

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: E3

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Ordinance

MEETING DATE: December 6, 2016

SUBJECT: Adopt Ordinance to Amend Chapter 3 of the City Code concerning alcohol; to prohibit new permits to sell alcohol by the package for consumption off premises with certain exceptions; to provide for grandfathering of current licenses; to provide for proximity limitations;

DEPARTMENT: City Council

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
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PURPOSE: To consider and approve an Ordinance to Amend Chapter 3 of the City Code concerning alcohol; to prohibit new permits to sell alcohol by the package for consumption off premises with certain exceptions; to provide for grandfathering of current licenses; to provide for proximity limitations;

NEED/ IMPACT:

Clarkston City Officials are concerned with the high concentration of businesses licensed to sell package alcohol. They find that the presence of businesses selling distilled spirits by the package has a negative impact on public health and welfare. O.C.G.A. § 3-3-2(a) authorizes the City to exercise discretionary power to control the business of package alcohol sales.

The City Council proposes to adopt the attached ordinance that provides:

- a) Effective July 3, 2016, the City no longer issues new licenses for the package sale of beer, malt beverages and/or wine for package stores, convenience stores. The city recognizes existing licensees that shall be permitted to continue operating under their existing licenses at their current locations.
- b) Prior to January 1, 2022, a grandfathered license may be transferred to a new qualified licensee, at the same location only. After such date, grandfathered licenses to sell beer, malt beverages and/or wine by the package may not be transferred to another licensee.
- c) After July 3, 2016, new licenses for the retail sale by the package of beer, malt beverages and/or wine may be obtained only for businesses that qualify as a "growler shop," "specialty wine shop" or a "grocery store."

- d) Effective July 3, 2016, the city no longer issues new licenses for the sale of distilled spirits by the bottle. Licensees holding a City license, or a DeKalb County license in the case of subsequently annexed locations, for package sales of distilled spirits on July 2, 2016, shall be permitted to continue operating under their existing licenses at their current locations in conformity with the terms of this article

- e) 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. Grandfathered licenses may be renewed at the same location only. A grandfathered licensee shall not expand its operation or facility. Prior to January 1, 2022, a grandfathered license may be transferred to a new qualified licensee, at the same location only, pursuant to Section 3-7 of this Chapter. After such date, licenses to sell distilled spirits by the package may not be transferred to another licensee.”

- f) The ordinance makes changes to the minimum permitted distances for new alcohol applications.

RECOMMENDATIONS:

Staff recommends adopting the Ordinance to Amend chapter 3 of the City Code concerning alcohol; to prohibit new permits to sell alcohol by the package for consumption off premises with certain exceptions; to provide for grandfathering of current licenses; to provide for proximity limitations.