for and within 400 feet of the proposed licensed premises.

(4) The applicant, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to that business within a five-year period immediately preceding the date the application is heard by the license review board.
Any applicant for a retail license is related to any distributor or wholesaler of alcoholic beverages or related to any stockholder of a distributor or wholesaler of alcoholic beverages or related to any employee engaged in a management position by any distributor or wholesaler of alcoholic beverages within the first degree of consanguinity or affinity as computed according to the civil law.

The applicant has been found to have violated the human relations ordinance as set forth in chapter 94 of this Code.

That an applicant for renewal that is exempt from the certain distance requirements as provided in section 10-88.1, has failed 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.

The application does not furnish evidence of adequate parking as defined in this chapter. This parking requirement is in addition to the requirement of subsection (3) of this section.


Sec. 10-58. - Issuance to nonprofit performing arts theaters, museums, zoological parks, botanical gardens, and city park organizations for sale for consumption on premises.

(a) An applicant may be issued a license for the sale of alcoholic beverages for consumption on the premises of any nonprofit performing arts theater having a seating capacity of not less than 175, any nonprofit museum, any nonprofit zoological park, any nonprofit botanical garden, or any park facility, within the city upon meeting all of the following requirements and all other requirements of this chapter dealing with the sale of alcoholic beverages for consumption on the premises:

1. The applicant shall be a nonprofit corporation presenting legitimate indoor live performances or the applicant shall be a nonprofit museum, a nonprofit zoological park, a nonprofit botanical garden, or a city park organization.

2. The performances of any such theater shall be held on a regular basis a minimum of three times per week for a period of 32 weeks per year.

3. The applicant shall be the same group or corporation operating the nonprofit theater or nonprofit museum, nonprofit zoological park, nonprofit botanical garden, or park facility, and shall show that the profits from the sale of alcoholic beverages for consumption on the premises are to be sold.

4. The applicant shall show by plat the physical delineation of the area in which alcoholic beverages are to be sold.

5. The location of the applicant shall be exempt from federal income taxes pursuant to section 501(c)(3) of the Internal Revenue Code, as amended.

(b) The applicant shall pay an annual license fee of $1,000.00, and the fee shall be subject to all other rules and regulations relating to license fees for alcoholic beverages set forth in this chapter.

(c) Fees. The bureau of buildings and the department of fire shall each charge a fee of $50.00 for the inspections made to report on the compliance status of structures where alcoholic beverage licenses are requested.
For the purpose of this section, and notwithstanding the definition of premises contained in section 10-1, the premises of a park facility shall mean any number of the definite closed or portioned-in building(s), including any area or patio immediately adjacent to said building(s), which are located within one city-owned park, and which are managed, operated, and/or leased by one city park organization pursuant to one or more agreements or leases with the City of Atlanta, and wherein alcoholic beverages are sold or consumed.

(1) The area or patio need not be covered, but must be completely enclosed, except for entrances and exits, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height.

(2) Where any city park organization has agreements with the City of Atlanta to manage, operate or lease buildings located in more than one city-owned park, the city park organization must hold a separate license for each park.


Sec. 10-59. - Right of licensee for sale by the drink; separate licenses required for package sales and sales for on-premises consumption.

(a) A licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve malt beverages or wine or allow the consumption of malt beverages or wine on the licensee's premises during the same hours as are permitted under this article for the serving of distilled spirits by the drink.

A licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve malt beverages or wine to patrons seated in an outdoor dining area as part of the operation of a sidewalk café. A licensee operating a sidewalk café shall not have the right to serve malt beverages or wine to any person who is not seated, at a table, in a chair provided by the licensee.

A licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the ability to allow patrons or members to bring in and consume alcoholic beverages on the premises in the manner authorized by this section.

(b) Licensees for the sale of distilled spirits by the drink, to allow the consumption of alcoholic beverages on the premises and for the sale of malt beverages by the drink, shall not permit the sale of distilled spirits by the bottle or package. These licensees shall have the right to sell wines, champagnes or malt beverages to the public by the bottle or package for consumption on the premises without the issuance of a separate retail license therefor.

A licensee for the sale of distilled spirits by the drink shall have the right to allow the consumption of alcoholic beverages by patrons seated in an outdoor dining area as part of the operation of a sidewalk café. Bottles of beer and wine shall only be transported into outdoor dining areas and/or opened in outdoor dining areas by a licensee's working employees as part of their work duties. A licensee operating a sidewalk café shall not have the right to allow the consumption of alcoholic beverages by any person who is not seated, at a table, in a chair provided by the licensee.


Sec. 10-60. - Annual license fee; refunds.

(a) The annual license fee for each classification of license under this division shall be as follows:

Fees Effective Beginning in the Year 2010
(1) Wine.
   a. Manufacturer of wine .....$2,250.00
   b. Wholesaler, importer and/or broker of wine .....2,000.00
   c. Retail dealer in wine to be consumed on or off the premises of the dealer, which shall be authorized to conduct wine tasting events at any time during the year .....2,500.00
   d. Retail dealer in wine to be consumed off the premises of the dealer only .....2,500.00
   e. Tasting room for retail dealer in wine and wine to be consumed on the premises .....2,500.00
   f. Tasting room for retail dealer in wine and wine to be consumed on the premises which sells wine by the package on Sunday .....3,750.00

(2) Malt beverages.
   a. Brewer or manufacturer of beer .....$5,000.00
   b. Wholesaler, importer, and/or broker of beer .....2,000.00
   c. Retail dealer of beer to be consumed on or off the premises of the dealer .....2,500.00
   d. Retail dealer in beer to be consumed off the premises of the dealer only .....2,500.00

(3) Distilled spirits.
   a. Manufacturer .....$5,000.00
   b. Manufacturer that manufactures, distills or blends liquors made whole from products raised in the state .....5,000.00
   c. Wholesaler .....5,000.00
   d. Retail sale in package form .....4,500.00
      Plus an amount equal to one percent of the gross sales of the previous year in excess of $200,000.00, not to exceed a maximum license fee of $5,000.00 per annum.

   1. In determining the license fee to be paid by any dealer in distilled spirits, each individual store or retail outlet shall be considered singly, and the license fee fixed shall be determined by sales made at each individual store.

   2. Annual sales for the purpose of determining the license fee to be paid shall be the sales made by the store or outlet the previous 12 months, except that all new stores or licenses shall, for the first year, pay $3,000.00 per annum.

(4) Consumption on the premises of distilled spirits, wine and malt beverages.
   a. Initial license .....$5,000.00
   b. Additional facility licenses, each .....5,000.00
      1. Additional licenses shall be required for all additional facilities such as lounges, restaurants, nightclubs, patios or other areas located within the same building.

      2. All restaurant patios and outdoor or open air eating areas which are immediately adjacent to restaurants shall be exempt from the additional facility license fee.

      3. The licensee shall not provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas in which the licensed premises are within 500 feet of any area zoned for single-family residences. Notwithstanding the foregoing, no licensee shall provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas after 12:00 midnight.
4. All such licensees shall be required to comply with the requirements as to limitations on noise levels established by ordinance.

(5) Retail of beer or wine consumption off the premises.

a. Initial license .....2,500.00

b. Leased locations as additional facilities, each license .....2,250.00

Additional licenses shall be required for each leased location located within a licensed premise, such as the Sweet Auburn Curb Market located at 209 Edgewood Avenue. In no event, however, shall there be no more than four additional facilities licenses at any location licensed for off premises consumption. Provided further, however, that the entire licensed location shall derive less than five percent of its gross receipts from the sale of alcoholic beverages.

Additional licenses shall be required for each leased location located within a licensed premise, such as the Sweet Auburn Curb Market located at 209 Edgewood Avenue. In no event, however, shall there be no more than four additional facilities licenses at any location licensed for off premises consumption. Provided further, however, that the entire licensed location shall derive less than five percent of its gross receipts from the sale of alcoholic beverages.

(b) If the licensee is denied a license by the state, upon the proof of that refusal, the licensee shall be entitled to a refund of the license fee paid to the city, less a charge of $25.00 to cover clerical cost of granting the license. If for any reason, the application for a city license is not approved, the applicant shall be entitled to a refund of the license fee pre-paid with the submission of the application, without interest. The refund may be made by the chief financial officer without the necessity of any action by the council.

(c) No license shall be issued for less than a calendar year, and if a license is revoked or surrendered before the expiration of a calendar year, the holder thereof shall not be entitled to receive any refund.

(d) A licensee may be entitled to a refund of the license fee paid to the city if the licensed business cannot continue to be operated due to (i) destruction by fire or an act of God, (ii) death of the licensee, or (iii) any action taken by a governmental entity beyond the licensee's control. A refund shall not be granted if the license is revoked or suspended by resolution, approve or deny such refund. If a refund is approved by the council, the refund shall be calculated as follows:

(1) Three-fourths of the license fee if the licensee goes out of business during the first quarter of the calendar year.

(2) One-half of the license fee if the licensee goes out of business during the second quarter of the calendar year.

(3) One-fourth of the license fee if the licensee goes out of business during the third quarter of the calendar year.

(4) No refund if the licensee goes out of business during the fourth quarter of the calendar year.

(e) If for any reason, the issuance of a license is delayed so as to entitle the applicant to pay a prorated portion of the license fee for the year when the applicant has already pre-paid with submission of the application the full year's license fee; the city shall refund any overpayment of license fees to the licensee within 30 days after the license is issued.

State Law reference—Restrictions on license fees, O.C.G.A. §§ 3-4-50, 3-5-43.

Sec. 10-61. - Date for payment of license fees; prorated fees.

All annual license fees under this division shall be paid in advance by money order, certified check or cashier's check with submission of the renewal application on or before January 1 of each year. Any person granted a new license under this division during a calendar year shall pay the full license fee without proration by money order, certified check or cashier's check with submission of the application for a new license, except that the fee for a new license granted after June 30 in any calendar year shall be 50 percent of the annual license fees for the remainder of that calendar year.


Sec. 10-62. - Supplemental requirements for sale of distilled spirits by the drink for on-premises consumption.

No license for the sale of distilled spirits by the drink shall issue to any applicant who does not meet the requirements of a restaurant, hotel, private club, lounge, nightclub, convention center, bar, brewpub, nonprofit performing arts theater, nonprofit museum, nonprofit zoological park, nonprofit botanical garden, auditorium, sports coliseum, suite hotel, open air café, government center, tasting room, sidewalk café, or continuing education center.


