

**AN ORDINANCE  
BY PUBLIC SAFETY COMMITTEE**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-209 (c) AND (d) (ENTITLED HOURS OF OPERATION), IN ORDER TO EXTEND THE HOURS THAT ESTABLISHMENTS, LICENSED TO SELL DISTILLED SPIRITS, WINE AND/OR MALT BEVERAGES FOR CONSUMPTION ON THE PREMISES AND LOCATED IN THE STERILE AREA OF HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, MAY SELL DISTILLED SPIRITS, WINE AND/OR MALT BEVERAGES; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") is the owner and operator of Hartsfield-Jackson Atlanta International Airport ("Airport"); and

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

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

**WHEREAS**, the City of Atlanta is authorized to regulate the hours within which licensed establishments may sell alcoholic beverages for consumption on the premises at the Airport; and

**WHEREAS**, the City presently allows the sale of distilled spirits, wine and/or malt beverages for on premises consumption by licensed establishments located in the Airport on Monday through Saturday between the hours of 9:00 a.m. of one day to 2:30 a.m. of the following day; and

**WHEREAS**, extending the time period within which licensed establishments located in the Sterile Area (as defined in 49 C.F.R. § 1540.5) of the Airport (i.e., the area that provides passengers access to boarding aircraft and such access is controlled by the U.S. Transportation Security Administration) may sell distilled spirits, wine and/or malt beverages for on premises consumption will address a persistent complaint by visitors to the City who have the option of consuming alcoholic beverages in the Sterile Areas of other first-rate, world class air travel facilities during hours that are currently prohibited by the City; and

**WHEREAS**, annually the Airport serves over 93 million passengers who travel throughout the world and extending the time period within which licensed establishments located in the Sterile Area of the Airport may sell distilled spirits, wine and/or malt beverages for on premises consumption will allow passengers traveling from or to different time zones to consume alcoholic beverages during extended hours in the Sterile Area of the Airport; and

**WHEREAS**, extending the time period within which licensed establishments located in the Sterile Area of the Airport may sell distilled spirits, wine and/or malt beverages for on premises consumption will allow food and beverage concessionaires to operate for longer periods and hire approximately 25 to 50 additional employees throughout the Airport; and

**WHEREAS**, extending the time period within which licensed establishments located in the Sterile Area of the Airport may sell distilled spirits, wine and/or malt beverages for on premises consumption will increase gross food and beverage sales as a result of the extension of sale hours; and

**WHEREAS**, extending the time period within which licensed establishments located in the Sterile Area of the Airport may sell distilled spirits, wine and/or malt beverages for on premises consumption should result in increased sales and State and local tax revenue; and

**WHEREAS**, many of the Airport's licensed establishments have expressed an interest in modifying the existing hours of operation at their establishments to allow them to serve the traveling public alcoholic beverages during extended hours in the Sterile Area of the Airport; and

**WHEREAS**, the Aviation General Manager recommends that the City Council modify the Code of Ordinances of the City of Atlanta ("Code") to allow the sale of distilled spirits, wine and/or malt beverages for on premises consumption by licensed establishments located in the Sterile Area on (a) Monday through Friday between the hours of 5:00 a.m. of one day to 3:00 a.m. of the following day and (b) Saturday between the hours of 5:00 a.m. of one day to 2:30 a.m. on Sunday; and

**WHEREAS**, the City desires to modify and amend Subsection (c) (Sale of Wine or Malt Beverages for On Premises Consumption) and Subsection (d) (Sale of Distilled Spirits by the Drink for On Premises Consumption) of Chapter 10 (Alcoholic Beverages), Article II (Dealers and Manufactures), Division 5 (Operational Rules), Section 10-209 (Hours of Operation) of the Code.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** Chapter 10 (Alcoholic Beverages), Article II (Dealers and Manufactures), Division 5 (Operational Rules), Section 10-209 (Hours of Operation), Subsection (c) (Sale of Wine or Malt Beverages for On Premises Consumption) and Subsection (d) (Sale of Distilled Spirits by the Drink for On Premises Consumption) of

the Code of Ordinances of the City of Atlanta, Georgia, each of which currently provides as follows:

