



**CITY COUNCIL
ATLANTA, GEORGIA**

21-O-0259

AN ORDINANCE BY COUNCILMEMBER AMIR R. FAROKHI TO AMEND CHAPTER 74 “ENVIRONMENT,” ARTICLE V “NUISANCES,” OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO ADD NEW CODE SECTION 74-175, TO CREATE A VIOLENT CONDUCT NUISANCE ORDINANCE WHEREIN IT SHALL BE ESTABLISHED THAT MULTIPLE INCIDENTS OF VIOLENT CONDUCT OR CRIME WITHIN CERTAIN PROPERTIES IN THE CITY, AND CIRCUMSTANCES ON SUCH PROPERTIES THAT FOSTER OR CONTRIBUTE TO THE COMMISSION OF VIOLENT CRIMES ENDANGER THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY SHALL BE CONSIDERED A PUBLIC NUISANCE; TO AMEND CHAPTER 10 “ALCOHOLIC BEVERAGES,” ARTICLE II, DIVISION 2, SUBDIVISION III, SECTION 10-109 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE THAT A VIOLATION OF THE CITY'S VIOLENT CONDUCT NUISANCE ORDINANCE SHALL BE “DUE CAUSE” FOR THE DENIAL OF APPLICATIONS FOR ALL NEW ALCOHOLIC BEVERAGE LICENSES, OR FOR THE TRANSFER OF LOCATION OR THE TRANSFER OF OWNERSHIP, OR FOR REVOCATION, SUSPENSION OR REFUSAL TO RENEW ANY LICENSE, OR FOR THE ASSESSMENT OF A FINE IN REGARD TO ANY LICENSE; 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, aggravated assaults and homicides have increased year over year within the City of Atlanta; and many of these violent crimes have consistently occurred within or near specific nuisance properties; and

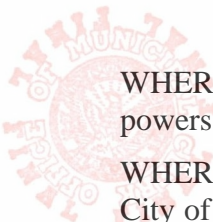
WHEREAS, pursuant to Administrative Order No. 2020-48, the Mayor directed the Chief Operating Officer to establish a cross-departmental working group to address nuisance properties or activities thereon that are a threat to the public health, welfare and safety, including those properties which may contribute to the commission of violent crime, and which would develop legislation to be submitted to the Atlanta City Council; and

WHEREAS, the cross-departmental working group has reviewed the laws, ordinances, and regulations of the City of Atlanta; and ascertained and recommended improvements to said laws, ordinances, and regulations as they impact nuisance properties or the activities thereon; and

WHEREAS, Chapter 74 “Environment,” Article V “Nuisances,” of the City Code provides that certain conditions and circumstances are declared to be a nuisance, and provides the proceedings for abatement and remedies of nuisances that may be found in the City; and

WHEREAS, the specific properties that repeatedly contribute to the commission of violent conduct or crime pose a danger to the public health, safety and welfare of the citizens of the City; and

WHEREAS, so that the City may address nuisance properties or activities thereon that are a threat to the public health, welfare and safety, it is the desire of the City of Atlanta to amend Chapter 74 “Environment,” Article V “Nuisances,” of the City of Atlanta Code of Ordinances to add Code Section 74-175, wherein it shall be established that violent conduct or crime within certain properties in the City that endangers the public health, safety and welfare of the citizens of the City shall be a public nuisance, and to provide for abatement procedures and remedies; 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, O.C.G.A. § 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, and such regulations are codified in Chapter 10 of the City of Atlanta Code of Ordinances (the Alcohol Code); and

WHEREAS, Section 10-109 of the Alcohol Code outlines certain activities which constitute "due cause" for the denial of applications for all new alcoholic beverage licenses, or for the transfer of location or the transfer of ownership, or for revocation, suspension or refusal to renew any license, or for the assessment of a fine in regard to any license; and

WHEREAS, it is the desire of the City of Atlanta to amend the Alcohol Code to provide that a violation of the City's violent conduct nuisance ordinance shall constitute "due cause" for the denial of applications for all new alcoholic beverage licenses, or for the transfer of location or the transfer of ownership, or for revocation, suspension or refusal to renew any license, or for the assessment of a fine in regard to any license.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

SECTION 1. That Chapter 74 "Environment," Article V "Nuisances," of the City of Atlanta Code of Ordinances is hereby amended to add a new Section 74-175, currently reserved, which shall read as follows:

Sec. 74-175. - Properties where activities therein and thereon threaten the public health, safety and welfare.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dwellings, buildings or structures means any building or structure or part thereof used and occupied for human habitation or commercial, industrial or business uses, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

Owner means any person or persons having any individual, joint or common title or interest in real property defined by the laws of the state as a legal or equitable estate or interest.

Owner's managing agent means a person, corporation, partnership or limited liability company that is authorized by the owner to operate and manage the property.

Parking lot or space means any space used for parking adjacent to the structure.

Properties means dwellings, buildings or structures and parking lots or spaces.

Tenant means one who occupies lands or the premises of another in subordination to that other's title, and with such other person's assent, express or implied.

Violent conduct or crime means conduct which constitutes a probable danger of physical harm, such as assault, battery, sexual assault, armed robbery, homicide, or any other criminal activity that endangers the public health, safety and welfare of the citizens of the city.

