

ORDINANCE 2021-015  
1st reading and Introduction: 6/7/2021  
2nd reading: 6/21/2021

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**AN ORDINANCE AMENDING THE CODE OF ORDINANCES RELATING TO THE POWDER SPRINGS ALCOHOLIC BEVERAGE ORDINANCE TO ADD A DEFINITION OF ART SHOP AND TO CREATE AND PROVIDE THE STANDARDS FOR ISSUANCE OF AN ART SHOP LICENSE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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**WHEREAS**, the Mayor and Council of the City of Powder Springs are authorized to adopt ordinances regulating the sale, possession, and consumption of alcohol; and

**WHEREAS**, the Mayor and Council desire to amend the existing code of ordinances to define Art Shop and create and provide the standards for issuance of an Art Shop License.

**NOW THEREFORE**, the Mayor and Council of the City of Powder Springs find that in the interest of the public health, safety and welfare it does hereby ordain that the Code of Ordinances is amended as follows with deletions shown with a strike-through and additions shown as double-underlined:

SECTION ONE

The Code of Ordinances is amended by adding a new definition of *Art Shop* in Chapter 3, Article I, Section 3-2 as follows:

*Art Shop* means a retail establishment devoted exclusively to providing art education that is limited to instruction in painting, sculpture and other arts and crafts; or to selling and displaying portraits, paintings, sculptures, art supplies and similar artwork and crafts. An art shop shall not allow activities that would cause the retail establishment to be an adult entertainment establishment as defined in Chapter 12, Article VI, Section 12-131 of the Code of Ordinances, City of Powder Springs, Georgia.

(Ord. No. 2000-30, 11-20-00; Ord. No. 2015-016, § 1, 6-1-15; Ord. No. 2017-007, § 1, 4-17-17; Ord. No. 2018-002, § 1(Exh. A), 1-16-18; Ord. No. 2019-006, §1, 3-4-19; Ord. No. 2020-026, §1, 1-4-21, Ord. No. 2021-XXX, §1, 6-21-21)

SECTION TWO

The Code of Ordinances is amended by adding *Art Shop* as a type of license in Chapter 3, Article II, Division 1, Section 3-34:

**Sec. 3-34. - Types of licenses.**

The types of alcoholic beverage licenses which may be issued under this chapter are:

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- (1) Pouring distilled spirits;
- (2) Pouring wine and malt beverage;
- (3) Pouring for special events facility;
- (4) Package distilled spirits;
- (5) Package wine and malt beverage;
- (6) Wholesale alcoholic beverages;
- (7) Manufacturer;
- (8) Temporary special event permit;
- (9) Brewery;
- (10) Brewpubs; ~~and~~
- (11) Farm Winery; and
- (12) Art Shop.

(Ord. No. 2000-30, 11-20-00; Ord. No. 2015-016, §2, 6-1-15; Ord. No. 2018-025, §1, 12-3-18, Ord. No. 2021-XXX, §2, 6-21-21)

SECTION THREE

The Code of Ordinances is amended by adding to Chapter 3, Article II, Division 1, a new Section 3-75 to read as follows:

**Sec. 3-75. – Art Shop License.**

Art Shop Licenses shall be allowed in the city. The holder of an Art Shop License may allow customers to bring wine and beer to be consumed on the premises of an Art Shop. Wine or beer may not be served by an Art Shop License holder and/or an employee of an Art Shop License holder.

(Ord. No. 2021-XXX, §3, 6-21-21)

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SECTION FOUR

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE

If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.


SECTION SIX

This ordinance shall become effective five (5) days after its adoption by the City Council.

SO ORDAINED, this 21st day of June, 2021.

  
Albert Thurman, Mayor

  
Patrick Bordelon, Council Member


  
Doris Dawkins, Council Member

  
Patricia Wisdom, Council Member

  
Henry Lust, Council Member

  
Thelma C. Farmer, Council Member

ATTEST:

  
Kelly Axt, City Clerk