



CITY OF  
**FORESTPARK**

**CITY OF FOREST PARK  
CITY COUNCIL WORK SESSION MEETING**

Monday, May 4, 2026 at 6:00 PM  
Forest Park City Hall | Council Chambers  
745 Forest Parkway, Forest Park, GA 30297

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The Honorable Mayor Gwendolyn W. Ellison  
The Honorable Kimberly James  
The Honorable Hector Gutierrez  
The Honorable Allan Mears  
The Honorable Delores A. Gunn  
The Honorable Latresa Akins-Wells  
Latosha Clemons, Interim City Manager  
Vanessa Holiday, City Clerk  
Danielle Matricardi, City Attorney

**AGENDA**

**VIRTUAL MEETING NOTICE**

Council Meetings will be live-streamed and available on [Forest Park's YouTube Channel](#)

- I. **CALL TO ORDER/WELCOME**
- II. **ROLL CALL - CITY CLERK**
- III. **ADOPTION OF THE AGENDA WITH ANY ADDITIONS / DELETIONS**
- IV. **NEW BUSINESS**
  1. **Airport South Community Improvement District Expansion - Economic Development**

**Background/History:**  
Discussion
  2. **Council Consideration to approve a policy governing security details for elected officials from the city's police department. - Attorney**

**Background/History:**  
The request is to adopt a policy governing security details for elected officials from the city's police department.
- V. **PUBLIC HEARING - COMMENTS WILL BE HEARD DURING THE REGULAR SESSION MEETING**
  3. **Council Consideration to approve Case # CUP-2026-02- Conditional Use Permit for 4959 and 4965 West St. to establish a childcare center within the Single-Family Residential District (RS). - Planning and Community Development**

**Background/History:**

The applicant is requesting approval of a Conditional Use Permit to establish a childcare center within the Single Family Residential (RS) District in Ward 2. Pursuant to Sec. 8-8-28 of the City of Forest Park Zoning Ordinance, pre-k facilities and daycare centers require a Conditional Use Permit to operate within the RS District.

On April 16, 2026, the Planning Commission reviewed the request and voted to recommend approval with conditions. The conditions are as follows:

- 1. Parking Compliance  
The property owner and any operator shall comply with the City of Forest Park Zoning Ordinance parking standards as outlined in Section 8-8-90.
- 2. Consistency with Approval  
This approval is based on the existing site layout and operational characteristics as presented. Any expansion, site modification, or intensification of use, including but not limited to increased enrollment or extended hours of operation, shall require additional review and approval by the City.
- 3. General Compliance  
The property owner shall ensure the use remains in compliance with all applicable local, state, and federal regulations, including licensing requirements for childcare facilities.

The subject property previously received approval for a daycare use under a prior tenant. This request has been submitted by the property owner to establish the Conditional Use Permit with the property rather than a specific tenant. Approval will allow the property owner to lease the space to future childcare operators without requiring each tenant to seek separate approval from Mayor and Council, provided the use remains consistent with the approved conditions.

**VI. NEW BUSINESS**

- 4. **Consideration of an Ordinance Amending Title 9 (Licensing and Regulation) to Clarify Regulatory Standards, Improve Administrative Processes, and Address Ambiguities in Existing Provisions.** - Planning and Community Development

**Background/History:**

Staff has conducted a review of Title 9 (Licensing and Regulation) and identified several provisions that are outdated, unclear, or lack sufficient detail to ensure consistent interpretation and enforcement. These ambiguities have created challenges for both staff administration and public-facing processes, particularly with respect to licensing requirements, application completeness, and regulatory compliance.

The proposed amendments are intended to streamline existing procedures, establish clearer standards for applicants and licensees, and align the City’s Code with current operational practices and enforcement needs. Updates include clarifying application requirements, strengthening compliance and reporting obligations, and modernizing regulatory language across multiple chapters.

This ordinance represents the first phase of a broader effort to comprehensively update Title 9. Additional amendments are anticipated and will be presented to Mayor and Council in future phases to further enhance clarity, consistency, and effectiveness of the City’s licensing and regulatory framework.

**VII. EXECUTIVE SESSION - Personnel, Litigation, Real Estate or Cyber Security OCGA § 50-14-1**

## VIII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at 404-366-4720 at least 24 hours before the meeting.

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**City Council Agenda Item**

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**Subject:** Airport South Community Improvement District Expansion Resolution

**Request:**

The ATL Airport Community Improvement Districts (AACIDs) respectfully request:

- Formal approval of the boundary expansion for the Airport South Community Improvement District (ASCID) by resolution, consistent with prior Forest Park expansion approvals
- Appointment of Steve Lackley as the City of Forest Park’s representative to the Airport South CID Board

**Submitted By:** Rochelle B. Dennis, Economic Development Director

**Date Submitted:** April 27, 2026

**Council Meeting Date:** May 4, 2026

**Background/History:**

The ATL Airport Community Improvement Districts (AACIDs) operate both the Airport South CID (ASCID) and Airport West CID (AWCID). These districts are:

- Quasi-governmental entities funded by commercial property owners
- Serving six cities across Clayton and Fulton Counties
- Focused on infrastructure improvements, public safety, and mobility enhancements
- Acting as an implementation partner within the South Metro Atlanta ecosystem
- Advancing connectivity through beautification, transit solutions, and coordinated public safety initiatives
- Driven by the priorities of commercial property owners

**Presenters:**

Gerald McDowell, Executive Director, ATL Aerotropolis CID

Danielle Bass, Community Outreach Director, ATL Airport Community Improvement Districts

Steve Lackley, Commercial Operations Director, Estes Services

Mr. McDowell will present the 2026 Airport South CID plan and benefits for the City of Forest Park.

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**Cost:**

**Budgeted for:**  **N/A**  **Yes**  **No**

**Financial Impact:** TBD

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**Action Requested from Council:**

To approve the expansion of the Airport South Community Improvement District (CID) boundaries within the City of Forest Park.

To appoint Steve Lackley as the City of Forest Park's representative to the Airport South CID Board.





**City of Forest Park City Council  
Agenda Item Summary  
May 4, 2026**

**Agenda Item #  
XIV3**

CITY OF  
**FORESTPARK**

<b>Requested By</b> Rochelle Dennis, Interim Economic Development Director	<b>Sponsor(s)</b>
<b>Department</b> Economic Development	

<b>Requested Action</b> Presentation
<b>Requirement for Board Action</b> Discussion
<b>Summary &amp; Background</b> Discussion
<b>Fiscal Impact</b>
<b>Exhibits Attached</b> Forest Park 2026 Expansion Resolution
<b>Staff Recommendation</b>



# Expansion Resolution

## 2026 Airport South CID

Presented by:

Danielle Bass, Community Outreach Director



**ATL AIRPORT**  
COMMUNITY IMPROVEMENT DISTRICTS  
Growing Together. Raising Value.

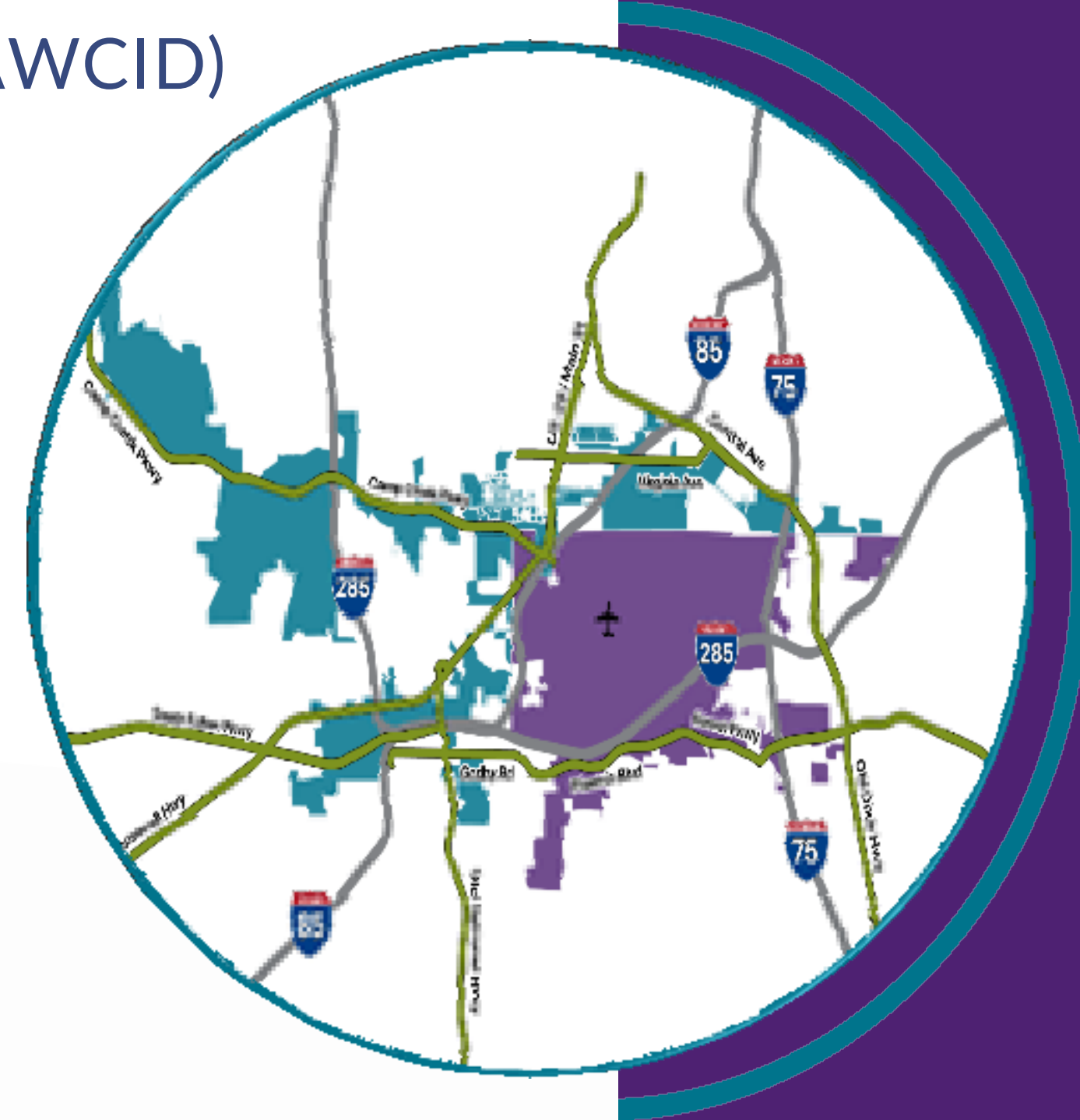
# ATL Airport CIDs (AACIDs)

Operating Airport South (ASCID) and Airport West (AWCID)

- Quasi-governmental, property owner-funded
- Serving six cities across Clayton and Fulton Counties
- Focused on infrastructure, public safety, and mobility

## 24/7 Mobility District

- High volume of shift workers and travelers
- Gaps in first/last-mile and overnight transit



# Clarifying Roles

## AACIDs

- Implementation partner within the South Metro Atlanta ecosystem.
- Connects districts through beautification, transit solutions and public safety
- Driven by commercial property owner priorities

## Aerotropolis

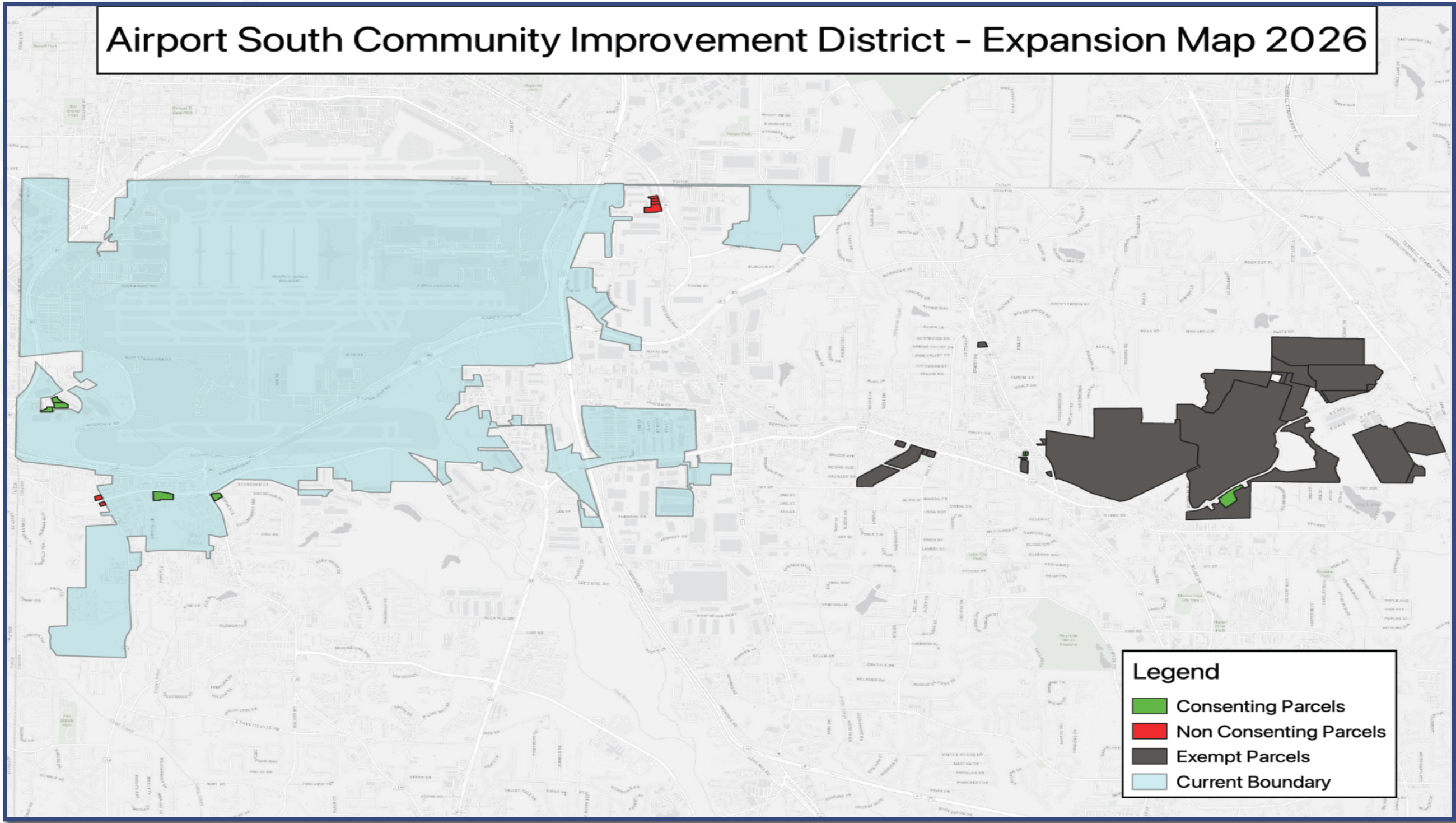
- Public-Private Partnership (PPP)
- Regional alliance (Clayton/Fulton and 12 cities)
- Focused on vision and coordination for Economic Development, Workforce Development and Education

# Today's Agenda

- Expansion Overview
- Why Now
- Benefits for Forest Park
- City Considerations (Funding & Role)
- **Board Appointment**
- Action Requested
- Next Steps (Recruitment & Engagement)



# Airport South CID 2026 Expansion Map



# Why This Matters Now

- Increased growth and opportunity across the airport corridor
- Need for coordinated infrastructure and mobility solutions
- Strategic opportunity to support the Mountain View and Fort Gillem areas
- Leveraging private investments to advance improvements alongside City funding

# Benefits for Forest Park

- Strengthens the commercial tax base
- Leverages private dollars for infrastructure
- Supports catalytic redevelopment
- Creates no financial burden for the City



# Are We Requesting City Funding?

- This is not a funding request.
- No General Fund dollars requested
- No City financial obligation created
- AACIDs funded through self-imposed commercial assessments



# ASCID Board Appointment by City

## Steve Lackley

Commercial Operations Director, Estes Services

- 20+ years in commercial operations
- Bachelor's degree in Industrial and Organizational Psychology, University of Georgia
- Service in the Georgia State Defense Force; Soldier of the Year nominee (2023)
- Represents 3981 Tradeport Boulevard



# What Action is Requested?

The AACIDs respectfully requests:

- Formal approval of the boundary expansion for Airport South CID (Resolution)
- Consistent with prior Forest Park expansion approvals.
- Appoint Steve Lackley to the Airport South CID board

# Next Steps: Recruitment & Engagement

- Focused outreach throughout the city including the Mountain View and Fort Gillem corridors
- Identify property owner ambassadors to support peer engagement
- Host recurring small-group meetings to share CID value and opportunities
- Target priority properties for consistent outreach and engagement



**ATL AIRPORT**  
COMMUNITY IMPROVEMENT DISTRICTS

Growing Together. Raising Value.

