03-O-2141

AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER
AS SUBSTITUTED BY THE PUBLIC SAFETY/LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 10 AND CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO PROVIDE FOR A BETTER MEANS OF ENSURING THE HEALTH, SAFETY AND WELFARE OF PATRONS IN ESTABLISHMENTS LICENSED TO SELL ALCOHOL AND ADULT DANCEHALLS WHILE ALSO ENSURING THAT THE PROPER AMOUNT OF SALES TAXES ARE COLLECTED FROM THE REVENUE OF THESE ESTABLISHMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has a large number of bars, nightclubs and danceclubs; and

WHEREAS, these bars, nightclubs and danceclubs are an important part of the City of Atlanta's economy; and

WHEREAS, on any given night, these premises will be attended by a large number patrons; and

WHEREAS, tragic events elsewhere in the United States demonstrate the need to provide greater protections from the hazards of fires and other emergencies; and

WHEREAS, it is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents; and

WHEREAS, it is essential that the City of Atlanta require increased and necessary measures to protect those individuals patronizing these bars, nightclubs and danceclubs; and

WHEREAS, many of these establishments licensed to sell alcohol charge cover charges or minimum admission fees prior to permitting entry; and

WHEREAS, these minimum charges can represent a substantial source or revenue for these licensed establishments; and

WHEREAS, these fees and charges are subject to the collection of sales taxes by the State of Georgia; and

WHEREAS, there is currently little regulation or oversight regarding records of these fees collected by establishments licensed to sell alcohol; and

WHEREAS, ticket requirements would provide a better means of oversight for the State of Georgia and the City of Atlanta in collecting taxes from this revenue; and

WHEREAS, the City of Atlanta should require tickets to ensure a better collection of revenue while also better protecting patrons of these establishments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That Section 10-1 shall be amended so that the new Section 10-1 shall include the following new definitions:

Admission fee means any fee imposed on individuals to permit entry to any premises by a retail licensee licensed for the sale of alcoholic beverages for on-site consumption.

Cover charge means any charge imposed on individuals to permit entry to any premises by a retail licensee licensed for the sale of alcoholic beverages for on-site consumption.

Ticket means any document or certificate issued to a patron by a retail licensee licensed for the sale of alcoholic beverages for on-site consumption to show that an admission fee or cover charge has been paid.

Ticket stub means that portion of the ticket issued to a patron when admission is granted and retained by the retail licensee as a record of the ticket torn away.

SECTION 2: That Section 10-224 shall be amended so as to create new subsections (c) and (d) which shall read as follows:

Section 10-224. Discrimination in admission fees or membership fees; notice of admission charges or membership fees.

(c) It is unlawful for any retail licensee licensed for the sale of alcoholic beverages for on-premises consumption to request a donation or contribution that represents a minimum admission charge, cover charge or other fee for the privilege of entering the premises where persons are not admitted or allowed to remain in attendance without payment of such donation or contribution.

(1) Signage, advertising, invitations, notices and other literature relating to any establishment or event may only state the words "donation accepted" or "donation appreciated."

(2) The amount of a "donation" shall not be stated on an invitation, signage, advertising, or other literature.

(d) It is unlawful for any retail licensee licensed for the sale of alcoholic beverages for on-premises consumption to charge any service charge or other additional charge in addition to the cover charge or other fee for the privilege of entering the premises unless the purchaser is fully informed of the purpose of such charge by published or posted notice in advance of the ticket sale.

SECTION 3: That Chapter 10, Article II, Division 5 shall be amended to create a new Section 10-229, so that the new Section 10-229 shall read as follows:

Section 10-229. Notice of admission or cover charge; records; report of sales.

(a) *Ticket required.* It shall be unlawful for any person to enter the premises of any retail licensee licensed for the sale of alcoholic beverages for on-site consumption without the consent of the owner, operator or promoter in control thereof or without having first paid any entrance fee or cover charge fixed by any persons in control thereof.

(b) *Ticket requirements.* Any retail licensee licensed for the sale of alcoholic beverages for on-site consumption, imposing a minimum admission fee or cover charge shall provide a ticket to any patron charged for admission to the premises, to be issued upon the admission of any individual to the premises of the licensed establishment.

(1) Any ticket issued according to the requirements of this section shall include the name of the establishment or event for which the minimum admission charge, cover charge or other fee is required for admission.
(2) Any ticket issued according to the requirements of this section shall include, separately, on its face, conspicuously and indelibly printed or written on the face, the fee or cost collected for admission to the premises.
(3) Any ticket issued according to the requirements of this section shall be serially numbered in a corresponding sequence to any other tickets issued at the premises.
(4) Any retail licensee licensed for sale of alcohol for on-site consumption issuing a ticket according to the requirements of this section shall also maintain for their own records a corresponding ticket stub that shall include, separately, on its face, conspicuously and indelibly printed, the following:

a. The serial number, required in subsection (b)(3) above, from the corresponding ticket issued upon admission to the establishment; and
b. The fee or cost of the minimum admission fee or cover charge collected for admission to the establishment.

(5) It shall be unlawful for any retail licensee licensed for the sale of alcoholic beverages for on-site consumption to:

a. Sell or otherwise issue a ticket on which the name of the establishment and the price is not printed, stamped or written.
b. Sell, offer to sell or otherwise issue a ticket at a price in excess of the price printed, stamped or written thereon.

