

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CLARKSTON
PROHIBITING NEW PERMITS TO SELL DISTILLED SPIRITS BY THE PACKAGE FOR
CONSUMPTION OFF PREMISES.**

WHEREAS, the City of Clarkston has a high concentration of businesses licensed to sell package alcohol, with fifteen (15) such locations in the City; and

WHEREAS, the City Council hereby finds that the presence of businesses selling distilled spirits by the package has a negative impact on public health and welfare; and

WHEREAS, O.C.G.A. § 3-3-1 declares that engaging in the business of selling alcohol in Georgia is a privilege and not a right; and

WHEREAS, O.C.G.A. § 3-3-2(a) authorizes the City to exercise discretionary power to control the business of package alcohol sales; and

WHEREAS, there are presently no applications pending for new distilled spirit package alcohol licenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON:

SECTION 1. Section 3-70 of the City Code is hereby repealed and replaced with the following language:

Section 3-70. New Licenses Prohibited; Existing Licensees Grandfathered

- a) Effective July 3, 2016, the city no longer allows new licenses for the sale of distilled spirits by the bottle. The city recognizes fifteen licensees that shall be permitted to continue operating under their existing licenses at their current locations.
- b) Existing licenses may not be transferred, nor may any grandfathered licensee expand its operation or facility. Distilled spirits by the bottle may only be sold within the city under a license grandfathered under subsection (a) upon the terms and conditions set forth in this article.

SECTION 2. This Ordinance shall be effective immediately upon its adoption by the City Council.

SECTION 3. All provisions of the City Code in conflict herewith are hereby repealed. The provisions of Chapter 3, Article III, shall be construed consistent with the prohibition of new licenses but to allow the renewal of existing licenses for distilled spirit sales by the package.

SO ORDAINED, this _____ day of _____, 2016.

ATTEST:

**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Ted Terry, Mayor

Approved as to Form:

Stephen G. Quinn, City Attorney