ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 10 OF THE CODE, ARTICLE VII, ENTITLED "CLEAN INDOOR AIR" TO PROVIDE FOR TEMPORARY GRANDFATHERING SO AS TO ALLOW SMOKING AT CERTAIN RESTAURANTS

WHEREAS, the City's "Clean Indoor Air" Ordinance is an important public health measure; and

WHEREAS, enforcement of the Clean Indoor Air Ordinance has had the unintended consequence of disproportionately hurting certain restaurant businesses; and

WHEREAS, the City Council desires to temporarily allow smoking at such restaurants so that they will have time to transition away from smoking.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston, as follows:

Section 1. Section 10-69 of the Clarkston Clean Indoor Air Ordinance is hereby amended to read as follows:

"**Sec. 10-69. Temporary Grandfathering of Certain Establishments**

Notwithstanding any other provision of this Article, smoking shall be permitted until December 31, 2018, in the following places:

A. "Qualified adult entertainment establishments" recognized pursuant to City Code § 2.5-31; and

B. Businesses that meet all of the following criteria:

1. The business was operating at its current location pursuant to a valid business license issued by the City of Clarkston on April 1, 2016;

2. The business is licensed and operated as:

a. a shop engaged in the retail sale of tobacco, other plant product used for smoking, accessories used for smoking, Electronic Smoking Devices, or substances intended to be inhaled through electronic smoking devices, or

b. a restaurant; and

3. No person under twenty-one (21) years old is permitted inside the business at any time.

With respect to the foregoing subsection B for retail smoke shops and restaurants, failure to maintain all of the required conditions in place at all times will result in the permanent revocation of grandfathered status of the business, upon notice to the business, due process, and a determination by the City Council at a regular meeting that the business has failed to maintain compliance with this Section."

Section 2. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This Article shall be effective immediately upon the date of its adoption.

ADOPTED this _____ day of _____, 2016.

ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA

_____
Tracy Ashby, City Clerk
(SEAL)

_____
Mayor Ted Terry

Approved as to Form:

SG Quinn 10-27-16
Stephen G. Quinn, City Attorney