

CITY OF SMYRNA ORDINANCE 2019-12

**ORDINANCE TO AMEND CHAPTER 6 “ALCOHOLIC BEVERAGES,”
SECTION 6-2 “DEFINITIONS” PREMISES ADDING (2) AND RENUMBERING 2-4 OF
THE CODE OF ORDINANCES OF THE CITY OF SMYRNA**

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the Mayor and Council of the City of Smyrna are charged with the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and Council now wish to update the City of Smyrna Code of Ordinances regarding the sale of alcoholic beverages, Chapter 6, Alcoholic Beverages, Section 6-2 – “Definitions” “Premises” by adding (2) and renumbering existing (2) to (3) and (3) to (4)

NOW, THEREFORE, the Mayor and Council of the City of Smyrna, pursuant to their authority, do hereby adopt the following amendment:

1.

Chapter 6, Alcoholic Beverages, Section 6-2, “Definitions” “Premises” of the Code of Ordinances of the City of Smyrna, Georgia is hereby amended to read as follows:

Sec. 6-2 Definitions

Premises means the definite closed or partitioned-in locality, whether room, shop, or building wherein alcoholic beverages are sold, and may include an attached patio or deck when:

- (1) It is separated from the general public by a permanent wall, fence, hedge or similar approved device, and access to the patio or deck is limited only through the main premises;
- (2) If the premises is located within a designated restaurant district, as described in Section 6-46, the premises shall be exempted from the separation and access requirements for attached patios or decks described above;

Ordinance 2019-12
Amendment to Chapter 6
Alcoholic Beverages

~~(2)~~ (3) The location of the patio or deck does not encroach upon any sidewalk, right-of-way, or other common area customarily used for ingress, egress, pedestrian or vehicular traffic; and

~~(3)~~ (4) The location and plans shall first have been approved by the city building inspector and fire marshal.

Use of a patio or deck as a part of the premises shall be suspended or revoked when its use interferes with other uses in the vicinity or becomes in any way a public nuisance.

2.

Severability. Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

3.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

4.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

Ordinance 2019-12
Amendment to Chapter 6
Alcoholic Beverages

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the 3rd day of June 2019.

Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

As to form:

Scott Cochran, City Attorney