

Bond Case Briefs

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MUNICIPAL ORDINANCE - GEORGIA

Cox Store Management, Inc. v. City of Tucker

Court of Appeals of Georgia - April 24, 2026 - S.E.2d - 2026 WL 1112240

Operator of convenience store filed petition for review of city's decision to deny its application for license to operate coin-operated amusement machines at the store.

The Superior Court affirmed city's denial of license. Store operator applied for discretionary review, which was granted.

The Court of Appeals held that city ordinance validly authorized city to deny license to operate coin-operated amusement machines based on fact that store was located within 100 yards of church, even though store had permit for sale of beer and wine.

City ordinance requiring any business seeking license to operate coin-operated amusement machines to comply with proximity requirements for license to sell alcohol validly authorized city to deny license for coin-operated amusement machines to operator of convenience store that was located within 100 yards of a church, although proximity requirements for sale of alcohol imposed 100-yard requirement for churches only with regard to "distilled spirits," and convenience store held liquor license from city permitting it to sell beer and wine; statute authorizing city to impose distance requirements for coin-operated amusement machines, as long as they were no more restrictive than distance requirements for alcoholic beverages, made no distinction between types of alcoholic beverages.

Statute providing that, where a city enacts an ordinance imposing distance requirement for coin-operated amusement machines from properties used for a specific purpose, such as a church, the required distance from such properties may not be more restrictive than distance requirements applicable to sale of alcoholic beverages, authorizes a city to require that a location for coin-operated amusement machines be situated 100 yards or more from a church.