CITY OF ELLIJAY

STATE OF GEORGIA

ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**AN ORDINANCE TO AMEND ALCOHOL ORDINANCE**

A RESOLUTION AND ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ELLIJAY, GEORGIA, IN ORDER TO AMEND CHAPTER 6, ARTICLES II FOR THE PURPOSES OF AMENDING THE ALCOHOLIC BEVERAGES PROVISIONS IN ORDER TO BETTER PROTECT AND IMPROVE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF ELLIJAY, GEORGIA.

WHEREAS, the duly elected governing authority of the City of Ellijay, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Ellijay, Georgia; and,

WHEREAS, The Mayor and Council of the City of Ellijay have previously adopted the Code of Ordinances, City of Ellijay, Georgia; and,

WHEREAS, the City of Ellijay desires to amend its Code of Ordinances to amend the Alcoholic Beverages as it relates to provisions on distance requirements from churches and schools of Chapter 6;

WHEREAS, it is requisite and proper for the security, welfare, health, and safety of the citizens of the City of Ellijay, Georgia, that the following provisions be adopted and authorized; and,

WHEREAS, the Mayor and Council of the City of Ellijay wish to modify and amend the Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the City Council of Ellijay, Georgia, and the council of the City of Ellijay hereby ordains that:

**SECTION 1**

Subsection (c) of Section 6-73, Division 3, Article II, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be deleted in its entirety and the following shall be substituted in its place:

(c) All places of business that:

(i) front River Street or the Ellijay City Square or are on North Church Street, including but not beyond 29 North Church Street, or North Main Street including, but not beyond 28 North Main and are located within the central business district; or

(ii) 374 North Main Street;

shall be exempt from the restrictions relating to distance from church structures, school structures and school grounds imposed by this section and shall be issued a consumption on the premises license in accordance with this section without regard to distance from church structures, school structures or school grounds. Said consumption on the premises license shall authorize the sale of distilled spirits, wine, and/or malt beverages. This [section] is in compliance with O.C.G.A. § 3-3-21(a)(1-3) by exemption as set forth in O.C.G.A. § 3-3-21(b)(3).

Subsection (d) of Section 6-73, Division 3, Article II, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be deleted in its entirety and the following shall be substituted in its place:

(d) For the purposes of this section, distances shall be measured by the most direct route of travel on the ground, using the public streets and sidewalks. When measuring distances for schools, the distance shall be measured from the front door of the place selling alcohol to the nearest property line of the school. When measuring distances for churches, the distance shall be measured from the front door of the place selling the alcohol to the front door of the main sanctuary of the church.

Subsection (c) of Section 6-101, Division 3, Article II, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be deleted in its entirety and the following shall be substituted in its place:

(c) All places of business that:

(i) front River Street or the Ellijay City Square or are on North Church Street, including but not beyond 29 North Church Street, or North Main Street including, but not beyond 28 North Main and are located within the central business district; or

(ii) 374 North Main Street;

shall be exempt from the restrictions relating to distance from church structures, school structures and school grounds imposed by this section and shall be issued a consumption on the premises license in accordance with this section without regard to distance from church structures, school structures or school grounds. Said consumption on the premises license shall authorize the sale of distilled spirits, wine, and/or malt beverages. This [section] is in compliance with O.C.G.A. § 3-3-21(a)(1-3) by exemption as set forth in O.C.G.A. § 3-3-21(b)(3).

Subsection (d) of Section 6-101, Division 3, Article II, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be deleted in its entirety and the following shall be substituted in its place:

(d) For the purposes of this section, distances shall be measured by the most direct route of travel on the ground, using the public streets and sidewalks. When measuring distances for schools, the distance shall be measured from the front door of the place selling alcohol to the nearest property line of the school. When measuring distances for churches, the distance shall be measured from the front door of the place selling the alcohol to the front door of the main sanctuary of the church.

Subsection (c) of Section 6-153, Division 3, Article II, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be deleted in its entirety and the following shall be substituted in its place:

(c) All places of business that:

(i) front River Street or the Ellijay City Square or are on North Church Street, including but not beyond 29 North Church Street, or North Main Street including, but not beyond 28 North Main and are located within the central business district; or

(ii) 374 North Main Street;

shall be exempt from the restrictions relating to distance from church structures, school structures and school grounds imposed by this section and shall be issued a consumption on the premises license in accordance with this section without regard to distance from church structures, school structures or school grounds. Said consumption on the premises license shall authorize the sale of distilled spirits, wine, and/or malt beverages. This [section] is in compliance with O.C.G.A. § 3-3-21(a)(1-3) by exemption as set forth in O.C.G.A. § 3-3-21(b)(3).

Subsection (d) of Section 6-153, Division 3, Article II, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be deleted in its entirety and the following shall be substituted in its place:

(d) For the purposes of this section, distances shall be measured by the most direct route of travel on the ground, using the public streets and sidewalks. When measuring distances for schools, the distance shall be measured from the front door of the place selling alcohol to the nearest property line of the school. When measuring distances for churches, the distance shall be measured from the front door of the place selling the alcohol to the front door of the main sanctuary of the church.

**SECTION 2**

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 3**

Penalties for a violation of current Code of Ordinances sections applicable to the amendment

described herein in effect upon the adoption date of this ordinance are adopted herein as if

completely set out herein.

**SECTION 4**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**SECTION 5**

Nothing in this ordinance or in the ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 4 herein; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

This Resolution and Ordinance is hereby adopted on this date, it being so ordained

This \_\_\_day of , 2024.

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Al Hoyle, Mayor

ATTEST:

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Al Fuller

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City Clerk \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Thomas Griffith

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Tom Crawford

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Kevin Pritchett

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Claudia Penland