Sec. 10-63. - Wholesale licensees prohibited from interest in other licenses.

No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license under this chapter.

(Code 1977, § 14-2131)

Sec. 10-64. - Limitation on number of licenses within family.

(a) Sale of distilled spirits in package at retail.

(1) No application for a license to sell distilled spirits in the package at retail shall be granted when the person applying for the license and all members of that person's family already hold two interests in a license to sell distilled spirits by the package at retail.

(2) No person or member of the person's family shall own, hold or control any interest in more than two licenses to engage in the business of selling distilled spirits by the package at retail.

(b) Interest in license.

(1) As used in this section, an interest in a license shall be deemed to exist if the person involved is the outright owner of the license; a co-owner of the license; a partner in a partnership which owns all or any part of a license; a stockholder in any corporation organized for pecuniary gain which owns all or any part of a license; an owner or a lessor, sublessor or stockholder in any corporation organized for pecuniary gain owning or leasing any real estate which is occupied by a retail liquor store or shares in any of the income or corpus of any trust fund or estate having any interest in a retail liquor store. However, a stockholder shall not be deemed to have an interest in a retail liquor store where the stockholder owns stock in a motel or hotel having 200 or more rooms with a retail liquor store located on the premises of that motel or hotel and owned by that motel or hotel.
Notwithstanding any of the other part of this section, no one person shall be deemed to have more than one interest in any one license.

(2) An interest in a license shall be deemed to exist in the settlor or grantor in any trust instrument where all or any part of the corpus of the trust is the land on which located or the business of any retail package liquor store and where any beneficiary, either direct or indirect, is related in any manner to the settlor. This subsection shall not apply to any trust in existence at the time of passage of the ordinance from which this subsection derives.

(c) Statements on license application. All applications for licenses, both original and renewal, must be accompanied by a full and complete statement under oath of information relative to any and all interests as defined in subsection (b) of this section in retail liquor stores. This shall include the following:

1. The names and addresses of all persons interested in the ownership of the business of selling at retail packaged liquor, together with any interest each person or any member of such person's immediate family has in any other retail liquor store;
2. The ownership of the land and building where that retail business is operated;
3. The amount of rental paid for the land and building and the manner in which determined and to whom and at what intervals it is paid;
4. The names and addresses, by affidavit from the owner, lessor or sublessor of that land and building, of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the retail liquor store is located; and
5. Any other information called for by the license review board.

(d) Change in relationship. Any change in any relationship must be filed when made with the department of police, and failure to so file within 30 days after that change is made shall be grounds for cancellation by the council.

(Code 1977, § 14-2047)

Sec. 10-65. - Interest in license by employee of department of police.

It shall be unlawful for any full-time employee of the department of police or the employee's spouse or minor children to have any whole, partial or beneficial interest, as defined in section 10-64, in any license to sell alcoholic beverages in the city.

(Code 1977, § 14-2048; Ord. No. 2014-17(14-O-1232), § 9, 5-28-14)

Sec. 10-66. - Public hearing on application; approval by mayor.

(a) All applications for licenses under this division shall be acted upon by the license review board, after a public hearing, after advertisement as required in this division. The recommendation of the license review board shall be reported to the mayor for action thereby. No license shall be issued until it has been approved by the mayor.

(b) With the exception of those applications made in accordance with sections 10-126 and 10-127 of this chapter, the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 60 calendar days of receipt of a recommendation from the license review board as well as each of the following: 1) a letter issued by the Atlanta Department of Fire Rescue confirming that the proposed licensed premises meets the requirements of the City of Atlanta Fire Prevention Code, according to plans which were submitted to and approved by the City of Atlanta Fire Marshall; 2) a notice issued by the board of health or health department of the county in which the proposed licensed premises is located signifying the compliance of the proposed licensed premises
with the rules of the Georgia Department of Human Resources; and 3) a letter issued by the City of Atlanta Department of Community Development, Bureau of Buildings setting forth that the proposed licensed premises has been approved to operate its proposed business. With the exception of those applications made in accordance with sections 10-126 and 10-127 of this chapter, if the mayor does not receive the documentation described in sections (1), (2), and (3) of this subsection within six months of the mayor's receipt of the recommendation from the license review board, the alcoholic beverage license application shall expire without the necessity of any further action of the license review board, and no refund of any application fees shall be made to the applicant. Upon review of the license review board's recommendation and/or the record created during the license review board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the license review board for further hearing. In remanding the application back to the license review board, the mayor shall provide written instructions to the license review board and the license and permit unit of the city's police department identifying specific issues and/or matters the mayor requires the license review board to conduct further hearing upon. An alcoholic beverage license applicant shall be provided with a five-day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All applications remanded to the license review board shall be scheduled for further hearing before the license review board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an application within the 60 calendar days provided, and does not choose to remand the application to the license review board, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor. A decision by the mayor to deny an application may be appealed via Certiorari to the Superior Court of Fulton County.

For those applications made in accordance with sections 10-126 and 10-127 of this chapter, the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 14 calendar days of receipt of a recommendation from the license review board as well as the documentation described in 10-66(b)(1)—(3). Upon review of the license review board's recommendation and/or the record created during the license review board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the license review board for further hearing. In remanding the application back to the license review board, the mayor shall provide written instructions to the license review board and the license and permit unit of the city's police department identifying specific issues and/or matters the mayor requires the license review board to conduct further hearing upon. An alcoholic beverage license applicant shall be provided with a five-day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All applications remanded to the license review board shall be scheduled for further hearing before the license review board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an application within the 60 calendar days provided, and does not choose to remand the application to the license review board, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor. A decision by the mayor to deny an application made in accordance with sections 10-126 or 10-127 may be appealed via Certiorari to the Superior Court of Fulton County.

The license and permits unit of the Atlanta Police Department shall make the final agendas for all license review board hearings regarding annual licenses to sell alcohol available for public notice by the close of business on the day that is one week prior to the date of each hearing. Such agendas shall be made available to the public at the reception area of the offices of the license and permits unit of the Atlanta Police Department and shall be on file with the municipal clerk's office.

(Code 1977, § 14-2049; Ord. No. 1999-82, § 1, 10-12-99; Ord. No. 2002-1, §§ 1, 2, 1-29-02; Ord. No. 2008-80(08-O-1676), §§ 1—3, 11-6-08; Ord. No. 2012-43(12-O-1072), § 1, 9-26-12)

Sec. 10-67. - Time limit for obtaining license after approval of application.
Once a license application has been approved by the mayor, the license shall be issued within 30 days.


Sec. 10-68. - Completion of proposed licensed premises.

If a building in which a retailer of alcoholic beverages intends to operate under this article is, at the time of the application for a license, not in existence or not yet completed, a license may be issued for the location, provided the plans for the proposed building show clearly a compliance with the other sections of this article. No sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with all the other sections of this article.

(Code 1977, § 14-2052; Ord. No. 2014-17(14-O-1232), § 10, 5-28-14)

Sec. 10-69. - Time limit for commencement of business in licensed establishment; forfeiture for nonuse.

(a) All holders of licenses under this division must, within nine months after the issuance of the license, open for business the establishment referred to in the license. Failure to open the licensed establishment within the nine-month period shall serve as automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder.

(b) Any holder of a license under this division who shall begin the operation of the business as authorized in the license but who shall for a period of nine consecutive months thereafter cease to operate the business as authorized in the license shall, upon completion of the nine months, automatically forfeit the license, which license shall, by virtue of the failure to operate, be canceled without the necessity of any further action of the license review board or the council.

(Code 1977, § 14-2054)

Sec. 10-70. - License prohibited for package sales in connection with designated establishments.

No retail license for the sale of distilled spirits by the package shall be allowed in or in connection with any restaurant, cafe or eating place or in the same room where a bar is maintained for the dispensing and sale of malt beverages and wine by the drink.

(Code 1977, § 14-2058)

Sec. 10-71. - Display of name of licensee and license number.

Each licensee for the sale of alcoholic beverages by the package at retail under this division shall have printed on the front window of the licensed premises the name of the licensee, together with the inscription, "City Retail License No. ____________," in uniform letters not less than four inches in height. However, if a licensee so desires, the licensee may have the licensee's name displayed on the inside of the window in neon or other electric lights. The sign shall be parallel with the window and shall not extend more than six inches from the window. A neon sign may also be constructed along the borderline or edge of the front window inside the glass.

(Code 1977, § 14-2138)

Sec. 10-72. - Clear view of entrance and interior of licensed premises; lighting; sale to public by private clubs.
(a) No licensee for the sale of alcoholic beverages by the package shall operate unless the front entrance to the licensed premises is clearly visible from the public street; provided however, this shall not apply where the licensee is a hotel, motel, private club or is located in a shopping center or multiple-story business building.

(b) No screen, blind, curtain, partition, article or thing preventing a clear view into the interior shall be permitted in the window or upon the doors of any retail store for the sale of alcoholic beverages by the package, and no booth, screen, partition or other obstruction shall be permitted within the interior of the store. Each store shall be so lighted that the interior of the store is visible day and night.

(c) Private clubs which have been granted licenses under this division to sell distilled spirits at retail by the package shall not have an outside or street entrance for the retail outlet to sell to the general public and shall not make any sales to any member of the general public who is not a member of the private club.

(Code 1977, § 14-2129)

Sec. 10-73. - Revocation of other licenses.

Whenever the city shall revoke a licensee’s license to sell alcoholic beverages all other city licenses issued to such licensee to sell alcoholic beverages shall thereupon be subject to revocation. Said licensee shall thereupon be entitled to the same hearing procedures as set forth in section 10-109(c). The license review board shall conduct the hearings and report its conclusions and recommendations to the mayor. The mayor, upon receiving the report, may revoke the licenses.

(Ord. No. 2001-60, § 2, 8-13-01; Ord. No. 2014-17(14-O-1232), § 11, 5-28-14)

Sec. 10-74. - Size limitations on the sales of malt beverages by the package.

(a) It shall be unlawful for a licensee under this chapter to sell on the licensed premises less than 14 ounces of malt beverage within a single transaction, unless they have a malt beverage license for consumption on the premises, or unless such sale is in conjunction with the package sale of additional malt beverage alcohol totaling not less than 14 ounces.

