

05-11-17

CITY OF ELLIJAY
STATE OF GEORGIA

ORDINANCE NO. 012317

AMENDMENT TO CODE OF ORDINANCES

CITY OF ELLIJAY, GEORGIA

A RESOLUTION AND ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ELLIJAY, GEORGIA, IN ORDER TO EXEMPT CERTAIN PORTIONS OF THE DOWNTOWN HISTORIC DISTRICT FROM SECTION 6-2 OF ARTICLE 1 OF CHAPTER 6. FOR THE PURPOSES OF PERMITTING OPEN CONTAINERS OF ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE BOARDWALK AND IMPROVE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF ELLIJAY, GEORGIA.

WHEREAS, the duly elected governing authority of the City of Ellijay, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Ellijay, Georgia; and,

WHEREAS, The Mayor and Council of the City of Ellijay have previously adopted the Code of Ordinances, City of Ellijay, Georgia; and,

WHEREAS, the City of Ellijay desires to amend its Code of Ordinances to amend Chapter 6 of the Code of Ordinances to add a provision allowing for the consumption of alcoholic beverages on all public portions of the boardwalk and to exempt the same from section 6-2 of article 1 of chapter 6.

WHEREAS, it is requisite and proper for the security, welfare, health, and safety of the citizens of the City of Ellijay, Georgia, that the following provisions be adopted and authorized; and,

WHEREAS, the Mayor and Council of the City of Ellijay wish to modify and amend the Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the City Council of Ellijay, Georgia, and the council of the City of Ellijay hereby ordains that:

SECTION 1

Section 6-3, Article 1, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be added as follows:

- (a) All portions of the Boardwalk bordered on the North by a line 165' feet beyond the commencement point of the Boardwalk and on the South by River Street and on the West by private property and on the East by North Church Street shall be exempt from Section 6-2 of Article 1 of Chapter 6 of the Code of Ordinances of the City of Ellijay.
- (b) No open containers of alcoholic beverages may be removed from the Boardwalk except as may be authorized by a special event or catered event permit issued by the City of Ellijay.
- (c) No open containers of alcoholic beverages may be brought onto the Boardwalk except from alcoholic beverage licensed businesses adjoining the boardwalk or as may be authorized by a special event or catered event permit issued by the City of Ellijay. Such open containers of alcoholic beverages may be brought onto portions of the Boardwalk from Misty Hollow south toward River Street at Whistletree Pottery, being a distance of 165'.

This is pursuant to and in accordance with O.C.G.A. § 3-9-4.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3

Penalties for a violation of current Code of Ordinances sections applicable to the amendment described herein in effect upon the adoption date of this ordinance are adopted herein as if completely set out herein.

SECTION 4

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 5

Nothing in this ordinance or in the ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 4 herein; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6

This Resolution and Ordinance shall become effective on January 23, 2017.

This Resolution and Ordinance is hereby adopted on this date, it being so ordained
this 23 day of January, 2017.


ATTEST:



Sharon Nelson, City Clerk

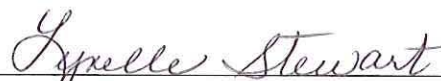



Al Hoyle, Mayor


Al Fuller


Kathryn Lancey


David Westmoreland


Lynelle Stewert


Ruth Caudell