(c) *Sale of wine or malt beverages for on premises consumption.*

- (1) Except as otherwise provided by O.C.G.A. § 3-3-7 and those licensees located within a special entertainment district as defined by Code section 10-211 and those licensees that elect to be subject to Code Section 10-94(a)(7), all other licensees for the sale of wine or malt beverages for consumption on the premises shall be authorized to engage in the sale of wine or malt beverages on Monday through Friday between the hours of 9:00 a.m. of one day and 2:30 a.m. of the following day and on Saturday from 9:00 a.m. to 2:30 a.m. on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1). Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code Section 10-8.
- (2) Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 2:30 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 2:30 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 2:30 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:30 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1).
- (3) This section shall apply in all respects to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.
- (4) Those licensees that elect to be subject to Code Section 10-94(a)(7) shall be authorized to engage in the sale of wine and malt beverage on Monday through Thursday between the hours of 9:00 a.m. and 11:00 p.m., on Friday

and Saturday between the hours of 9:00 a.m. and midnight and on Sunday, subject to O.C.G.A. § 3-3-7, between the hours of 12:30 p.m. and 11:00 p.m.

(d) *Sale of distilled spirits by the drink or for on premises consumption.*

- (1) Except as otherwise provided by O.C.G.A. § 3-3-7, and those licensees located within a special entertainment district as defined by Code section 10-211 and those licensees that elect to be subject to Code Section 10-94(a)(7), all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises shall be authorized to engage in the sale of those distilled spirits only on Monday through Friday between the hours of 9:00 a.m. of one day and 2:30 a.m. of the following day and on Saturday from 9:00 a.m. to 2:30 a.m. on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code Section 10-8.
- (2) Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 2:30 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 2:30 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:30 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:30 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code Section 10-1).
- (3) This section shall apply in all respects to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.
- (4) Those licensees that elect to be subject to Code Section 10-94(a)(7) shall be authorized to engage in the sale of distilled spirits on Monday through

Thursday between the hours of 9:00 a.m. and 11:00 p.m., on Friday and Saturday between the hours of 9:00 a.m. and midnight and on Sunday, subject to O.C.G.A. § 3-3-7, between the hours of 12:30 p.m. and 11:00 p.m.

**Is hereby amended by adding new sub-Subsection 10-209(c)(5) and 10-209(d)(5) that will collectively allow the sale of distilled spirits, wine and/or malt beverages for on premises consumption only by licensed establishments, with a premises located in the Sterile Area (as defined in 49 C.F.R. § 1540.5) of Hartsfield-Jackson Atlanta International Airport (i.e., the area that provides passengers access to boarding aircraft and such access is controlled by the U.S. Transportation Security Administration), on (a) Monday through Friday between the hours of 5:00 a.m. of one day to 3:00 a.m. of the following day and (b) Saturday between the hours of 5:00 a.m. of one day to 2:30 a.m. of the following day, so that when amended, said new sub-Subsections shall provide as follows:**

Section 10-209. Hours of Operation.

*(c) Sale of wine or malt beverages for on premises consumption.*

(5) Except as otherwise provided by O.C.G.A. § 3-3-7, 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 (a) Monday through Friday between the hours of 5:00 a.m. of one day to 3:00 a.m. of the following day and (b) Saturday between the hours of 5:00 a.m. of one day to 2:30 a.m. on Sunday, provided that such sales by licensees may only occur in and from licensees' premises located in the Sterile Area (as defined in 49 C.F.R. § 1540.5) of Hartsfield-Jackson Atlanta International Airport (i.e., the area that provides passengers access to boarding aircraft and such access is controlled by the U.S. Transportation Security Administration). 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 restaurants (as defined in Code Section 10-1) located in the Sterile Area of Hartsfield-Jackson Atlanta International Airport.

*(d) Sale of distilled spirits by the drink or for on premises consumption.*

(5) Except as otherwise provided by O.C.G.A. § 3-3-7, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house for consumption on the premises shall be authorized to engage in the sale those distilled spirits on (a) Monday through Friday between the hours of 5:00 a.m. of one day to 3:00 a.m. of the following day and (b) Saturday between the hours of 5:00 a.m. of one day to 2:30 a.m. on Sunday, provided that such sales by licensees may only occur in and from licensees' premises located in the Sterile Area (as defined in 49 C.F.R. § 1540.5) of Hartsfield-Jackson Atlanta International Airport (i.e., the area that provides passengers access to

boarding aircraft and such access is controlled by the U.S. Transportation Security Administration). Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in restaurants (as defined in Code Section 10-1) located in the Sterile Area of Hartsfield-Jackson Atlanta International Airport.

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

**SECTION 3:** That this ordinance shall become effective upon the Mayor's signature or as specified by City Charter Sec. 2-403.

A true copy

Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

MAR 03, 2014  
MAR 12, 2014

2014-09 (14-O-1103)  
PAGE 6 OF 6