

April 18, 2023

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 4, ARTICLE III, PERTAINING TO RETAILERS OF ALCOHOLIC
BEVERAGES AND FOR OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's public health, safety, and general welfare; and

WHEREAS, O.C.G.A. § 3-3-21(a) establishes default minimum distance requirements for the retail sale of wine and malt beverages for either on-site or off-site consumption from college campuses and other educational facilities.

WHEREAS, O.C.G.A. § 3-3-21(b) authorizes counties to implement a shorter distance requirement for the retail sale of wine and beer for off-site consumption from college campuses; and

WHEREAS, the Governing Authority of DeKalb County finds that, as it pertains to the Emory Village Overlay District, the existing one hundred (100) yard (i.e. 300 foot) distance requirement between retail establishments selling wine and malt beverages for off-site consumption and college campuses is unreasonably restrictive in discouraging commercial uses desired by the surrounding community; and

WHEREAS, DeKalb County desires to encourage desirable commercial uses while preserving the County's public health, safety and general welfare with regulations not stricter than necessary to accomplish said mission.

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 4, Article III of the Code of DeKalb County, Georgia, is amended to read as follows:

PART I. ENACTMENT

Section 4-101.1(a) is amended by deleting Section 4-101.1(a) in its entirety and by replacing it with new subsection (a) to read as follows:

Sec. 4-101.1. Location restrictions.

- (a) No person knowingly and intentionally may sell or offer to sell at retail for off-site consumption, except as allowed under subsection (b) below or under Article 3, Division 2 (Emory Village Overlay District) of Chapter 27:
 - (1) Any wine or malt beverages within one hundred (100) yards of any school building, school grounds, educational facility, college campus or adult entertainment establishment.
 - (2) Any distilled spirits in or within two hundred (200) yards of any residence or church or within two hundred (200) yards of any school building, school grounds, educational building, educational facility, college campus or adult entertainment establishment.
 - (3) Any distilled spirits, wine or malt beverages within two hundred (200) yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.

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PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or

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unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2023.

COMMISSIONER ROBERT PATRICK
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2023.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS, CCC

Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

CEDRIC HUDSON
Interim Planning Director
DeKalb County, Georgia

APPROVED AS TO FORM:

VIVIANE H. ERNSTES

April 18, 2023

County Attorney
DeKalb County, Georgia