

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 **ORDINANCE NO. 2016-30**

4 AN ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CITY
5 OF COLLEGE PARK, GEORGIA, CODE OF ORDINANCES, TO PROVIDE FOR THE
6 REGULATION OF LOITERING ACTIVITIES ON PREMISES OF CONVENIENCE
7 STORES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
8 ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9 **WHEREAS**, O.C.G.A. 16-11-36 allows “municipal corporations to adopt ordinances or
10 resolutions prohibiting loitering or prowling within their respective limits”;

11 **WHEREAS**, the City of College Park, Georgia (the “City”) desires to regulate loitering
12 activities on the premises of convenience stores; and

13 **WHEREAS**, the health, safety, and welfare of the citizens of College Park, Georgia, will
14 be positively impacted by the adoption of this Ordinance.

15 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE**
16 **CITY OF COLLEGE PARK, GEORGIA, and by the authority thereof:**

17 **Section 1.** Chapter 3, Alcoholic Beverages, Article III, Regulation of Package Sales,
18 Section 3-70, Convenience Stores, of the Code of Ordinances, City of College Park, Georgia is
19 hereby amended by striking through the existing text and replacing it with the following, in lieu
20 thereof, to read and to be codified as follows:

21 “Sec. 3-70. – Convenience stores.

22 (a) Convenience stores maintaining alcohol licenses pursuant to this chapter of the Code
 23 shall also be subject to the regulations contained in chapter 11, article XXIV, as if said
 24 provisions were fully incorporated herein.

25 (b) **Condoning of Loitering Prohibited.** It shall be unlawful for the owner, manager and/or
 26 operator of a convenience store licensed to sell alcohol under this chapter to allow any
 27 person to loiter on or about the licensed premises as prohibited by chapter 12, article I,
 28 section 12-16 of the Code, without taking prompt action to cause for such loiterer to be
 29 removed from the premises. The unlawful loitering of a person at a convenience store for
 30 a period of more than 30 minutes shall constitute prima facie evidence that the owner,
 31 manager and/or operator of the establishment is unlawfully condoning such prohibited
 32 conduct.

33 (c) **Prominent Display of Loitering Prohibition.** Convenience stores maintaining alcohol
 34 licenses pursuant to this chapter shall cause for the following language to be prominently
 35 displayed, in no less than 48-inch font, in a manner which is visible to the general public
 36 on the exterior and interior of the licensed establishment:

37 **Loitering Prohibited:**

38 **This establishment is required to prohibit loitering, pursuant to**
 39 **Chapter 3, Article III, Sec. 3-70, of the College Park Code of Ordinances.**
 40

41 (d) **Penalties.** In addition to other penalties and sanctions authorized by state law and the
 42 Code, the violation of this section by owners, managers and/or operators of convenience
 43 stores shall subject the convenience store to termination, revocation and/or suspension of
 44 its license to sell alcoholic beverages.”

45 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
 46 incorporated by reference as if fully set out herein.

47 **Section 4.** This Ordinance shall be codified in a manner consistent with the laws of the
 48 State of Georgia and the City of College Park.

49 **Section 5.** (a) It is hereby declared to be the intention of the Mayor and Council that all
 50 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
 51 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

52 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
 53 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
 [0037-1162/241918/1]

54 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
55 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
56 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
57 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
58 of this Ordinance.

59 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
60 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
61 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
62 express intent of the Mayor and Council that such invalidity, unconstitutionality or
63 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
64 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
65 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
66 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
67 enforceable, and of full force and effect.

68 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby
69 expressly repealed.

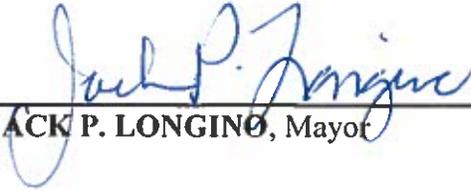
70 **Section 7.** Unless otherwise provided for herein, penalties in effect for violations of the
71 Code of Ordinances of the City of College Park at the time of the effective date of this Ordinance
72 shall be and are hereby made applicable to this Ordinance and shall remain in full force and
73 effect.

74 **Section 8.** The effective date of this Ordinance shall be the date of adoption unless
75 otherwise specified herein.

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ORDAINED this 7th day of November, 2016.

CITY OF COLLEGE PARK, GEORGIA



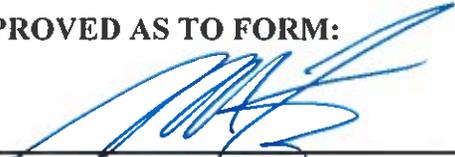
JACK P. LONGINO, Mayor

ATTEST:



MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:



STEVEN M. FINCHER, City Attorney