# Thank You City of Forest Park!



[www.aacids.com](http://www.aacids.com)

[dbass@aacids.com](mailto:dbass@aacids.com)

**EXHIBIT "A"**  
**2026 AIRPORT SOUTH CID EXPANSION REPORT**

<b>CONSENTING PARCELS</b>									
Owner #	Parcel ID	Address	Owner	Current Tax District	CID Inclusion	Appraised Value	Assessed Value	%	CID Contribution
1	13072A H016	5174 Riverdale Rd	Archland Property I LLC	8	Airport South	\$ 2,108,800.00	\$ 843,520.00		\$ 4,217.60
2	13059A A003	4839 Massachusetts Blvd	64J Hotel Groups LLC	2	Airport South	\$ 2,700,000.00	\$ 1,080,000.00		\$ 5,400.00
3	13059A D002	4820 Massachusetts Blvd	Shri Kubereshwar LLC	2	Airport South	\$ 6,687,700.00	\$ 2,675,080.00		\$ 13,375.40
4	13071B B004	1640 Phoenix Blvd	1640 Phoenix LLC	2	Airport South	\$ 2,639,000.00	\$ 1,055,600.00		\$ 5,278.00
5	13059A D001	2010 Sullivan Rd	Eight Star Investments LLC	2	Airport South	\$ 2,695,700.00	\$ 1,078,280.00		\$ 5,391.40
6	12178 178001	2025 Anvil Block Rd	Technique Concrete Construction LLC	T3FP	Airport South	\$ 1,538,500.00	\$ 615,400.00		\$ 3,077.00
	13049B E015	1134 Main St	Technique Concrete Construction LLC	T3FP	Airport South	\$ 266,100.00	\$ 106,440.00		\$ 532.20
	13049B E016	1142 Main St	Technique Concrete Construction LLC	T3FP	Airport South	\$ 136,800.00	\$ 54,720.00		\$ 273.60
<b>Total Value of Consenting Parcels</b>						<b>\$ 14,135,500.00</b>	<b>\$ 5,654,200.00</b>	<b>74.96%</b>	<b>\$ 28,271.00</b>

Number of Unique Property Owners: 6

Total Parcel Count: 8

<b>NON-CONSENTING PARCELS</b>									
Owner #	Parcel ID	Address	Owner	Current Tax District	CID Inclusion	Appraised Value	Assessed Value	%	CID Contribution
1	13070B B007	5181 W Fayetteville Rd	Jiwani Nizar	2	Airport South	\$ 800,000.00	\$ 320,000.00		\$ 1,600.00
2	13070B A005A	5209 W Fayetteville Rd	Kelete Inc	2	Airport South	\$ 1,184,200.00	\$ 473,680.00		\$ 2,368.40
3	13012B B017	3991 Old Dixie Hwy	RHW Georgia Investments LLC	T8MV	Airport South	\$ 2,439,300.00	\$ 975,720.00		\$ 4,878.60
4	13012B B018	Old Dixie Hwy	Atlanta Tradeport Business %Highwood Properties	T8MV	Airport South	\$ 86,200.00	\$ 34,480.00		\$ 172.40
5	13012B B005	Old Dixie Hwy	Noble Realty Inc	T8MV	Airport South	\$ 145,900.00	\$ 58,360.00		\$ 291.80
	13012B B006	3961 Old Dixie Hwy	Noble Realty Inc	T8MV	Airport South	\$ 65,300.00	\$ 26,120.00		\$ 130.60
<b>Total Value of Non-Consenting Parcels</b>						<b>\$ 1,888,360.00</b>	<b>\$ 750,260.00</b>	<b>25.04%</b>	<b>\$ 9,441.80</b>

Number of Unique Property Owners: 5

Total Parcel Count: 6

<b>Sum of Total CID Value (C &amp; NC):</b>	<b>\$ 37,712.80</b>
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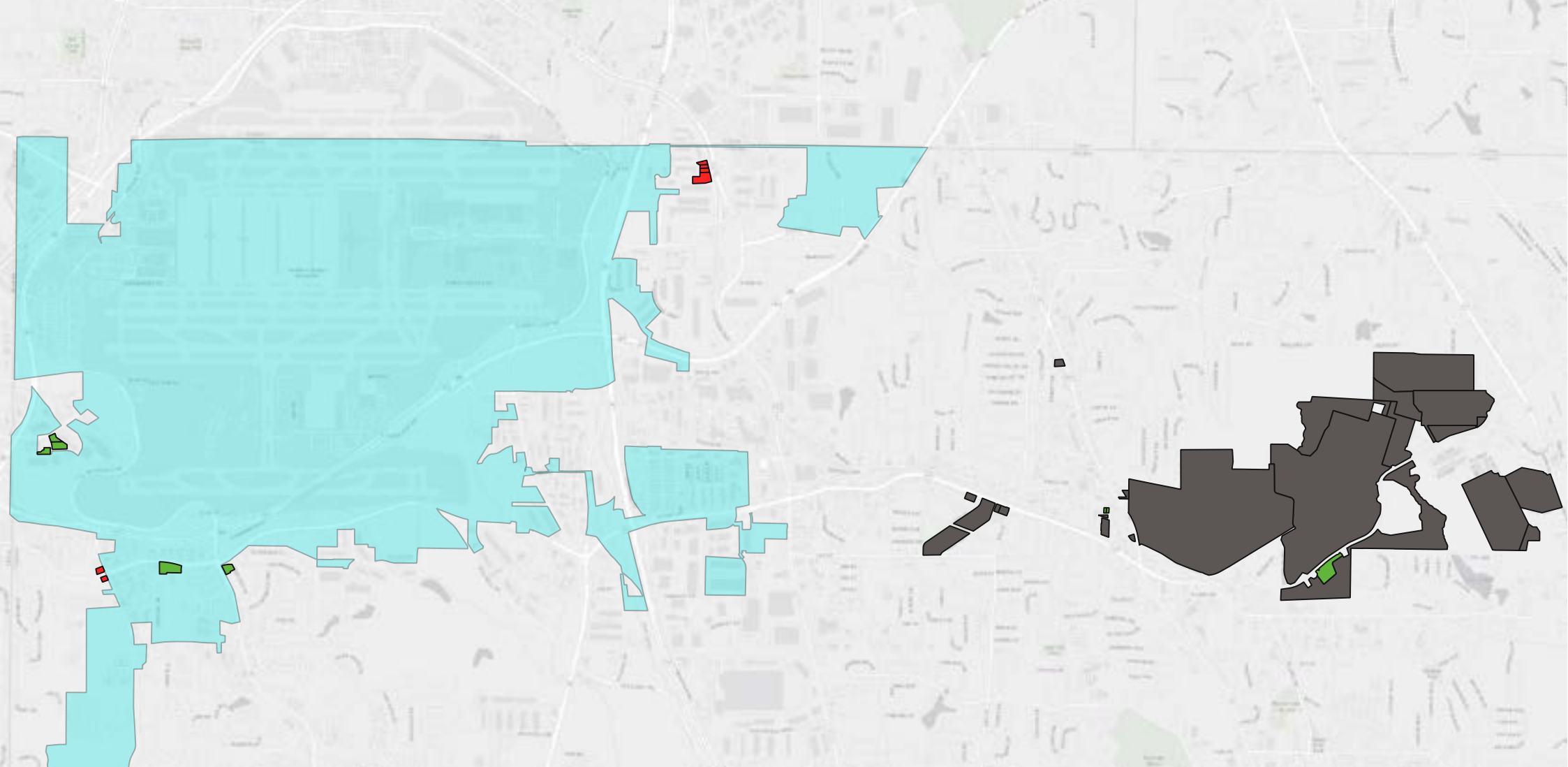
**EXEMPT PARCELS**

13048A D006	4539 JONESBORO RD	CITY OF FOREST PARK	3	Airport South
12177 208001A	5035 JONESBORO RD	DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	3	Airport South
13049D D001	1141 MAIN ST	CITY OF FOREST PARK	T3FP	Airport South
13050D B001	819 FOREST PKWY	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	3	Airport South
13050D B002	833 FOREST PKWY	CITY OF FOREST PARK	3	Airport South
13050A G002	745 FOREST PKWY	CITY OF FOREST PARK	3	Airport South
13050D A001	5031 PARK AVE	CITY OF FOREST PARK	3	Airport South
13049B D006	JONESBORO RD	DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South
12204 212002	HIGHWAY 42	URBAN REDEVELOPMENT AGENCY OF THE CITY OF FOREST PARK	T3FP	Airport South
12178 206001	HOOD AVE	URBAN REDEVELOPMENT AGENCY OF THE CITY OF FOREST PARK	T3FP	Airport South
12178 207001	2000 Anvil Block Rd	DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South





## EXEMPT PARCELS

12178 206002	Anvil Block Rd	DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	3	Airport South
12204 212004	2100 ANVIL BLOCK RD BLDG 150	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South
12210 210002	FORT GILLEM	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South
12204 212007	2145 ANVIL BLOCK RD BLDG 900	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South
12204 212011	FORT GILLEM	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South
12204 205002	FORT GILLEM	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South
12210 211002	2160 ANVIL BLOCK RD BLDG 200	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South
12210 211004	FORT GILLEM	URBAN REDEVELOPMENT AGENCY OF THE CITY OF FOREST PARK	T3FP	Airport South
12204 212006	2070 ANVIL BLOCK RD BLDG 400/500	DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK	T3FP	Airport South

# Airport South Community Improvement District - Expansion Map 2026



**Legend**

-  Consenting Parcels
-  Non Consenting Parcels
-  Exempt Parcels
-  Current Boundary

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Anthony Greenwood, who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 13072AH016 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".

2. Archland Property I LLC %Greenwood, Anthony A is/are the owner/owners of the Realty described above.

3. The owner does designate Anthony Greenwood as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").

4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").

5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.

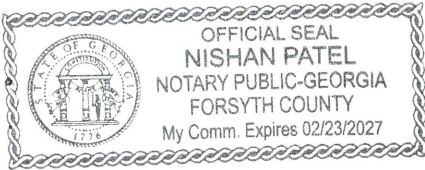
6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

[Signature] (SEAL)

Sworn to and subscribed before me, this 9 day of JUNE, 2025.

[Signature]  
Notary Public



PIN: 13059AA003  
OWNER: 64J HOTEL GROUPS LLC  
SITE 4839 MASSACHUSETTS BLVD

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Deep Ghadawala, who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 13059AA003 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".

2. Bipin Patel is/are the owner/owners of the Realty described above.

3. The owner does designate Deep Ghadawala as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").

4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").

5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.

6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

[Signature] (SEAL)

Sworn to and subscribed before me, this 29<sup>th</sup> day of Aug, 2024.

[Signature]  
Notary Public

PIN: 13059A D002  
OWNER: Shri Kubereshwar LLC  
SITE: 4800 Massachusetts Blvd.  
College Park, GA 30337

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Sumeet Patel, who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 13059A D002 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".

2. Shri Kubereshwar LLC is/are the owner/owners of the Realty described above.

3. The owner does designate Sumeet Patel as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").

4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").

5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.

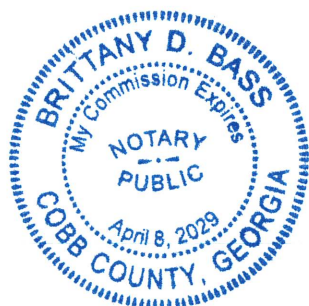
6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

[Signature] (SEAL)

Sworn to and subscribed before me, this 30 day of June, 2025.

[Signature]  
Notary Public



PIN: 13071B B004  
OWNER: 1640 Phoenix LLC  
SITE 1640 Phoenix Blvd  
College Park

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Simon Singer, who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 13071B B004 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".

2. 1640 Phoenix LLC is/are the owner/owners of the Realty described above.

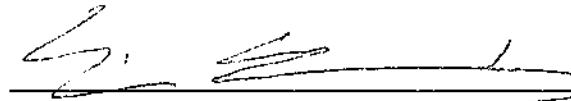
3. The owner does designate Simon Singer as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").

4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").

5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.

6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

  
\_\_\_\_\_  
(SEAL)

Sworn to and subscribed before me, this 3rd day of April, 2025.

Renata M. Kelly  
\_\_\_\_\_  
Notary Public

Renata M. Kelly  
Notary Public - State of New York  
No. 01KE6350804  
Qualified in Kings County  
My Commission Expires November 21, 2028

PIN: 13059AD001  
OWNER: EIGHT STARS Investment LLC  
SITE 2010 Sullivan Road

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Vipulbhai Bhagat, who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 13059AD001 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".

2. Vipulbhai Bhagat is/are the owner/owners of the Realty described above.

3. The owner does designate Vipulbhai Bhagat as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").

4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").

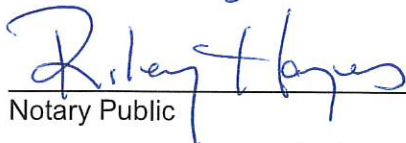
5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.

6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

 (SEAL)

Sworn to and subscribed before me, this 27 day of August, 2024.

  
Notary Public



PIN: 12178 178001  
OWNER: Technique Concrete Construction LLC  
SITE 2025 Anvil Block Rd

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Billy Freeman, Jr., who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 12178 178001 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".
2. Technique Concrete Construction is/are the owner/owners of the Realty described above.
3. The owner does designate Billy Freeman, Jr. <sup>LLC</sup> as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").
4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").
5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.
6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

Billy Freeman (SEAL)

Sworn to and subscribed before me, this 15 day of September, 2025.

[Signature]  
Notary Public



PIN: 13049B E015  
OWNER: Technique Concrete  
SITE 1134 Main St Forest Park

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Billy Freeman, who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 13049B E015 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".

2. Billy Freeman/Technique Concrete is/are the owner/owners of the Realty described above.

3. The owner does designate Billy Freeman as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").

4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").

5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.

6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

Billy Gunn (SEAL)

Sworn to and subscribed before me, this 18 day of Sept, 2024.

Kyana Cannon  
Notary Public



PIN: 13049B E016  
OWNER: Technique Concrete  
SITE 1142 Main St Forest Park

WRITTEN CONSENT OF OWNER

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before the undersigned attesting officer, duly authorized by law to administer oaths, came Billy Freeman, who, after first having been duly sworn, upon oath deposes and says:

1. The undersigned is/are the owner/owners, or the authorized representative of the owner, and has authority to bind the owner of the real property described as all that tract or parcel of land lying and being in Clayton County, Georgia, identified as Tax Parcel(s) 13049B E016 on the tax maps of Clayton County, Georgia, herein referred to as the "Realty".

2. Billy Freeman / Technique Concrete is/are the owner/owners of the Realty described above.

3. The owner does designate Billy Freeman as the representative of the owner in the taking of all action, including, but not limited to, serving as elector, voting for board members, and voting otherwise, as may be allowed or required under 1992 Ga. L. 5698, as amended, the Clayton County Community Improvement Districts Act ("Act").

4. This affidavit may be relied upon by the Clayton County Tax Commissioner for the purpose of certifying that subparagraphs (b)(1) and (2) of Section 7 of the Act have been satisfied and by the Clayton County Board of Commissioners, the City of Forest Park and the City of College Park with respect to the expansion of the Airport South Community Improvement District ("CID").

5. The undersigned acknowledges that if the CID is expanded to include the above described Realty, it will be subject to taxes, fees and assessments levied by the CID Board.

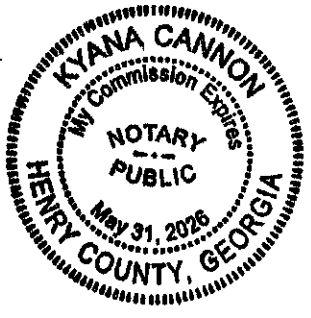
6. The owner/owners consent to the expansion of the CID to include the owner's above-described Realty pursuant to the Act.

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal the day and year set forth below.

Billy Freeman (SEAL)

Sworn to and subscribed before me, this 18 day of Sept, 2024.

[Signature]  
Notary Public



**STATE OF GEORGIA  
COUNTY OF CLAYTON**

**Resolution 2026 - \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK,  
GEORGIA, CONSENTING TO THE EXPANSION OF THE AIRPORT SOUTH  
COMMUNITY IMPROVEMENT DISTRICT; TO REPEAL INCONSISTENT  
ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER  
PURPOSES.**

**WHEREAS**, by Act of the Legislature, 1992 Ga. L. 5698, as amended, the Georgia Legislature enacted the Clayton County Community Improvement Districts Act; and

**WHEREAS**, pursuant to said Act, the Airport South Community Improvement District (hereinafter "CID") was created by Resolution of the Clayton County Commission and the City of College Park in 2015; and

**WHEREAS**, a majority of the owners of real property within a proposed expansion area, as attached hereto, which will be subject to taxes, fees, and assessments levied by the District Board, have consented in writing to their inclusion into the CID; and

**WHEREAS**, the owners of real property within the proposed expansion area of the CID which constitutes at least 75% by value of all real property within said expansion area which will be subject to taxes, fees, and assessments, levied by the District Board, according to the most recent approved Clayton County ad valorem tax digest, have consented in writing to their inclusion into the CID; and

**WHEREAS**, the City Council has determined that the expansion of the CID would promote the provision of governmental services and facilities within said District; and

**WHEREAS**, the City Council has determined that the expansion of the CID would be in the best interest of the citizens of the City.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Forest Park consents to the expansion of the boundaries of the Airport South Community Improvement District as attached hereto.