(b) A violation of this section shall be considered due cause to deny, suspend, revoke, or refuse to renew any license issued by the city pursuant to this chapter.

(Ord. No. 2001-79, § 1, 11-13-01)

Editor’s note—Section 10-74 shall apply to all new licenses issued pursuant to chapter 10 by the city after the enactment of this section, as well as to all licenses that are renewed for the calendar year 2002 and subsequent years pursuant to chapter 10.

Sec. 10-75. - Applications after change in ownership; temporary license authorized; conditions of issuance.

(1) Persons making alcoholic beverage license applications pursuant to Chapter 10 because of a change in ownership of the retail licensed establishment, after properly filing all required documents, may be authorized by the chief of police to operate pursuant to a temporary license. Before any such temporary license may be issued, the applicant must have filed with the licenses and permits unit of the police department the following documents and materials under the conditions indicated:

(a) All documents required by the police department and pursuant to the Code for obtaining a license appropriate to the type business for which application is made, including payment by certified
check, money order or cashier’s check of the license fee at the time of submission of the license application.

(b) A written request, on forms to be provided by the licenses and permits unit of the police department, by the applicant for a temporary license to the chief of police. Said forms shall be submitted by the applicant to the licenses and permits unit of the police department who will in turn forward it to the chief of police.

(c) The applicant, licensee and agent for the temporary license must be identical to the applicant, licensee and agent indicated on the related annual alcoholic beverage license application.

(d) A written, notarized statement, on forms to be provided by the licenses and permits unit of the police department, indicating that the applicant, temporary licensee and agent waive any and all rights available to them to appeal the decision by the chief of police to deny their application for a temporary license or to revoke a temporary license that has been issued to them, and that the applicant, temporary licensee and agent agree to all conditions set forth in this section. As used in this section, "rights to appeal" shall include, but not be limited to, injunctive relief, writ of certiorari, writ of mandamus, writ of prohibition, or any court action which relates in any way to said decision(s).

(e) When preliminary records checks have been completed, determined and judgments made, and the chief of police is satisfied that the location for the proposed license substantially complies with the provisions of the code authorizing such license in the city, a temporary license may be issued if deemed appropriate by the chief of police.

(f) The duration of any temporary license issued shall not exceed (120) days.

(g) A temporary license shall not be issued to any entity, real or artificial, who owes the city any monies at the time a temporary license is sought.

(h) There shall be assessed and paid by cashiers check, money order or certified check a non-refundable temporary license fee of $750.00. This fee shall be in addition to all other fees required by the Code.

(i) The issuance and duration of any temporary license pursuant to the conditions stated in this section is within the sole discretion of the chief of police and such temporary license may be revoked by the chief of police at any time without notice, cause, hearing or refund of any portion of the temporary license fee.

(j) The issuance of the temporary license pursuant to the above conditions does not eliminate or alter in any way the requirement that the applicant must otherwise follow the application process provided in section 10-48 of this Code.

(2) There shall be no vested right to, or protectable property interest in, the issuance of a temporary license as provided for in this section, or to the issuance of any license issued pursuant to this chapter.

(3) The grant, denial or revocation of a temporary license under the provisions of this section shall not affect or have any bearing upon the grant or denial of an annual license.

(4) During any one calendar year, there shall be not more than one temporary license granted for any single retail licensed establishment, as such temporary licenses are provided for in this section.

(5) No temporary license shall be granted to any retail licensed establishment that is exempt from the distance requirements contained in sections 10-88, 10-88.1 and 1-113 of the Code.

(6) The commander of the licenses and permits unit, or his designee, shall notify the commissioner of the DPDNC, or his designee, of the receipt of an application of a temporary license within three days. Within three days after the commissioner of the DPDNC, or his designee, receives such information, he shall notify the appropriate city councilmembers (district and at-large) and the chairperson and vice chairperson of the NPU. Such notification shall also include the name of the applicant and the address of the proposed retail license establishment to receive the temporary license provided for in the section.
Secs. 10-76—10-85. - Reserved.

Subdivision II. - Location Restrictions

FOOTNOTE(S):

--- (4) ---

State Law reference— Location restrictions, O.C.G.A. § 3-3-21.

Sec. 10-86. - Issuance of license limited to designated areas.

(a) Manufacturer's license. No manufacturer's license shall be issued to a manufacturer engaged in distilling or blending alcoholic beverages except where that business is to be located in the area of the city zoned for industrial uses. This provision shall not apply to those locations, which operate as “brewpubs” as defined in City Code section 10-1 as long as such locations are in compliance with all requirements set forth in the City of Atlanta Zoning Code regarding eating and drinking establishments and any other applicable provisions of the City Code.

(b) Wholesaler's license. No license shall be issued to a wholesaler of alcoholic beverages except where the wholesale business is to be located in the area of the city which is zoned for business purposes.

(c) Packaged malt or vinous liquors. No license to engage in the retail sale of malt or vinous liquors in package form shall be issued to any person for the operation of that business except on premises upon which the retail sale of such beverages is permitted under the provisions of sections 10-88 and 10-88.1 of the 1982 City of Atlanta Zoning Ordinance as amended.

(d) On premises consumption. No license for the sale of alcoholic beverages by the drink shall be issued unless the location has been zoned commercial, industrial, or residential apartment as long as such location is in compliance with the City of Atlanta Zoning Code, or the location is in use as a business under a special use permit, provided that:

(1) This subsection shall not apply to private clubs.

(2) Licenses for the sale of malt beverages or wine by the drink may be issued to restaurants within 100 yards of a public park which is within a National Register historic district, if such restaurants are located in areas which have been rezoned from commercial uses within the 24 months immediately preceding application.

(3) Subject to approval of the license review board, nonprofit charitable organizations may sell alcoholic beverages at locations zoned residential during fundraising events that do not exceed three consecutive days in length.

(e) Packaged spirituous liquors. No license to engage in the retail sale of spirituous liquors in package form shall be issued to any person for the operation of that business except on premises upon which the retail sale of such beverages is permitted under the provisions of sections 10-88 and 10-88.1 of the 1982 City of Atlanta Zoning Ordinance as amended.

(f) Exemption. Those licensed locations, for sale of packaged malt or vinous liquors or sale of alcohol for on-premises consumption existing on the date of passage of the ordinance from which this subsection derives that are respectively identified in subsections (c) and (d) of this section shall, on the date of the passage of such ordinance, be exempted from compliance therewith; provided, however, that such exemptions shall not be construed to apply to adult entertainment establishments as defined by part 16.
Sec. 10-87. - Reserved.

Sec. 10-88. - Distances of establishments from residences, schools, churches, libraries, hospitals and other public places.

(a) No license hereunder shall be issued for any location where alcoholic beverages are sold whose proposed boundary line is within 300 feet of any private residence. The distance for the purpose of this section, notwithstanding the definition of distance contained in section 10-1, shall be measured by straight line from the closest point of the property line of the proposed site where alcoholic beverages are sold to the nearest point of any residential building, provided, however, that when the applicant is located within a shopping center containing a minimum of 80,000 square feet the distance from any private residence shall be reduced to 150 feet.

(b) No license shall be issued hereunder where the applicant's place of business where alcoholic beverages are to be sold is located within 300 feet of a branch of the Atlanta Public Library or within 500 feet of any church, or public park or within 300 feet of any private hospital, or mental health care facility, or public hospital which is owned and operated by any government agency or authority and used for hospitalization, or within 600 feet of a school ground or college campus, or any youth serving organization or any recreational facility that primarily serves school children under 18 years of age, or within 300 feet of any tattoo establishment as defined in section 30-1271, except that the restrictions of this section shall not apply to hotels of 50 rooms or more which have been in continuous operation for a period of at least five years immediately prior to April 5, 1938, or to the operator of a restaurant applying for a license for the sale and consumption by the drink of spirituous liquors where the operator held a license authorizing the sale and consumption by the drink of either malt beverages or vinous liquors at that restaurant on October 3, 1966, and has maintained the license in good standing from that time until the time of the application hereunder; provided further, that alcoholic beverage establishments which are located within a shopping center having 30,000 square feet or more and in which a branch of the Atlanta Public Library is also located shall not be required to comply with the above-described distance requirement for a branch of the Atlanta Public Library; provided further with regard to applications for licenses to sell alcoholic beverage for consumption on the premises, no distance requirements as to churches shall apply to churches which are located in commercial buildings or that move into existing commercial buildings in areas zoned for commercial purpose, and when such churches are within 300 feet of an existing establishment with a license to sell alcoholic beverages on the premises.

(c) The wholesaler's license for the sale of alcoholic beverages may be issued for a location within the above-prescribed distances of a private residence or residences, if the residence or residences are situated on property which is zoned for commercial or industrial use under the zoning ordinance of the city.

(d) The distance requirements and exemptions set forth in this section shall no longer apply to package stores which must meet the distance requirements set forth in section 10-88.1; provided, however, that the provisions of this section shall not apply to locations licensed prior to the effective date of this section or to renewals thereof. The distance requirements and exemptions set forth in this section shall not apply to wine specialty shops which must meet the distance requirements set forth in subsection 10-88.1(e); city food markets which must meet the distance requirements set forth in subsection 10-88.1(f); or specialty food shops which must meet the distance requirements set forth in subsection 10-88.1(g).

(e) The provisions of this section shall not apply to licenses issued hereunder to continuing education centers, restaurants or sidewalk cafés, as defined in section 10-1, for the sale of alcoholic beverages for on-premises consumption; provided, however, that in order for a restaurant or sidewalk café to
come within this exemption it shall provide no entertainment, as defined in section 10-1, unless it is located either:

(i) Within a mixed-use development (as that term is defined in section 1629.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units; or

(ii) Within a multi-building complex, which, for purposes of this code section, shall mean a group of buildings planned, developed and managed as a unit which is comprised of at least 50,000 square feet of retail shopping and/or restaurant space, at least 50,000 square feet of institutional office space; at least 100,000 square feet of space used for research and education, and at least 100,000 square feet of conference center space, as long as such multi-building complex is located on a college campus. Under no circumstances may music and/or live entertainment be provided in an outdoor dining area; or

(iii) Within a mixed-use development (as that term is defined in section 1629.001(24)), comprised of not less than 99,000 total square feet, that has zoning approval for at least 2,000 square feet of retail space, 3,000 square feet of office space and at least 70 residential units, which is located within the jurisdictional boundaries of the City of Atlanta Downtown Development Authority and is also located within an Urban Enterprise Zone created by the city.

