

22 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
23 **THE CITY OF HAPEVILLE, GEORGIA**, and by the authority thereof:

24 **Section 1.** **That the City Code, Chapter 5, Alcoholic Beverages, Article 3,**
25 **Definitions Applicable To All Classes, Sec. 5-3-1, Definitions, is hereby amended by**
26 **deleting the definition for the term “Measured” and replacing the same with the following:**

27 *Method of measuring.* Unless otherwise provided by the Georgia Alcoholic Beverage Code,
28 all measurements to determine distances required for the issuance of alcoholic beverage licenses
29 shall be measured in the following manner:

- 30 (1) From the primary entrance of the structure from which the alcoholic beverage is sold or
31 offered for sale;
- 32 (2) In a straight line to the nearest public sidewalk, walkway, street, road or highway;
- 33 (3) Along such public sidewalk, walkway, street, road or highway by the nearest reasonable
34 travel route;
- 35 (4) To a point on the property line which is in a straight line from the primary entrance of the
36 structure to the nearest public sidewalk, walkway, street, road or highway; or to the
37 nearest property line of school grounds.

38 Effective as of December 6, 2016, all surveyor’s certificates required under this Chapter shall be
39 submitted consistent with the above method of measuring, in lieu of as specified otherwise
40 throughout this Chapter, to show that an applicant meets requisite distance requirements. The
41 above method of measuring shall remain in effect until March 31, 2017 or until the effective date of
42 the City’s pending comprehensive update of Chapter 5 of the City’s Alcohol Beverages Code,
43 whichever occurs sooner.

44 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
45 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
46 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

47 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
48 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
49 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
50 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
51 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
52 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
53 of this Ordinance.

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

63 **Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby
64 expressly repealed.