**PASSED AND ADOPTED** by the Forest Park City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Mayor Dr. Gwen W. Ellison

\_\_\_\_\_  
Council Member Kimberly James, Ward 1

\_\_\_\_\_  
Council Member Delores A. Gunn, Ward 2

\_\_\_\_\_  
Council Member Hector Gutierrez, Ward 3

\_\_\_\_\_  
Council Member Latresa Akins-Wells, Ward 4

\_\_\_\_\_  
Council Member Allan Mears, Ward 5

ATTEST:

\_\_\_\_\_  
City Clerk (Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**City of Forest Park City Council  
Agenda Item Summary  
May 4, 2026**

**Agenda Item #  
IV2**

CITY OF  
**FORESTPARK**

<b>Requested By</b> Danielle Matricardi, City Attorney	<b>Sponsor(s)</b>
<b>Department</b> Attorney	

<b>Requested Action</b> Resolution
<b>Requirement for Board Action</b>
<b>Summary &amp; Background</b> The request is to adopt a policy governing security details for elected officials from the city's police department.
<b>Fiscal Impact</b>
<b>Exhibits Attached</b> 2026- FP Res (Security Personnel Policy)
<b>Staff Recommendation</b>

STATE OF GEORGIA  
COUNTY OF CLAYTON

RESOLUTION NO. 2026-\_\_\_\_\_

**A RESOLUTION BY MAYOR GWEN ELLISON AND CITY COUNCILMEMBERS KIMBERLY JAMES, DELORES A. GUNN, HECTOR GUTIERREZ, LATRESA AKINS-WELLS, AND ALLAN MEARS OF THE CITY OF FOREST PARK, GEORGIA ADOPTING A POLICY GOVERNING SECURITY DETAILS FOR ELECTED OFFICIALS FROM THE CITY'S POLICE DEPARTMENT.**

**WHEREAS**, the City of Forest Park, Georgia ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the duly elected governing authority of the City is the Mayor and Council thereof; and

**WHEREAS**, the governing body has a responsibility to protect the safety of elected officials while ensuring transparency, accountability, and responsible stewardship of public resources; and

**WHEREAS**, the City recognizes the need for clear, objective, and uniform standards governing the authorization, duration, oversight, and termination of security details provided to elected officials; and

**WHEREAS**, the City desires to establish the Policy Governing Security Details for Elected Officials ("Policy"), attached as **Exhibit A**, that balances public safety considerations with fiscal responsibility and equitable treatment of elected officials; and

**WHEREAS**, the City Council finds that adoption of the Policy in the best interests of the City and its residents.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Forest Park, Georgia, as follows:

**Section 1. Approval.** The Policy Governing Security Details for Elected Officials, attached hereto as Exhibit A, as presented to the Mayor and Council on January 5, 2026, is hereby approved and adopted. This Policy shall be codified in the Police Department's Standard Operating Procedures (SOPs) in a manner consistent with the standard numbering and organization of said SOPs.

**Section 2. Public Record.** This document shall be maintained as a public record by the City Clerk ("Clerk") and shall be accessible to the public during all normal business hours of the City.

**Section 3. Authorization of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution.

**Section 4. Attestation.** The Clerk is authorized to execute, attest to, and seal any documents necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_ 2026.

**CITY OF FOREST PARK, GEORGIA**

\_\_\_\_\_  
Gwen Ellison, *Mayor*

**ATTEST:**

\_\_\_\_\_  
*City Clerk* (SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
*City Attorney*

## EXHIBIT A

### CITY OF FOREST PARK, GEORGIA POLICY GOVERNING SECURITY DETAILS FOR ELECTED OFFICIALS

#### **I. PURPOSE**

The purpose of this Policy Governing Security Details for Elected Officials (“Policy”) is to establish clear, objective, and uniform standards governing the authorization, duration, and oversight of security details provided to elected officials of the City of Forest Park, Georgia (“City”). This Policy is intended to balance the safety of elected officials with the City’s responsibility to ensure fiscal accountability, transparency, and equitable use of public resources.

#### **II. SCOPE AND APPLICABILITY**

This Policy applies solely and exclusively to elected officials of the City, including the Mayor and members of the City Council. This Policy does not apply to City employees, appointed officials, staff, contractors, or private individuals, except where otherwise required by law or governed by a separate written policy or directive.

#### **III. AUTHORITY**

The Chief of Police of the City (“Chief”) is authorized to implement and administer this Policy and to assign security details in accordance with its terms. Nothing in this Policy shall be construed to limit the Chief’s authority to respond immediately to emergencies or imminent threats to public safety consistent with law enforcement responsibilities.

#### **IV. DEFINITIONS**

For purposes of this Policy:

A “*credible threat*” means a threat that is specific, articulable, and verified through law enforcement investigation, intelligence, or reliable evidence, as determined by the Chief or the Chief’s designee, and that presents a reasonable likelihood of harm to an elected official. A credible threat does not include generalized fear, unsubstantiated concerns, political disagreement, public criticism, or perceived threats that are not supported by verified information.

A “*security detail*” means the assignment of one or more sworn law enforcement officers to provide protective services to an elected official, which may include residential security, escort services, or continuous protection, as deemed appropriate by the Chief or the Chief’s designee based upon the nature and severity of the verified threat.

#### **V. AUTHORIZATION OF SECURITY DETAILS**

When a credible, verified threat exists, the Chief may authorize a security detail for an elected official for a period not to exceed thirty (30) consecutive days. The determination to

authorize a security detail shall be based on a documented threat assessment and shall be proportional to the nature, severity, and duration of the threat. Security details shall not be assigned based solely on perceived threats, public controversy, political activity, or personal preference.

## **VI. EXTENSION OF SECURITY DETAILS**

Any security detail extending beyond thirty (30) days shall require approval by a majority vote of the City Council. Any such approval shall specify a defined end date or a required review period at which the continued need for the security detail will be reconsidered. The Police Department shall provide sufficient information to support the continued existence of a credible threat, subject to applicable confidentiality and investigative limitations.

## **VII. TERMINATION OF SECURITY DETAILS**

A security detail shall be discontinued when the credible threat no longer exists, when the authorized period expires without renewal, or when the City Council declines to approve an extension. Security details are intended to be temporary protective measures and shall not continue indefinitely in the absence of verified justification.

## **VIII. LIMITATIONS AND COST RESPONSIBILITY**

If the need for a security detail arises from criminal activity, illegal conduct, or personal actions of an elected official that are unrelated to official City business, the City may determine, to the extent permitted by law, that the elected official shall be responsible for all or a portion of the costs associated with the security detail. Nothing in this Policy shall be construed to create a vested right to personal security protection at public expense.

## **IX. INVESTIGATIONS AND CONFIDENTIALITY**

Any active investigations related to threats, criminal trespass, criminal damage to property, or other security-related incidents shall be conducted in accordance with applicable law. Information related to such investigations may be withheld as necessary to protect investigative integrity, officer safety, and public safety.

## **X. POLICY REVIEW**

This Policy shall be reviewed periodically by the Chief in coordination with the City Attorney to ensure consistency with best practices, applicable law, and the City's fiscal responsibilities.

## **XI. EFFECTIVE DATE**

This Policy shall become effective upon adoption via resolution by the City Council of the City.



**City of Forest Park City Council  
Agenda Item Summary  
May 4, 2026**

**Agenda Item #  
V3**

**CITY OF  
FORESTPARK**

<b>Requested By</b> SaVaughn Irons-Kumassah, Interim Director	<b>Sponsor(s)</b>
<b>Department</b> Planning and Community Development	

**Requested Action**  
Action Item

**Requirement for Board Action**

**Summary & Background**  
 The applicant is requesting approval of a Conditional Use Permit to establish a childcare center within the Single Family Residential (RS) District in Ward 2. Pursuant to Sec. 8-8-28 of the City of Forest Park Zoning Ordinance, pre-k facilities and daycare centers require a Conditional Use Permit to operate within the RS District. On April 16, 2026, the Planning Commission reviewed the request and voted to recommend approval with conditions. The conditions are as follows:

1. **Parking Compliance**  
The property owner and any operator shall comply with the City of Forest Park Zoning Ordinance parking standards as outlined in Section 8-8-90.
2. **Consistency with Approval**  
This approval is based on the existing site layout and operational characteristics as presented. Any expansion, site modification, or intensification of use, including but not limited to increased enrollment or extended hours of operation, shall require additional review and approval by the City.
3. **General Compliance**  
The property owner shall ensure the use remains in compliance with all applicable local, state, and federal regulations, including licensing requirements for childcare facilities.

The subject property previously received approval for a daycare use under a prior tenant. This request has been submitted by the property owner to establish the Conditional Use Permit with the property rather than a specific tenant. Approval will allow the property owner to lease the space to future childcare operators without requiring each tenant to seek separate approval from Mayor and Council, provided the use remains consistent with the approved conditions.

**Fiscal Impact**

**Exhibits Attached**  
CUP-2026-02 CUP Agenda Item 4959 and 4965 West St, Agenda Item Summary (2), LEGAL AD FINAL 04-16-2026, CUP-2026-02 FINAL STAFF REPORT, CUP-2026-02 PC Decision Letter

**Staff Recommendation**  
To approve case # CUP-2026-02.



# City Council Agenda Item

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**Subject:** Council Discussion to approve Case # CUP-2026-02- Conditional Use Permit for 4959 and 4965 West St. to establish a childcare center within the Single-Family Residential District (RS).

**Submitted By:** SaVaughn Irons-Kumassah, Principal Planner, Planning & Community Development Department

**Date Submitted:** April 24, 2026

**Work Session Date:** May 04, 2026

**Council Meeting Date:** May 04, 2026

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## **Background/History:**

The applicant is requesting approval of a Conditional Use Permit to establish a childcare center within the Single Family Residential (RS) District in Ward 2. Pursuant to Sec. 8-8-28 of the City of Forest Park Zoning Ordinance, pre-k facilities and daycare centers require a Conditional Use Permit to operate within the RS District.

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This approval is based on the existing site layout and operational characteristics as presented. Any expansion, site modification, or intensification of use, including but not limited to increased enrollment or extended hours of operation, shall require additional review and approval by the City.
3. **General Compliance**  
The property owner shall ensure the use remains in compliance with all applicable local, state, and federal regulations, including licensing requirements for childcare facilities.

The subject property previously received approval for a daycare use under a prior tenant. This request has been submitted by the property owner to establish the Conditional Use Permit with the property rather than a specific tenant. Approval will allow the property owner to lease the space to future childcare operators without requiring each tenant to seek separate approval from Mayor and Council, provided the use remains consistent with the approved conditions.

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**Cost:** N/A

**Budgeted for:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Financial Impact:**

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**Action Requested from Council:** To approve case # CUP-2026-02



**City of Forest Park City Council  
Agenda Item Summary  
May 4, 2026**

**Agenda Item #  
V3**

**CITY OF  
FORESTPARK**

<b>Requested By</b> SaVaughn Irons-Kumassah, Interim Director	<b>Sponsor(s)</b>
<b>Department</b> Planning and Community Development	

**Requested Action**  
Action Item

**Requirement for Board Action**

**Summary & Background**  
 The applicant is requesting approval of a Conditional Use Permit to establish a childcare center within the Single Family Residential (RS) District in Ward 2. Pursuant to Sec. 8-8-28 of the City of Forest Park Zoning Ordinance, pre-k facilities and daycare centers require a Conditional Use Permit to operate within the RS District. On April 16, 2026, the Planning Commission reviewed the request and voted to recommend approval with conditions. The conditions are as follows:

- 1. Parking Compliance**  
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- 2. Consistency with Approval**  
This approval is based on the existing site layout and operational characteristics as presented. Any expansion, site modification, or intensification of use, including but not limited to increased enrollment or extended hours of operation, shall require additional review and approval by the City.
- 3. General Compliance**  
The property owner shall ensure the use remains in compliance with all applicable local, state, and federal regulations, including licensing requirements for childcare facilities.

The subject property previously received approval for a daycare use under a prior tenant. This request has been submitted by the property owner to establish the Conditional Use Permit with the property rather than a specific tenant. Approval will allow the property owner to lease the space to future childcare operators without requiring each tenant to seek separate approval from Mayor and Council, provided the use remains consistent with the approved conditions.

**Fiscal Impact**

**Exhibits Attached**  
CUP-2026-02 CUP Agenda Item 4959 and 4965 West St, LEGAL AD FINAL 04-16-2026, CUP-2026-02 FINAL STAFF REPORT, CUP-2026-02 PC Decision Letter

**Staff Recommendation**  
To approve case # CUP-2026-02.



March 24, 2026

Clayton News Daily  
P.O. Box 368  
Jonesboro, GA 30253

Please run the following Public Hearings Section of the April 01, April 08, and April 15, 2026, Editions.

**TO THE CITIZENS OF FOREST PARK, CLAYTON COUNTY, GEORGIA, AND OTHER INTERESTED PARTIES:**

NOTICE IS HEREBY GIVEN: The City of Forest Park Planning Commission will conduct a meeting on a series of Public Hearings for the purpose of considering the matters listed below. The Public Hearings will be held on Thursday, April 16, 2025, at 6:00 p.m. in the Forest Park City Hall Council Chambers located at 745 Forest Parkway, Forest Park, GA 30297. The Mayor and City Council will conduct a meeting of Public Hearings for the listed Conditional Use Permit at Forest Park City Hall Council Chambers, 745 Forest Parkway, on Monday May 04, 2026, at 6:00 p.m.

- **Case #CUP-2026-02** – Conditional Use Permit for 4959 West Street, Parcel ID # **13051D A067** and 4965 West Street, Parcel # **13051D A066**. The applicant, Lauren Davis, is requesting a conditional use permit to establish a childcare center within the Single-Family Residential District (RS) in Ward 2.
- **Case# VAR-2026-01** -Variance Request for 0 Stillwood Cove, Parcel # **13046C A016**. The applicant, Jesus Gonzalez, is requesting a variance to allow an increase in the number of permitted dwelling units and reductions to the required setbacks, including a decrease in the minimum rear yard setback from thirty (30) feet to twenty-five (25) feet and a reduction in the minimum front yard setback from twenty-five (25) feet to nineteen (19) feet. The request is to permit the construction of two (2) duplex structures, totaling four (4) dwelling units, within the Two-Family Residential (RT) District in Ward 1.

SaVaughn Irons-Kumassah, Principal Planner  
Planning & Community Development Department  
404-366-4720



# CITY OF FOREST PARK

Planning & Community Development Department  
785 Forest Parkway  
Forest Park, Georgia 30297  
(404) 366-4720

## Staff Report – Conditional Use Permit

Public Hearing Date: April 16, 2026

City Council Meeting: May 4, 2026

**Case:** CUP-2026-02

**Current Zoning:** RS – Single Family Residential District

**Proposed Request:** Applicant is requesting a Conditional Use Permit to establish a childcare center within the Single-Family Residential District (RS) in Ward 2.

**Council Ward District:** 2

**Staff Report Compiled By:** SaVaughn Irons-Kumassah, Principal Planner

**Staff Recommendation:** Approval of Conditional Use with Conditions

### APPLICANT INFORMATION

<b>Owner of Record:</b>	<b>Applicant:</b>
<b>Name:</b> Lauren Davis (iCare Child Development Center)	<b>Name:</b> Lauren Davis
<b>Address:</b> 4959 & 4965 West St	<b>Address:</b> 4959 & 4965 West St
<b>City/State:</b> Forest Park, GA 30297	<b>City/State:</b> Forest Park, GA 30297

### PROPERTY INFORMATION

<b>Parcel Number:</b> 13051D A067 and 13051D A066	<b>Acreage:</b> 0.43 and 0.26
<b>Address:</b> 4959 and 4965 West St, Forest Park, GA 30297	<b>FLU:</b> Office/Professional

### SUMMARY & BACKGROUND

The property owner is requesting approval of a Conditional Use Permit (CUP) to allow the continued operation of a childcare center serving children aged 6 weeks to 12 years at 4959 and 4965 West Street. The proposed use includes utilizing the building at 4959 West Street for infants and toddlers (ages 6 weeks to 2 years), while the building at 4965 West Street will accommodate preschool-aged children (ages 3–4) and school-aged children enrolled in afterschool care. The proposed hours of operation are Monday through Friday, from 7:00 a.m. to 6:00 p.m.

According to the applicant’s Letter of Intent, the property has been utilized as a childcare center for over 30 years, and the request is to continue the same use without any significant changes to the existing structures or operations. The buildings will remain as they have been currently constructed, and no expansions or site modifications are proposed.

The subject property is located within the Single-Family Residential (RS) District. In accordance with Section 8-8-28 of the Zoning Ordinance, childcare centers are permitted as a conditional use and require approval by the Planning Commission and Mayor and Council. While the use has historically operated at this location, the current zoning classification requires formal approval of a Conditional Use Permit to continue operations.

The property owner has also repaved and restriped the parking lot in accordance with previous conditions established by the Mayor and Council, demonstrating continued investment in and compliance with site requirements.

Based on the applicant’s statement and prior use of the site, the proposed request is not expected to create additional impacts on surrounding properties, public services, or traffic patterns beyond what has historically existed at this location. While a specific operator has been identified, approval of this request is tied to the use of the property and not a specific tenant.