(f) Upon written request by a licensee operating a restaurant or sidewalk café that satisfies the requirements of section 10-88(e)(i) or 10-88(e)(iii), the City of Atlanta Mayor shall authorize such Licensee to provide entertainment, as defined in section 10-1, upon receipt of confirmation from the City of Atlanta Zoning Division that the mixed-use development has zoning approval as required by this section. As used in this section, "zoning approval" shall mean the zoning classification assigned to the mixed-use development would allow development of the minimum square footage set forth in section 10-88(e)(i) or section 10-88(e)(iii); however, zoning approval does not require actual development of the minimum square footage of retail space, office space, or residential units.


Sec. 10-88.1. - Package stores.

(a) No package store, as defined in section 10-1, shall be located within 1,500 feet of any other package store. This distance shall be measured by the most direct route of travel on the ground, in accordance with O.C.G.A. § 3-4-49. An application for a renewal license to sell distilled spirits by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell distilled spirits by the package has been issued prior to July 1, 1997. An application for a renewal license to sell beer and/or wine by the package shall not be subject to this restriction if the location associated with such application is one for which a license to sell beer and/or wine by the package has been issued prior to July 1, 1997. Nor shall the restriction of this subsection apply to any location for which a new application to sell distilled spirits by the package has been filed with the police department if the sale of distilled spirits by the package was lawful at any time during the 12 months immediately preceding such application. Nor shall the restriction of this subsection apply to any location for which a new application to sell beer and/or wine by the package has been filed with the police department if the sale of beer and/or wine by the package was lawful at such location at any time during the 12 months immediately preceding such application.

(1) This restriction shall not apply to:

a. Any hotel licensed for the sale of alcoholic beverages.

b. A retail grocery supermarket or pharmacy:
i. Which contains an interior floor area of 14,000 square feet or more; and

ii. In which not more than five percent of the interior floor area of such store is devoted to the display of beer and/or wine products for retail sale; and

iii. Which derives less than eight percent of its gross receipts from the sale of beer and/or wine.

(2) Any store which is construed to be a package store pursuant to this chapter and which sells beer and/or wine, but not distilled spirits, shall not be required to meet the 1,500 feet distance requirement between package stores, as set forth above, in regard to its distance between a retail grocery supermarket or pharmacy selling beer and/or wine, but not distilled spirits, which contains an interior floor area of 14,000 square feet or more and which is already in existence and is located in either a shopping center, which, for purposes of this section and notwithstanding the definition of a "shopping and retail entertainment center" as that phrase is defined in section 10-1, is comprised of 45,000 square feet or more, which contains at least three or more commercial establishments planned, developed and managed as a unit, which provides common on-site parking facilities; or which is located in a mixed-use development (as that term is defined in section 16-29.001(24)) comprised of 45,000 square feet or more, if such package store will be located within such shopping center or mixed-use development as defined herein.

Any other package store seeking to obtain a license in a shopping center or mixed-use development, as defined above, in which a package store other than a retail grocery supermarket or pharmacy is located shall adhere to the 1,500 feet distance requirement between package stores as set forth above. Distance requirements contained in this chapter between all other package stores shall remain in effect.

Pursuant to this provision, any package store seeking to obtain a license to sell either beer, wine, and/or distilled spirits in either a shopping center or mixed-use development, as such terms are defined above, in which is already located a retail grocery supermarket or pharmacy which is licensed to sell alcoholic beverages by the package, and also in which is already located any other store which is licensed to sell alcoholic beverages by the package shall be required to meet the 1,500 feet distance requirement set forth above as to each of these existing stores. However, this provision shall not affect any locations within either an existing shopping center or mixed-use development for which a valid license to sell alcoholic beverages was in effect on the date this section became effective.

(b) No package store, as defined in section 10-1, shall be located within the following distances of the specified other uses:

(1) From any structures in residential use, 600 feet.
(2) From any public or private school, 600 feet.
(3) From any public or private park or recreation facility, 600 feet.
(4) From any public library branch, 600 feet.
(5) From any church or similar place of religious worship, 250 feet.
(6) From any public or private hospital or mental health care facility, 600 feet.
(7) From any child care or day care facility, 600 feet.

The distance in subsection (b)(1)—(7), notwithstanding the definition of distance contained in section 10-1, shall be measured in a straight line from the closest point of the property line of the site proposed to be occupied by the package store to the closest property line of any use identified above.

Package stores that derive less than five percent of their gross receipts from the sale of alcoholic beverages shall be exempt from the distance requirements set forth in subsection (b)(1)—(7) above.
In order to be exempt from the distance requirements set forth in subsection (b)(1)—(7) above, an applicant for a license to sell alcoholic beverages by the package which is not a wine specialty shop or a City Food Market, is required to file with the police department a sworn statement stating that it is the applicant's belief that the subject package store will derive less than five percent of the package store's gross receipts from the sale of alcoholic beverages. This statement shall accompany the original application for a license to sell alcoholic beverages by the package.

In order to obtain exempt status when renewing a license to sell alcoholic beverages by the package, the applicant for renewal must provide the police department with a statement from a certified public accountant that proves that during the preceding year, the package store did in fact derive less than five percent of its gross receipts from the sale of alcoholic beverages. For the purposes of this section, revenue derived from the sale of lottery tickets or related games of chance shall not be calculated when determining gross receipts.

The failure of an applicant for renewal 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.

(c) Except as otherwise provided in section 10-113, a location licensed for the retail sale of packaged alcoholic beverages on or before May 6, 1997 shall not be required to comply with the distance requirements set forth in subsection (b)(1)—(7) above provided that such location is not expanded or enlarged.

(d) Applicants for a package store license shall include with their application, a plat of survey prepared and sealed by a surveyor registered in the state certifying that all of the locational requirements listed above in subsection (a) have been met. Such applications shall be reviewed by the bureau of buildings for compliance with all distance requirements.

(e) No wine specialty shop, as defined in section 10-1, shall be located within the following distances of the specified other uses:
   (1) From any other wine specialty shop, 600 feet as measured by the most direct route of travel on the ground, in accordance with O.C.G.A. § 3-4-49.
   (2) From any public or private school, 600 feet.
   (3) From any public or private park or recreation facility, 600 feet.
   (4) From any public library branch, 600 feet.
   (5) From any church or similar place of religious worship, 250 feet.
   (6) From any public or private hospital or mental health care facility, 600 feet.
   (7) From any child care or day care facility, 600 feet.

   The distance in subsection (e)(2)—(7), notwithstanding the definition of distance contained in section 10-1, shall be measured in a straight line from the closest point of the property line of the site proposed to be occupied by the wine specialty shop package store to the closest property line of any use identified above.

(f) No city food market, as defined in section 10-1, shall be located within the following distance, as defined in section 10-1, of the following specified other uses:
   (1) From any other city food market, 600 feet.
   (2) From any public or private school, 300 feet.
   (3) From any public or private park or recreation facility, 300 feet.
   (4) From any public library branch, 300 feet.
   (5) From any church or similar place of religious worship, 300 feet.
(6) From any public or private hospital or mental health care facility, 300 feet.

(7) From any child care or day care facility, 300 feet.

(g) No specialty food shop, as defined in section 10-1, shall be located within the following distances, as defined in section 10-1, of the following specified other uses:

(1) From any other specialty food shop, 600 feet.

(2) From any public or private school, 300 feet.

(3) From any public library branch, 300 feet.

(4) From any public or private park or recreation facility, 300 feet.

(5) From any church or similar place of religious worship, 250 feet.

(6) From any public or private hospital or mental health care facility, 300 feet.

(7) From any child care or day care facility, 300 feet.


Editor's note—Sections 4 and 5 of Ord. No. 1998-77, approved on October 27, 1998, read as follows: "All renewal licenses to sell alcoholic beverages by the package for the year 1998 shall be subject to the usual annual license fees set forth in the Code of Ordinances. All licenses to sell alcoholic beverages by the package issued by the City for the year 1998 shall expire on December 31, 1998 and shall be subject to existing renewal requirements."

Sec. 10-89. - Additional distance requirements for adult entertainment establishments.

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

Adult entertainment establishment means establishment as defined in section 16-29.001(3)(e) and also includes any establishment which has nude or seminude dancing or striptease performances, whether these occur regularly or occasionally.

Distance, notwithstanding the definition contained in section 10-1, shall be measured by straight line from the property line of the adult establishment premises to the nearest property line of the property which is used as a private residence or other uses listed in this section.

Private residence, in addition to the language contained in section 10-1, also includes apartment or condominium buildings housing more than four families.

(b) Minimum distances from certain uses. No license under this division shall be issued for any adult entertainment establishment which is within 2,000 feet of any private residence, boys' club, girls' club, public park, MARTA station, church or synagogue or any other place of worship, YMCA, YWCA, youth-oriented organization; day care center, child center, library, school ground or college campus, day labor center or hospital. The license issued to such an establishment shall state on its face "adult entertainment permitted." The performance of any adult entertainment without this express permission shall constitute grounds for revocation of an alcoholic beverage license.

(c) Exemptions. The distance requirements in this section shall not apply to locations approved by the bureau of buildings in 1987 for adult entertainment for the purposes of zoning.
Sec. 10-90. - Exemption of hotels, motels or motor inns from distance requirements in certain areas.

(a) Any hotel, motel or motor inn having 150 or more rooms applying for a license for the sale of alcoholic beverages for consumption on the premises located within the following areas shall not be required to comply with the distance requirements set forth in section 10-88

1. Beginning at the intersection of Piedmont Avenue and North Avenue; running thence westerly along North Avenue to its intersection with Spring Street; running thence in a southerly and southwesterly direction along Spring Street to its intersection with Trinity Avenue; running thence in an easterly and southeasterly direction along Trinity Avenue to its intersection with Pryor Street; running thence in a southwesterly and southerly direction along Pryor Street to its intersection with Georgia Avenue; running thence in an eastwardly direction along Georgia Avenue to its intersection with Fraser Street; running thence in a northerly direction along Fraser Street to its intersection with Memorial Drive; running thence in a northeasterly direction along Washington Street to its intersection with Martin Luther King, Jr. Drive; running thence in a southeasterly direction along Martin Luther King, Jr. Drive to its intersection with Piedmont Avenue; running thence in a northeasterly and northerly direction along Piedmont Avenue to its intersection with North Avenue, the point of beginning.