(b) *Nuisance declared.* The city finds that multiple incidents of violent conduct or crime occurring on certain properties and conditions on such properties that foster or contribute to the commission of violent crime, endanger the public health, safety and welfare of the citizens of the city.

(c) *Abatement.* Where violent conduct or crime occurs on certain properties, the criminal activity causing the nuisance shall be enjoined, abated, and prevented. The owner of the property upon being notified shall take actions that are reasonable and necessary to reduce and eliminate the conditions that contribute to the commission of such violent conduct or crime. If the owner, the owner's managing agent or the party responsible for the property knows or has reason to know of the criminal activity and fails to take reasonable, legally available actions to abate the nuisance, a governmental authority may abate the nuisance. The municipal court may assess the owner for the cost of abating the nuisance.

(d) *Notice.* For purposes of this section, an owner, the owner's managing agent or the party responsible for the property is deemed to know or have reason to know of the nuisance if the owner, the owner's managing agent or the party responsible for the property has received notice from the city of documented reports of violent conduct or crime occurring on the property.

(e) *Remedy.* In abating the public nuisance, the municipal court may order:

(1) That the owner, the owner's managing agent or the party responsible for the property implement security measures on the property.

(2) That the owner initiate dispossessory proceedings to evict tenants engaged in or permitting the conditions that contribute to the violent conduct or crime on the property.

(3) That the owner be assessed with the cost of abating the nuisance.

(4) That the owner, the owner's managing agent or the party responsible for the property be enjoined from conducting any other activities on the property.

(5) Any other remedy deemed appropriate in abating nuisances in the state.

SECTION 2. That Chapter 10, Article II, Division 2, Section 10-109(a) of the City of Atlanta Code of Ordinances, (Procedures), is hereby amended to add a new subsection (a)(20) which shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 10-109. - Procedures.

(a) As used in this chapter, the term "due cause" for the denial of applications for all new alcoholic beverage licenses, or for the transfer of location or the transfer of ownership, or for revocation, suspension or refusal to renew any license, or for the assessment of a fine in regard to any license includes but is not limited to the following:

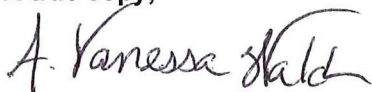
(20) The violation by either the owner, the licensee, or the management of any establishment licensed to sell alcohol of the city's violent conduct nuisance ordinance found in Sec. 74-175, Article V of the City of Atlanta Code of Ordinances if such violation is reasonably related to the operation of the licensed establishment and the owner or licensee knew or should have known of the violation of the violent conduct nuisance ordinance.

SECTION 3. That the amendments in this ordinance shall become effective immediately upon approval.

SECTION 4. That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict, only.

SECTION 5: That the Municipal Clerk is instructed to retain all legislative history references in the codified versions of Chapter 10 and Chapter 74, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,



A. Vanessa Waldon

ADOPTED by the Atlanta City Council
APPROVED by Mayor Keisha Lance Bottoms

MAY 17, 2021
MAY 24, 2021

-0259
:e 3 of
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**CITY COUNCIL
ATLANTA, GEORGIA**

21-O-0259

SPONSOR SIGNATURES


Amin K Farokhi, Councilmember, District 2



CITY COUNCIL
ATLANTA, GEORGIA

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Workflow List:

Mayor's Office	Completed	05/03/2021 11:16 AM
Office of Research and Policy Analysis	Completed	05/05/2021 4:15 PM
Atlanta City Council	Completed	05/03/2021 1:00 PM
Public Safety & Legal Administration Committee	Completed	05/10/2021 2:00 PM
Atlanta City Council	Completed	05/17/2021 1:00 PM

HISTORY:

05/03/21 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION
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05/10/21 Public Safety & Legal Administration Committee FAVORABLE

RESULT:	FAVORABLE [UNANIMOUS]	Next: 5/17/2021 1:00 PM
MOVER:	Amir R Farokhi, District 2	
SECONDER:	Michael Julian Bond, Post 1 At Large	
AYES:	Sheperd, Bond, Smith, Farokhi, Winslow, Hillis, Boone	

05/17/2021 Atlanta City Council ADOPTED



RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Amir R Farokhi, Councilmember, District 2
SECONDER: Marci Collier Overstreet, Councilmember, District 11
AYES: Bond, Westmoreland, Dickens, Smith, Farokhi, Brown, Winslow, Archibong, Ide, Shook, Hillis, Boone, Overstreet, Sheperd
ABSENT: J. P. Matzigkeit

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VOTE RECORD - ORDINANCE 21-O-0259						
<input checked="" type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANTONIO BROWN	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CLETA WINSLOW	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JENNIFER N. IDE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. P. MATZIGKEIT	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	DUSTIN HILLIS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L. BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOYCE M SHEPERD	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW <input type="checkbox"/> POSTPONED <input type="checkbox"/> RETAINED AS HELD <input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION <input type="checkbox"/> AUTOMATICALLY TERMINATED (FILED)	
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[Unanimous]

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">5/17/2021</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> <p style="text-align: center;"></p>	<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">5/17/2021</p> <p style="text-align: center;">MUNICIPAL CLERK</p> <p style="text-align: center;"></p>
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

ADOPTED BY COUNCIL

05/17/2021