00-O -1968

AN ORDINANCE BY

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**TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA SO AS TO REVISE CODE SECTIONS PERTAINING TO AND REGULATING PRIVATE CLUBS OPERATING IN THE CITY OF ATLANTA; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS,** the City of Atlanta regulates all alcohol licensed establishments in the city in the interest of the health and safety and all its occupants; and

**WHEREAS,** private clubs are currently regulated by the State of Georgia and the City of Atlanta under special provisions where private clubs receive certain exceptions from requirements imposed on other alcohol licensed establishments; and

**WHEREAS,** the city has received numerous complaints that certain private clubs operate as bars or nightclubs and impose the same public safety, traffic, noise and other concerns identical to those associated with other bars and nightclubs in the city; and

**WHEREAS,** the city desires to revise the regulations within its authority.

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

Section 1.

That Section 10-1 "Definitions" shall be amended by deleting the section and substituting in lieu thereof the following:

Private club means a **non-profit** corporation chartered, organized and existing under the laws of the state, exempt from federal income taxes pursuant to section 501(c) of the Internal Revenue Code, as amended, actively and continuously in operation within the city as a nonprofit corporation for at least one year immediately prior to the application for a license under this chapter and during which time such corporation shall have had continuously not less than 250 members whose names, current addresses and current telephone numbers shall have been kept listed on the club premises, which members shall have regularly paid quarterly, semiannual or annual dues. **Proof of exemption must be provided by the licensee at the time of application or renewal. A current list of members shall be available for inspection at all times by the License and Permits Unit .** The corporation shall be operated exclusively for pleasure, recreation and other nonprofitable purposes, and no part of the net earnings of the corporation shall inure to

the benefit of any member, director or officer. **Licenses issued to private clubs are not transferable.**
During the period of time prior to application, the corporation shall have owned, hired or leased a building having kitchen and dining room space therein for the reasonable use of its members and guests and shall have maintained sufficient personnel and equipment to prepare on the premises and serve hot meals, which hot meals shall have been served and shall continue to be served at least once per day at least six days per week. After an establishment has been granted private club status from the city, these requirements as to meal preparation and kitchen equipment and dining room facilities shall continue in effect. No member, director, officer, agent or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the sale of distilled spirits by or to the club or its members or guests, except such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club. **The requirement that the licensee provide written documentation of exemption from federal income tax pursuant to section 501(c) of the Internal Revenue Code, as amended, shall apply to any establishment licensed as a private club on the effective date of the ordinance. This documentation shall be provided by every private club operating in the City of Atlanta as of January 31, 2001. A license may be revoked whenever, in the judgment of the City, the licensee ceases to operate as a private club.**

**Section 2.**
That Section 10-86 "Issuance of license limited to designated areas," subsections (d) and (d)(1) shall be amended by deleting certain references so that as amended these sections shall read:

(d) On premises consumption. No license for the sale of alcoholic beverages by the drink or the operation of a bottle house shall be issued unless the location has been zoned commercial, industrial, or residential apartment as long as such location is in compliance with the City of Atlanta Zoning Code, or the location is in use as a business under a special use permit.

**Section 3.**
That Section 10-207, "Employment of persons with prior convictions" shall be amended by deleting the sentence "This section shall not apply to private clubs." after the words "moral turpitude."

**Section 4.**
That Section 10-209, "Hours of operation," shall be amended by deleting the subsection (c) above and substituting in lieu thereof the following :
(c) Sale of wine or malt beverages for on-premises consumption. Except **for private clubs and** as otherwise provided by O.C.G.A § 3-3-7, all licensees in wine or malt beverages for consumption on the premises shall be authorized to engage in the sale of those wines or beverages **only between the hours of**:
1) **9:00 a.m. of one day and 4:00 a.m. of the following day on Monday through Friday;**

**b) 9:00 am on Saturday and 2:55 a.m. on the following day (Sunday).**
**Private clubs are authorized to engage in the sale of wine or malt beverages on Monday through Friday between the hours of**
**a) 9:00 a.m. of one day and 4:00 a.m. of the following day on Monday through Friday;**
**b) 9:00 a.m. Saturday and 12 midnight on the following day (Sunday).**
Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 midnight in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell wine for on-premises consumption on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2. 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.

(d) Sale of distilled spirits by the drink or for on-premises consumption. Except **for private clubs and** 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 on the premises shall be authorized to engage in the sale of those distilled spirits **only between the hours of:**
**a) 9:00 a.m. of one day and 4:00 a.m. of the following day on Monday through Friday;**
**b) 9:00 am on Saturday and 2:55 a.m. on Sunday.**
**Private clubs are authorized to engage in the sale of distilled spirits by the drink or for on-premises consumption on Monday through Friday between the hours of**
**a) 9:00 a.m. of one day and 4:00 a.m. of the following day on Monday through Friday;**
**b) 9:00 a.m. Saturday and 12 midnight on Sunday.**
Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and 12:00 midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). 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.

**Section 5.**
That Chapter 30, Article IX, Section 30-692, "Permit required for private clubs, fraternal orders, similar organizations," shall be amended by deleting the section and substituting in lieu thereof the following :

Any group, association, fraternal order, club or other organization, whether incorporated or not, which has a regular place of assembly in which food or beverages are served or sold and which place of assembly is locked or not open to the general public or is not open to inspection by the police, whether dues are assessed or membership rosters

maintained, must before maintaining or operating the place of assembly obtain a permit from the mayor through application to the department of police and license review board. Application fees are $_____ and are payable at the time of application. Annual/renewal fees for permits are set at $_____.

**Section 6.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.