

STATE OF GEORGIA

COUNTY FULTON

**AN ORDINANCE AMENDING BY READOPTING, *IN TOTO*, ARTICLE 1, SECTION 42 OF CHAPTER 7 ALCOHOLIC BEVERAGES OF THE CITY OF SANDY SPRINGS MUNICIPAL CODE OF ORDINANCES AS A RESULT OF TESTIMONY HEARD BY THE MAYOR AND CITY COUNCIL ON DECEMBER 20<sup>th</sup> AND 27<sup>th</sup>, 2005 CONCERNING THE SECONDARY EFFECTS OF ALCOHOL AND ADULT ENTERTAINMENT.**

**BE IT ORDAINED** by the City Council of the City of Sandy Springs, GA while in session on January 24, 2006 at 7:00 p.m. as follows:

**SECTION 1.** That the Ordinance relating to Article 1, Section 42 of Chapter 7, Alcoholic Beverages, is hereby re-adopted, re-affirmed, and approved; and is attached hereto as if fully set forth herein, and;

**SECTION 2.** That the Mayor and City Council, upon adopting the Chapter 7, Alcoholic Beverages, of the City of Sandy Springs Municipal Code of Ordinances on December 1, 2005 contemplated the necessity of testimony and studies relating to Article 1, Section 42 of Chapter 7, dealing with alcohol and adult entertainment establishments; and,

**SECTION 3.** That the Mayor and City Council received and considered studies performed by the Adams County, Colorado Sheriff's Department and prepared by Dr. Peter R. Hecht for The American Center for Law and Justice. The Adams County Nude Entertainment Study observed that "the increases in crime that was documented and the increase in alcohol related offenses and the increased transience of the patronage for these businesses all seemed to have direct correlation one with the others." Dr. Hecht's report on the secondary impacts of sex oriented businesses states: "In combination with on-site or nearby alcoholic beverage service or other sex oriented businesses, the concentration of uses increases the quantity of undesirable activities. There is a snowball effect of undesirable activities that feed upon and support each other." Dr. Hecht also cites a study done by the St. Paul, MN Division of Planning and the Minnesota Crime Control Planning Board that examined sexually-oriented businesses and alcohol-oriented businesses and their relationship to rates of crime. The study concluded that there were significantly greater numbers of crimes where there were 2 such businesses than when there was only one such business; and,

**SECTION 4.** That the Mayor and Council heard testimony from Ms. Carla Moore, a former law enforcement officer and detective and an investigator from Business Consulting Investigations, Inc., about the use of "entire bottles of alcohol" in private rooms of an adult entertainment establishment in Sandy Springs and a description of how employees of this adult entertainment establishment pushed the sale of alcohol to the patrons, at times using nudity to sell the alcohol; and,

**SECTION 5.** That the Mayor and City Council received testimony from Business Consulting Investigations, Inc. Director of Operations, Bill Craig, about the use of beer bottles by adult entertainers at one adult entertainment establishment to simulate oral sex. Mr. Craig spent thirty-three (33) years with the Atlanta City Police Department and Fulton County Police Department, working for seven years in drugs and vice – two years of which he spent as a deep undercover officer. He was also a major for the Forsyth County Sheriff's Department. Mr. Craig also proffered testimony concerning the sale of alcohol to visibly drunken patrons in adult entertainment establishments in Sandy Springs; and,

**SECTION 6.** That the Mayor and City Council further heard testimony from Mr. Guy Watkins, a fifteen year (15) veteran of the Cobb County Sheriff's Office and various Metro Atlanta narcotics squads, the Drug Enforcement Administration, and undercover work in numerous smuggling cases throughout the southeastern United States, wherein he testified that an adult entertainer at one adult entertainment establishment stated "that for \$125 we could get 'a private room where we can do anything we want to do. I can do anything for you. You get two drinks and can be in there for thirty minutes;" and,

**SECTION 7.** That the Mayor and City Council heard testimony from Mr. Walter Parker, formerly of the Marietta Police Department for approximately 30 years, who stated that "it was sex for alcohol and alcohol for sex in these clubs." Additionally, Mr. Parker stated that he was forced by adult entertainment employees to purchase alcoholic beverages for the entertainers. Mr. Parker further stated that adult entertainment establishment employees plied certain patrons with alcohol to induce the patrons to tip the entertainers often; and,

**SECTION 8.** That the Mayor and City Council heard testimony from City residents who lived near the adult entertainment establishments in Sandy Springs who recounted finding empty beer bottles and empty beer containers in their yards; and,

**SECTION 9.** That the First Reading of the title of this Ordinance was on December 20, 2005; and,

**SECTION 10.** This the Second Reading of the title of this Ordinance was on December 27, 2005; and,

**SECTION 11.** That the First Reading of this Ordinance was on January 17, 2006; and adopted on January 24, 2006; and,

**SECTION 12.** That this Ordinance was adopted on January 24, 2006; and

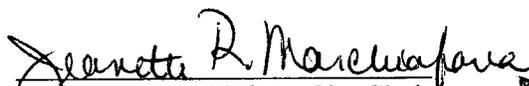
**SECTION 13.** That this Ordinance shall become effective upon its adoption.

**ORDAINED** this the 24<sup>th</sup> day of January, 2006.

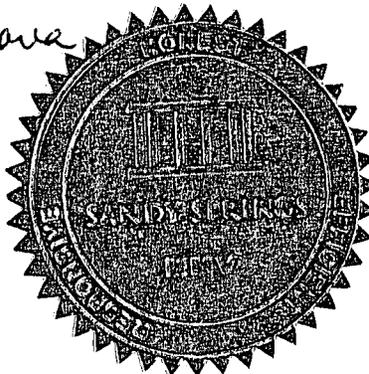
Approved:

  
Eva Galambos, Mayor

Attest:

  
Jeanette R. Marchiafava, City Clerk

(Seal)



## Chapter 7: Alcoholic Beverages

### ARTICLE 1: General Provisions

#### *Section 42: Types of entertainment, attire and conduct prohibited*

Pursuant to the Constitution of the State of Georgia Article 3, Section 6, Paragraph VII:

- (a) No person shall perform on a premise licensed hereunder acts of or acts which constitute or simulate:
- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
  - (2) The touching, caressing, or fondling of the breast, buttocks, anus, or genitals;  
or
  - (3) The displaying of any portion of the female breast below the top of the areola or the displaying of any portion of any person's pubic hair, anus, cleft of the buttocks, vulva, or genitals.
- (b) No person shall use on licensed premises artificial devices or inanimate objects to perform, simulate, or depict any of the prohibited conduct or activities described in subsection (a) of this section.
- (c) It shall be unlawful for any person to show, display, or exhibit, on licensed premises, any film, still picture, electronic reproduction, or any other visual reproduction or image of any act or conduct described in subsection (a) or (b) of the section.