

Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL ORDINANCE - GEORGIA

Gebrekidan v. City of Clarkston

Supreme Court of Georgia - March 21, 2016 - S.E.2d - 2016 WL 1085243

Defendant was convicted in the Municipal Court of violating city ordinance that prohibited certain retailers of packaged alcoholic beverages from allowing on their premises any form of electronic or mechanical game machine or coin-operated device that may be used for entertainment or amusement purposes. She obtained review by certiorari. The Superior Court affirmed. Defendant applied for discretionary appeal.

The Supreme Court of Georgia held that ordinance was preempted by state law.

State's detailed statutory scheme regulating coin operated amusement machines (COAM) and COAM businesses preempted city ordinance prohibiting certain retailers of packaged alcoholic beverages from allowing on their premises any form of electronic or mechanical game machine or coin-operated device that may be used for entertainment or amusement purposes. Direct effect of ordinance was to ban COAMs from businesses in city where state allowed them, and legislature did not authorize local governments to flatly prohibit alcoholic beverage licensees from allowing COAMs on their premises or to penalize such businesses for doing so.