**Property Zoned General Commercial District (GC)**

**ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES**

Direction	Zoning & Use	Direction	Zoning & Use
North	RS- Single Family Residential	East	RM- Multiple Family Residential
South	RS- Single Family Residential	West	RS- Single Family Residential

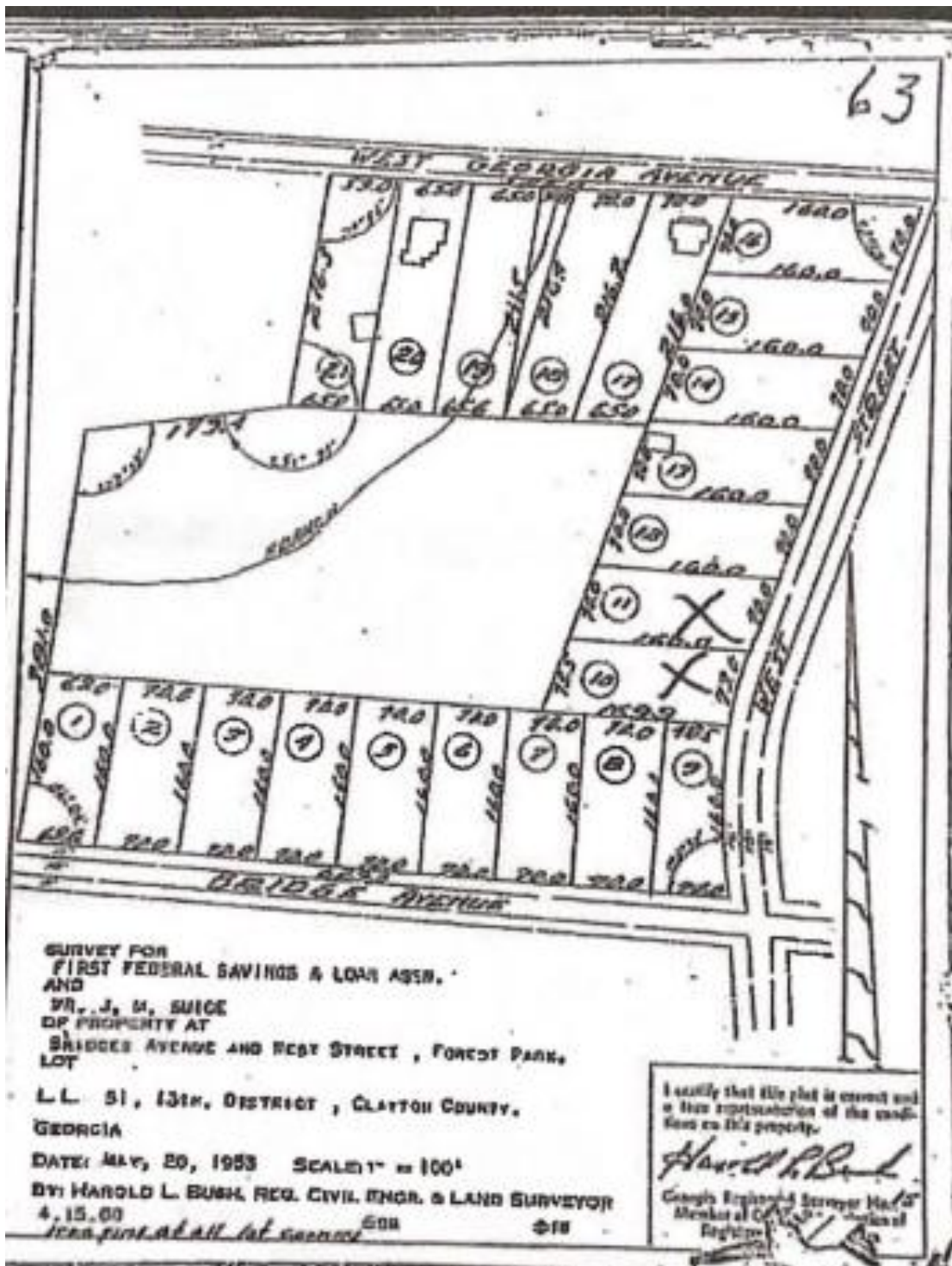
**AERIAL MAP**



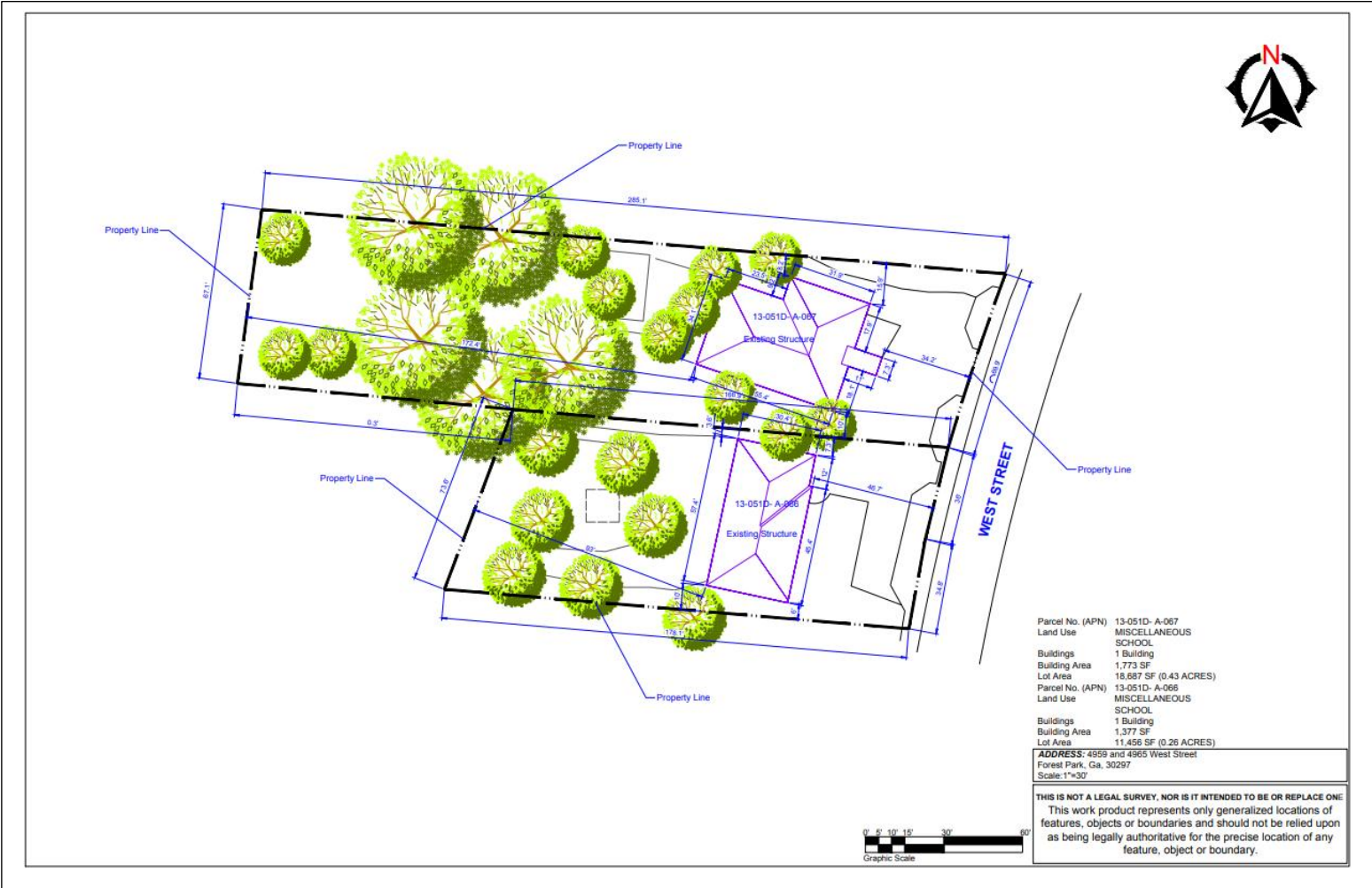
## ZONING MAP



SURVEY



# SITE PLAN



**SITE PHOTOS**





## ZONING CRITERIA AND ANALYSIS

- 1. Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use aligns with the City's land use and development goals and objectives. The property is located within the Single-Family Residential (RS) District and has historically operated as a childcare center for over 30 years. The request represents a continuation of an existing use.
- 2. Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposed use is not expected to have a significant impact on the transportation infrastructure, given the site's previous use. However, as no expansion or increase in operational intensity is proposed, traffic patterns are expected to remain consistent with historical conditions, with typical peak activity occurring during drop-off and pick-up times.
- 3. Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use is not anticipated to significantly alter fire safety or other hazard risks, based on the property's prior use and the continuation of similar operational conditions.
- 4. Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?** The proposed development does not appear to be a detriment to the public health, safety, morals, or general welfare if the Conditional Use Permit is granted.

5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease, or have any influence on the adequacy of light and air.
6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No. The proposed use will not result in overcrowding of land.
7. **Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the city.
8. **Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services considering the previous use of this property was a childcare center in the past.
9. **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?** The subject property is not subject to any zoning restrictions that would negatively impact the value or enjoyment of surrounding properties. Located within the Single-Family Residential (RS) District, childcare centers are allowed with an approved Conditional Use Permit. To minimize potential disruptions, applicants are encouraged to maintain open communication with neighboring residents regarding school schedules and operations.
10. **Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?** Granting a Conditional Use Permit would not diminish the future use of the property and surrounding area.
11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use appears suitable for the nearby properties based on the City of Forest Park Zoning Ordinance Sec 8-8-28 Single Family Residential District (RS). This section of the ordinance states that Pre-K and Daycare centers are permitted as a conditional use under this said ordinance. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would not create an isolated district.

## **STAFF RECOMMENDATION**

Staff recommends **APPROVAL OF A CONDITIONAL USE PERMIT** to open and operate a childcare center for children aged 6 weeks to 12 years of age within the Single-Family Residential District (RS). **WITH THE FOLLOWING CONDITIONS:**

### **1. Parking Compliance**

The property owner and any operator shall comply with the City of Forest Park Zoning Ordinance parking standards outlined in Section 8-8-90.

### **2. Consistency with Approval**

The approval of this Conditional Use Permit is based on the existing site layout and operational characteristics as presented. Any expansion, site modification, or intensification of use, including but not limited to increased enrollment or extended hours of operation, shall require additional review and approval by the City.

### **3. General Compliance**

The property owner shall ensure that the use remains in compliance with all applicable local, state, and federal regulations, including licensing requirements for childcare facilities.

#### Attachments Included:

- Application
- Letter of Intent
- Authorization of Property Owner
- Floor Plan



April 20, 2026

Lauren Davis  
4959 & 4965 West St (Parcel ID# 13051D A067 and 13051D A066)  
Forest Park, GA 30297

**RE: Conditional Use Permit Request (CUP-2026-02)**

Dear Ms. Davis,

On Thursday April 16, 2026, the City of Forest Park Planning Commission voted to recommend approval of your Conditional Use Permit with Conditions Permit to establish a childcare center within the Single-Family Residential District (RS) in Ward 2, for Mayor and Council. Conditions of Approval are as follows:

**1. Parking Compliance**

The property owner and any operator shall comply with the City of Forest Park Zoning Ordinance parking standards outlined in Section 8-8-90.

**2. Consistency with Approval**

The approval of this Conditional Use Permit is based on the existing site layout and operational characteristics as presented. Any expansion, site modification, or intensification of use, including but not limited to increased enrollment or extended hours of operation, shall require additional review and approval by the City.

**3. General Compliance**

The property owner shall ensure that the use remains in compliance with all applicable local, state, and federal regulations, including licensing requirements for childcare facilities.

The recommendation to approve this Conditional Use Permit, with conditions is to establish a childcare center within the Single-Family Residential District (RS) in Ward 2. Please note that the planning commission serves as an advisory board only. Final approval of your request will be considered by the Mayor and Council at their next meeting scheduled for Monday, May 04, 2026, at 6:00 PM. This Conditional Use Permit Request is for the property above listed as **4959 & 4965 West St (Parcel ID# 13051D A067 and 13051D A066)**.

Please contact me if you have any questions.

Sincerely,

*SaVaughn Irons-Kumassah*

SaVaughn Irons-Kumassah, Interim Director of Planning  
Planning & Community Development



**City of Forest Park City Council  
Agenda Item Summary  
May 4, 2026**

**Agenda Item #  
VI4**

**CITY OF  
FORESTPARK**

<b>Requested By</b> SaVaughn Irons-Kumassah, Interim Director	<b>Sponsor(s)</b>
<b>Department</b> Planning and Community Development	

<b>Requested Action</b> Ordinance (without public hearing)
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<b>Requirement for Board Action</b>
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<p><b>Summary &amp; Background</b></p> <p>Staff has conducted a review of Title 9 (Licensing and Regulation) and identified several provisions that are outdated, unclear, or lack sufficient detail to ensure consistent interpretation and enforcement. These ambiguities have created challenges for both staff administration and public-facing processes, particularly with respect to licensing requirements, application completeness, and regulatory compliance.</p> <p>The proposed amendments are intended to streamline existing procedures, establish clearer standards for applicants and licensees, and align the City’s Code with current operational practices and enforcement needs. Updates include clarifying application requirements, strengthening compliance and reporting obligations, and modernizing regulatory language across multiple chapters.</p> <p>This ordinance represents the first phase of a broader effort to comprehensively update Title 9. Additional amendments are anticipated and will be presented to Mayor and Council in future phases to further enhance clarity, consistency, and effectiveness of the City’s licensing and regulatory framework.</p>
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<b>Fiscal Impact</b>
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<p><b>Exhibits Attached</b> 2026-4-15 - FP Ord (Licensing)[67][94]</p>
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<p><b>Staff Recommendation</b> Approval</p>
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**STATE OF GEORGIA  
CITY OF FOREST PARK**

**ORDINANCE NO. 2026 \_\_\_\_\_**

1 AN ORDINANCE BY MAYOR GWENDOLYN ELLISON AND COUNCILMEMBERS  
2 KIMBERLY JAMES, DELORES A. GUNN, HECTOR GUTIERREZ, LATRESA  
3 AKINS-WELLS, AND ALLAN MEARS BY THE CITY OF FOREST PARK, GEORGIA TO  
4 AMEND TITLE 9 (LICENSING AND REGULATION), CHAPTER 1 (GENERAL  
5 PROVISIONS), CHAPTER 3 (PAWNBROKERS), CHAPTER 7 (MASSAGE  
6 ESTABLISHMENTS), AND CHAPTER 12 (ADULT ENTERTAINMENT  
7 ESTABLISHMENTS) OF THE CITY’S CODE OF ORDINANCES; TO REPEAL  
8 CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE  
9 FOR OTHER LAWFUL PURPOSES.

10 **WHEREAS**, the City of Forest Park, Georgia (“City”) is a municipal corporation duly  
11 organized and existing under the laws of the State of Georgia; and

12 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council  
13 thereof; and

14 **WHEREAS**, the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to  
15 its property, affairs, and local government; and

16 **WHEREAS**, the City has a legitimate governmental interest in protecting the public  
17 health, safety, and welfare through the reasonable regulation of certain businesses, including but  
18 not limited to pawnbrokers, adult entertainment establishments, and massage establishments; and

19 **WHEREAS**, the City Council finds that clarification and modernization of existing  
20 licensing and regulatory provisions are necessary to ensure consistent enforcement, reduce  
21 ambiguity, and align the City’s Code of Ordinances with current operational practices and legal

22 standards; and

23           **WHEREAS**, the amendments set forth herein are intended to promote transparency,  
24 accountability, and compliance among regulated businesses while preserving the City’s ability to  
25 effectively enforce its ordinances.

26           **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City  
27 of Forest Park, Georgia, as follows:

28           **Section 1.** The City’s Code of Ordinances, Title 9 (“Licensing and Regulation”), Chapter  
29 1 (“General Provisions”) is hereby amended with permanent additions in **bold** font and permanent  
30 deletions in ~~striketrough~~ font to font to be codified as set forth in **Exhibit A** attached hereto and  
31 incorporated herein by reference.

32           **Section 2.** The City’s Code of Ordinances, Title 9 (“Licensing and Regulation”), Chapter  
33 3 (“Pawnbrokers”) is hereby amended with permanent additions in **bold** font and permanent  
34 deletions in ~~striketrough~~ font to font to be codified as set forth in **Exhibit B** attached hereto and  
35 incorporated herein by reference.

36           **Section 3.** The City’s Code of Ordinances, Title 9 (“Licensing and Regulation”), Chapter  
37 7 (“Massage Establishments”) is hereby amended with permanent additions in **bold** font and  
38 permanent deletions in ~~striketrough~~ font to font to be codified as set forth in **Exhibit C** attached  
39 hereto and incorporated herein by reference.

40           **Section 4.** The City’s Code of Ordinances, Title 9 (“Licensing and Regulation”), Chapter  
41 12 (“Aduly Entertainment Establishments”) is hereby amended with permanent additions in **bold**  
42 font and permanent deletions in ~~striketrough~~ font to font to be codified as set forth in **Exhibit D**  
43 attached hereto and incorporated herein by reference.

44           **Section 5.** The preamble of this Ordinance shall be considered to be and is hereby

45 incorporated by reference as if fully set out herein.

46 **Section 6.** (a) It is hereby declared to be the intent of the Mayor and Council that all  
47 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
48 enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

49 (b) It is hereby declared to be the intent of the Mayor and Council that, to the greatest extent  
50 allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance  
51 is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It  
52 is hereby further declared to be the intent of the Mayor and Council that, to the greatest extent  
53 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually  
54 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

55 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance  
56 shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable  
57 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
58 the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the  
59 greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable  
60 any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and  
61 that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs,  
62 and sections shall remain in full force and effect.

63 **Section 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
64 repealed.

