



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: February 2, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: **TA12-003** - An Ordinance to Amend Chapter 6, Article II of the Code of Ordinances of Sandy Springs (Alcoholic Beverages; Vendors) to repeal Section 6-111 and Amend Section 6-135

MEETING DATE: For Submission onto the February 7, 2012, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: *(Attach additional pages if necessary)*

See attached:

Memorandum
Ordinance Markup
Ordinance Final

APPROVAL BY CITY MANAGER:  **APPROVED**

_____ **NOT APPROVED**

PLACED ON AGENDA FOR: 2/7/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: February 1, 2012 for Submission onto the February 7, 2012 City Council Regular Meeting

Subject: TA12-003, An Ordinance to Amend Chapter 6, Article II of the Code of Ordinances of Sandy Springs (Alcoholic Beverages; Vendors) to repeal Section 6-111 and Amend Section 6-135.

CITY MANAGER'S OFFICE RECOMMENDATION
APPROVAL of the amendment as presented by staff.

BACKGROUND

The Mayor and City Council of the City of Sandy Springs are charged with the protection of the public health, safety, and welfare of the citizens of Sandy Springs. Additionally, the State of Georgia authorizes the City of Sandy Springs to exercise regulations where it sees fit to maintain the safety and welfare of the citizens.

DISCUSSION

The Mayor and City Council find that from time to time it is appropriate to amend sections of the Code of Ordinances to correct, clarify, and update the provisions of the Ordinance. Community Development, in conjunction with the City Attorney's office, has determined that clarification to the provisions to the ordinance regarding Alcoholic Beverages are warranted. These recommendations to repeal live music and dancing and amend the prohibited acts provisions of the ordinance.

ALTERNATIVES

The Mayor and City Council could choose to amend or not approve the changes prepared by staff.

cc: Wendell K. Willard, City Attorney
Cecil McLendon, Assistant City Attorney

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE II OF THE CODE OF ORDINANCES OF SANDY SPRINGS (ALCOHOLIC BEVERAGES; VENDORS) TO REPEAL SECTION 6-111 AND TO AMEND SECTION 6-135.

WHEREAS, the Mayor and City Council of the City of Sandy Springs are charged with the protection of the public health, safety, and welfare of the citizens of Sandy Springs; and

WHEREAS, the State of Georgia authorizes the City of Sandy Springs to exercise regulations where it sees fit to maintain the safety and welfare of the citizens; and

WHEREAS, the City Council has on several previous occasions identified and documented the negative secondary effects of adult entertainment and alcohol and hereby incorporates all such previous findings and legislative record materials concerning such negative effects; and

WHEREAS, the Mayor and City Council find that from time to time it is appropriate to amend sections of the Code of Ordinance to correct, clarify, or update its provisions; and

WHEREAS, it has been determined that certain provisions regarding alcoholic beverage licensees should be updated.

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby ordain as follows:

Section 1. Section 6-111 of The Code of the City of Sandy Springs, Georgia, is hereby repealed.

~~Sec. 6-111.—Live music and dancing.~~

~~Bands or orchestras and patron dancing shall be permitted at facilities licensed for consumption on the premises sales only where:~~

- ~~(1) Adequate space exists;~~
- ~~(2) All fire and safety regulations are met;~~
- ~~(3) Prior approval of the chief of police and the fire chief has been obtained.~~

Section 2. Section 6-135 of The Code of the City of Sandy Springs, Georgia, is hereby amended to read as follows:

Sec. 6-135. - Prohibited acts; sexual display on licensed premises.

- (a) No licensee shall permit the sale of alcoholic beverages to any person who is in a state of noticeable intoxication or allow persons who are noticeably intoxicated to congregate on the licensed premises.
- (b) No licensee shall permit any gambling, betting, lottery, or other device for the hazarding of any money or other thing of value on the licensed premises, except that this prohibition shall not apply with respect to a properly licensed bingo game.

- (c) No licensee shall permit on the licensed premises any disorderly conduct; ~~or breach of the peace; lewd, immoral, or improper entertainment, conduct, or practices; or noise which is disturbing to the surrounding neighborhood.~~
- (d) No licensee shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks, or any portion of the female breast below the top of the areola on the licensed premises.
- (e) No licensee shall allow any person to engage in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual act prohibited by law, on the licensed premises.
- (f) Exception. Nothing contained in subsection (d) of this section shall apply to the premises of any theatre, concert hall, art center, museum, or similar establishment primarily devoted to the arts or theatrical performances, where the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

Section 3. Should any court of competent jurisdiction declare any word, phrase, clause, sentence, paragraph, or section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

Section 4. It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 5. This Ordinance is effective _____, 2012.

APPROVED AND ADOPTED this the _____ day of _____, 2012.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)

STATE OF GEORGIA
COUNTY OF FULTON

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WHEREAS, the State of Georgia authorizes the City of Sandy Springs to exercise regulations where it sees fit to maintain the safety and welfare of the citizens; and

WHEREAS, the City Council has on several previous occasions identified and documented the negative secondary effects of adult entertainment and alcohol and hereby incorporates all such previous findings and legislative record materials concerning such negative effects; and

WHEREAS, the Mayor and City Council find that from time to time it is appropriate to amend sections of the Code of Ordinance to correct, clarify, or update its provisions; and

WHEREAS, it has been determined that certain provisions regarding alcoholic beverage licensees should be updated.

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Section 2. Section 6-135 of The Code of the City of Sandy Springs, Georgia, is hereby amended to read as follows:

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Eva Galambos, Mayor

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