

ORDINANCE

2023-004

An Ordinance By The City Council Of The City Of Eastman To Amend Sections:

4-1 Definitions And 4-24(f) To Change Distance Requirements Pertaining To Residences;

4-1 To Specify Location Of Establishments Of Retail Package Stores For Alcohol License Applicants; and,

4-3(a)(2) Applications for New Licenses Providing For a lottery drawing:

To Be Amended To Provide That In The Event Four (4) Or More Completed Applications Are Received As Of The Date Noticed And Published By The City For Receiving Applications, A Random Drawing Will Be Held At A Council Meeting; In The Event Less Than Four (4) Completed Applications Are Received As Of The Date Noticed And Published By The City For Receiving Applications, Completed Applications Will Thereafter Be Accepted And Acted Upon By The City In The Order Received By The City And Up To A Maximum Of Four (4) Licenses Shall Be Issued By The City; and,

To Repeal Conflicting Ordinances;

To Provide Adoption And Effective Dates; and,

For Other Lawful Purposes.

WHEREAS, the City of Eastman is a municipality duly formed and existing pursuant to Georgia law and provides for self-government without the necessity of action by the General Assembly; and

WHEREAS, the duly elected authority of the City of Eastman, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and,

WHEREAS, the City Council is vested with the authority to regulate distance and location requirements for any person, firm or corporation who sell or offer to sell alcoholic beverages; and,

WHEREAS, the Council of the City of Eastman has determined that amendments to that ordinance as herein specified are in the best interests of the City; and

WHEREAS, the governing authority of the City of Eastman has read and considered the proposed ordinance;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia that:

The Code of Ordinances of the City of Eastman, **Chapter 4 – Alcoholic Beverages** is hereby amended as follows:

Sec. 4-1. Definitions. *Distance*: Is amended to define distance from a residence and the method of measurement of those distances. Sec. 4-1 Definitions *Distance* is struck in its entirety and the following shall be in its place:

Distance. Unless otherwise defined herein, distances are measured: (1) in a straight line from the front door of the structure from which Alcoholic Beverages are sold or offered for sale; (2) to the front door of the building of a church, government-owned alcoholic treatment center, a retail package store, or a residence; or, (3) to the nearest property line of the real property being used for school or educational purposes. The distances referred to herein are measured pursuant to O.C.G.A. § 3-3-21, and any rules or regulations promulgated thereunder by the state revenue commissioner.

The following definition of *Location of establishments of Retail Package Stores* Is added to Sec. 4-1 Definitions as *Location of establishments of Retail Package Stores* To define locations for retail package stores, as follows:

Location of establishments of Retail Package Stores. Locations for licensees for retail sale of alcoholic beverages for consumption off the premises shall only be authorized in establishments within commercial areas zoned neighborhood business district B-1, central business district B-2, and Industrial district and shall not include any locations within the Professional (P) district.

Sec. 4-24. Distance requirements from schools, churches, and other facilities; 4-24(f) is hereby struck in its entirety in order to conform with Sec. 4-1 “Definitions... *Distance*” and the following shall be in its place:

Sec. 4-24(f) No license controlled by this chapter shall be issued to any person, firm or corporation to sell or offer to sell spiritous liquors, alcohol, alcoholic beverage, distilled spirits, wine or malt beverages within Fifty (50) yards of a residence, said distance being measured by the most direct route of travel on the ground (1) from the front door of the structure from which Alcoholic Beverages are sold or offered for sale; (2) to the front door of the building of a residence. The provisions of this section shall not apply at any location for which a license has been issued prior to the adoption of this section, nor to the renewal of such license.

Sec. 4-3 Applications for New Licenses, (a)(2) pertaining to the random drawing of licenses is hereby struck in its entirety and the following shall be in its place:

4-3(a)(2) The City of Eastman shall advertise once a week for two (2) consecutive weeks in the legal organ of the city that applications for the sale of distilled spirits will be accepted through a date specified by the city. In the event more than four (4) applicants meeting the

above requirements and having submitted the required documentation by the date noticed, published and specified by the city, four (4) shall be selected by a random drawing of applicant names by the Municipal Court Judge at a council meeting. After the date noticed, published and specified by the city, completed applications will be received and acted upon by the city in the order received; no more than four (4) licenses shall be issued by the city. In the event, any applicant fails to open the establishment within 180 days, they shall forfeit their license. In the event of a forfeited license or any available license, the city will consider completed applications in the order received by the city so as to fill any available license.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Eastman that this ordinance shall be maintained for public inspection at the Eastman City Hall under the custody of the City Clerk;

BE IT FURTHER ORDAINED that should any portion of this ordinance be declared invalid, the remaining provisions shall continue in full force and effect.

It is the intention of the City Council and it is hereby enacted that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Eastman, Dodge County, State of Georgia, on the second reading as provided by law.

This Ordinance adopted by a majority vote of the City Council at a public meeting at which a quorum of its members was present on the following dates:

First Reading: September 25, 2023

Second Reading: October 10 2023

EFFECTIVE on this the date of the Second Reading.

CITY OF EASTMAN



Buddy Pittman, Chairman

Attest:



April Sheffield, City Clerk