65 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the  
66 State of Georgia and the City of Forest Park. It is the intention of the governing body, and it is  
67 hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code

68 of Ordinances, City of Forest Park, Georgia, and the sections of this Ordinance may be renumbered  
69 to accomplish such intention.

70 **Section 9.** The City Clerk, with the concurrence of the City Attorney, is authorized to  
71 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

72 **Section 10.** The effective date of this Ordinance shall be the date of adoption unless  
73 otherwise stated herein.

74 **SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_ 2026.

**CITY OF FOREST PARK, GEORGIA**

\_\_\_\_\_  
Dr. Gwendolyn Ellison, *Mayor*

**ATTEST:**

\_\_\_\_\_  
*City Clerk* (SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
*City Attorney*

**EXHIBIT A**

75 TITLE 9 – LICENSING AND REGULATION

76 CHAPTER 1. – GENERAL PROVISIONS

77 Sec. 9-1-1. - License required; annual basis; display of license; license for each place of business.

78 (a) Every person, firm or corporation engaged in any commerce whatsoever within the city  
79 shall be required to obtain a license before he shall commence business except as  
80 provided by this chapter. This license shall be issued on an annual basis set forth in this  
81 chapter and for the fees provided in this chapter. No person, firm, partnership, corporation  
82 or any other applicant shall be allowed to renew any annual license nor shall any business  
83 license issue unless all past due city taxes and other assessments have been paid prior to  
84 the tender of payment of the annual license fee.

85 (b) Every person, firm or corporation shall be required to display his license in a prominent  
86 place. He shall be required to obtain a license for each place of business within the city  
87 without regard to other business locations previously licensed. This license is not  
88 transferable to any new person, firm or corporation. **A separate license shall be required**  
89 **for each physical location at which business is conducted, and no license shall**  
90 **authorize operations at any location other than the address listed on the application.**

91 (c) ~~Whenever the term "license" is used herein, such term shall be synonymous with that~~  
92 ~~occupation tax certificate. The term "license" as used in this chapter shall not be~~  
93 **synonymous with, nor construed to mean, an occupation tax certificate. Occupation**  
94 **tax certificates are governed by Title 3 of this Code and constitute a separate and**  
95 **distinct requirement from any license issued pursuant to this Title 9. Compliance with**  
96 **one shall not relieve any person or entity of the obligation to comply with the other**  
97 **where applicable.**

98 (d) This section shall not apply to the sale of food and/or merchandise under section 9-15-  
99 13 or the sale of alcoholic beverages under section 9-15-14.

100 Sec. 9-1-2. - Applications; denial of applications.

101 (a) Every person, firm or corporation shall make application for a license to the office of the  
102 director of finance in accordance with the forms and procedures established by that  
103 office. The correctness of all information required by the application shall be sworn to or  
104 affirmed by the person or principal or corporate officer empowered to make binding  
105 agreements by that firm or corporation. Failure to provide any information or knowingly  
106 falsifying any information may result in revocation and fines and penalties as provided  
107 by this chapter.

108 (b) **An application shall not be deemed complete until all required information,**  
109 **documentation, and fees have been submitted to the satisfaction of the director of**

110 **finance. The director of finance may require additional documentation reasonably**  
111 **necessary to verify compliance with applicable laws, including zoning compliance and**  
112 **any required state or county licensure. It shall be the sole responsibility of the**  
113 **applicant to ensure that all required information, documentation, and fees are**  
114 **submitted and complete. The city shall have no obligation to notify an applicant of**  
115 **deficiencies in an application, and acceptance of an application by the city shall not**  
116 **be construed as a determination that the application is complete or sufficient.**

117 **(c) Every applicant and licensee shall have a continuing duty to update any material**  
118 **information provided in an application for a license. Any change in ownership,**  
119 **management, business operations, contact information, or any other material fact**  
120 **shall be reported in writing to the director of finance within ten (10) days of such**  
121 **change. Failure to update such information may result in suspension, revocation, or**  
122 **denial of a license.**

123 ~~(b)~~ **(d) The director of finance may deny any application for a license or renewal of a license**  
124 **under this chapter whenever he has been provided with a copy of a written order entered**  
125 **by the city manager (or by a hearing officer acting in place of the city manager) pursuant**  
126 **to section 9-1-12 of this Code suspending or revoking any license issued under this**  
127 **chapter, within the immediately preceding twelve-month period. In such an event, no**  
128 **second "show cause hearing" shall be required to establish any of the facts underlying**  
129 **the section 9-1-12 order, but the applicant may request a hearing to contest the validity**  
130 **of the denial of the license by filing a request for a hearing with the city clerk within ten**  
131 **(10) days following the date of his receipt of the denial. The denial shall be sent to the**  
132 **applicant via United States mail overnight delivery to the address provided by the**  
133 **applicant on his application.**

134 ~~(e)~~ **(e) The director of finance may deny any application for a license or renewal of a license**  
135 **under this chapter when he has been provided information by the city's police department**  
136 **that the applicant has, with knowledge actual or implied (i.e., when the applicant knew**  
137 **or under the circumstances reasonably should have known) allowed conduct within or**  
138 **upon his business premises constituting a violation or violations of any federal or state**  
139 **laws or city ordinances, when such conduct would affect or relate to the applicant's**  
140 **qualification to conduct the business, or where such activities involve, affect or relate to**  
141 **the manner in which the applicant's business would be or is being conducted. In**  
142 **determining whether such conduct affects the applicant's qualification, the director**  
143 **of finance may consider the nature and severity of the conduct, the frequency of**  
144 **violations, whether corrective action was taken, and the impact on public health,**  
145 **safety, and welfare.** The applicant may request a hearing to contest the denial of the  
146 license by filing a request for such a hearing with the city clerk within ten (10) days  
147 following the date of his receipt of the denial. The hearing shall be conducted in  
148 accordance with section 9-1-12 of this Code. The denial shall be sent to the applicant via  
149 United States mail overnight delivery to the address provided by the applicant on his  
150 application.

151 ~~(d)~~ (f) The applicant may file a petition for a writ of certiorari in the Superior Court to contest  
152 any decision made pursuant to this section. Nothing herein shall be construed as  
153 preventing the city's governing body from appointing a hearing officer to serve in lieu of  
154 the director of finance under this section.

155 Sec. 9-1-3. - Fees.

156 Each person, firm or corporation shall register their business and pay any and all  
157 occupation taxes required as set forth in title 3, chapter 3 of this Code. **Payment of such taxes**  
158 **shall be a condition precedent to the issuance or renewal of any license under this chapter.**

159 Sec. 9-1-4. - Time for application and payment of fees.

160 The license or occupation tax certificate is issued on an annual basis for a period from  
161 January 1 through December 31 of the year for which it is issued. The procedure for application  
162 is set forth in title 3, chapter 3 of this Code. **All applications for renewal shall be submitted in**  
163 **accordance with deadlines established by the city, and failure to timely apply may result in**  
164 **penalties as provided by law.**

165 Sec. 9-1-5. - Proof of state and county licenses and/or permits as condition of license.

166 (a) Where a license or permit from any state or county office or agency is required as a  
167 prerequisite to engaging in any particular type of business, such as, but not limited to,  
168 food service establishments, private detectives, child care facilities and nursing homes,  
169 or where such a license or permit is required to maintain a particular facility as part of a  
170 larger business, such as swimming pools located in health clubs or food counters located  
171 in retail establishments, a city business license shall not be issued for that establishment  
172 unless proof of the required state or county license or permit accompanies the application  
173 for the city business license. **Such proof shall be current and valid at the time of**  
174 **application.**

175 (b) Suspension or revocation of any such required license or permit from a state or county  
176 office or agency shall result in immediate suspension or revocation of the city business  
177 license. **The licensee shall have a continuing duty to maintain all required external**  
178 **licenses and permits in good standing.**

179 Sec. 9-1-6. - Change of address; **change of ownership.**

180 (a) Any person moving from one location to another shall notify the director of finance of  
181 such move and the new address in writing on a form provided by the director of finance  
182 no later than the day of moving. The same business license will be valid at the new  
183 location if such new location conforms to the zoning regulations of the city. **No business**  
184 **shall operate at a new location until such notification has been provided and zoning**  
185 **compliance has been confirmed by the city.**

186 (b) **A license issued under this chapter shall not be transferable. Any change in**  
187 **ownership, including the sale, transfer, or assignment of a business, or any change in**

188 **controlling interest of a business entity, shall require the submission of a new**  
189 **application for a license. The continued operation of a business under a prior owner’s**  
190 **license shall be prohibited.**

191 Sec. 9-1-7. - Penalties.

192 Persons, firms or corporations violating the provisions of this chapter shall be subject to  
193 the same penalties as set forth in title 3, chapter 3 of this Code. **Each day a violation continues**  
194 **shall constitute a separate offense.**

195 [...]

196 Sec. 9-1-12. - Revocation and suspension of licenses.

197 (a) *Application to title 9 provisions.* In addition to any other provisions hereinafter  
198 contained, the following revocation provisions shall apply to all [chapters] of [title] 9 of  
199 the Code of Ordinances of the City of Forest Park.

200 (b) *Authority to revoke or suspend licenses for unlawful activities.*

201

202 (1) **All licensees shall operate in compliance with all applicable federal, state, and**  
203 **local laws and ordinances at all times. Failure to maintain such compliance shall**  
204 **constitute grounds for denial, suspension, or revocation of a license.**

205 (2) **Notwithstanding any other provision of this chapter, the city may deny, suspend,**  
206 **or revoke a license where the operation of a business is determined to be**  
207 **detrimental to the public health, safety, or welfare, based on documented patterns**  
208 **of unlawful activity, nuisance conditions, or repeated violations.**

209 (3) The city manager for the city is hereby authorized to make investigations, conduct  
210 hearings, and suspend or revoke any licenses issued under Title 9 of this Code of  
211 Ordinances in accordance with the following procedure.

212 (c) *Preliminary investigation; show cause hearing; notice and hearing; findings of*  
213 *fact.* Where it is reported to the city manager that any person, firm, corporation or other  
214 legal entity holding a license issued under Title 9 of this Code of Ordinances ("the  
215 licensee") has, with knowledge actual or implied (i.e., where the licensee knew or under  
216 the circumstances should have reasonably known), allowed two (2) or more separate  
217 unlawful activities to be carried on within or upon the licensee's place of business or  
218 business premises, including activities which would constitute violations of the laws of  
219 the State of Georgia or any city ordinances, and where such activities would directly or  
220 indirectly affect the licensee's qualification to continue to conduct the licensed business,  
221 or where such activities involve or affect the manner in which said business was or is  
222 being conducted, the licensee shall be notified to appear before the city manager at a  
223 time, date and place certain and show cause why the licensee's business license should  
224 not be revoked or suspended. **For purposes of this section, “separate unlawful**

225 **activities” shall mean distinct incidents occurring at different times or involving**  
226 **separate acts, regardless of whether citations were issued or criminal charges were**  
227 **filed.** The licensee may appear at the hearing in person and may be represented by  
228 counsel (at his own expense), and shall have the right to present evidence and cross-  
229 examine witnesses. The rules of evidence shall not apply, but the hearing shall be  
230 conducted in a fundamentally fair manner. **The city manager’s decision shall be based**  
231 **upon a preponderance of the evidence. The city manager may consider police reports,**  
232 **incident reports, witness testimony, and other reliable evidence.** Within ten (10)  
233 business days following the conclusion of the hearing, the city manager shall issue a  
234 written order including findings of fact based upon the evidence presented at the hearing,  
235 and may:

236 (1) Find that the evidence does not warrant or authorize revocation or suspension of the  
237 license;

238 (2) Issue a warning to the licensee;

239 (3) Suspend the license and probate the suspension;

240 (4) Suspend the license for any period up to sixty (60) days;

241 (5) Enter an order revoking the license instanter-;

242 (6) **Impose reasonable conditions on the continued operation of the business,**  
243 **including but not limited to security measures, modified hours of operation, or**  
244 **compliance plans.**

245 (d) *Appeals.* Any person aggrieved by a decision of the city manager made pursuant to this  
246 section may file a petition for a writ of certiorari in the Superior Court of Clayton County,  
247 Georgia in accordance with the laws of the State of Georgia, provided that the decision  
248 of the city manager shall not be stayed during the pendency of the proceedings in the  
249 superior court, nor shall it be stayed in the event of an appeal from the final order and  
250 judgment of the superior court.

## EXHIBIT B

251 TITLE 9 – LICENSING AND REGULATION

252 [...]

253 CHAPTER 3. – PAWNBROKERS

254 [...]

255 Sec. 9-3-2. - License required.

256 ~~No person shall conduct business as a pawnbroker, or maintain an establishment for the~~  
257 ~~purposes of conducting business as a pawnbroker, until a business license has been obtained~~  
258 ~~from the city clerk. Such license application shall be made to the city clerk and license issued~~  
259 ~~only upon approval by the mayor and council.~~ **No person shall conduct business as a**  
260 **pawnbroker or maintain an establishment for the purpose of conducting business as a**  
261 **pawnbroker, without first obtaining a valid business license issued by the city. An application**  
262 **for a pawnbroker's license shall be submitted to the city clerk on forms prescribed by the**  
263 **city. An application shall not be deemed complete until all required information,**  
264 **documentation, and applicable fees have been submitted. It shall be the sole responsibility of**  
265 **the applicant to ensure that the application is complete and accurate, and the city shall have**  
266 **no obligation to notify the applicant of deficiencies. No license shall be issued except upon**  
267 **approval by the mayor and council.**

268 [...]

269 Sec. 9-3-4. - Limitation on issuance.

270 (a) ~~No pawnbroker's license shall be issued to any person or to any pawnbroker who employs~~  
271 ~~any person who has been convicted of a crime involving as an element thereof the theft~~  
272 ~~of property.~~ **No pawnbroker's license shall be issued to any applicant who has been**  
273 **convicted of a crime involving theft, fraud, or dishonesty, or any offense substantially**  
274 **related to the duties and responsibilities of operating a pawnbroker business. No**  
275 **pawnbroker shall knowingly employ any person in a position involving the handling,**  
276 **purchasing, or receiving of pledged goods who has been convicted of a crime involving**  
277 **theft, fraud, or dishonesty, unless such employment is approved by the city based**  
278 **upon a determination that the individual does not pose a risk to the public.**

279 (b) ~~No further pawnbrokers licenses shall be issued when the total number of licenses issued~~  
280 ~~and in effect would number more than one (1) for each eight thousand (8,000) persons~~  
281 ~~residing in the city. It is the intent of this provision to require a population of eight~~  
282 ~~thousand (8,000) persons for each license issued. For purposes of complying with this~~

283 ~~Code section, the most recent decennial census of the United States as published by the~~  
284 ~~United States Bureau of the Census shall be used. Example: (1) population equals less~~  
285 ~~than eight thousand (8,000), then no license may be issued; (2) population equals eight~~  
286 ~~thousand (8,000) to fifteen thousand nine hundred ninety nine (15,999), then one (1)~~  
287 ~~license may be issued; (3) population equals sixteen thousand (16,000) to twenty-three~~  
288 ~~thousand nine hundred ninety nine (23,999), then two (2) licenses may issued, etc. If a~~  
289 ~~licensee shall go out of business or if a license is revoked and the number of such licenses~~  
290 ~~in effect shall continue to exceed the limit prescribed herein, such license may not be~~  
291 ~~reinstated. **The total number of pawnbroker licenses issued and in effect within the**~~  
292 ~~**city shall not exceed one (1) license per eight thousand (8,000) residents, as determined**~~  
293 ~~**by the most recent decennial census published by the United States Census Bureau.**~~  
294 ~~**For purposes of this subsection, no license shall be issued if the population of the city**~~  
295 ~~**is less than eight thousand (8,000). One (1) license may be issued when the population**~~  
296 ~~**is at least eight thousand (8,000) but less than sixteen thousand (16,000). Two (2)**~~  
297 ~~**licenses may be issued when the population is at least sixteen thousand (16,000) but**~~  
298 ~~**less than twenty-four thousand (24,000), and additional licenses may be issued in the**~~  
299 ~~**same proportion for each additional increment of eight thousand (8,000) residents. If**~~  
300 ~~**a license is surrendered, revoked, or otherwise terminated, and the number of licenses**~~  
301 ~~**in effect exceeds the limit prescribed herein, no additional license shall be issued until**~~  
302 ~~**the number of licenses falls within the permitted limit.**~~

303 [...] ]

304 Sec. 9-3-6. - Records to be kept; information to be shown; inspection authorized.

305 (a) All pawnbrokers shall keep ~~books~~ **records, which may be maintained in written or**  
306 **electronic form**, wherein shall be entered an accurate description of all property pledged  
307 or sold to them. Such description shall include:

- 308 (1) The name of the manufacturer of the article;
- 309 (2) Any identifying marks or numbers;
- 310 (3) A statement of the kind of material of which it is made.

