

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2015-95

AN ORDINANCE TO AMEND *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, SPECIFICALLY PART II, CHAPTER 6 “ALCOHOLIC BEVERAGES”, ARTICLE I “IN GENERAL”, SECTION 6-2 “DEFINITIONS” SO AS TO DELETE THE DEFINITION OF “RESTAURANT” AND REPLACE WITH AN UPDATED DEFINITION, TO INCLUDE ADJUSTED MINIMUM SEATING REQUIREMENTS FOR SERVING ALCOHOLIC BEVERAGES; AMEND SECTION 6-5 “LICENSE ELIGIBILITY”, SO AS TO DELETE SECTION 6-5 IN ITS ENTIRETY AND REPLACE WITH A NEW SECTION 6-5 ENTITLED “LICENSE ELIGIBILITY”, OUTLINING MODIFIED LICENSE ELIGIBILITY CRITERIA; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by amending Part II, Chapter 6 “Alcoholic Beverages”, Article I “In General”, Section 6-2 “Definitions” so as to delete the definition of “Restaurant” in its entirety, and replacing with an updated definition with language to include adjusted minimum seating requirements which shall read as follows:

“Sec. 6-2. – Definitions.

*Restaurant* means a food serving establishment for the preparation, serving, and consumption on the premises of meals, which may include breakfast, lunch, or dinner. The

establishment, including diners, coffee shops, cafeterias, cafes, luncheonettes, lunchrooms, catering establishments, and similar facilities by whatever name called shall have adequate kitchen and dining equipment. Such establishments must have a minimum seating capacity of 50 in order to serve beer, wine and distilled spirits to be consumed on the premises. The term shall not mean a "food sales establishment," as defined in the O.C.G.A. § 26-2-21, and which does not provide seating or facilities for consumption of food on the premises. ”

Section 2. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by amending Part II, Chapter 6 “Alcoholic Beverages”, Article I “In General”, Section 6-5 “License Eligibility”, by deleting Section 6-5 in its entirety and replacing with a new Section 6-5 entitled “License Eligibility” containing language modifying the requirements for retail consumption licenses, and shall read as follows:

- “(a) No retail consumption license shall be issued to any applicant whose establishment does not meet the definition of a restaurant, hotel, motel, private club, or sports club as prescribed by this chapter.
- (b) No retail dealer license shall be issued to any applicant whose business does not have at least a \$15,000.00 inventory of food, tobacco products, household supplies and periodicals. Automotive supplies shall not be considered in determining inventory.
- (c) No retail consumption license shall be issued to any applicant who operates a restaurant or a lounge in conjunction with a restaurant unless the restaurant or combined lounge/restaurant operation has as its principal business the serving of meals, which, excluding the sale of alcoholic beverages, account for at least 60 percent of the gross revenue of the business. Returns indicating average restaurant or combined lounge/restaurant revenue for three consecutive months preceding any audit date shall be considered for purpose of determining compliance with this section. “

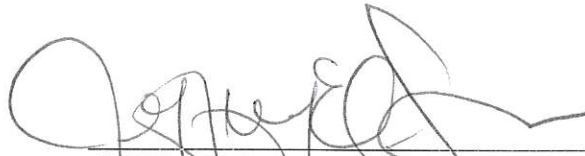
Section 3. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 5. This Ordinance shall become effective upon its approval by the Board of Commissioners.

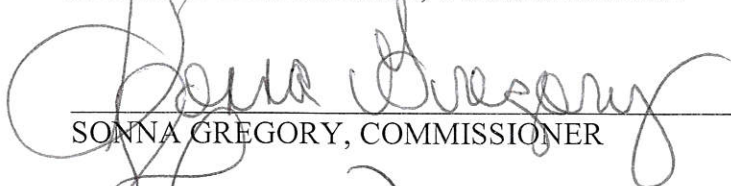
**SO ORDAINED**, this the 21<sup>st</sup> day of April, 2015.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
JEFFREY E. TURNER, CHAIRMAN

  
\_\_\_\_\_  
GAIL B. HAMBRICK, VICE CHAIRMAN


  
\_\_\_\_\_  
MICHAEL EDMONDSON, COMMISSIONER

  
\_\_\_\_\_  
SONNA GREGORY, COMMISSIONER

  
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SHANA M. ROOKS, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
SANDRA T. DAVIS, CLERK

 BOC Approval Process System » BOC Request Form: BOC APPROVAL: Community Development-Ordinances



## Board of Commissioners Approval Process System

### New Request

After completing Request form and attaching supporting documentation, click on the SUBMIT button at the bottom to submit your request for approval. Fields with an (\*) are required.

Department: Community Development

Phone:  
(770) 477-3564  
Example: (000) 000-0000

E-mail:  
patrick.ejike@claytoncountyga.gov  
Example: john.doe@claytoncountyga.gov

Requests must be submitted a minimum of 12 days prior to Agenda Meeting Date.

FYE: Select Agenda Meeting Date:  
FYE15 2015-04-15T14:00:00

Request Type:  
Ordinances

Purpose:

To amend the definition of restaurant in the Business License Ordinance to establish new requirements for restaurants that will serve beer, wine, and distilled spirits.

Rationale:

The current definition of restaurant serving alcohol limits the attraction of new restaurants that could dispense alcohol for consumption on the premises.

Facts:

The County's business License Ordinance has not been updated for a very long time. Restaurants have changed how they operate and this amendment would assist in business attraction/retention and at the same time be regulated for quality growth.

Impact:

It would allow the County to attract new and non-traditional restaurants resulting in economic foot print expansion.

*Documents must be submitted in PDF format.  
Large PDF files may be compressed and saved to a ZIP file before attaching to Request form.*

Supporting Documentation:

Alternate contact should be available to answer questions regarding your request.

Alternate Contact Name: Dana Hornsby  
Alternate Contact Phone: (770) 477-3574  
Example: (000) 000-0000

Alternate Contact Email:  
dana.hornsby@claytoncountyga.gov  
Example: john.doe@claytoncountyga.gov