(6) Any retail licensee licensed for the sale of alcoholic beverages for on-site consumption shall maintain updated records of the number of tickets issued to persons entering the establishment. These records shall be maintained for a period not less than three (3) years, and shall be made available upon request to any police officer, fire inspector, the Chief Financial Officer of the City of Atlanta, or their designees.

(c) *Quarterly report.* As a condition of maintaining an annual alcoholic beverage license, any retail licensee licensed for the sale of alcoholic beverages for on-site consumption who is subject to subsection (b), shall provide to the Chief Financial Officer of the City of Atlanta, prior to the first Monday of January, April, July and October, a quarterly report that shall include the following:

(1) The physical address of the location of the establishment;
(2) The name of the retail licensee or the agent of the retail licensee;
(3) A separate, daily reporting of the following information:

a. The date of the given 24-hour period;
b. The hours of operation of the corresponding 24-hour period;
c. The number of patrons entering the establishment during the reported 24-hour period;
d. The sequence of corresponding ticket reference numbers from the tickets issued with admission to the establishment for that 24-hour period;
e. The cost of the fee or charge for admission for that 24-hour period;
f. The total gross receipts collected from admission fees or cover charges for that 24-hour period; and
g. A detailed explanation of any discrepancies in the numerical sequence of tickets issued during the quarterly reporting period.

(4) The total number of tickets issued throughout the given quarterly reporting period;
(5) The total gross receipts collected from admission fees and cover charges throughout the given quarterly reporting period;
(6) Any other relevant information that may be required or requested by the Chief Financial Officer of the City of Atlanta or his designee.

SECTION 4: That Section 14-371 shall be amended so that the new Section 14-371 shall include the following new definitions:

Admission fee means any fee imposed on individuals to permit entry to any premises, by an adult dancehall licensee.

Cover charge means any charge imposed on individuals to permit entry to any premises, by an adult dancehall licensee.

Ticket means any document or certificate issued to a patron to show that an admission fee or cover charge has been paid.

Ticket stub means that portion of the ticket issued to a patron retained by the adult dancehall licensee as a record of the ticket torn away.

SECTION 5: That Section 14-378 shall be amended so that the new Section 14-378 shall read as follows:

Section 14-378. Identification requirements for adult dances; requirements for entry; penalty.

(a) The person operating an adult dancehall shall require each person seeking admission to provide identification showing his or her age.

(b) *Ticket required.* It shall be unlawful for any person to enter the premises of any adult dancehall without the consent of the owner, operator or promoter in control thereof or without having first paid any entrance fee or cover charge fixed by any persons in control thereof.

(1) *Ticket requirements.* Any adult dancehall imposing a minimum admission fee or cover charge shall provide a ticket to any person charged for admission to the premises, to be issued upon the admission of any individual to the premises of the licensed establishment.

a. Any ticket issued according to the requirements of this section shall include the name of the establishment or event for which the minimum admission charge, cover charge or other fee is required for admission.
b. Any ticket issued according to the requirements of this section shall include, separately, on its face, conspicuously and indelibly printed or written on the face, the fee or cost collected for admission to the premises.
c. Any ticket issued according to the requirements of this section shall be serially numbered in a corresponding sequence to any other tickets issued at the premises.
d. Any adult dancehall issuing a ticket according to the requirements of this section shall also maintain for their own records a corresponding ticket stub that shall include, separately, on its face, conspicuously and indelibly printed, the following:

1. The serial number, required in subsection (1)c above, from the corresponding ticket issued upon admission to the establishment; and
2. The fee or cost of the minimum admission fee or cover charge collected for admission to the establishment.

e. It shall be unlawful for any adult dancehall to:

1. Sell or otherwise issue a ticket on which the name of the establishment and the price is not printed, stamped or written.
2. Sell, offer to sell or otherwise issue a ticket at a price in excess of the price printed, stamped or written thereon.

f. Any adult dancehall shall maintain updated records of the number of tickets issued to persons entering the establishment. These records shall be maintained for a period not less than three (3) years, and shall be made available upon request to any police officer, fire inspector or other authorized employee of the City of Atlanta.

(2) *Quarterly report.* As a condition of maintaining an annual adult dancehall license, any adult dancehall subject to subsection (b)(1) shall provide to the Chief Financial Officer of the City of Atlanta, prior to the first Monday in January, April, July and October, a quarterly report that shall include the following:

a. The physical address of the location of the establishment;
b. The name of the retail licensee or the agent of the licensee;
c. A separate, daily reporting of the following information:

1. The date of the given 24-hour period;
2. The hours of operation of the corresponding 24-hour period;
3. The number of patrons entering the establishment during the reported 24-hour period;
4. The sequence of corresponding ticket reference numbers from the tickets issued with admission to the establishment for that 24-hour period;
5. The cost of the fee or charge for admission for that 24-hour period;
6. The total gross receipts collected from admission fees and cover charges for that 24-hour period; and
7. A detailed explanation of any discrepancies in the numerical sequence of tickets issued during the quarterly reporting period.

d. The total number of tickets issued throughout the given quarterly reporting period;
e. The total gross receipts collected from admission fees and cover charges throughout the given quarterly reporting period; and
f. Any other information that may be required or requested by the Chief Financial Officer of the City of Atlanta.

(c) It shall be unlawful for any person, by affirmative misrepresentation of age, to obtain admission to or permission to remain in any adult dance in violation of this division.

(d) It shall be unlawful for any person to knowingly or recklessly permit a person to enter or remain in any adult dance or adult dance hall in violation of this division.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.