ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 2.5 OF THE CODE OF ORDINANCES FOR THE CITY OF CLARKSTON TO RECOGNIZE GRANDFATHERING OF CERTAIN PRE-EXISTING ADULT ENTERTAINMENT ESTABLISHMENTS ANNEXED INTO THE CITY OF CLARKSTON AFTER NOVEMBER 1, 2014, AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly has, by Local Act 452, submitted the question of whether certain property should be annexed into the City of Clarkston to the voters resident in said area; and

WHEREAS, the annexation area voters, by their majority referendum vote, have confirmed such annexation; and

WHEREAS, such annexation will become effective January 1, 2015; and

WHEREAS, one or more Adult Entertainment Establishments presently operate legally within the annexation area under licenses issued by DeKalb County; and

WHEREAS, the City of Clarkston is willing to grandfather such Adult Entertainment Establishments so that they may continue to operate subsequent to annexation as they operate presently; and

WHEREAS, the City desires to avoid costly litigation by conveying such grandfather status and to defray costs associated with policing and licensing such establishments.

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

SECTION 1. New Section 2.5-31 of Chapter 2.5 of the City code is hereby adopted to read as follows:

"**Sec. 2.5-31. – Grandfathering of Qualified Adult Entertainment Establishments.**

(a) *Qualified adult entertainment establishment*, for purposes of this section, means any "dancing establishment" or "erotic dance establishment" as defined by City Code Section 2.5-2 that operated legally on November 1, 2014, under a valid business license and alcohol license issued by DeKalb County.

(b) A qualified adult entertainment establishment shall not be subject to the following provisions of the City Code:

(1) Subsections (f), (g), (i), (j) and (k) of Section 2.5-3;

(2) Section 2.5-4;

(3) Section 2.5-9;

(4) The provision of subsection 3-20(a) regarding "obscenity, or any lewd, immoral or improper behavior"; and

(5) Subsection 3-25(a).

(c) Status as a qualified adult entertainment establishment pursuant to this section shall be conditioned upon the payment an annual grandfathered adult entertainment establishment fee to the city in the amount of one hundred thousand dollars ($100,000.00) payable in quarterly installments of twenty five thousand dollars each ($25,000.00) due as follows: January 31, April 30, July 31, October 31.

(d) Qualified adult entertainment establishments shall be subject to all local regulation not specifically exempted by this section.

(e) Qualified adult entertainment establishments may not expand their operations or the non conformity with city ordinances thereof beyond the scope of each such establishment's legal operations existing on November 1, 2014."

SECTION 2. This Ordinance shall become effective January 1, 2015. This Ordinance is intended to be severable; if any portion or subsection is deemed invalid then the remaining provisions shall remain in effect.

ADOPTED this _____ day of December, 2014.

ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA

_____ _____

Tracy Ashby, City Clerk Mayor Ted Terry

(SEAL)

Approved as to form:

_____

Stephen G. Quinn, City Attorney