311 (b) In such ~~books~~ **records** there shall **also** be entered ~~also~~:

- 312 (1) The name of the person ~~by whom same was deposited or sold~~ **from whom the**  
313 **property was received;**
- 314 (2) ~~The time when the transaction was accomplished~~ **The date and time of the**  
315 **transaction;** and
- 316 (3) ~~A legible thumb print of the depositor.~~ **A legible thumbprint or other biometric**  
317 **identifier of the person from whom the property was received, collected for law**  
318 **enforcement identification purposes. Such information shall be maintained as**

319                    **part of the pawnbroker's required records and shall be made available to law**  
320                    **enforcement as provided in this section. The collection and retention of such**  
321                    **information shall be limited to that reasonably necessary for identification and**  
322                    **enforcement purposes.**

323                    (c) ~~These entries shall be made as soon after the transaction as possible, but in no event later~~  
324                    ~~than one hour thereafter.~~ **All required entries shall be made contemporaneously with**  
325                    **the transaction, and in no event later than the close of business on the day of the**  
326                    **transaction.**

327                    (d) ~~Such books and the articles themselves so pledged or sold shall at all times be subject to~~  
328                    ~~inspection and examination by any duly authorized law enforcement officer.~~ **Such**  
329                    **records and the articles pledged or sold shall be made available for inspection and**  
330                    **examination by any duly authorized law enforcement officer during normal business**  
331                    **hours or at such other reasonable times as may be necessary for enforcement**  
332                    **purposes.**

333                    (e) ~~Any person engaged in the business of a pawnbroker who shall fail or refuse to keep~~  
334                    ~~books as provided in this section, or who shall make false entries concerning the~~  
335                    ~~transaction named, or who shall fail or refuse to permit an inspection and examination by~~  
336                    ~~any duly authorized law enforcement officer of the books and of the property pledged~~  
337                    ~~with or sold to them shall be in violation of this chapter and punished as provided by the~~  
338                    ~~general penalty in section 1-1-8 of this code.~~ **Any person engaged in the business of a**  
339                    **pawnbroker who fails to maintain records as required by this section, makes**  
340                    **materially false entries, or refuses to permit inspection as provided herein shall be in**  
341                    **violation of this chapter and subject to the penalties set forth in section 1-1-8 of this**  
342                    **Code. Each day such violation continues shall constitute a separate offense.**

343                    Sec. 9-3-7. - Daily report to police.

344                    (a) ~~Every pawnbroker shall make a daily report in writing to the chief of police, in such form~~  
345                    ~~as may be prescribed by the chief, of all property pledged to or bought by him during the~~  
346                    ~~twenty-four (24) hours ending at 8:00 p.m. on the date of the report. Such report shall be~~  
347                    ~~typewritten.~~ **Every pawnbroker shall submit a daily report to the chief of police, in a**  
348                    **form prescribed by the chief, of all property pledged to or purchased during the**  
349                    **preceding twenty-four (24) hour period. Such report may be submitted electronically**  
350                    **or in writing, as required by the chief of police.** In addition to any other information  
351                    required by the chief of police, ~~they shall show~~ **such report shall include:**

352                    (1) The name and address of the pawnbroker;

353                    (2) The time of the transaction;

354                    (3) Serial numbers of pawn tickets;

355                    (4) Amount paid or advanced;

356 (5) Full description of articles, including kind, style, material, color, design, kind and  
357 number of stones in jewelry, together with all identifying names, marks, and  
358 numbers thereon; and

359 (6) ~~Description of persons selling or pawning, including name, address, race, weight,~~  
360 ~~height, and thumb print.~~ **Identification of the person selling or pawning the**  
361 **property, including name, address, and a valid government-issued identification**  
362 **number. A thumbprint or other biometric identifier may be included for law**  
363 **enforcement identification purposes, consistent with the requirements of section**  
364 **9-3-6.**

365 (b) ~~Insufficient reports shall be rejected and any pawnbroker making such shall be deemed~~  
366 ~~guilty of a violation of this chapter. In addition, pawnbrokers shall make daily reports of~~  
367 ~~all typewriters, adding machines, and radios coming into and going out of their place of~~  
368 ~~business. The daily report shall be in such form and shall contain sufficient information~~  
369 ~~to identify each such article.~~ **Failure to submit complete and accurate reports as**  
370 **required by this section shall constitute a violation of this chapter. The chief of police**  
371 **may require reporting of specific categories of goods as necessary for law enforcement**  
372 **purposes. All reports shall contain sufficient detail to reasonably identify each article**  
373 **reported.**

374 [...]

375 Sec. 9-3-9. - Pledge of building glass and plumbing material.

376 It shall be unlawful for pawnbrokers to purchase, advance money on, or take in pawn glass  
377 taken from buildings, such as mantle mirrors, art glass, and the like, or copper wire, copper lining  
378 of bathtubs, lead pipes, or any kind of plumbing material sold as junk, where same is offered for  
379 sale or pawn by other than persons of known good character. In all cases where such goods are  
380 purchased or money advanced, the pawnbroker shall keep a record of such purchases or  
381 advances, showing the names of the persons from whom received, their residence, the goods so  
382 taken, and the amount of money paid or advanced, and this shall be at all times open for  
383 inspection to any duly authorized law enforcement officer. In addition, it shall be unlawful for  
384 pawnbrokers to purchase any such goods, or to advance money thereon, where their appearance  
385 indicates that they have been tampered with, or there is an effort to conceal identity, or same are  
386 mutilated or otherwise show an effort to destroy evidence of the former location of the property.  
387 While such goods are being kept for ten (10) days before being disposed of, they shall be so  
388 arranged that they can be inspected by all duly authorized law enforcement officers upon  
389 demand. **It shall be unlawful for any pawnbroker to purchase, advance money on, or accept**  
390 **as pledged goods any building materials, including but not limited to glass, copper wire,**  
391 **copper piping, plumbing materials, or similar items, when the pawnbroker knows or**  
392 **reasonably should know that such materials have been unlawfully obtained. For any such**  
393 **transaction, the pawnbroker shall maintain records in accordance with section 9-3-6 of this**  
394 **chapter. Such records shall be available for inspection by any duly authorized law**  
395 **enforcement officer as provided therein. It shall further be unlawful for any pawnbroker to**  
396 **accept such materials where the property appears to have been altered, defaced, or otherwise**

397 **modified in a manner that would reasonably indicate an attempt to conceal ownership or**  
398 **origin. Any such materials shall be retained and made available for inspection in accordance**  
399 **with the holding requirements set forth in section 9-3-8 of this chapter.**

400 Sec. 9-3-10. - Minors.

401 ~~No pawnbroker shall have any business dealings as a pawnbroker with a minor, nor shall a~~  
402 ~~pawnbroker's license be issued to a minor, nor shall a pawnbroker employ a minor to assist him~~  
403 ~~in his business.~~ **No pawnbroker shall engage in any pawn transaction with a minor. No**  
404 **pawnbroker's license shall be issued to any minor. No pawnbroker shall employ a minor in**  
405 **any position involving pawn transactions, including the purchasing, receiving, or handling**  
406 **of pledged goods. The pawnbroker shall be responsible for verifying the age of all persons**  
407 **engaged in pawn transactions and employees subject to this section through valid**  
408 **government-issued identification.**

409 [...]

410 Sec. 9-3-12. - Violation.

411 Any person violating any section of this chapter shall be subject to the general penalty  
412 provided in section 1-1-8 of the code of ordinances of the city, and, in addition, shall be subject  
413 to revocation of their license to do business as a pawnbroker in this city. **Any person violating**  
414 **any provision of this chapter shall be subject to the general penalty provided in section 1-1-**  
415 **8 of the Code of Ordinances of the city. Each day that a violation of this chapter exists shall**  
416 **constitute a separate offense. In addition to any criminal penalties, a violation of this chapter**  
417 **shall constitute grounds for denial, suspension, or revocation of a pawnbroker's license.**

418 Sec. 9-3-13. - Availability of additional licenses; procedure for obtaining same.

419 ~~(a) If at any such time the city is authorized to issue a new license by reason of population~~  
420 ~~increase, revocation, or surrender of an existing license or licenses, the city manager shall~~  
421 ~~cause to be published in the legal organ of Clayton County a notice setting forth the~~  
422 ~~following:~~ **If the city is authorized to issue an additional pawnbroker license due to**  
423 **population increase, revocation, surrender, or other availability, the city manager**  
424 **shall cause notice of such availability to be published in the legal organ of Clayton**  
425 **County. Such notice shall include the following:**

426 (1) That the city has the ability to issue a pawnbrokers license.

427 (2) That any party wishing to apply for said license shall make application to the city  
428 for same within thirty (30) days of the date of publication of the notice.

429 (3) All applications shall be reviewed and approved as qualifying for the license as  
430 provided for in section 9-3-3 of this Code.

431 (4) ~~The city manager shall then notify those applicants that are approved of the fact that~~  
432 ~~they have been approved as qualifying for consideration of the issuance of a license.~~  
433 ~~They shall submit the fee provided for in title 3, chapter 3 of this Code within~~  
434 ~~seventy-two (72) hours of their notification. Any applicant who fails to submit the~~  
435 ~~fee shall forfeit its right to be considered as qualifying.~~ **The city manager shall**  
436 **notify applicants who meet the minimum qualifications that they are eligible for**  
437 **consideration for issuance of a license. Each such applicant shall submit the**  
438 **required license fee within seventy-two (72) hours of notification. Failure to**  
439 **timely submit the required fee shall result in removal of the applicant from**  
440 **further consideration.**

441 (b) ~~In the event that more applicants qualify than the number of licenses or license available,~~  
442 ~~the city manager shall then notify the applicants of a time and date in which to appear in~~  
443 ~~the council chambers of the city for purposes of selecting by random the applicant to~~  
444 ~~whom the license will issue.~~ **If the number of qualified applicants exceeds the number**  
445 **of available licenses, the city manager shall conduct a random selection process at a**  
446 **publicly noticed meeting to determine which applicant or applicants shall receive a**  
447 **license.**

448 (c) ~~Those applications not selected shall immediately be refunded the application fee~~  
449 ~~heretofore paid.~~ **Application fees paid by applicants not selected shall be refunded.**

450 (d) ~~By submitting an application pursuant to this process, each applicant consents to the~~  
451 ~~process and procedure by which the licensee will be selected and waives any protest or~~  
452 ~~complaint as to the method and manner of selection, acknowledging that the license~~  
453 ~~granted hereunder is a privilege license.~~ **By submitting an application pursuant to this**  
454 **section, each applicant acknowledges that the issuance of a pawnbroker license is a**  
455 **privilege and not a right, and that the selection process shall be conducted in**  
456 **accordance with this section.**

457 Sec. 9-3-14. - ~~Moratorium on the licensing of pawnbrokers.~~ **Reserved.**

458 (a) ~~Findings of fact.~~ ~~The mayor and council of the City of Forest Park hereby makes the~~  
459 ~~following findings of fact:~~

460 (1) ~~It appears that the city ordinance on business licensure, as it relates to pawnbrokers~~  
461 ~~and pawn shops, requires an additional review by the City of Forest Park;~~

462 (2) ~~Substantial disorder, detriment and irreparable harm would result to the citizens,~~  
463 ~~businesses and City of Forest Park if the current regulatory for pawnbrokers and~~  
464 ~~pawn shops in the city were to be utilized prior to more thorough review;~~

465 (3) ~~The city's ongoing revision of the aforementioned licensure and regulation~~  
466 ~~provisions requires that a cessation of pawn licensing be enacted; and~~

467           ~~(4) That it is necessary and in the public interest to delay, for a reasonable period of~~  
468           ~~time, the processing of any applications for such businesses, to ensure that the~~  
469           ~~design, development and location of the same are consistent with the long-term~~  
470           ~~planning objectives of the city.~~

471           ~~(b) Imposition of moratorium:~~

472           ~~(1) There is hereby imposed a moratorium on the issuance by the staff of the City of~~  
473           ~~Forest Park of development plans, and permits and licenses for all pawn shops and~~  
474           ~~pawn brokerages seeking to operate in the City of Forest Park.~~

475           ~~(2) The duration of this moratorium shall be until such time as the city completes the~~  
476           ~~hereinafter described studies and takes any appropriate action thereon, including,~~  
477           ~~without limitation, revocation, or the expiration of thirty (30) days from enactment,~~  
478           ~~whichever first occurs.~~

479           ~~(3) This moratorium shall be effective as of the date of this section.~~

480           ~~(4) This moratorium shall have no effect upon approvals or permits previously issued~~  
481           ~~or as to development plans previously approved by the city. The provisions of this~~  
482           ~~section shall not affect the issuance of permits or licenses that have received~~  
483           ~~preliminary or final approval by the city on or before the effective date of this~~  
484           ~~section.~~

485           ~~(5) As of the effective date of this section, no applications for operation of a pawn shop~~  
486           ~~or pawn brokerage business will be accepted by any agent, employee or officer of~~  
487           ~~the city with respect to any property in the City of Forest Park and any application~~  
488           ~~so accepted for filing will be deemed in error, null and void and of no effect~~  
489           ~~whatsoever.~~

490           ~~(6) The city shall immediately commission a review of its ordinances concerning pawn~~  
491           ~~shop and pawn brokerage licensure.~~

492           ~~(7) The city shall, after completion of the study, make such changes or additions to the~~  
493           ~~city's ordinances as its studies may warrant.~~

494           ~~(8) The following procedures shall be put in place immediately. Under the Supreme~~  
495           ~~Court case of *Cannon v. Clayton County*, 255 Ga. 63 (1985), the Supreme Court~~  
496           ~~stated, "Where a landowner makes a substantial change in position by expenditures~~  
497           ~~and reliance on the probability of the issuance of a building permit, based upon an~~  
498           ~~existing zoning ordinance and the assurances of zoning officials, he acquires vested~~  
499           ~~rights and is entitled to have the permit issued despite a change in the zoning~~  
500           ~~ordinance which would otherwise preclude the issuance of a permit." Pursuant to~~  
501           ~~this case, the City of Forest Park recognizes that, unknown to the city, de facto~~  
502           ~~vesting may have occurred. The following procedures are established to provide~~  
503           ~~exemptions from the moratorium where vesting has occurred:~~

504 a. ~~A written application, including verified supporting data, documents and~~  
505 ~~facts, may be made requesting a review by the mayor and council at a~~  
506 ~~scheduled meeting of any facts or circumstances which the applicant feels~~  
507 ~~substantiates claim for vesting and the grant of an exemption;~~

508 b. ~~Within one (1) week of the enactment of this moratorium, the city shall~~  
509 ~~cause to issue an advertisement in its legal newspaper to run once a week~~  
510 ~~for two (2) consecutive weeks providing notice to the public of the~~  
511 ~~imposition of this moratorium and the opportunity for review before the~~  
512 ~~mayor and council.~~

513 Sec. 9-3-15. - Pawnbroker's license transferrable.

514 (a) ~~Notwithstanding any other provision contained in this Code, a pawnbroker duly licensed~~  
515 ~~by, and in good standing with, the City of Forest Park may transfer his pawnbroker's~~  
516 ~~license to another person as follows:~~ **Notwithstanding any other provision of this Code,**  
517 **a pawnbroker duly licensed and in good standing with the City of Forest Park may**  
518 **request approval to transfer such license to another person, subject to the**  
519 **requirements of this section:**

520 (1) ~~The holder of the pawnbroker's license shall notify the mayor and council in writing~~  
521 ~~of its desire and intent to transfer its pawnbroker's license, and attach to such notice~~  
522 ~~a completed license application of the intended transferee, including a check for the~~  
523 ~~license fee from the intended transferee.~~ **The license holder shall submit written**  
524 **notice to the mayor and council of the intent to transfer the license, together with**  
525 **a completed application for the proposed transferee, including all information**  
526 **and documentation required for an original license application.**

527 (2) ~~The chief of police shall review and investigate the intended transferee's application,~~  
528 ~~using the same standards as are used for initial applications and forward his~~  
529 ~~recommendation thereon to the mayor and council for their consideration, approval~~  
530 ~~or denial.~~ **The chief of police shall review and investigate the application of the**  
531 **proposed transferee using the same standards applicable to an original license**  
532 **application and shall provide a recommendation to the mayor and council for**  
533 **approval or denial.**

534 (3) ~~Upon approval of the intended transferee by the mayor and council, the city clerk~~  
535 ~~shall have authority to amend the existing pawnbroker's license to reflect the~~  
536 ~~transfer.~~ **Upon approval by the mayor and council, and upon payment of the**  
537 **required license fee, the city clerk shall issue a license to the approved transferee.**

538 (b) ~~Any misrepresentation on the intended transferee's license application shall be grounds~~  
539 ~~for rejection of the application for transfer.~~ **Any material misrepresentation or omission**  
540 **in the application of the proposed transferee shall be grounds for denial of the**  
541 **transfer request and may constitute grounds for suspension or revocation of the**  
542 **existing license.**

## EXHIBIT C

543 TITLE 9 – LICENSING AND REGULATION

544 [...]

545 CHAPTER 7. – MASSAGE ESTABLISHMENTS

546 Sec. 9-7-1. - Messages; purpose.

547 ~~To protect public health, safety, welfare and morals, the following provisions are ordained~~  
548 ~~for the privilege of carrying on the business, trade or profession of masseur and for the operation~~  
549 ~~or carrying on of the businesses, trades, or professions commonly known as massage parlors,~~  
550 ~~health salons, physical culture studios, or similar establishments by whatever name designated,~~  
551 ~~wherein massage or other physical manipulation of the human body is carried on or practiced.~~  
552 **To protect the public health, safety, and welfare, the following provisions are adopted to**  
553 **regulate the business, trade, and profession of massage therapy and the operation of massage**  
554 **establishments, including but not limited to massage parlors, health salons, physical culture**  
555 **studios, and similar establishments, by whatever name designated, wherein massage or other**  
556 **physical manipulation of the human body is performed. It is the purpose and intent of this**  
557 **chapter to establish reasonable regulations to ensure that such businesses operate in a lawful,**  
558 **sanitary, and professional manner; to prevent unlawful activity, including but not limited to**  
559 **prostitution and related offenses; and to protect the public from fraud, unsanitary**  
560 **conditions, and other threats to health, safety, and welfare. This chapter is further intended**  
561 **to provide for the licensing and regulation of massage businesses and practitioners in a**  
562 **manner consistent with applicable state law and to promote the responsible operation of such**  
563 **businesses within the city.**

564 [...]