2. All that tract or parcel of land lying and being in part of Land Lot 80 of the 14th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin found located at the intersection of the southern right-of-way line of 5th Street (60 foot right-of-way) and the western right-of-way line of Spring Street (60 foot right-of-way); thence leaving in the southern right-of-way of 5th Street, run along the western right-of-way of Spring Street South 00° 43’ 29” West a distance of 293.42 feet to an iron pin set; thence leaving the western right-of-way line of Spring Street, run the following six (6) courses and distances: (1) North 88° 47’ 33” West a distance of 243.71 feet to an iron pin set; (2) North 01° 12’ 27” East a distance of 139.83 feet to an iron pin set; (3) North 77° 24’ 54” East a distance of 57.57 feet to an iron pin set; (4) North 01° 12’ 27” East a distance of 35.41 feet to an iron pin set; (5) North 88° 47’ 33” West a distance of 69.32 feet to an iron pin set; and (6) North 01° 12’ 27” East a distance of 95.67 feet to a point located on the southern right-of-way line of 5th Street; thence along the southern right-of-way line of 5th Street, run the following two (2) courses and distances: (1) South 88 degrees 21 minutes 54 seconds East a distance of 164.63 feet to an iron pin found; and (2) South 88° 47’ 33” East a distance of 90.11 feet to an iron pin found located on the western right-of-way line of Spring Street, said iron pin found being the point of beginning.

(b) However, this section shall not apply to adult entertainment establishments.

Sec. 10-91. - Exemption for certain malt beverage or wine licenses.

(a) On-premises consumption of malt beverages. Any applicant for a malt beverage license for consumption on the premises located within the following area shall not be required to comply with any distance requirement as to public libraries:

Beginning at the intersection of Piedmont Avenue and Baker Street; running thence westerly along Baker Street to its intersection with Spring Street; running thence in a southerly and southwesterly direction along Spring Street to its intersection with Hunter Street; running thence in a southeasterly direction along Hunter Street to Piedmont Avenue; running thence in a northeasterly and northerly direction along Piedmont Avenue to its intersection with Baker Street.

(b) Nonapplicability of section. This section shall not apply to adult entertainment establishments.
Sec. 10-92. - Exemption for consumption on the premises and package sale of malt beverages or wine in certain area.

(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

Beginning at a point on the west right-of-way line of the Louisville and Nashville Railroad at a point where the railroad right-of-way line intersects the northernmost line of land lot 144, 14th district, Fulton County, thence running easterly along the north line of land lots 144, 113, 112, 81, 80, 49 and the 17th district of Fulton County to the intersection of the north line of land lot 17 with the east right-of-way line of Southern Railway; running thence generally south along the east right-of-way line of the Southern Railway to its intersection with the south line of the Georgia Railroad right-of-way; running thence generally west along the south line of the Georgia Railroad right-of-way to its intersection with the east line of Boulevard, S.E.; running thence generally south along the east line of Boulevard, S.E., to the intersection of Boulevard, S.E. and the centerline of Interstate 20 (east expressway); running thence west along the centerline of I-20, to its intersection with the east line of Pryor Street; thence north along the west line of Pryor Street and its intersection with the south line of Pryor Street; thence north along the west line of Pryor Street and its intersection with the centerline of I-20; running thence generally west along the centerline of I-20 to its intersection with the west right-of-way line of the Louisville and Nashville Railroad; running thence northerly along the west right-of-way line of the Louisville and Nashville Railroad back to the point of beginning.

(b) Any applicant for a license for the package sale of malt beverages and/or wine within the following areas shall not be required to comply with the distance requirements set forth in section 10-88.1

(1) That parcel of land known as 2371 Glenwood Avenue, SE, Atlanta, Georgia under the numbering system of the City of Atlanta, more particularly described as follows: Beginning at the southern end of the miter of the intersection of the eastern right-of-way line of Second Avenue and the southern right-of-way line of Glenwood Avenue, said point being the point of beginning; run thence along the mitered right-of-way line in a northeastern direction a distance of approximately 30 feet to a point located on the southern right-of-way line of Glenwood Avenue; run thence along the southern right-of-way line of Glenwood Avenue in an eastern direction approximately 109 feet to a point; run thence in a southern direction approximately 189 feet to a point; run thence in a western direction approximately 129 feet to a point along the eastern right-of-way line of Second Avenue; run thence in a northern direction along the eastern right-of-way line of Second Avenue approximately 165 feet to the point of beginning.

(2) That parcel of land lying and being in the City of Atlanta, in Land Lot 53 of the 14th District of Fulton County, Georgia known as 244 Hill Street, Atlanta, Georgia 30312 under the numbering system of the City of Atlanta, more particularly described as follows: Beginning at the northwest corner of Clarke Street and Hill Street, and running thence north 89 degrees 31 minutes west, along the north side of Clarke Street, 97 feet to a point; running thence north 00 degrees 17 minutes east, 71.37 feet to a point; running thence north 08 degrees 15 minutes west, 50 feet to a point; running thence north 00 degrees 01 minutes west, 125.81 feet to a point; running thence north 09 degrees 49 minutes east, 146.84 feet to a point on the west side of Hill Street; running thence south along the west side of Hill Street 200 feet to the north side of Clarke Street and the point of beginning.

(3) That parcel of land known as 209 Edgewood Avenue, S.E., Atlanta, Georgia under the numbering system of the City of Atlanta.

(4) That parcel of land known as 1061 Ponce de Leon Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta. This exemption shall be valid so long as an establishment
located on said parcel of land derives less than 15 percent of gross receipts from the sale of alcoholic beverages.

(5) That parcel of land known as 1192 B Pryor Street, Atlanta, Georgia, under the numbering system of the City of Atlanta. This exemption shall be conditioned on the requirement that no vending be permitted on said parcel of land.

(6) For one retail grocery supermarket located on that parcel of land known as 650 Ponce de Leon Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta provided that such retail grocery supermarket contains an interior floor area of 14,000 square feet or more and that the retail grocery supermarket derives less than 15% of gross receipts from the sale of alcoholic beverages, such parcel of land being more particularly described as: All that tract or parcel of land lying and being in Land Lot 17 of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING AT a hole in concrete found on the eastern right-of-way of Lakeview Avenue (50 foot r/w), said hole being located North 00 degrees 05 minutes 19 seconds East, 82.91 feet from the intersection of the northern right-of-way of Ponce de Leon Avenue (90 foot r/w) and the eastern right-of-way of Lakeview Avenue if said right-of-ways were extended to meet at an angle instead of a curve; thence along the eastern right-of-way of Lakeview Avenue, run North 00 degrees 05 minutes 19 seconds East, 633.16 feet to a point at the northerly terminus of Lakeview Avenue; thence North 89 degrees 51 minutes 18 seconds West, 101.83 feet to a point on the eastern line of Proposed Right-of-Way Dedication Tract; thence leaving said right-of-way, and with the eastern line of said Proposed Tract, run North 00 degrees 40 minutes 31 seconds East, 455.36 feet to a point at the intersection of said Proposed Tract with the southern right-of-way of Greenwood Avenue (60 foot r/w); thence crossing Greenwood Avenue, North 00 degrees 33 minutes 28 seconds East, 60.02 feet to a point on the northern right-of-way of Greenwood Avenue; thence along the northern right-of-way of Greenwood Avenue, South 89 degrees 45 minutes 00 seconds West, 49.99 feet to a 1" open top pipe set; thence leaving said right-of-way, North 00 degrees 39 minutes 09 seconds East, 389.72 feet to a ½" rebar found; thence South 88 degrees 54 minutes 38 seconds East, 498.09 feet to a ½" rebar found on the western right of Southern Railway System (100 foot r/w); thence along said right-of-way, run the following three (3) courses and distances: along a curve to the right, an arc distance of 312.30 feet, said curve having a radius of 2570.74 feet and being subtended by a chord of 312.11 feet, at South 14 degrees 47 minutes 28 seconds East, to a hole in concrete found; South 10 degrees 21 minutes 14 seconds East, 309.44 feet to a point; South 11 degrees 20 minutes 11 seconds East, 719.86 feet to a 1" open top pipe set at the northeast corner of property now or formerly owned by Ronald J. Lazarus and Scott G. Ardolino, Deed Book 13490, Page 268; thence leaving said right-of-way, and with the line of Lazarus and Ardolino, North 86 degrees 52 minutes 35 seconds East, 57.32 feet to a PK nail set; thence South 75 degrees 53 minutes 08 seconds West, 76.59 feet to a PK nail set; thence South 01 degrees 28 minutes 07 seconds West, 233.66 feet to a ½" rebar found; thence along a curve to the left, an arc distance of 59.05 feet, said curve having a radius of 101.33 feet and being subtended by a chord of 58.21 feet, at South 17 degrees 11 minutes 14 seconds East, to a ½" rebar found; Thence North 89 degrees 28 minutes 16 seconds West, 10.77 feet to a point; Thence South 89 degrees 09 minutes 39 seconds West, 35.41 feet to a point; Thence North 78 degrees 49 minutes 43 seconds West, 4.58 feet to a point; Thence North 00 degrees 31 minutes 44 seconds East, 14.15 feet to a point; Thence North 89 degrees 88 seconds 16 minutes West, 42.19 feet to a point; Thence South 05 degrees 04 minutes 16 seconds West, 26.18 feet to a point; Thence North 84 degrees 55 minutes 44 seconds West, 21.90 feet to a point; thence South 05 degrees 04 minutes 16 seconds West, 9.99 feet to a point on the northern right-of-way of Ponce De Leon Avenue (90 foot r/w); thence along said right-of-way run the following three (3) courses and distances: North 84 degrees 55 minutes 23 seconds West, 194.34 feet to a point; North 87 degrees 26 minutes 09 seconds West, 90.80 feet to a hole in concrete found; thence run along a curve to the right, an arc distance of 40.29 feet, said curve having a radius of 38.99 feet and being subtended by a chord of 38.52 feet, at North 57 degrees 39 minutes
10 seconds West, to a ½” rebar found on a curve joining the intersection of said northern right-of-way and the eastern right-of-way of Lakeview Avenue; thence run North 28°05 minutes 27 seconds West, 52.07 feet to a ½” rebar found on the eastern right-of-way of Lakeview Avenue; thence with said right-of-way, along a curve to the right, an arc distance of 19.93 feet, said curve having a radius of 40.40 feet and being subtended by a chord of 19.73 feet; at North 14 degrees 01 minutes 26 seconds West, to a hole in concrete found and the POINT OF BEGINNING.

