

Agenda Item

File ID: 2026-0112

Substitute

1/27/2026

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts.

Application of the Director of Planning and Sustainability to consider and review a resolution on whether to extend a moratorium on the acceptance of applications and issuance of certificates, permits, or licenses relating to the commercial sale and distribution of sexual devices in DeKalb County, Georgia. This moratorium is County-wide.

INFORMATION CONTACT: Juliana A. Njoku, Planning & Sustainability Director

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of the Director of Planning and Sustainability to consider and review a resolution on whether to extend a moratorium on the acceptance of applications and issuance of certificates, permits, or licenses relating to the commercial sale and distribution of sexual devices in DeKalb County, Georgia. This moratorium is County-wide.

NEED/IMPACT:

The proposed moratorium allows County Staff and governing authority time to study the impacts of such stores on the public safety and general welfare of County residents, and to craft and potentially adopt regulations to counter or ameliorate any potential negative impacts.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve the moratorium extension.

RESOLUTION

A RESOLUTION DECLARING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS AND ISSUANCE OF CERTIFICATES, PERMITS, OR LICENSES RELATING TO THE COMMERCIAL SALE AND DISTRIBUTION OF SEXUAL DEVICES

WHEREAS, the Governing Authority of DeKalb County from time to time reviews its ordinances to ensure that its laws preserve the quality of life for citizens while imposing limited and effective regulations on certain commercial uses that impact quality of life; and

WHEREAS, during the next one hundred (100) days, the Governing Authority of DeKalb County intends to study and consider revisions to the Code concerning stores that sell sexual devices—including so-called sex toys, adult novelties, and marital aids—to protect the health, safety, and welfare of the County’s residents and businesses; and

WHEREAS, the Governing Authority of DeKalb County must take immediate and responsive action to protect the interests of DeKalb County, and it is in the best interests of the health, safety and welfare of the citizens of DeKalb County that no applications be accepted for a period of one hundred (100) days if such application relates to the commercial sale and distribution of sexual devices in unincorporated DeKalb County, including any application for special land use permits, rezonings, land disturbance permits, building permits, occupation tax certificates, business licenses, or certificates of occupancy.

WHEREAS, by enactment of this moratorium the Governing Authority of DeKalb County Governing Authority does not intend to disturb the operation of any commercial establishment that is operating lawfully in all respects on the date of adoption of this moratorium.

WHEREAS, the enactment of this moratorium is a temporary measure intended to allow the Governing Authority the necessary time to study and review the Code concerning stores that sell

sexual devices and is not a final legislative action.

NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:

1. The moratorium imposed herein incorporates the findings and statements set forth in the preceding “Whereas” clauses and such clauses are made a part of this Resolution.
2. For the purposes of this Resolution, “sexual device” means any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, nipple, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily designed for protection against sexually transmitted diseases or for preventing pregnancy.
3. For a period of thirty five (35) days from the date of adoption of this Resolution, notwithstanding any provision of the Code to the contrary, there shall be a complete moratorium on the acceptance of any applications relating to the establishment or operation of a commercial establishment that sells sexual devices, including any applications for special land use permits, rezonings, land disturbance permits, building permits, occupation tax certificates, business licenses, or certificates of occupancy, in unincorporated DeKalb County.
4. For a period of thirty five (35) days from the date of adoption of this Resolution, notwithstanding any provision of the Code to the contrary, no certificates, permits, or licenses shall be granted or denied relating to the establishment or operation of a commercial establishment that sells sexual devices, including special land use permits, rezonings, land disturbance permits, building permits, occupation tax certificates, business licenses, or certificates of occupancy for such establishments, in unincorporated DeKalb County.
5. This moratorium shall expire at 11:59 p.m. on March 3rd, 2026, unless shortened or extended by official action of the Governing Authority of DeKalb County.
6. Nothing in this Resolution shall prevent the continued operation of any commercial establishment that is operating lawfully as of the date of enactment of this moratorium.
7. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2026.

CHAKIRA JOHNSON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____ 2026.

LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

JULIANA A. NJOKU
Director of Planning & Sustainability

TERRY G. PHILLIPS
Interim County Attorney