

Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL ORDINANCE - GEORGIA

Trop, Inc. v. City of Brookhaven

Supreme Court of Georgia - October 6, 2014 - S.E.2d - 2014 WL 4958232

Sexually-oriented entertainment club brought action against city, claiming city's newly enacted sexually-oriented business code was unconstitutional, and that club was exempt from it based on a settlement with county. The trial court granted city's motion for judgment on the pleadings, and club appealed.

The Supreme Court of Georgia held that:

- Sexually-oriented entertainment club lacked standing to challenge city alcohol code based on a hypothetical denial of its liquor license;
- City's sexually-oriented business ordinance did not unconstitutionally infringe on club's free speech rights; and
- A settlement agreement between club and county did not create a vested right to continue operations as a nude dancing club that serves alcohol.

City's sexually-oriented business ordinance did not unconstitutionally infringe on sexually-oriented entertainment club's free speech rights. The ordinance was content-neutral in light of the city council's goal of combatting pernicious secondary effects coupled with a lack of evidence to establish improper motive on the part of city council. The ordinance furthered an important governmental interest of attempting to preserve the quality of urban life and reducing criminal activity which was unrelated to any desire to suppress speech, any incidental restriction on speech caused by the ordinance was no greater than essential to further the governmental interests. The ordinance's application was narrowly tailored to modes of expression implicated in the production of negative secondary effects, those establishments that provided alcohol and entertainment that required an adult entertainment license.