(7) For one retail establishment selling wine by the package located at 2625 Piedmont Road, Suite 51, Atlanta, Georgia, and situated on that parcel of land lying and being in Land Lot 47 and Land Lot 48 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point marked by an iron pin set located on the northerly right-of-way line of Sidney Marcus Boulevard (formerly known as Marion Road, having a variable right-of-way width), said point being located at the southeastern most and of miter which forms the intersection of the northerly right-of-way line of Sidney Marcus Boulevard with the easterly right-of-way line of Piedmont Road (having a variable right-of-way width), said miter being delineated by a line running from the easterly right-of-way line of Piedmont Road South 27°26’41” East a distance of 39.30 feet to a point on the northerly right-of-way line of Sidney Marcus Boulevard:

RUNNING THENCE North 89°42’18” East along the northerly right-of-way line of Sidney Marcus Boulevard a distance of 135.24 feet to a point marked by an iron pin set:

RUNNING THENCE South 06°16’58” West a distance of 8.90 feet to a point marked by a right-of-way monument on the aforesaid right-of-way line of Sidney Marcus Boulevard:

RUNNING THENCE North 89°42’03” East a distance of 143.37 feet to a point marked by an iron pin set on the aforesaid right-of-way:

RUNNING THENCE North 03°30’37” East for a distance of 10.48 feet to a point marked by a nail on the aforesaid right-of-way line of Sidney Marcus Boulevard:

RUNNING THENCE South 86°29’23” East for a distance of 59.51 feet to a point marked by a nail set on the aforesaid right-of-way:

RUNNING THENCE North 89°42’03” East of distance of 403.10 feet to a point marked by an iron pin found on the aforesaid right-of-way:

RUNNING THENCE North 00°00’00” East (or due North) a distance of 809.49 feet to a point marked by an iron pin found:

RUNNING THENCE North 30°39’ 15” West for a distance of 140.75 feet to a point marked by an iron pin found:

RUNNING THENCE 89°29’42” West for a distance of 123.06 feet to a point marked by an iron pin:

RUNNING THENCE North 39°36’30” West for a distance of 38.70 feet to a point marked by an iron pin set located on the southerly right-of-way line of Miami Circle (50-foot right-of-way):

RUNNING THENCE along a curve to the right formed by the southerly right-of-way line of Miami Circle a distance of 73.36 feet to a point marked by an iron set (said curve having a chord line running south 79°23’ 17” West a distance of 73.13 feet and having a radius of 197.07 feet):

RUNNING THENCE North 80°55’08” West for a distance of 282.69 feet to a point marked by an iron pin set on the aforesaid right-of-way:
RUNNING THENCE along a curve to the left formed by said right-of-way line a distance of 69.91 feet to a point marked by an iron pin found on the (said curve having a chord line running south 68°32′44″ West a distance of 68.28 and having a radius of 93.00 feet):

RUNNING THENCE South of 47°00′35″ West for a distance of 122.66 feet to a point marked by a nail set on aforesaid right-of-way, said point also being on the easterly right-of-way line of Piedmont Road:

RUNNING THENCE South 02°14′41″ West for a distance of 175.00 feet to a point marked by an iron pin on aforesaid right-of-way:

RUNNING THENCE South 15°19′05″ West for a distance of 60.57 feet to a point marked by a nail set on aforesaid right-of-way:

RUNNING THENCE South 02°14′41″ West for a distance of 108.00 feet to a point marked by a concrete monument found on aforesaid right-of-way:

RUNNING THENCE South 27°26′41″ East for a distance of 39.30 feet to the POINT OF BEGINNING

(8) For one (1) retail establishment selling beer/wine located at 4485 Campbellton Road, SW; and situated on that parcel of land lying and being in Land Lot 47 and Land Lot 43 of the 14th F.F. District of Fulton County, Georgia and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, SITUATED, LYING AND BEING IN THE CITY OF ATLANTA, LAND LOT 43 of the 14th District of Fulton County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, Commence at a reference nail set at the intersection of a line located 30 feet easterly of the centerline of County Line Road (said right-of-way being 60 feet in width) and a line located 40 feet northerly of the centerline of Campbellton Road (said right-of-way being 80 feet in width), run thence north 00 degrees 03 minutes, 54 seconds west a distance of 30.42 feet to a point located on the easterly right-of-way of County Line Road, and the true point of beginning.

FROM THE TRUE POINT OF BEGINNING, as thus established, run thence along the easterly right-of-way of County Line Road north 00 degrees 03 minutes, 54 seconds west a distance of 126.70 feet to an iron pin placed; thence departing said right-of-way run north 81 degrees 27 minutes, 27 seconds east a distance of 170.07 feet to an iron pin placed, run thence south 00 degrees 13 minutes 19 seconds west a distance of 150.07 feet to a nail set on the northerly right-of-way of Campbellton road; run thence in a westerly direction along said right-of-way and following an arc to the left a distance of 41.03 feet to a point (said arc having a radius of 919.23 feet and being subtended by a chord bearing south 80 degrees 02 minutes 49 seconds west a distance of 41.02 feet); continue thence along said right-of-way south 78 degrees, 46 minutes, 06 seconds west a distance of 99.08 feet to a point; continue thence along said right-of-way and following an arc to the right a distance of 44.14 feet to a point (said arc having a radius of 25.00 feet and being subtended by a chord bearing north 50 degrees 38 minutes 54 seconds west a distance of 38.63 feet) and the true point of BEGINNING.

SAID PROPERTY containing 0.5852 acres and being designated as Tract "B" and shown on that certain plat of survey entitled, "Boundary Survey for Lansky Partnership and First Georgia Community Bank," dated April 30, 2001 (Revised March 28, 2003, and last revised April 11,
2003), prepared by P.J.K. Engineers and Surveyors, Inc., and recorded in Plat Book 240, Page 107, Fulton County, Georgia records, said Plat and its descriptive data are incorporated herein by reference to same.

(9) For one retail establishment located at 556 Northside Drive S.W. and situated on all that tract or parcel of land lying in and being in land lot 85 of the 14th district, Fulton County, Georgia and being more particularly described as follows:

Commencing at a mag nail set at the intersection of the easterly right-of-way of metropolitan boulevard (having a variable width right-of-way) and the northwesterly right-of-way of wells street (having a variable width right-of-way), said mag nail being the true point of beginning.

Thence leaving said right-of-way of wells street and continuing along said right-of-way of metropolitan boulevard north 01 degrees 04 minutes 45 seconds east a distance of 300.96 feet to a mag nail set; thence leaving said right-of-way north 73 degrees 38 minutes 07 seconds east a distance of 260.96 feet to a 5/8-inch capped rebar set on the northwesterly right-of-way of wells street; thence continuing along said right-of-way of wells street south 64 degrees 46 minutes 23 seconds west a distance of 169.90 feet to a mag nail set at the intersection of said right-of-way of wells street with the easterly right-of-way of metropolitan boulevard, said mag nail being the true point of beginning.

(10) For one (1) retail establishment located at 415 Memorial Drive S.E. and situated on all that tract or parcel of land lying in and being in land lot 44 of the 14th Land District, Fulton County Georgia and being more particularly described as follows:

Beginning at a point on the Southerly edge of the right-of-way of Memorial Drive (varying right-of-way width), said point being located 95.00 feet West, as measured along the Southerly edge of the right-of-way of Memorial Drive, from the point formed by the intersection of the Southerly edge the right-of-way of Memorial Drive with the Westerly edge of the right-of-way of Cherokee Avenue (varying right-of-way widths); running thence from the true point or place of beginning so established South 00 degrees 55 minutes 04 seconds West a distance of 88.29 feet to a point; running thence North 88 degrees 55 minutes 36 seconds West a distance of 104.85 feet to a point; running thence South 01 degree 14 minutes 52 seconds West a distance of 14.00 feet to a point; running thence North 87 degrees 37 minutes 49 seconds West a distance of 199.50 feet to a point located on the Easterly edge of the right-of-way of Oakland Avenue (50-foot right-of-way width); running thence North 00 degrees 17 minutes 37 seconds East along the Easterly edge of the right-of-way of Oakland Avenue, a distance of 40.23 feet to an iron pin found; running thence South 87 degrees 32 minutes 40 seconds East a distance of 135.00 feet to a point; running thence North 00 degrees 22 minutes 01 second East a distance of 61.20 feet to a point located on the Southerly edge of the right-of-way of Memorial Drive; running thence South 88 degrees 46 minutes 32 seconds East along the Southerly edge of the right-of-way of Memorial Drive a distance of 170.44 feet to a point which is the true point or place of beginning.

(11) 160 Ponce de Leon Avenue, NE, Atlanta, Georgia:

Tract A:

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 49 of the 14th District of Fulton County, Georgia, and more particularly described as follows:

Beginning at an iron pipe on the northerly side of Ponce de Leon Avenue, at a point seventy and sixty-five hundredths (70.65) feet westerly from the Northwest corner of Ponce de Leon and Piedmont Avenues (said beginning point being at the Southwest corner of the property now owned by Frances Walter Arnold) and running thence North along the West line of the property now owned by the said Frances Walter Arnold two hundred nine and ninety-eight hundredths (209.98) feet to an iron pipe; thence West along a line parallel with third Street ninety (90) feet to an iron pipe; thence South two hundred twenty-two and eighty-one hundredths (222.81) feet to
the northerly side of Ponce de Leon Avenue; thence in an easterly direction along the northerly side of Ponce de Leon Avenue ninety and eighty hundredths (90.80) feet to the point of beginning.

Tract B:

All that tract or parcel of land, lying and being in the City of Atlanta, in Land Lot 49 of the 14th District of Fulton County, Georgia, and more particularly described as follows:

Beginning at the Northwest corner of Ponce de Leon Avenue and Piedmont Avenue, and running thence North along the West side of Piedmont Avenue two hundred (200) feet to an iron pipe (which point is ninety-six and seven-tenths (96.7) feet South from the Southwest corner of Piedmont Avenue and Third Street); thence West seventy (70) feet to an iron pipe at the Northeast corner of the property owned by Milton Dargan, Jr. and Helen Dargan Lampkin; thence South along the East line of the property now owned by the said Milton Dargan, Jr. and Helen Dargan Lampkin; two hundred nine and ninety-eight hundredths (209.98) feet to an iron pipe on the northerly side of Ponce de Leon Avenue; thence in a northeasterly direction along the northerly side of Ponce de Leon Avenue seventy and sixty-five hundredths (70.65) feet to the point of beginning.

