

ORDINANCE NO. OB 13-304

**ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO DEALERS IN DISTILLED SPIRITS SO AS TO CLARIFY THE NUMBER OF LICENSES AVAILABLE AND CLARIFY WHEN ADDITIONAL LICENSES MAY BE MADE AVAILABLE BASED UPON CENSUS DATA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:**

**SECTION 1. Ordinance.** That Title 9, Chapter 04, section 130 of the current Stockbridge Code be deleted, and a new Title 9, Chapter 04, section 130 be added to the Code of Ordinances, City of Stockbridge, Georgia, so as to read as follows:

**9.04.130 – Maximum number of distilled spirits retail licenses permitted.**

The City shall issue a maximum of three (3) licenses for the sale of distilled spirits by the package. No additional licenses shall be issued unless the population of the City of Stockbridge reaches twenty thousand (20,000) residents, at which time one additional license may be permitted for each five thousand (5,000) residents of the City over the twenty thousand (20,000) initial threshold. No application for a license to do business as a retail seller of distilled spirits shall be considered or approved or a license issued where the total number of retail seller of distilled spirits licenses issued and in effect at the time of such application numbers at least one for each five thousand (5,000) residents according to the latest officially and finally published annual population estimates by the U.S. Census Bureau. In making this computation, fractions of each 5,000 residents shall not be considered. For purposes of this section, non-conforming retail sellers of distilled spirits shall be included for purposes of calculating the number of outstanding licenses.

Whenever it shall be recognized by the City Treasurer that the release of population projections by the U.S. Census Bureau results in the availability of one or more additional licenses, and it is determined by the City Treasurer that one or more additional licenses are available, the City shall publish a notice, one time, advising the public of such, and that applications will be received for a period of 45 days subsequent to the publication. If, during this period, applications are received which exceed the number of newly available licenses, there shall be held a lottery, administered by the City Treasurer, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of licenses up to the limit contained in this Chapter, the remaining applications shall be returned to the applicants, unprocessed. If no applications are received during the forty-five day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

**SECTION 2. Repeal.** That the existing Title 9, Chapter 04, section 130 be repealed from the Code of Ordinances, City of Stockbridge, Georgia.

**SECTION 3. Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the

Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 4. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 5. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**SECTION 6. Codification and Severability.**

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 7. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8. Effective Date.** This ordinance shall become effective immediately upon its adoption by the City Council and final approval as provided in Section 3.23 of the City's Charter.

[Signatures on following page.]

SO ORDAINED this 8th day of April, 2013.

  
MARK A. ALARCON, Mayor

ATTEST:

 (SEAL)  
RHONDA A. BLACKMON, City Clerk

APPROVED AS TO FORM:

  
WILLIAM J. LINKOUS, III, City Attorney  
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