565 Sec. 9-7-3. - Definitions.

566 Unless the context clearly indicates otherwise, the following words and phrases shall have  
567 the following meanings:

568 (1) *Massage* means the manipulation of ~~body muscle or tissue by rubbing, stroking,~~  
569 ~~kneading, tapping or otherwise, by hand or mechanical device used manually soft~~  
570 **tissue of the human body, including muscles, connective tissue, tendons, ligaments,**  
571 **and joints, by rubbing, stroking, kneading, tapping, or other similar methods,**  
572 **performed by hand or by a mechanical device operated by hand. The term**  
573 **“massage” shall not include medical or therapeutic treatment performed by a**  
574 **person licensed under the laws of the State of Georgia acting within the scope of**  
575 **such license.**

576 (2) *Massage business* means any ~~establishment or business wherein massage is practiced,~~  
577 ~~including establishments commonly known as health clubs, physical culture studios,~~  
578 ~~and massage studios~~ **establishment, location, or place of business wherein massage**  
579 **is offered, performed, or provided for compensation, including but not limited to**  
580 **establishments commonly known as massage parlors, health clubs, physical culture**  
581 **studios, or massage studios, regardless of whether such services are the primary or**  
582 **incidental purpose of the business.**

583 (3) *Business or profession of massage* ~~includes the massage or treatment of any person~~  
584 ~~for a fee or in expectation of a gratuity from the person massaged~~ **means the practice**  
585 **of providing massage or bodywork to any person for a fee, compensation, or in**  
586 **expectation of a gratuity, whether directly or indirectly.**

587 (4) *Masseur* means any person engaged in the business or profession of massage. The  
588 term includes the feminine gender as well as the masculine. **The term shall include**  
589 **any individual, regardless of title, who performs or offers to perform massage for**  
590 **compensation.**

591 (5) *Conviction* **means a finding of guilt by a court of competent jurisdiction, including**  
592 **a plea of guilty or nolo contendere, regardless of whether adjudication is**  
593 **withheld.** ~~The result of a criminal trial which ends in a judgment that the defendant is~~  
594 ~~guilty as charged.~~

595 Sec. 9-7-4. - Licensing of massage business operators and masseurs.

596 (a) No person, partnership, corporation or association shall operate a massage business as  
597 herein defined, or engage in the business or profession of massage, unless such person,  
598 partnership, corporation or association shall have first applied for and received the license  
599 provided by this chapter. **No person shall own, operate, manage, or be employed in a**  
600 **massage business without first obtaining all required licenses under this chapter.**

601 (b) Every application for the license prescribed herein shall be upon a form approved by the  
602 city manager and shall be filed with the city manager or his designated representative. **An**  
603 **application shall not be deemed complete until all required information,**  
604 **documentation, and applicable fees have been submitted. It shall be the sole**  
605 **responsibility of the applicant to ensure that the application is complete and accurate,**  
606 **and the city shall have no obligation to notify the applicant of deficiencies.** Every such  
607 application shall be made under oath and shall contain the following information:

608 (1) If the applicant is a person, the full legal name, as well as all aliases, nicknames,  
609 pseudonyms or trade names used by the applicant, and residence address of such  
610 person. If the applicant is a partnership, corporation or association, the name and  
611 residence address of all persons having any legal or beneficial interest in such  
612 applicant.

- 613 (2) The current and all previous business and residence addresses of the applicant within  
614 the two (2) years immediately preceding the date of application, and the address of the  
615 premises where the massage business shall be located.
- 616 (3) A complete statement of all ~~convictions of any laws and the grounds therefor for any~~  
617 ~~person whose name is required to be given in paragraph (b)(1) above~~ **criminal**  
618 **convictions, including pleas of guilty or nolo contendere, for any person whose**  
619 **name is required to be given in paragraph (b)(1) above;**
- 620 (4) Written proof that any person whose name is required to be given in paragraph (b)(1)  
621 above is twenty-one (21) years of age or over;
- 622 (5) ~~The height, weight, color of eyes and hair for any person whose name is required to~~  
623 ~~be given in paragraph (b)(1) above;~~
- 624 (6) Two current photographs **sufficient to identify the applicant** ~~of any person whose~~  
625 name is required to be given in paragraph (b)(1) above;
- 626 (7) The business, occupation or employment of any person whose name is required to be  
627 given in paragraph (b)(1) above for three (3) years immediately preceding the date of  
628 the application;
- 629 (8) Any massage or similar business license history of any person whose name is required  
630 to be given in paragraph (b)(1) above, including whether such person, in any previous  
631 operation in any jurisdiction, has had a license revoked or suspended, the reason  
632 therefor and any business activity or occupation subsequent to the action of suspension  
633 or revocation;
- 634 (9) Any person whose name is required to be given in paragraph (b)(1) above shall be  
635 fingerprinted by the city, and such fingerprint card and record shall be attached as an  
636 exhibit to the application;
- 637 (10) ~~Any person whose name is required to be given in paragraph (b)(1) above shall be~~  
638 ~~examined, within thirty (30) days prior to the date of the application and within thirty~~  
639 ~~(30) days of the annual application renewal date, by a physician duly licensed by the~~  
640 ~~state and a certificate from the physician, certifying that the applicant is in sound~~  
641 ~~mental and physical health and free of all contagious or communicable diseases, shall~~  
642 ~~be attached to the application~~ **Any person whose name is required to be given in**  
643 **paragraph (b)(1) above shall provide proof of compliance with all applicable public**  
644 **health requirements as established by federal, state, or local law. The city may**  
645 **require reasonable documentation demonstrating such compliance as a condition**  
646 **of issuance or renewal of a license;**
- 647 (11) A certified copy of a diploma of graduation and a certificate of graduation in good  
648 standing from an accredited school of massage; such diploma shall be received by the  
649 city directly from the school; such diploma must be representative of the fact that such

650 applicant attended a course of study of not less than six (6) months or a four-month  
651 intensive course, provided such course is a 1000-hour approved course, wherein such  
652 courses of study consisted of a curriculum of physical culture, massage, hydrotherapy,  
653 electrotherapy, hygiene, health service management and other such subjects. If such  
654 applicant should not have such diploma, the applicant must have had an apprenticeship  
655 and practical experience for a period of not less than two (2) years in a place of  
656 massage or physical culture studio in which the applicant has received training and  
657 experience in physical culture, massage, hydrotherapy, electrotherapy and other such  
658 subjects; the applicant must furnish with such application an affidavit of previous  
659 employment, together with an affidavit of the person under whom such apprenticeship  
660 or practical experience was obtained, specifying that the applicant has satisfied the  
661 requirements of this subsection; and

662 (12) A list of the names, addresses, home telephone numbers and other places of  
663 employment of all employees of any person whose name is required to be given in  
664 paragraph (b)(1) above. **The applicant shall have a continuing duty to update such**  
665 **information.**

666 (c) The city manager shall transmit a copy of the application to the chief of police for an  
667 investigative report; to the building inspector to determine compliance with all zoning and  
668 building regulations and ordinances; and to the fire marshal to determine compliance with  
669 any law relating to the fire protection. The above named officials shall, within a reasonable  
670 time, not to exceed thirty (30) days, report the results of their examinations to the city  
671 manager. **Failure of the applicant to cooperate with such investigation shall constitute**  
672 **grounds for denial of the application.**

673 (d) **The mayor and council may consider the totality of the circumstances in determining**  
674 **whether the application should be approved.** An application in proper form, accompanied  
675 by all reports required by this section, shall be placed on the printed agenda of the earliest  
676 regular meeting of the mayor and council following the completion of the reports. The  
677 mayor and council shall approve such application if it determines that:

678 (1) The application contains no misstatement of fact;

679 (2) The applicant, or any person having any legal or beneficial ownership interest in the  
680 applicant, has not been convicted of any crime involving sexual misconduct; any crime  
681 evidencing moral turpitude; any federal statute relating to prostitution; or any law or  
682 ordinance of any governmental unit concerning or related to the business or profession  
683 of massage;

684 (3) The applicant conforms to all requirements of applicable zoning, building, and fire  
685 prevention codes;

686 (4) The applicant or person having a legal or beneficial ownership interest in the applicant  
687 has not, for the three (3) year period preceding the application, had a previously issued  
688 license for engaging in the business or profession of massage revoked;

689 (5) The business, by reason of the manner or place in which it is to be conducted, will not  
690 constitute a nuisance or in any other manner amount to a menace to good order, the  
691 public health, safety or morals; and

692 (6) If the applicant is applying for a license as a masseur, in addition to the above  
693 requirements for application approval, the mayor and council shall not approve such  
694 application without written proof that the applicant is over twenty-one (21) years of  
695 age, and free from communicable disease as evidenced in the medical certificate  
696 required herein.

697 (e) Upon approval of the application by the council, and upon receipt of a license fee, as  
698 established in this chapter, the city manager shall issue a license to the applicant.

699 ~~(f) The mayor and council shall have authority at any time to direct that any person licensed~~  
700 ~~under this section submit to a medical examination by a licensed physician approved by~~  
701 ~~the mayor and council. This authority shall be exercised only when the mayor and council~~  
702 ~~have reason to believe that any such person has contracted a communicable disease.~~  
703 ~~Refusal to submit to such examination shall be grounds for revocation of such license as~~  
704 ~~provided in this chapter. Notwithstanding the provisions of this subsection, every person~~  
705 ~~licensed under this section shall file and continue to file with the city clerk a new medical~~  
706 ~~certificate with each application for renewal of the license prescribed by this chapter.~~  
707 ~~Failure to file such updated certificates shall be grounds for revocation of such license as~~  
708 ~~provided in this chapter. **The mayor and council may require a licensee to demonstrate**~~  
709 ~~**compliance with applicable public health requirements established by federal, state, or**~~  
710 ~~**local law where there is reasonable cause to believe that such compliance is not being**~~  
711 ~~**maintained. Such requirement may include the submission of reasonable**~~  
712 ~~**documentation verifying compliance. Failure or refusal to provide such documentation**~~  
713 ~~**upon request shall constitute grounds for suspension or revocation of a license as**~~  
714 ~~**provided in this chapter.**~~

715 (g) All licenses issued pursuant to this chapter shall be valid for a period of one year.

716 Sec. 9-7-5. - Qualifications of masseur.

717 (a) No applicant may be issued a license as a masseur unless such person shall have filed the  
718 application required in this chapter, and the applicant must be:

719 (1) ~~Of good moral character~~ **Of good character and reputation, as demonstrated by the**  
720 **applicant's compliance with applicable federal, state, and local laws, including the**  
721 **absence of convictions for offenses involving prostitution, sexual misconduct, or**  
722 **other crimes involving moral turpitude;**

723 (2) ~~In sound physical and mental health~~ **In compliance with applicable public health**  
724 **requirements as established by federal, state, or local law; and**

725 (3) Qualified through graduation from a school of massage or from practical experience,  
726 provided such accredited school or approved school of massage must include a course  
727 of study of not less than six months or a four-month intensive course, provided such  
728 course is a 1000-hour approved course, and such practical experience or apprenticeship  
729 is for a period of not less than two (2) years in a place of massage or a physical culture  
730 studio in which the applicant has received training and experience in physical culture,  
731 massage, hydrotherapy, electrotherapy and other such subjects.

732 (b) No license shall be issued unless the application required in this section and all the attached  
733 documentation and exhibits so required shall have been filed by the applicant, and no  
734 license shall be issued if it appears that the application has been materially falsified or if  
735 the applicant has deliberately sought to falsify any information contained therein. **Any**  
736 **material misrepresentation or omission of required information shall constitute**  
737 **grounds for denial, suspension, or revocation of a license.**

738 Sec. 9-7-6. - Qualifications of massage business.

739 (a) A corporate applicant for a massage business license must be chartered under the laws of  
740 the state or authorized by the secretary of state to do business in the state. The applicant  
741 shall be the owner or legal agent of the massage business. Applications shall be submitted  
742 to the department of police services on forms provided by the department. A masseur who  
743 is a sole proprietor shall be required to obtain a massage business license. **The applicant**  
744 **shall be responsible for ensuring that the business is operated in compliance with all**  
745 **applicable federal, state, and local laws.**

746 (b) No massage business license shall be issued unless the application required under this  
747 chapter and all the attached documentation and exhibits so required shall have been filed  
748 by the applicant, and no license shall be issued if it appears that the application has been  
749 materially falsified or if the applicant has deliberately sought to falsify any information  
750 contained therein. **Any material misrepresentation or omission shall constitute grounds**  
751 **for denial, suspension, or revocation of a license.**

752 (c) **Compliance with all applicable laws and codes shall be maintained at all times as a**  
753 **condition of continued licensure.** No license to conduct a massage business shall be issued  
754 unless an inspection discloses that the establishment complies with each of the following  
755 minimum requirements:

756 (1) A readable sign shall be posted at the main entrance identifying the establishment as a  
757 massage business, provided also that all such signs shall otherwise comply with the  
758 general sign requirements of this Code;

759 (2) Minimum lighting shall be provided in accordance with the city's building code and,  
760 additionally, at least one artificial light of not less than forty (40) watts shall be  
761 provided in each enclosed room or booth;

762 (3) Minimum ventilation shall be provided in accordance with the city's building code;

- 763 (4) Adequate equipment for disinfecting and sterilizing any instruments used for massage  
764 shall be provided;
- 765 (5) Hot and cold running water shall be provided;
- 766 (6) Closed cabinets shall be utilized for the storage of clean linen;
- 767 (7) Adequate dressing and toilet facilities shall be provided for customers;
- 768 (8) All walls, ceilings, floors, steam or vapor rooms and all other physical facilities for the  
769 establishment shall be kept in good repair and maintained in a clean and sanitary  
770 condition;
- 771 (9) Clean and sanitary towels and linen shall be provided for customers receiving massage  
772 services; no common use of towels or linen shall be permitted; and
- 773 (10) The establishment, prior to the issuance of any license, must be in complete compliance  
774 with the city fire code, the city electrical code, the city plumbing code, and with all  
775 other requirements of federal, state, county and municipal law designed to protect the  
776 health, welfare and safety of the persons who come into contact with the establishment.
- 777 (d) All masseurs, licensed under this division to massage, shall be completely clothed during  
778 all times when administering a massage. For the purpose of this subsection, the term  
779 "completely clothed" means having on the upper portion of the body appropriate  
780 undergarments plus either pants or skirt, and such pants or skirt must cover from the waist  
781 down to a point at least two (2) inches above the knee. The holder of the license shall have  
782 the license subject to revocation for violation of this subsection. **The licensee shall be**  
783 **responsible for ensuring compliance with this subsection by all employees.**
- 784 (e) The storing, serving, sale or consumption of alcoholic beverages within a massage business  
785 is expressly prohibited. **Violation of this subsection shall constitute grounds for**  
786 **suspension or revocation of a license.**

787 Sec. 9-7-7. - Revocation.

- 788 (a) The license of a masseur may be revoked by the mayor and council upon one or more of  
789 the following grounds:
- 790 (1) Failure of the holder to maintain initial qualifications for obtaining the license;
- 791 (2) The licensee has violated any provision of this chapter;
- 792 (3) The licensee is guilty of fraud in the practice of massage or fraud or deceit in the  
793 licensee's being licensed to the practice of massage;

- 794 (4) The licensee is engaged in the practice of massage under a false or assumed name or is  
795 impersonating another practitioner of a like or different name;
- 796 (5) The licensee is afflicted with a communicable disease;
- 797 (6) ~~The licensee is addicted to the habitual use of intoxicating liquors, narcotics or~~  
798 ~~stimulants to such an extent as to incapacitate such person to the extent that the person~~  
799 ~~is unable to perform the person's professional duties~~ **The licensee is unable to perform**  
800 **professional duties in a safe and lawful manner due to impairment;**
- 801 (7) The licensee is guilty of fraudulent, false, misleading or deceptive advertising or  
802 practices any other licensed profession without legal authority;
- 803 (8) The holder has violated any laws relating to ~~sodomy, aggravated sodomy, solicitation~~  
804 ~~of sodomy, public indecency, prostitution, pimping, pandering, pandering by~~  
805 ~~compulsion, distribution of obscene materials, distribution of materials depicting~~  
806 ~~nudity or sexual conduct as defined under state law or has been convicted of any felony~~  
807 ~~or of a misdemeanor involving moral turpitude~~ **sexual offenses, including but not**  
808 **limited to prostitution, solicitation, public indecency, or similar offenses under**  
809 **federal, state, or local law;**
- 810 (9) There has been the occurrence of a fact which would have barred the issuance of the  
811 original permit; or
- 812 (10) The licensee has failed to be examined by a licensed physician when required by the  
813 mayor and council pursuant to this chapter, or to file any medical certificate required  
814 by this chapter.
- 815 (b) The license of a massage business operator may be revoked by the mayor and council upon  
816 one or more of the following grounds:
- 817 (1) Failure of the holder to maintain initial qualifications for obtaining the license;
- 818 (2) The licensee is guilty of employing any person who is not a licensed masseur and  
819 allowing or permitting such person to administer massage in the establishment;
- 820 (3) The premises in which the massage business is located are in violation of any of the  
821 federal, state, county or municipal laws designated for the health, protection and safety  
822 of the occupants;
- 823 (4) The premises are in violation of the city's building code or of this chapter;
- 824 (5) The original application or renewal thereof contains materially false information or the  
825 applicant has deliberately sought to falsify information contained therein;

826 (6) ~~The licensee or any of the licensee's employees or agents has been convicted or has~~  
827 ~~pled guilty or nolo contendere to a felony or to a misdemeanor involving moral turpitude~~  
828 ~~or to any charge of incest, solicitation of sodomy, public indecency, prostitution,~~  
829 ~~pimping, pandering, pandering by compulsion, masturbation for hire or the distribution~~  
830 ~~of material depicting nudity or sexual conduct as defined under state law and in~~  
831 ~~connection with the operation of the massage business~~ **The licensee or any of the**  
832 **licensee's employees or agents has been convicted of, or has entered a plea of guilty**  
833 **or nolo contendere to, a felony or a misdemeanor involving moral turpitude, or any**  
834 **offense involving prostitution, solicitation, public indecency, pandering, pimping,**  
835 **masturbation for hire, or the distribution of material depicting nudity or sexual**  
836 **conduct as defined under state law, or any substantially similar offense under**  
837 **federal, state, or local law, when such conduct is related to or occurs in connection**  
838 **with the operation of the massage business;**

839 (7) The licensee or the licensee's employees have allowed to occur or have engaged in a  
840 violation of any section of this article;

841 (8) Failure of the holder to actively supervise and monitor the conduct of the employees,  
842 customers and others on the premises in order to protect the health, safety and well-  
843 being of the general public and the customers;

844 (9) The licensee violates any zoning, building or fire prevention ordinance; or

845 (10) The licensed business is conducted or allowed to be conducted in a manner constituting  
846 a public nuisance.

