

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

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CLARKSTON TO AMEND CHAPTER 3 OF THE CODE REGARDING ALCOHOL; TO ALLOW CERTAIN “QUALIFIED CONVENIENCE STORES” TO OBTAIN A NEW LICENSE TO SELL PACKAGED ALCOHOL; AND TO EXTEND PERIOD DURING WHICH GRANDFATHERED PACKAGE ALCOHOL LICENSES MAY BE TRANSFERRED.**

**WHEREAS**, City Ordinance No. 405, adopted December 6, 2016, amended Section 3-58 of the City Code such that new licenses for the retail sale of alcoholic beverages by the package may not be obtained by convenience stores or similar businesses; and

**WHEREAS**, it has come to the attention of the City Council that one or more new convenience stores were engaged in the development process at the time that Ordinance No. 405 was adopted and that such store(s) were developed with the reasonable expectation that, upon completion, such store(s) would be able to obtain a license to sell alcohol by the package; and

**WHEREAS**, the City Council hereby finds that such convenience store(s) have suffered a hardship as a result of the application of Ordinance No. 405 and the Council desires to relieve such hardship; and

**WHEREAS**, the City Council desires to extend the period during which grandfathered packaged alcohol licenses may be transferred to a new qualified licensee.

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

SECTION 1. New Section 3-59 of the City Code is hereby adopted, to read as follows:

**“Sec. 3-59. – License available for defined Qualified Convenience Stores.**

- (a) The term “Qualified Convenience Store,” as used in this ordinance, shall mean a convenience store that meets each of the following criteria:
- 1.) It obtained a land-disturbance permit from the City for development of the store on or before December 6, 2016; and
  - 2.) It obtained a business license from the City to operate a convenience store on or before September 21, 2017; and
  - 3.) The store has been continuously operating as a convenience store from September 21, 2017 through the date of the adoption of this Ordinance.
- (b) Notwithstanding the provisions of City Code § 3-53(b) a new license for the package sale of beer, malt beverages and/or wine shall be issued for a “Qualified Convenience

Stores” location if the applicant for a license otherwise satisfies the applicable regulations and criteria of Chapter 3 of the City Code.

- (c) A license issued pursuant to this section shall be considered a “grandfathered license” pursuant to Section 3-54 and may be renewed and/or transferred only in strict conformance with the terms of City Code § 3-54.”

SECTION 2. The date January 1, 2025, as used in Code Section 3-54(d) is hereby deleted and replaced with the date “January 1, 2027” and such date shall be the deadline to transfer grandfathered package alcohol licenses.

SECTION 3. This ordinance shall become effective immediately upon its adoption by the City Council and signature by the Mayor.

SECTION 4. Any provision of the City Code in conflict with this ordinance is hereby repealed.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

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

By \_\_\_\_\_  
Tracy Ashby, City Clerk

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

Approved as to Form:

 3-28-18  
\_\_\_\_\_  
Stephen G. Quinn, City Attorney