Less and Except those portions of subject property which lie within the bounds of Ponce de Leon Avenue and Piedmont Road.

As Surveyed Legal Description:

All that tract or parcel of land lying and being in Land Lot 49 of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point located at the intersection of the northerly Right-of-way line of Ponce de Leon Avenue (U.S. Highway 29-78-278) having a Variable Right-of-way and the westerly Right-of-way line of Piedmont Avenue having a Variable Right-of-way; thence along the northerly Right-of-way line of Ponce de Leon Avenue South 87 Degrees 37 Minutes 45 Seconds West, 161.45 feet to a point; thence leaving the northerly Right-of-way line of Ponce de Leon Avenue North 05 Degrees 37 Minutes 00 Seconds East, 222.81 feet to a point; thence South 84 Degrees 15 Minutes 00 Seconds East, 187.77 feet to a point on the westerly Right-of-way line of Piedmont Avenue; thence along the westerly Right-of-way line of Piedmont Avenue South 05 Degrees 39 Minutes 00 Seconds West, 200.00 feet to The Point of Beginning, containing 0.78 Acres, as per survey prepared by Harkleroad and Associates, Donald W. Harkleroad, surveyor, RLS 1578, dated July 14, 2008, last revised March 12, 2009.

(12) For one retail establishment selling beer/wine located at 2018 Bolton Road, NW; and situated on that parcel of land lying and being in Land Lot 256 and of the 17th District of Fulton County, Georgia, and being more particularly described as: All That tract or parcel of land lying and being in the City of Atlanta, in Land lot 77 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a one half inch (½") rebar set at the intersection of the westerly right-of-way of James Jackson Parkway (State Route 280) and the northerly right-of-way of Bolton Road (State Route 70), said rebar being 42.50 feet northerly from the centerline of Bolton Road and 99.95 feet westerly from the centerline of James Jackson Parkway; running thence along the northerly right-of-way of Bolton Road in a southwesterly direction following the curvature thereof of arc distance of 148.38 feet to a one-half inch (½") rebar set, said curvature having a chord bearing and distance of South 78 degrees 52 minutes 17 seconds West, a distance of 147.92 feet and having a radius of 540.72 feet; running thence North 07 degrees 58 minutes 47 seconds West, a distance of 137.77 feet to a one-half inch (½") rebar set; running thence North 82 degrees 40 minutes 49 seconds East, a distance of 149.66 feet to a one-half inch (½") rebar set on the westerly right-of-way of James Jackson Parkway; running thence along the westerly right-of-way of James Jackson Parkway in a southeasterly distance South 07 degrees 21 minutes 00 seconds East, a
distance of 177.93 feet to THE POINT OF BEGINNING, and containing 0.61 acres, and being known as 2018 Bolton Road, N.W., according to the present system of numbering in the City of Atlanta, Fulton County, Georgia.

(13) For one (1) retail establishment located at 568 Boulevard, S.E. and situated on all that tract or parcel of land lying in and being in land lot 21 of the 14th Land District, Fulton County, Georgia and being more particularly described as follows:

All that tract or parcel of land lying and being in The City of Atlanta in Land Lot 21 of the 14th District, Fulton County, Georgia, being delineated as parcel 1 as per plat recorded in Plat Book 157, Page 14, Fulton County, Georgia records, which recorded plat is incorporated herein by this reference and made a part of this description. Said property being known as 560-568 Boulevard Avenue according to the present system of numbering property in Fulton County, Georgia.

(14) For one (1) retail establishment selling malt beverages and wine by the package located at 99 Krog Street, NE, and situated on all that tract or parcel of land lying in and being in land lot 19 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

Beginning at the building corner at the intersection of the southerly right-of-way of Lake Avenue (50 foot right-of-way) and the easterly right-of-way of Krog Street (40 foot right-of-way); running thence, along said Lake Avenue right-of-way the following. Calls: S 89°06'12" E a distance of 110.09 feet to an iron pin found; S 88°47'41" E a distance of 40.88 to a rebar set; S 89°03'35" E a distance of 142.80 feet to a rebar set at the intersection of said southerly right-of-way of Lake Avenue and the westerly right-of-way of Waddell Street (44 foot right-of-way); thence, along said right-of-way of Waddell Street S 06°42'39" W a distance of 127.79 feet to a point; thence, continuing along said right-of-way of Waddell Street with a curve turning to the left with an arc length of 105.95 feet, with a radius of 2,392.20 feet, with a chord bearing of S 05°26'31" W, with a chord length of 105.94 feet to a rebar set; thence, leaving said right-of-way of Waddell Street N 89°43'40" W a distance of 145.01 feet to a rebar set; thence S 02°50'16" W a distance of 157.78 feet to a rebar set; thence S 85°36'45" W a distance of 185.00 feet to a rebar set; thence S 02°50'16" W a distance of 157.78 feet to a rebar set; thence S 85°36'45" W a distance of 185.00 feet to a rebar set; thence S 05°52'51" E a distance of 139.02 feet to an iron pin found on aforesaid easterly right-of-way of Krog Street; thence, along said right-of-way of Krog Street S 06°44'06" W a distance of 168.13 feet to a point; thence, continuing along said right-of-way of Krog Street with a compound curve turning to the right with an arc length of 125.41 feet, with a radius of 1,809 feet, with a chord bearing of N 04°44'59" W, with a chord length of 125.38 feet to a point; thence, continuing along said right-of-way of Krog Street with a chord length of 105.95 feet, with a radius of 2,392.20 feet, with a chord bearing of S 05°26'31" W, with a distance of 120.16 feet to the point of beginning:

Said tract or parcel of land, being designated as Tract No. III and Tract No. IV, containing 134,638 square feet or 3.090 acres as shown on ALTA/ACSM land title survey prepared for Krog Owner, LLC, Nxt Capital, LLC, lender and agent, its successors and assigns, Specialized Title Services, Inc., and Commonwealth Land Title Insurance Company as prepared on 02/13/2012 by Survey Systems & Assoc., Inc., last revised 10/22/12.

(15) For one retail establishment located on that parcel of land known as 23 Peachtree Street, Atlanta, Georgia, under the numbering system of the City of Atlanta, such parcel of land being more particularly described as: All that tract or parcel of land lying and being in the City of Atlanta, in Land lot 77 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at a pk nail set at the intersection of the southerly right-of-way line of Edgewood Avenue and the eastern right-of-way line of Peachtree Street and thence run along said southerly right-of-way of Edgewood Avenue North 89 degrees 48 minutes 53 seconds East a distance of 166.30 feet to a pk nail found; Thence leaving said right-of-way and run South 32 degrees 51 minutes 18
seconds West a distance of 127.01 feet to a brass disk found on the northern right-of-way line of Decatur Street; Thence run along said northern right-of-way line North 56 degrees 59 minutes 10 seconds West a distance of 139.35 feet to an iron pin found (one-half inch rebar) at the intersection of said right-of-way with the eastern right-of-way line of Peachtree Street; Thence run along Peachtree Street North 32 degrees 45 minutes 47 seconds East a distance of 35.95 feet to a pk nail set and the Point of Beginning.

(16) For not more than two, separate and distinct retail establishments operated as separate businesses on separate licensed premises, not more than one of which is a wine specialty shop and not more than one of which is a package store selling malt beverages and not wine or distilled spirits, both located at 280 Elizabeth Street and both situated on all that tract or parcel of land lying in and being in land lots 14 and 19 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

All that tract or parcel of land lying or being in land Lots 14, and 19 of the 14th Land District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows: Beginning at an iron pin found (one-half inch rebar) at the intersection of the southerly right-of-way line of North Highland Avenue (having a 50-foot wide right-of-way) and the land lot line common to said land Lots 14 and 19, said point being the point of beginning; thence from the point of beginning as thus established, departing said land lot line common to land Lots 14 and 19 and along the said southerly right-of-way line of North Highland Avenue north 56 degrees 34 minutes 25 seconds east a distance of 298.50 feet to an iron pin found (one-half inch rebar) on the westerly right-of-way line of Elizabeth Street (having a 50-foot wide right-of-way); thence departing the said southerly right-of-way line of North Highland Avenue and along the said westerly right-of-way line of Elizabeth Street south 03 degrees 38 minutes 41 seconds 83 feet a distance of 431.10 feet to a nail found in asphalt on the northerly right-of-way line of Lake Avenue (having a 60-foot wide right-of-way); thence departing the said westerly right-of-way line of Elizabeth Street and along the said northerly right-of-way line of Lake Avenue the following two courses and distances: along a curve to the left having a radius of 1,014.19 feet, an arc length of 185.27 feet, being subtended by a chord bearing of south 45 degrees 38 minutes 13 seconds west a distance of 98.69 feet to an iron pin found (one-half inch rebar); thence departing the said northerly right-of-way line of Lake Avenue north 45 degrees 38 minutes 13 seconds west a distance of 110.88 feet to an iron pin found (one-half inch rebar) on the said land lot line common to land lots 14 and 19; thence along the said land lot line common to land Lots 14 and 19 north 00 degrees 03 minutes 51 seconds east a distance of 75.95 feet to an iron pin found (one-half inch rebar); thence departing the said land lot line common to land Lots 14 and 19 north 89 degrees 55 minutes 51 seconds west a distance of 62.19 feet to an iron pin found (bent one-half inch rebar); thence north 00 degrees 03 minutes 51 seconds east a distance of 120.00 feet to an iron pin found (one-half inch rebar); thence south 89 degrees 55 minutes 51 seconds east a distance of 8.80 feet to a point; thence along a curve to the left having a radius of 4.50 feet, an arc length of 9.70 feet, being subtended by a chord bearing of north 28 degrees 17 minutes 33 seconds east and a chord distance of 7.93 feet to a point; thence south 56 degrees 31 minutes 53 seconds east a distance of 12.06 feet to an iron pin found (one-half inch rebar); thence north 33 degrees 28 minutes 42 seconds west a distance of 73.32 feet to a nail found in concrete; thence north 33 degrees 28 minutes 07 seconds west a distance of 55.90 feet to a nail found in concrete on the said southerly right-of-way line of North Highland Avenue; thence along the said southerly right-of-way line of North Highland Avenue north 56 degrees 31 minutes 53 seconds east a distance of 133.14 feet to the point of beginning.

