

AN ORDINANCE AMENDING ORDINANCE 2017-05-02 AS AMENDED BY
ORDINANCE 2017-05-05. THE TEMPORARY MORATORIUM. IN REGARD TO
LIFTING THE MORATORIUM ON ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the City of Stonecrest, Georgia (the "City") was created by Senate Bill 208, passed in the Georgia General Assembly during the 2016 Session (the "City Charter") and subsequently confirmed by referendum;

WHEREAS, the City Charter provides for a two-year transition period for providing a time during which an orderly transition of various governmental functions from DeKalb County to the City of Stonecrest shall occur;

WHEREAS, the City passed a moratorium, as amended, on the issuance of alcohol beverage permits for sale for consumption on and off the premises to prepare for the transition of services relating to the licensing and permitting of alcoholic beverages within the territorial limits of the City;

WHEREAS, the Mayor and City Council have adopted ordinances for the procedures and requirements of the sale of alcohol beverages within the territorial limits of the City;

WHEREAS, the City now wishes to lift the moratorium on the issuance of alcoholic beverage licenses and permits;

WHEREAS, DeKalb County may now issue alcoholic beverage licenses and permits within the territorial limits of the City, in accordance with the transition period, the City Charter, and Chapter 4 of the City of Stonecrest Code of Ordinances;

WHEREAS, the City shall notify DeKalb County of its intent to commence the government function of issuing alcoholic beverage licenses and permits within the territorial limits of the City;

WHEREAS, the Mayor and City Council wish to amend Ordinance 2017-05-02, as amended by Ordinance 2015-05-05, to remove alcoholic beverage licenses from the moratorium;

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of Ordinance 2017-05-02, as amended by Ordinance 2017-05-02;

WHEREAS, the Mayor and City Council believe that the moratorium, as amended, will not deny property owners economically viable use of their property and will afford City officials and the City Council the time necessary to put into place reasonable regulations to further the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Stonecrest as follows:

SECTION 1.

AMENDMENT OF MORATORIUM

1. Paragraph 1 of Section II of Ordinance 2017-05-02, as amended by Ordinance 2017-0505, is amended by deleting the last three sentences, to read as follows:

"A moratorium shall be enacted upon the application for, or the issuance of, rezoning, variances, land disturbance permits, land use permits, land development permits, sign permits, administrative permits, and any and all other permits or licenses dependent upon, or related to the zoning of land within the territorial limits of the City effective upon adoption of this ordinance to allow for the consideration and adoption of zoning ordinances and to comply with the requirements of the Zoning Procedures Law.4h addition, a moratorium shall be enacted upon the application for, or the issuance of applications alcoholic beverage licenses to allow for the consideration and adoption of applicable ordinances. The moratorium imposed on the application for, or the issuance of, alcoholic beverage licenses, shall not include any application for an alcoholic beverage license received by DeKalb County prior to May 8, 2017. The moratorium imposed on the application for, or the issuance of, alcoholic beverage licenses, shall not include any applications for a renewal of an existing alcoholic beverage issued by DeKalb County prior to May 8, 2017."

2. Paragraph 2 of Section II of Ordinance 2017-05-02, as amended by Ordinance 2017-0505, is amended by deleting the last three sentences, to read as follows:

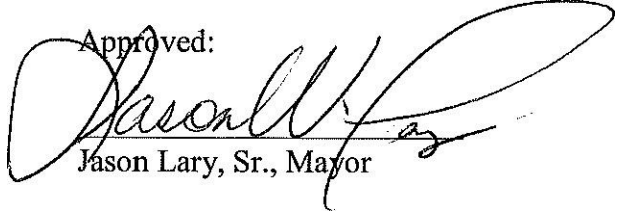
"During the period of the moratorium, no applications for rezoning, variances, or for land use permits, administrative permits, land disturbance permits, land development permits, sign permits, or other such permits relating to the development or use of land

~~shall be accepted, nor any such permits be issued. In addition, during the period of the moratorium, no applications alcoholic beverage licenses shall be accepted, nor any such permits be issued. The moratorium imposed on the application for, or the issuance of, alcoholic beverage licenses, shall not include any application for an alcoholic beverage license received by DeKalb County prior to May 8, 2017. The moratorium imposed on the application for, or the issuance of, alcoholic beverage licenses, shall not include any applications for a renewal of an existing alcoholic beverage issued by DeKalb County prior to May 8, 2017.”~~

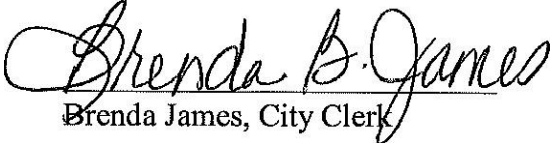
SECTION 11.

1. The moratorium imposed on the application for, or the issuance of, alcoholic beverage licenses, is hereby lifted and repealed. DeKalb County may now issue alcoholic beverage licenses and permits within the territorial limits of the City pursuant to the requirements and policies in Chapter 4 of the City of Stonecrest Code of Ordinances. The City shall notify DeKalb County of its intent to transfer the government function of reviewing, processing, and issuing alcoholic beverage licenses and permits within the territorial limits of the City in accordance with Georgia law and the City Charter.
2. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
3. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
4. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

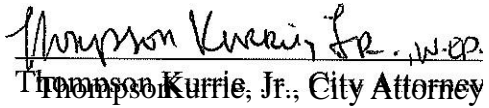
5. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
 6. All remaining sections and portions of the moratorium and Ordinance 2017-05-02 including the findings of fact, remain in full force and effect.
 7. The within ordinance shall become effective upon its adoption.
- SO RESOLVED AND EFFECTIVE this the 28th day of June 2017.

Approved:

Jason Lary, Sr., Mayor

Attest:


Brenda James, City Clerk

Form approved by:


Thompson Kurrie, Jr., City Attorney