

ORDINANCE NO. 492

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 11 OF THE CITY CODE REGARDING REGULATION OF BONA FIDE COIN-OPERATED AMUSEMENT MACHINES; TO REDUCE DISTANCE RESTRICTIONS FOR LICENSED ESTABLISHMENTS; TO REQUIRE THAT APPLICANTS FOR NEW COIN-OPERATED AMUSEMENT MACHINE LICENSES PROVIDE A SURVEY WITH THEIR APPLICATION; AND FOR OTHER PURPOSES.

WHEREAS, a number of businesses within the City currently offer coin-operated amusement machines to their customers; and

WHEREAS, these machines have the potential to be used for illegal gambling and require close monitoring and inspection to enforce State law; and

WHEREAS, coin-operated amusement machines are nonetheless an important revenue stream for certain local small businesses; and

WHEREAS, O.C.G.A. § 50-27-86 (8) authorizes the City to provide for restrictions relating to the distance between licensed coin-operated amusement machine locations and specified structures or uses of property; and

WHEREAS, the City has previously imposed such distance restrictions, but the City Council now desires to reduce these restrictions, while still protecting City residents from the potential negative impacts of these machines.

NOW, THEREFORE, BE IT ORDAINED BY the Clarkston City Council as follows:

SECTION 1. Existing subsection (f) of Code section 11-95 is hereby repealed and the following language is hereby adopted in its place:

“(f) Proximity to certain uses of property.

- (1) No new license to offer a coin-operated amusement machine to the public may be obtained for a location:
 - a. within fifty (50) yards of the property line of any single family residence;
 - b. within one hundred (100) yards of the property line of any public park;
 - c. within one hundred (100) yards of the entrance to any place of religious worship;
 - d. within one hundred (100) yards of the entrance to any library; or
 - e. within one hundred (100) yards of the entrance to any school (which, for purposes of this subsection shall mean pre-kindergarten, K-12, or college).

(2) Measurements to determine distances in the context of an application for a coin-operated amusement machine license shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- a. from the front door of the structure where coin-operated amusement machines are proposed to be offered to the public;
- b. in a straight line to the nearest public sidewalk, walkway, street, road or highway;
- c. along such public sidewalk, walkway, street, road or highway by the nearest route, only crossing at a cross-walk or at a cross street, road or highway;
- d. to the nearest point of the property line (if measuring to a single family residence or public park) or in a straight line from the public sidewalk, walkway, street, road or highway to the front door of the building (if measuring to a place of religious worship, library, or school).

(3) When applying for a new coin-operated amusement machine license (i.e., not a renewal of a license for the prior year at the same location), the applicant shall submit with the application a survey, sealed by a registered Georgia surveyor, that depicts all of the following information:

- a. the location of every single family residence, public park, place of religious worship, library or school located within one hundred and fifty (150) yards of the applicant property (as measured per part (2) of this subsection);
- b. the distance from the applicant property to each such place; and
- c. if the distance to any such place is less than 120% of the minimum distance per part (1) of this subsection, the route taken to determine each such measurement.”

SECTION 2. This ordinance is intended to be severable. Should any portion of this ordinance be judged invalid by a Court of competent jurisdiction, such order or judgment shall not invalidate the remainder of this ordinance.

SECTION 3. This ordinance shall become effective upon its adoption by the City Council.

SO ORDAINED this 5th day of March, 2024.

ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA


Tomika Mitchell, City Clerk


Mayor Beverly H. Burks

Approved as to form

Stephen Quinn
Stephen G. Quinn, City Attorney