

COUNTY FULTON

AN ORDINANCE TO AMEND THE ADULT ENTERTAINMENT ORDINANCE AMENDING AND STRIKING ARTICLE 1, SECTION 1(n) WITH A NEW SECTION 1(n) AND RENUMBERING ALL REMAINING PARAGRAPHS OF ARTICLE 1 SECTION 1 CONSECUTIVELY, AMENDING SECTION 9, PENALTY FOR VIOLATION, AMENDING SECTION 12(a)(2) BY ADDING SUBPARAGRAPH (d), AND AMENDING SECTION 12(c), SUSPENSION AND REVOCATION

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia hereby amends and adopts the City of Sandy Springs Adult Entertainment Ordinance as follows:

SECTION 1: That the City of Sandy Springs as previously adopted the Adult Entertainment Ordinance by action of the City Council on December 27, 2005; and

SECTION 2: That the Mayor and City Council find that it is necessary to adopt certain technical amendments thereto; and

SECTION 3: That the following amendments are for the purpose of adopting certain clarifications and minor revisions to the Sandy Springs Adult Entertainment Ordinance. These amendments relate to amending the definitions of due cause in lieu of the term reasonable grounds, and to provide clarification concerning the suspension, revocation or denial of adult entertainment licenses. In adopting these amendments, the Mayor and City Council rely on evidence presented and received by this body at public hearing conducted on December 13th, 20th and 27th, 2005. Based upon the evidence received and upon staff recommendations, the City Council does hereby adopt the following amendments:

SECTION 4: The Mayor and City Council do hereby amend and strike Article 1, by adding a new Section 1(n) which shall have the following language:

(n). Due cause for suspension, revocation or probation of a license granted hereunder shall consist of the violation of any local, state or federal laws, or regulations or ordinances regulating business, for any reason which would authorize the refusal to issue or renew such license or for the arrest or conviction of a drug, alcohol or sex-related crime, or a crime involving moral turpitude or the provisions of Article 8.

SECTION 5: The Mayor and City Council do hereby amend Article 1 by starting with "*Erotic Dance Establishments*" and numbering that definition as "(o)" and in addition thereto renumbering all remaining paragraphs of Article 1, Section 1 consecutively.

SECTION 6: The Mayor and City Council do hereby amend Section 9 entitled "Penalty for Violation" by adding the following language at the end of Section 9:

In addition, the license of any licensee contributing thereto shall be subject to suspension or revocation in accordance with Section 12(c).

SECTION 7: The Mayor and City Council do hereby amend Section 12(a) (2) by adding a new subparagraph (d) to read as follows:

Section 12(a) (2) (d). Due cause as defined in section Article 1, Section 1 (n).

SECTION 8: The Mayor and City Council do hereby amend Section 12(c) entitled "Suspension or Revocation; Procedure" by deleting then term "reasonable grounds" and inserting the term "due cause" so that said subparagraph shall read as follows:

(c) Suspension or revocation; procedure. Whenever the Mayor and City Council find due cause exists to suspend or revoke a license issued hereunder, the Mayor and City Council shall schedule a hearing to consider such suspension or revocation and shall, at least twenty (20) days prior to the hearing notify the licensee of the time and date of the hearing and the proposed action and the ground therefore. The licensee shall be entitled to present evidence and cross-examine any witnesses at the hearing, with or without legal counsel. The Mayor and City Council shall make its decision within ten (10) days of the hearing and shall notify the licensee in writing within five (5) business days of the decision. Any decision of the Mayor and City Council may be appealed to the superior court by writ of certiorari.

SECTION 9: That the First Reading of this Ordinance was on August 15, 2006.

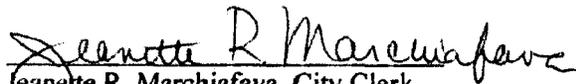
SECTION 10: That this Ordinance shall be effective September 5, 2006.

Approved:



Eva Galambos, Mayor

Attest:


Jeanelle R. Marchiafava, City Clerk
(Seal)

