

Bond Case Briefs

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MUNICIPAL ORDINANCE - GEORGIA

Oasis Goodtime Emporium I, Inc. v. City of Doraville

Supreme Court of Georgia - June 15, 2015 - S.E.2d - 2015 WL 3658847

Strip club brought action against city, its mayor, city council, and city clerk, challenging city's sexually oriented businesses ordinances. The trial court entered judgment on the pleadings in favor of city. Strip club appealed.

The Supreme Court of Georgia held that:

- Club lacked standing to challenge validity of notice to city of bill to amend city charter;
- Ordinances were content-neutral, and, thus, subject to intermediate judicial scrutiny;
- Ordinances furthered the important government interest of preventing negative secondary effects of such businesses;
- Ordinances passed intermediate judicial scrutiny;
- Provision of ordinances prohibiting full nudity struck a constitutionally permissible fit between reducing undesirable secondary effects and protecting free speech; and
- Strip club lacked standing to challenge provision that prohibited the sale of alcohol in establishments that featured nudity.