AN ORDINANCE BY

COUNCILMEMBER ANNE FAUVER
CEASAR C. MITCHELL

04-O -0321

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO REQUIRE SECURITY AT CERTAIN LOCATIONS LICENSED TO SELL ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City Council adopted Ordinance Number 03-O-2149 to provide that licenses for the sale of alcoholic beverages be granted during the calendar year 2004 effective only for the period of January 1, 2004 through March 31, 2004 to allow for a comprehensive review of the City's alcohol licensing code; and

WHEREAS, the Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known at the Alcohol Technical Advisory Group (ATAG), to undertake the review of the alcohol licensing code; and

WHEREAS, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

WHEREAS, the City finds that alcoholic beverage license holders within the City who have multiple violations of the law on or near their licensed premises are not providing adequate security, thereby endangering the health, safety and welfare of the City's citizens and visitors; and

WHEREAS, the City now wishes to require that such licensees are required to have on premises security for a reasonable period of time.

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

Section 1.

That Chapter 10, Article II, Division 5 be amended to create a new Section 10-229 as follows:

Sec. 10-229. Security Requirements.

(a) Any time ten or more convictions of any law, ordinance or regulation governing the operation of establishments licensed to sell alcoholic beverages or which are reasonably related to the operation of such establishments occur on the licensed premises, including sidewalks adjacent to the licensed premises and parking areas lawfully used by the patrons of such establishment which are within 400 feet of such establishment, within any twelve month period, beginning May 1, 2004 and continuing thereon, the licensee of such licensed premises shall be required to maintain at least one security person on the licensed premises during all hours of operation for a six month period after receiving written notification from the Atlanta Police Department, Licenses and Permits Unit. For purposes of this section only, the same conviction may only be used once by the Licenses and Permits Unit in determining if the ten or more conviction threshold discussed above is met. The decision of the Licenses and Permits Unit may be appealed to the license review board by providing the Licenses and Permits Unit with written notification within seven days of the licensee's receipt of the notice described in this section. The appeal shall follow the procedure set forth in section 10-109 of this chapter. The six month period as stated in this subsection shall be tolled during any period of time that an appeal is pending of said decision, or any period of time that by operation of law the city cannot enforce said decision, or any period of time during which there is in place a valid, voluntary agreement between the city and the affected licensee to not enforce the decision pending the outcome of litigation in any way involving said decision.

(b) The term "security person" as used in this section shall mean a person trained in law enforcement, which may include off-duty Atlanta police officers or sworn police officers of other jurisdictions.

(c) The term "convictions" as used in this section shall mean convictions, pleas of nolo contendere or violations of the law as found by the mayor pursuant to sections 10-66 and/or 10-109(d) of this chapter.

(d) Failure to comply with this section shall be considered as due cause to suspend, deny, revoke, fine or refuse to renew any license issued by the city pursuant to this chapter.

Section 2.
The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, applied for after the enactment of this Ordinance.

Section 3.
All ordinances or parts of ordinances in conflict herewith are hereby repealed.