



**AN ORDINANCE BY COUNCILMEMBER AMIR R. FAROKHI AS AMENDED BY COUNCILMEMBER JOYCE SHEPERD TO AMEND CHAPTER 10, (ALCOHOLIC BEVERAGES), ARTICLE II, DIVISION 2, SUBDIVISION I, SECTION 10-52 TO REPEAL THE REQUIREMENT THAT ALCOHOL LICENSE APPLICANTS GIVE NOTICE OF THEIR INTENTION TO ENGAGE IN THE BUSINESS OF ALCOHOLIC BEVERAGE SALES ADVERTISEMENT IN THE DAILY PAPER; AND FOR OTHER PURPOSES.**

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

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

WHEREAS, the Atlanta City Council desires to ensure that its citizens are adequately informed of the intention of alcohol license applicants to engage in the business of selling alcohol beverages either for on or off premises consumption, prior to the approval of such licenses; and

WHEREAS, the Atlanta City Council also desires to encourage the growth of responsible local businesses and to stimulate neighborhood economies across the City; and

WHEREAS, accordingly, notice of all alcohol license applications must be provided to the Neighborhood Planning Unit in which the proposed licensed establishment is located, and the applicant is required to appear before the NPU to give the NPU the opportunity to make a recommendation to the License Review Board as to whether the license application should be approved or denied pursuant to Section 10-48(e)-(f) of the Alcohol Code; and

WHEREAS, additionally, within 48 hours of the receipt of each new application for an alcohol license, the licenses and permits unit of the police department must forward notice of the application to the councilmember who represents the district within which the applicant proposes to sell alcohol, and to all at-large councilmembers pursuant to Section 10-48(g) of the Alcohol Code; and

WHEREAS, these requirements ensure that citizens of Atlanta are provided adequate notice of the intent of an alcohol license applicant to engage in the business of selling alcoholic beverages, and provide an opportunity for direct engagement of the alcohol license applicant by affected citizens; and

WHEREAS, in addition to these requirements, alcohol license applicants are required to advertise their intention to engage in the business of alcohol sales 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 pursuant to Section 10-52 of the Alcohol Code; and



WHEREAS, in spite of the requirements for notice of alcohol license applications and appearance of applicants before the appropriate NPU; and specific notice of alcohol license applications to the affected member of the Atlanta City Council the newspaper advertisement requirement has not been altered since at least 1977; and

WHEREAS, compliance with the newspaper advertisement requirement results in considerable expense to the alcohol license applicant; and

WHEREAS, as a result of the NPU and City Council notification requirements, it is the opinion of the Atlanta City Council that the newspaper advertisement requirement is an obsolete and unnecessary expense which unduly suppresses the growth of responsible local businesses and the stimulation of neighborhood economies across the City; and

WHEREAS, accordingly, it is the desire of the Atlanta City to repeal the newspaper advertisement requirement contained in Section 10-52 of the Alcohol Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That Chapter 10, Article II, Division 2, Subdivision I, Section 10-52 of the City of Atlanta Code of Ordinances, (Advertisement of intent to engage in business), is hereby replaced in its entirety.

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

Each applicant for a license under this division shall give notice of the purpose of making the application by posting the subject property at least 15 days prior to the License Review Board Meeting. The notice shall state the time, place and purpose of meeting; and the name of the applicant(s). The posting shall be in accordance with specifications promulgated by the Chief of Police, and shall not be subject to the sign ordinance of the City of Atlanta.

SECTION 2: The amendments in this ordinance shall become effective immediately upon approval.

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

SECTION 6: That the Municipal Clerk is instructed to retain all legislative history references in the codified versions of Chapter 10, including Editor’s notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,  
  
Municipal Clerk

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

OCT 01, 2018  
OCT 10, 2018