

**AN ORDINANCE TO AMEND BOTH CHAPTER 10, ARTICLE II, DIVISION, 5, SECTION 10-209 AND CHAPTER 14, ARTICLE IX, DIVISION 1, SECTION 14-389 OF THE ATLANTA CODE OF ORDINANCES TO CLARIFY THE OPERATIONAL HOURS OF ESTABLISHMENTS USED FOR ON-PREMISES ALCOHOL CONSUMPTION SO THAT SUCH PREMISES REMAIN SHUT DOWN AFTER ALL PATRONS HAVE CLEARED AND TO CHANGE THE HOURS OF OPERATION OF ADULT DANCEHALLS.**

**WHEREAS**, the City of Atlanta Code of Ordinances does not stipulate whether an establishment used for on-premises alcohol consumption may re-open once the 30-minute limit for clearing patrons as set forth in Sec. 10-209(g) has passed.

**WHEREAS**, some establishments are interpreting Sec. 10-209(g) as permission to re-open once the 30-minute time limit for clearing patrons has passed.

**WHEREAS**, the City of Atlanta Code of Ordinances does not stipulate whether an establishment used for on-premises alcohol consumption may re-open as an adult dancehall once it has cleared patrons within the 30-minute time limit, as the only prohibition of adult dancehall operating hours is between the hours 7:00 a.m. and 9:00 a.m.

**WHEREAS**, all establishments used for on-premises alcohol consumption are not interpreting Sec. 10-209(g) and Sec. 14-389 in the same way; therefore, such establishments are not currently competing for business on a level playing field.

**WHEREAS**, amending both Sec. 10-209(g) and Sec. 14-389 will establish a uniform understanding of the hours of operation for both bars and adult dancehalls.

**WHEREAS**, according to the Atlanta Police Department's Bureau of Licenses and Permits, any changes for the operating conditions of establishments holding alcohol licenses must be in effect at the time renewal applications are provided to applicants if they are to be effective for the following year's licenses.

**WHEREAS**, any changes that Council wishes to make to operating hours of the establishments to go into effect for 2005 licenses must be made before applications are mailed out at the end of September, 2004.

**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 5, of the City of Atlanta Code of Ordinances be amended by adding a new subsection (h) that shall read as follows:

(h) *Occupancy time.* Upon clearing patrons from the premises thirty minutes after the sale of alcohol has been discontinued as provided for in subsection (g) of this section, establishments licensed for on premises alcoholic beverage consumption, excluding restaurants as defined in the Code by section 10-1, shall remain closed and shall not re-open earlier than 6:00 a.m. Nothing in this subsection shall be construed as altering the hours alcoholic beverages may be sold as otherwise provided for in this section.

## **SECTION 2**

That Section 14-389 which currently states:

No adult dance or adult dancehall shall be conducted, operated, or otherwise open to the public between the hours of 7:00 a.m. and 9:00 a.m. Monday through Saturday and on Sundays between the hours of 7:00 a.m. and 1:00 p.m.

is amended by deleting said subsection and substituting in lieu thereof the following:

No adult dance or adult dancehall shall be conducted, operated, or otherwise open to the public between the hours of **3:00 a.m** and ~~9:00~~**6:00** a.m. Monday through Saturday and on Sundays between the hours of **3:00 a.m.** and 1:00 p.m.

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## **SECTION 3**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## **SECTION 4**

The amendment reflected in this ordinance shall become effective January 1, 2005.