



*Joyce M. Sheperd*

AN ORDINANCE BY

COUNCILMEMBER JOYCE SHEPERD

**AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-66, ENTITLED "PUBLIC HEARING ON APPLICATION; APPROVAL BY MAYOR", TO CLARIFY AND DECLARE THAT IF, AT THE TIME OF CONSIDERATION OF AN ANNUAL ALCOHOL LICENSE APPLICATION, THE PROPOSED LICENSED LOCATION DOES NOT APPEAR TO MEET THE DISTANCE REQUIREMENTS AS SET FORTH IN 10-88.1, THE MAYOR SHALL REMAND THE ANNUAL LICENSE APPLICATION BACK TO THE LICENSE REVIEW BOARD FOR FURTHER HEARING ON THE PROPOSED LICENSED LOCATION'S COMPLIANCE THEREWITH; AND FOR OTHER PURPOSES.**

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

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

**WHEREAS**, currently Chapter 10, Article II, Division 2, Section 10-66(b) of the City of Atlanta Code of Ordinances sets forth that 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 and 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, also known respectively as the final fire, health and building letters; and

**WHEREAS**, currently nothing in the City of Atlanta Code of Ordinances allows for an alcoholic beverage license application to be considered by the Mayor before the applicant has received its final fire, health, and building letters; and

**WHEREAS**, an applicant cannot submit their final fire, health and building letters until such the completion of the construction of their businesses; and

**WHEREAS**, accordingly, it is only after the completion of the construction of a business that an annual alcohol license may issue; and

**WHEREAS**, once an alcohol license is issued for a location, the distance requirements applicable to prospective locations as they relate to the newly licensed location apply; and





**WHEREAS**, accordingly, an application submitted for a location which violates the distance requirements in relation to a licensed location will be recommended for denial; and

**WHEREAS**, the distance requirement contained in 10-88.1 (a), which sets forth that no package store, as defined in the City of Atlanta Code of Ordinances, shall be located within 1,500 feet of any other package store, shall apply at the time the licensed is issued by the Mayor; and

**WHEREAS**, it is also the desire of the City of Atlanta to clarify and declare that if, at the time of consideration of an annual alcohol license application, the proposed licensed location does not appear to meet the distance requirements as set forth in 10-88.1, the Mayor shall remand the annual license application back to the license review board for further hearing on the proposed licensed location's compliance therewith;

**WHEREAS**, in order to ensure that the public is properly notified of any pending alcohol license applications which may trigger the requirement of a remand as required hereby, the Atlanta City Council hereby requests that the minutes of each meeting of the LRB be discriminated to the members of the Atlanta City Council.



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

**SECTION 1:** That Chapter 10, Article II, Division 2, Section 10-66(b), of the City of Atlanta Code of Ordinances be amended such that it shall read as follows (with permanent additions in underline font and permanent deletions is strike through font):

(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. Additionally, where the mayor determines by reason of previously granted license that the application is for a location which may not comply with 10-88.1(a), the



Mayor shall remand the license application back to the license review board for further hearing on whether the proposed licensed location complies with 10-88.1(a). 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.

**SECTION 2:** That this Ordinance shall take effect immediately upon its approval.

**SECTION 3:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 4:** That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 10, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

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A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

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

JUN 19, 2017  
JUN 28, 2017

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