

**CITY COUNCIL
ATLANTA, GEORGIA**

24-O-1376

AN ORDINANCE BY COUNCILMEMBER ALEX WAN AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 10 (ALCOHOLIC BEVERAGES) OF THE CITY OF ATLANTA CODE OF ORDINANCES AT SECTION 10-1 TO PROVIDE A DEFINITION OF “ADDITIONAL FACILITY” TO PROVIDE CLARITY CONCERNING THE APPLICATION OF THIS DEFINITION; TO AMEND CHAPTER 10, SECTION 10-11 TO CREATE A STAND-ALONE ORDINANCE TO PROVIDE THE PRESCRIPTIONS CONCERNING AMPLIFIED SOUND AND LIVE ENTERTAINMENT IN OUTDOOR AREAS OF ESTABLISHMENTS LICENSED TO SELL ALCOHOL FOR CONSUMPTION ON THE PREMISES; AND FOR OTHER PURPOSES.

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

WHEREAS, OCGA § 3-4-49 and Section 1-102(c)(2) of the City of Atlanta Charter authorize the City of Atlanta to adopt all reasonable rules and regulations within its police powers to regulate the sale of alcohol, such regulations are codified in Chapter 10 and Chapter 30 of the City of Atlanta Code of Ordinances, (the Alcohol Code); and

WHEREAS, it is the desire of the Atlanta City Council to provide certain clarifying revisions regarding the ordinances and policies which frame the City of Atlanta’s procedures for issuing licenses for the sale and service of alcohol and enforcing non-compliance within the City of Atlanta; and

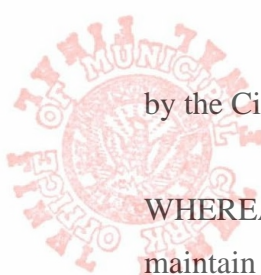
WHEREAS, regulation of alcohol licensing is enforced within the guidelines of due process as to the granting or refusal, suspension, or revocation of the licenses; and

WHEREAS, operators often require more than one point of sale within their establishment which is not directly adjacent to or visible from their main facility and greater clarity on when an additional license is required is desired by both applicants and community; and

WHEREAS, the Atlanta Alcohol Technical Advisory Group III, whose final report was presented to Atlanta City Council in August 2023, recommends a revision to Chapter 10 to provide greater clarity in the code of ordinances for applicants and community which will improve compliance and support healthy economic growth; and

WHEREAS, despite the Alcohol Code providing provisions for the fees applicable for additional facilities licenses, there is no definition contained therein of an “additional facility”; and

WHEREAS, it is the desire of the Atlanta City Council to amend Section 10-1 of the Alcohol Code to provide a definition of “additional facility” which is in accordance with the policy heretofore enforced



by the City of Atlanta, and to provide clarity concerning the application thereof; and

WHEREAS, managing amplified sound and live entertainment in outdoor areas helps to maintain a balance between nightlife operation and the quality of life needs of nearby community members; and

WHEREAS, prescriptions concerning amplified sound and live entertainment in outdoor areas of establishments licensed to sell alcohol for consumption on the premises are currently in the Alcohol Code at 10-60 which generally concerns alcohol license fees; and

WHEREAS, to provide clarity to licensees and to community members, it is the desire of the Atlanta City Council to amend the Alcohol Code at Section 10-11 to provide a stand-alone ordinance which contains the prescriptions concerning amplified sound and live entertainment in outdoor areas of establishments licensed to sell alcohol for consumption on the premises.

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

SECTION 1: That Chapter 10, Article I, Section 10-1 (Definitions) of the City of Atlanta Code of Ordinances is hereby amended by adding a definition of “Additional Facility” to be inserted such that it shall appear therein listed alphabetically following the definition of “Adequate parking for a nightclub” and prior to the definition of “Alcoholic beverages”, and which shall read as follows:

Additional Facility means a point of sale where patrons may order and pay for an alcoholic beverage which is prepared at a facility which is not on the same floor or which is not visible from a licensed facility.

SECTION 2: That Chapter 10, Article I, Section 10-11, (currently reserved) of the City of Atlanta Code of Ordinances is hereby amended such that it shall read as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

10-11. ~~Reserved.~~ Amplified sound and entertainment restrictions applicable to establishments licensed for alcohol consumption on the premises.

- (a) No licensee holding a license to sell or serve alcohol for consumption on the premises shall 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.
- (b) No licensee holding a license to sell or serve alcohol for consumption on the premises 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.

- (c) Nothing in this section shall be construed to provide an exemption for establishments licensed for the sale or service of alcohol on the premises from the requirements of the Atlanta Noise Ordinance at Chapter 74, Article IV of this Code.

SECTION 3: That Chapter 10, Article II, Division 2, Subdivision 1, Section 10-60 of the City of Atlanta Code of Ordinances is hereby amended such that subsection (a)(4) shall read as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

(4) *Consumption on the premises of distilled spirits, wine and malt beverages.*

a. Initial license\$5,000.00

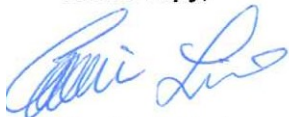
b. Additional facility licenses, each5,000.00

1. Additional licenses shall be required for additional establishments ~~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.~~

SECTION 4: The amendments contained in this Ordinance shall be effective immediately upon approval.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,



Corrine A. Lindo

Municipal Clerk

ADOPTED by the Atlanta City Council

OCT 21, 2024

APPROVED per City Charter Section 2-403

OCT 30, 2024