

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

**AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 10, ARTICLE VII OF THE CITY CODE, ENTITLED “CLEAN INDOOR AIR”; TO EXTEND TEMPORARY GRANDFATHERING FOR CERTAIN ESTABLISHMENTS; AND TO ALLOW QUALIFIED RESTAURANTS TO OBTAIN A LICENSE THAT WOULD PERMIT HOOKAH SMOKING PURSUANT TO DEFINED REGULATIONS.**

**WHEREAS**, the City Council adopted Ordinance No. 398, enacting “Clean Indoor Air” regulations, on August 4, 2016; and

**WHEREAS**, the City’s Clean Indoor Air Ordinance has been effective at protecting the health and well-being of Clarkston residents, employees and visitors but may have a negative impact on certain businesses operating within the City; and

**WHEREAS**, strict no-smoking regulations within the City may impose a hardship on City businesses that compete with nearby businesses located in unincorporated DeKalb County that are not subject to strict no-smoking regulations; and

**WHEREAS**, the City Council desires to mitigate hardships on local businesses while encouraging DeKalb County to impose strict no-smoking regulations; and

**WHEREAS**, it is the intent of the City Council to terminate grandfathering and hookah permits provided for in this ordinance when DeKalb County enacts a strict no-smoking ordinance.

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

**SECTION 1.** City Code § 10-69, entitled “Temporary Grandfathering of Certain Establishments” is hereby amended such that the date December 31, 2018, in the first sentence is replaced with the date December 31, 2020. Section 10-69 shall remain unchanged in all respects other than the changed date in the first sentence.

**SECTION 2.** New Code § 10-79 is hereby adopted, to read as follows:

**“Sec. 10-79. Hookah License for Restaurants.**

- A. Notwithstanding any other provision of this Article, restaurants licensed to operate within the City may apply for and the city manager may issue a permit that will allow limited smoking of hookah within the restaurant.
- B. A hookah permit issued by the city manager pursuant to this section grants an annual privilege to the permittee. Such permits shall expire on December 31 of each year, without creating any right to nor expectation of renewal for any subsequent year.

- C. An annual regulatory permit fee of One Thousand (\$1,000.00) Dollars shall be paid to the City prior to issuance of a hookah permit. Such fee is intended to compensate the City for the cost of enforcing this ordinance. The annual fee will be pro-rated for year 2018 but will not be pro-rated during any subsequent year.
- D. The following regulations will be strictly enforced at restaurants holding a hookah license:
  - 1.) No person under the age of 18 years old is permitted inside the establishment at any time.
  - 2.) No smoking of any type is permitted before 9:00 p.m.
  - 3.) After 9:00 p.m., only smoking of hookah is permitted; all other smoking remains prohibited.
  - 4.) No person under the age of 21 years old is permitted inside the establishment after 9:00 p.m.
- E. If the owner or operator of a restaurant holding a hookah permit is convicted of any violation of this Article in Municipal Court, the hookah permit for that establishment shall be automatically revoked. No refund will be issued for the permit fee.

**SECTION 3.** If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the 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 4.** This ordinance shall be effective immediately upon its approval by the City Council.

**SIGNATURE PAGE TO FOLLOW**

ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

**CITY COUNCIL,  
CITY OF CLARKSTON, GEORGIA**

By \_\_\_\_\_  
Tracy Ashby, City Clerk  
(SEAL)

\_\_\_\_\_  
Ted Terry, Mayor

Approved as to Form:

\_\_\_\_\_  
Stephen G. Quinn, City Attorney