

COUNTY OF CHEROKEE       )  
  )  
STATE OF GEORGIA         )

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER SIX (6) OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, RELATING TO ALCOHOLIC BEVERAGES, SO AS TO DISCONTINUE THE SALE, POSSESSION, OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE UNION HILL CLUBHOUSE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the county; and

**WHEREAS**, O.C.G.A. § 3-3-2 confers upon the governing authorities of Georgia counties and municipalities discretionary powers within the guidelines of due process set forth therein as to the granting or refusal, suspension, or revocation of permits or licenses for the manufacture, distribution, and sale by wholesale or retail of alcoholic beverages, including the promulgation of ascertainable standards in the local licensing ordinance upon which all decisions pertaining to such permits or licenses shall be based; and

**WHEREAS**, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance to protect and

preserve the public health, safety, and welfare of the population of the unincorporated areas of Cherokee County;

**NOW, THEREFORE,** BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, GEORGIA as follows:

1.

The Cherokee County Code of Ordinances, Chapter 6, Section 21, subsection (c), shall be amended by striking the Union Hill Clubhouse from the list of county-owned facilities at which alcoholic beverages may be sold, possessed, and consumed, as follows:

**No person shall drink any distilled spirits, wine, beer or other alcoholic beverage upon any county property, within any county-owned park or building, or within the boundaries of any other county-owned facility; with the exception of alcoholic beverages purchased from a vendor licensed to sell and dispense alcoholic beverages at approved scheduled functions at the Cherokee County Conference Center, ~~and Union Hill Clubhouse~~; and with further exception of alcoholic beverages dispensed at scheduled functions held in the Historic Society Museum located within the Cherokee County Historic Courthouse. This provision must be read in conjunction with the employee drug and alcohol policies and procedures set forth in the Cherokee County Personnel Policy Manual and Employee Handbook, as such policies and procedures now exist or may be amended in the future. This provision shall not apply to events sponsored by the county.**

2.

**Remaining Portions Unaffected.** Except as specified hereinabove, all remaining portions of the Cherokee County Code of Ordinances shall continue in full force and effect, and shall remain unaffected by this amendment.

3.

**Severability.** It is the express intent of the Cherokee County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given

effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

4.

**Conflicting Ordinances Repealed.** Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

5.

**Effective Date.** This Ordinance shall become effective immediately upon passage.

SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
L.B. Ahrens, Jr., Chairman

\_\_\_\_\_  
Steve West, District 1

\_\_\_\_\_  
Raymond Gunnin, District 2

\_\_\_\_\_  
Brian Poole, District 3

\_\_\_\_\_  
K. Scott Gordon, District 4

ATTEST:

\_\_\_\_\_  
Christy Black, County Clerk