

SECOND READ

ORDINANCE AMENDMENT NO. OA - 2025 - 03

CHAPTER 10 – BUSINESSES

- WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for rules and regulations concerning businesses operating within the City of Dallas, Georgia and for the safety, health, and welfare of the citizens of the City of Dallas, Georgia; **AND**
- WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate the use of City property and public rights of way; **AND**
- WHEREAS,** The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**
- WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that this amendment is in the best interest of the City’s residents and for their safety, health and welfare and the public good; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 10 BUSINESSES**, is hereby amended by adding an **ARTICLE XII** as follows:

ARTICLE XII - RESTAURANTS

Sec. 10-400 – 10-450 Reserved

Sec. 10-451. Outdoor Seated Dining

- a. *Purpose* - The purpose of this ordinance is to regulate outdoor seated dining on public sidewalks and property in the City of Dallas, Georgia, ensuring public health, safety, and welfare while promoting economic vitality.
- b. *Definitions*
 1. Outdoor Seated Dining: An outdoor area operated by an existing dining establishment which sells food or beverages for immediate consumption, located on a public sidewalk or other public property, providing seating outside of the establishment for patrons.
 2. Outdoor Seated Dining Permit: A permit issued by the City of Dallas Business Development, allowing outdoor seated dining operations on public property.
- c. *Permit Required* - All dining establishments wishing to offer outdoor seated dining on public sidewalks must apply for an Outdoor Seated Dining Permit.
 1. All permits for Outdoor Seated Dining shall be issued by The City of Dallas Business Development Office. Said office shall establish the permit process and applications for businesses to apply.
 2. An Outdoor Seated Dining Permit shall address at a minimum:
 - i. Pedestrian access with appropriate clear lateral sidewalk width preserved for pedestrian movement.
 - ii. Strict location parameters.
 - iii. Safety of diners and pedestrians.
 - iv. Aesthetic design and maintenance of furnishings.
 - v. Barriers if appropriate
 - vi. Any other aspect of quality, safety, statutory compliance deemed necessary in the discretion of the Business Development Director

- d. *Enforcement*
1. The City Marshal or designee may conduct inspections to ensure compliance.
 2. Any dining establishment found operating outdoor seated dining on public sidewalks without a valid permit or in violation of an Outdoor Seated Dining Permit as described ordinance shall be punished as a misdemeanor including as follows:
 - i. For a first offense, a fine not to exceed \$250.00
 - ii. For a second offense, a fine not to exceed \$500.00 and possible suspension of the Outdoor Seated Dining permit for not more than 6 months.
 - iii. For a third offense, a fine not to exceed \$1,000 and possible suspension and/or revocation of the Outdoor Seated Dining Permit.

SECTION II. **REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. **SEVERABILITY CLAUSE.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. **EFFECTIVE DATE.** Following approval and passage of this ordinance by the Mayor and City Council, this ordinance shall be effective immediately upon signature.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2024.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date