Said tract or parcel of land contains 3.309 acres (being 144,143 square feet), also being all of Tract 1 and Tract 2 combined.

(17) The BP Gas Station located at 356 Boulevard NE, Atlanta, Fulton County, Georgia, being more particularly described as follows:
All that tract or parcel of land lying and being in the City of Atlanta, Land Lot #7 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the corner formed by the intersection of the westerly right-of-way line of Boulevard (having an 80-foot right-of-way) the northerly right-of-way line of Forrest Avenue (having a 60-foot right-of-way); running thence north 85°02’10” west a distance of 135.00 feet to an iron pin set; running thence north 04°49’07” east a distance of 69.00 feet to a nail and cap found; running thence south 87°20’53” east a distance of 2.28 feet to a ½-inch rebar found; running thence north 05°10’14” east a distance of 49.99 feet to a 1/2-inch rebar found running thence 85°34’22” west a distance of 67.22 feet to a one-inch crimp top pipe found along the easterly right-of-way line of a 20-foot alley; running thence north 50°29’00” east along the easterly right-of-way line along said 20-foot alley a distance of 258.80 feet to a one-inch crimp top pipe found on the southerly right-of-way line of Wabash Avenue (having a 40-foot right-of-way); running thence south 86°18’54” east along the southerly right-of-way line of Wabash Avenue a distance of 48.19 feet to a ½-inch rebar found; running thence south 03°59’11” west a distance of 60.13 feet to a ½-inch rebar found; running thence south 85°48’15” east a distance of 149.56 feet to a ½-inch rebar found on the westerly right-of-way line of Boulevard; running thence south 05°01’48” west along the westerly right-of-way line Boulevard a distance of 220.20 feet to an iron pin set at the POINT OF BEGINNING; and being a tract of land containing 0.89 acres with a one-story brick, block and frame convenience store and gasoline filling station located thereon; according to a plat survey prepared for Boulevard C-Store, Inc. and The Citizens Banks by Solar Land Surveying Company, certified by Walter K. Maupin, Je., Georgia Registered Land Surveyor No. 2399, dated March 1, 1993; and being known as 354 and 356 Boulevard, according to the present system of numbering of streets and roads in the City of Atlanta, Fulton County, Georgia.

(c) This section shall not apply to applicants for licenses for adult entertainment establishments.


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 17th 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. 10-93.1. - Exemptions for the sale of alcoholic beverages by the package in certain retail commercial areas on Peachtree Road.

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 subsections 10-88.1(a) and 10-88.1(b) of the City Code of Ordinances if the location for which the license is being sought meets each of the following requirements:

(a) The location for which such package license is being sought is located in a retail commercial area that contains at least 80,000 square feet of retail space. For purposes of this section, "retail commercial area" shall mean a retail area which contains at least five or more commercial establishments developed and managed as a unit and providing common on-site surface parking.

(b) Such retail commercial area shall be zoned C-3 and contain frontage on Peachtree Road between Junction Avenue, NE and Lindbergh Drive, NE.

(Ord. No. 2011-05(11-O-0245), § 1, 3-2-11; Ord. No. 2011-21(11-O-0795), § 1, 6-13-11)

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.

8. Any room or area within the premises located at 99 Krog Street, NE, which is bounded by Lake Avenue on the north, Edgewood Avenue on the south, and Krog Street on the west.

(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; Ord. No. 2014-13(14-O-1136), § 1, 3-26-14)
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.

Subdivision III. - Renewal, Revocation and Transfer

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

(a) 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.

(b) 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 upcoming year.

(1) The failure of an applicant for renewal to provide such proof shall result in the denial of the application.

(2) 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.

(c) Each applicant for renewal of an alcohol license at an establishment, which pursuant to section 10-88(e) is exempted from certain distance requirements contained in section 10-88, shall report at the time of renewal, sales in even dollars and as a percent of the total, gross food sales in even dollars and as a percent of the total, and gross alcoholic beverage sales in even dollars and as a percent of a total.

(1) The applicant for renewal shall report sales as described herein for the 52-week period preceding renewal, or for the period time following the initial issuance of the license, whichever is greater.

(2) The failure of an applicant for renewal to report sales as required by this subsection shall result in the denial of a renewed license.

(d) 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; Ord. No. 2012-54(12-O-1736), § 1, 12-12-12, eff. 6-1-13)

Editor's note—It should be noted that § 2 of Ord. No. Ord. No. 2012-54(12-O-1736) provides, "That this ordinance shall become effective June 1, 2013."

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.


(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 license 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. The decision of the mayor may be appealed via Certiorari to the Superior Court of Fulton County.

(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 accordance with section 10-109.1. Except as provided in section 10-109.1, in lieu of revocation or the failure to renew, the mayor may impose a fine upon any licensee holding a license to sell alcoholic beverages for on-premises consumption, such fine not to exceed $2,500.00 for each violation. For each violation pertaining to other licenses issued pursuant to this chapter, except as provided in section 10-109.1, the mayor may impose a fine in an amount not to exceed $1,000.00 in lieu of revocation or the failure to renew occurring on the licensed premises. The decision of the mayor may be appealed via Certiorari to the Superior Court of Fulton County.

(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. The decision of the mayor may be appealed via Certiorari to the Superior Court of Fulton County.

(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. Such a decision by the mayor may be appealed via Certiorari to the Superior Court of Fulton County. 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 supersede any and all other provisions of the City Code of Ordinances with which there exists a conflict.

(j) The provisions of section 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.

(k) Final decisions of the mayor to deny an application for a new license or permit, to deny a transfer of location or transfer of ownership, or to revoke, suspend or refuse to renew a license or permit, or to impose a fine upon any license or permit under this chapter may be appealed via Certiorari to the Superior Court of Fulton County.


Sec. 10-109.1. - Mandatory progressive penalties for "due cause" findings by the license review board and penalties imposed by the mayor.

(a) With respect to existing licenses, mandatory penalties for "due cause" findings by the mayor shall be as follows:

(1) First violation—Minimum of five to 60 days to a maximum 180 days suspension of license and $1,000.00 fine;

(2) Second violation—Minimum of 30—180 days to one year suspension of license or revocation and $1,000.00 fine;

(3) Third violation—Revocation.

(b) With respect to existing licenses, mandatory penalties for "due cause" findings by the mayor with respect to licensees holding a license to sell alcoholic beverages for on-premises consumption shall be as follows:

(1) First violation—Minimum of five to 60 days to a maximum 180 days suspension of license and $2,500.00 fine;

(2) Second violation—Minimum of 30—180 days to one year suspension of license or revocation and $2,500.00 fine;

(3) Third violation—Revocation.

(Ord. No. 2013-40(12-O-1734), § 1, 8-28-13)

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.

DIVISION 3. - SPECIAL PERMITS

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.
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 365 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 midnight 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 365 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; Ord. No. 2013-55(13-O-1343), § 1, 11-13-13)

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)

Sec. 10-130. - Home-brew special events.

(a) Upon filing an application and payment of a fee of $50.00 and after review by the license review board, the mayor may issue a permit authorizing home-brew special events (including contests, tastings, andjudgings) wherein malt beverages produced by a person in his or her private residence in accordance with O.C.G.A. § 3-5-4, may be transported and delivered in accordance with O.C.G.A. § 3-5-4(c).
(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 individual, organization or entity in any one calendar year.
(d) Subject to the City of Atlanta's zoning ordinances, permits issued pursuant to this section may be issued for locations not otherwise licensed under this title and shall be valid only for the location specified in the permit.
(e) (1) Consumption of malt beverages at home-brew special events is limited solely to malt beverages produced pursuant to O.C.G.A. § 3-5-4.

(2) Malt beverages produced pursuant to O.C.G.A. § 3-5-4 shall only be consumed by the participants in and judges of the home-brew special event, and may not be sold, offered for sale, or made available for consumption by the general public.

Ord. No. 2014-05[14-O-1015], § 1, 2-26-14)

Editor's note—Section 2 of Ord. No. 2014-05[14-O-1015], provides, "That Chapter 2, Article II, Division 1, Section 2-45 (Establishment or change in fees; notice to public) is waived to the extent that it is applicable to this ordinance."

Secs. 10-131—10-140. - Reserved.

DIVISION 4. - EXCISE TAXES

FOOTNOTE(S):

--- (5) ---

Cross reference—Taxation, ch. 146

Subdivision I. - General Provisions

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 the 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.

Subdivision II. - Malt Beverages

FOOTNOTE(S):

--- (6) ---
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.

Subdivision III. - Wines and Distilled Spirits

FOOTNOTE(S):
--- (7) ---

State Law reference— Local excise tax on wine, O.C.G.A. § 3-6-60; local excise taxes on distilled spirits, O.C.G.A. § 3-4-80.

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 liter .....0.22

(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.

Subdivision IV. - Sale of Distilled Spirits by the Drink

FOOTNOTE(S):

--- (8) ---

State Law reference— Local excise tax on sales of distilled spirits by the drink, O.C.G.A. § 3-14-130 et seq.

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 liable for the tax, 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, assigns 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)

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.

DIVISION 5. - OPERATIONAL RULES

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 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. 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 $100.00.

(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.


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 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 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.


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. Retail merchants licensed to sell distilled spirits by the package, shall be allowed to engage in the sale of such distilled spirits between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday and on Sunday from 12:30 p.m. and 11:30 p.m.

(b) Packaged wine or malt beverages. Retail merchants licensed to sell wine or malt beverages by the package, shall be allowed to engage in the sale of such beverages 24 hours a day, Monday through Saturday and on Sunday from 12:30 p.m. and 11:30 p.m. Notwithstanding this sub-section, a licensed farm winery tasting room located within a special entertainment district may sell packaged wine on Sunday 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 10-94(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 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 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 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).

(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.

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

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.


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, GENDER IDENTITY, 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.


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.
5. Offering or delivering any free alcoholic beverage to any person or group of persons.
6. 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.
7. 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. 10-227. - 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)
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.