847 (c) A license issued pursuant to this chapter is void if the licensee moves or ceases operating  
848 a massage business at the location required to be stated in the application for license  
849 pursuant to this chapter. **Any change in ownership or control of the business shall require**  
850 **a new license.**

851 (d) **The mayor and council's decision to revoke a license shall be based upon a**  
852 **preponderance of the evidence.**

853 [...]

854 Sec. 9-7-10. - Employees under the age of 21; filing of employees names.

855 (a) It shall be unlawful for any person, corporation, partnership or association licensed  
856 pursuant to this chapter to employ any person under the age of twenty-one (21) years in the  
857 operation of a massage business. A violation of this subsection shall also be grounds for  
858 revocation of any license issued to such violator pursuant to this chapter. **The licensee shall**  
859 **be responsible for verifying the age of all employees prior to employment and**  
860 **maintaining documentation sufficient to demonstrate compliance with this subsection.**

861 (b) ~~It shall be the duty of every person holding a license under this article to file with the police~~  
862 ~~chief the names of all employees, their home telephone numbers and places of employment.~~  
863 ~~Changes in the list of employees with the names of new employees must be filed with the~~  
864 ~~police chief within three (3) days from the date of any such change. It shall be the duty of~~  
865 ~~every person holding a license under this chapter to maintain and provide to the chief~~  
866 ~~of police a current list of all employees, including their names, addresses, and any other~~  
867 ~~information reasonably required by the city for enforcement purposes. The licensee~~  
868 ~~shall update such information within three (3) business days of any change in~~  
869 ~~employees. Failure to maintain or timely update such information shall constitute a~~  
870 ~~violation of this chapter and shall be grounds for suspension or revocation of a license.~~

871 [...]

872 Sec. 9-7-13. - Notice and hearing.

873 ~~Before the mayor and council revokes a license issued pursuant to this chapter, and before~~  
874 ~~the mayor and council considers an application for the license pursuant to this chapter, a written~~  
875 ~~notice shall be sent by certified mail to the licensee affected or applicant affected, at the address~~  
876 ~~stated in the license or application.~~

877 (a) **Before the mayor and council denies an application for a license or revokes a license**  
878 **issued pursuant to this chapter, written notice shall be provided to the applicant or**  
879 **licensee at the address listed on the application or license. Such notice may be sent by**  
880 **certified mail, overnight delivery, or any other reasonable method of delivery.**

882 (b) The notice shall advise the affected party of a right to appear before the mayor and  
883 council, with or without legal counsel, at a stated time and place at least 10 days following  
884 the date of notice, for the purpose of presenting any evidence relevant to such revocation  
885 or denial, and for the purpose of hearing all evidence submitted and examining or cross-  
886 examining any person providing such evidence. **The notice shall include a brief**  
887 **statement of the grounds for the proposed denial or revocation.**

889 (c) A revocation hearing can be initiated by the chief of police or by the mayor and council,  
890 upon its own motion. **The hearing shall be conducted in a fundamentally fair manner,**  
891 **and the mayor and council may consider any relevant and reliable evidence. The**  
892 **formal rules of evidence shall not apply. The decision of the mayor and council shall**  
893 **be based upon a preponderance of the evidence and shall be issued in writing,**  
894 **including findings sufficient to support the decision.**

896 (d) Notices of denial shall be sent by the city manager. Notices of revocation shall be sent  
897 by the chief of police or the mayor and council and appropriate copies of all agenda  
898 requests and notices shall be sent to the city manager and the city attorney.

899 Sec. 9-7-14. - Compliance with provisions.

900 ~~All persons operating massage businesses or engaging in the profession of massage at the~~  
901 ~~time of adoption of this chapter, shall have a period of thirty (30) days from the effective date of~~  
902 ~~the chapter to file application for a license or licenses under this chapter. Any person operating~~  
903 **a massage business or engaging in the profession of massage at the time of adoption of this**  
904 **chapter shall have a period of thirty (30) days from the effective date of this chapter to apply**  
905 **for the license or licenses required herein. After such thirty (30) day period, it shall be**  
906 **unlawful to operate a massage business or engage in the profession of massage without a**  
907 **valid license issued in accordance with this chapter.**

908 [...]

909 Sec. 9-7-16. - Penalties.

910 ~~Any person convicted of violating any provision of this chapter shall be punished by fine or~~  
911 ~~imprisonment as provided in section 1-1-8 of this Code. Any person convicted of violating any~~  
912 **provision of this chapter shall be punished by fine or imprisonment as provided in section 1-**  
913 **1-8 of this Code. Each day that a violation of this chapter exists shall constitute a separate**  
914 **offense. In addition to any criminal penalties, a violation of this chapter shall constitute**  
915 **grounds for denial, suspension, or revocation of a license issued under this chapter.**

916 Sec. 9-7-17. - Patronage of massage businesses by underage person.

917 (a) *Restricted.* It shall be unlawful for any person under the age of eighteen (18) to patronize  
918 any massage business unless such person carries, at the time of such patronage, a written  
919 order directing the treatment to be given and signed by a regularly licensed physician or  
920 such person's parent or guardian. ~~If consent is given by a parent or guardian, such consent~~  
921 ~~must be signed in the presence of the masseur or the massage business operator. If~~  
922 **consent is given by a parent or guardian, such consent shall be in writing and**  
923 **provided to the massage business prior to the provision of services.**

924 (b) *Duty of operator.* ~~It shall be the duty of the operator of such massage business to~~  
925 ~~determine the age of the persons patronizing such massage business, and a violation of~~  
926 ~~this section shall be grounds for revocation of the license of such massage business. It~~  
927 ~~shall be conclusively presumed that the operator of such massage business knows the~~  
928 ~~correct age of all persons patronizing the establishment. It shall be the duty of the~~  
929 **operator of such massage business to verify the age of all persons patronizing the**  
930 **establishment by requiring valid government-issued identification. Failure to verify**  
931 **the age of any person receiving services, or permitting any person under the age of**  
932 **eighteen (18) to receive services in violation of this section, shall constitute grounds**  
933 **for suspension or revocation of the license. The operator shall not be deemed in**  
934 **violation of this subsection if the operator reasonably relied upon identification that**  
935 **appeared valid on its face.**

936 [...]

937 Sec. 9-7-19. - Records of licensee.

938 ~~It shall be the duty of any person granted a license under this article to maintain correct~~  
939 ~~and accurate records of the names and addresses of the persons receiving treatment at the~~  
940 ~~establishment, the type of treatment administered and the name of the person of the establishment~~  
941 ~~administering the treatment. The records shall be subject to inspection at any time by any~~  
942 ~~member of the department of police.~~

943 **(a) It shall be the duty of any person granted a license under this chapter to maintain**  
944 **accurate records of services provided at the establishment, including the date and**  
945 **time of service, the type of service administered, and the name or identifier of the**  
946 **employee providing such service.**

947 **(b) The licensee shall maintain such records for a period of not less than two (2) years**  
948 **and shall make such records available for inspection by the city's police department**  
949 **or other authorized city officials during normal business hours or at such other**  
950 **reasonable times as may be necessary for enforcement purposes.**

951 **(c) Records required under this section shall be maintained in a manner that protects the**  
952 **privacy of customers and shall not require the collection of personal identifying**  
953 **information beyond what is reasonably necessary for enforcement of this chapter.**

954 **(d) Failure to maintain or produce such records upon request shall constitute grounds**  
955 **for suspension or revocation of a license.**

## EXHIBIT D

956 TITLE 9 – LICENSING AND REGULATION

957 [...]

958 CHAPTER 12. -ADULT ENTERTAINMENT ESTABLISHMENTS

959 [...]

960 Sec. 9-12-5. - Application process and qualifications.

961 (a) *Process.* Any person, association, partnership or corporation desiring to obtain a license  
962 to operate, engage in, conduct, or carry on any adult entertainment establishment in the  
963 city shall ~~make~~ **submit an** application for a license under this chapter to the chief of  
964 police or his designee. Such application shall be made on forms furnished by the city,  
965 ~~shall be made in the name of the adult entertainment establishment by an applicant who~~  
966 ~~is a natural person and an agent of the adult entertainment establishment~~ **shall be**  
967 **submitted in the name of the adult entertainment establishment by a natural person**  
968 **authorized to act as an agent of the applicant**, and shall include the name(s) of the  
969 operator(s) as defined herein and of the owner(s) as defined herein. If the adult  
970 entertainment establishment is a corporation, then the agent for purposes of making  
971 application for a license hereunder shall be the president or chief executive officer of the  
972 corporation. If the adult entertainment establishment is a partnership, the agent for such  
973 purposes shall be a general partner. At the time of submitting such application, a  
974 nonrefundable application fee payable in cash or by certified check in an amount  
975 established by the city's governing body shall be paid to the city to defray, in part, the  
976 cost of investigation and report required by this chapter. The chief of police or his  
977 designee shall issue a receipt showing that such application fee has been paid. **An**  
978 **application shall not be deemed complete until all required information,**  
979 **documentation, and fees have been submitted. It shall be the sole responsibility of the**  
980 **applicant to ensure that the application is complete and accurate. The city shall have**  
981 **no obligation to notify the applicant of deficiencies, and acceptance of an application**  
982 **shall not be construed as a determination of completeness.** The application for a license  
983 does not itself authorize the operation of, engaging in, conducting or carrying on of any  
984 adult entertainment establishment.

985 (b) *Contents.* Each application for an adult entertainment establishment license shall ~~contain~~  
986 ~~the following information~~ **include, at a minimum, the following information and**  
987 **documentation, as applicable:**

988 (1) The full true name and any other names used by the applicant, the operator(s)  
989 and owner(s);

- 990 (2) The present address and telephone number of the applicant, the operator(s) and  
991 owner(s);
- 992 (3) The previous addresses of the applicant, the operator(s) and the owner(s), if  
993 any, for a period of five (5) years immediately prior to the date of the  
994 application and the dates of residence at each;
- 995 (4) Acceptable written proof that the applicant, the operator(s) and the owner(s)  
996 are at least eighteen (18) years of age;
- 997 (5) The height, weight, color of eyes and hair and date and place of birth of the  
998 applicant, the operator(s) and the owner(s);
- 999 (6) Two (2) photographs of the applicant, the operator(s) and the owner(s) at least  
1000 two (2) inches by two (2) inches taken within the last six (6) months; (and in  
1001 addition, the applicant and the operator(s) must agree to be photographed by  
1002 the city police department prior to issuance of the license applied for);
- 1003 (7) The business, occupation or employment history of the applicant, the  
1004 operator(s) and owner(s) for the five (5) years immediately preceding the date  
1005 of application;
- 1006 (8) The business license history of the applicant and whether such applicant, in  
1007 previous operations in this or any other location under license, has had such  
1008 license or permit for an adult entertainment business or similar type of business  
1009 revoked or suspended, the reason therefore, and the business activity or  
1010 occupation subsequent to such action of revocation or suspension;
- 1011 (9) If the application is made on behalf of a corporation, the name of the  
1012 corporation, exactly as shown in its articles of incorporation or charter,  
1013 together with the place and date of incorporation. If the application is on behalf  
1014 of a limited partnership, a copy of the certificate of limited partnership shall be  
1015 provided. If one (1) or more of the partners is a corporation, the provisions of  
1016 this subsection pertaining to corporations shall apply to each such corporation;
- 1017 (10) The names and addresses of the owner and if applicable, the lessor of the real  
1018 property upon which the adult entertainment establishment is to be operated,  
1019 engaged in conducted or carried on and a copy of the lease or rental agreement,  
1020 if any;
- 1021 (11) With respect to the applicant, the operator(s) and the owner(s), all convictions,  
1022 (excluding misdemeanor traffic violations unrelated to driving under the  
1023 influence of drugs or alcohol) within the past ten (10) years, including a  
1024 complete description of the crime or violation, the date of the crime or  
1025 violation, date of conviction including plea of guilty or nolo contendere),  
1026 jurisdiction and any disposition including any fine or sentence imposed and

1027 whether the terms of disposition have been fully completed. Each person  
1028 required to disclose convictions hereunder shall also provide a signed and  
1029 notarized consent, on forms prescribed by the GCIC and the NCIC, authorizing  
1030 the release of his or her criminal records to the city police department;

1031 (12) A complete set of fingerprints of the applicant and the operator(s);

1032 (13) If the person or business entity on whose behalf application for a license is  
1033 made is doing business under a trade name, a copy of the trade name as  
1034 properly recorded. If the application is made on behalf of a corporation, a copy  
1035 of its authority to do business in the state should be provided, including articles  
1036 of incorporation, and a trade name affidavit, if any, and last annual report, if  
1037 any;

1038 (14) The address of the premises where the adult entertainment establishment will  
1039 be operated, engaged in, conducted, or carried on;

1040 (15) A plat prepared by a registered engineer or a registered land surveyor, licensed  
1041 by the State of Georgia, showing the location of the proposed premises where  
1042 the adult entertainment establishment will be operated, engaged in, conducted  
1043 or carried on in relation to the neighborhood, the surrounding zoning, its  
1044 proximity to any residential area, church, school, public park or children's day  
1045 care facility, any other adult entertainment establishment, and any  
1046 establishment licensed by the city to sell alcoholic beverages, beer or wine for  
1047 consumption on the premises; the survey should depict the location and  
1048 distance of the property use closest to the proposed premises that would  
1049 disqualify the property if it were within the prohibited distance pursuant to  
1050 section 9-12-6(a);

1051 (16) Each application for an adult entertainment establishment license shall be  
1052 verified and acknowledged under oath to be true and correct by:

1053 a. If application is made on behalf of an individual, the individual;

1054 b. If application is made on behalf of a partnership, by a general partner;

1055 c. If application is made on behalf of a corporation, by the president or  
1056 chief executive officer of the corporation;

1057 d. If application is made on behalf of any other organization or association,  
1058 by the chief administrative official.

1059 **The chief of police or his or her designee may require additional information**  
1060 **or documentation reasonably necessary to verify compliance with this chapter and**  
1061 **applicable law. Failure to provide such information may be grounds for denial of**  
1062 **the application.**

1063 (c) *Appearance by applicant.* The applicant, **and any operator(s) or owner(s) identified in**  
1064 **the application, may be required to appear before the chief of police or his or her**  
1065 **designee for purposes of verification, interview, or submission of additional**  
1066 **information. Failure to appear or cooperate shall be grounds for denial of the**  
1067 ~~application shall personally appear before the chief of police or his designee with~~  
1068 ~~payment of the nonrefundable application fee in the amount established by the governing~~  
1069 ~~body of the city, and shall present the application containing the aforementioned and~~  
1070 ~~described information.~~

1071 (d) *Investigation; standards for granting of license.* The city shall have ninety (90) days from  
1072 the date of actual receipt of a fully completed application to investigate the facts provided  
1073 in the application and the background of the applicant, the operator(s) and owner(s). The  
1074 chief of police or his designee shall stamp the date of receipt of each application on the  
1075 first page thereof and shall provide the applicant a photocopy of the stamped first page  
1076 signifying the date of receipt of the application. The chief of police or his designee may  
1077 search the GCIC and the NCIC to determine whether the applicant, operator(s), and  
1078 owner(s) appear as part of any record maintained therein. The chief of police shall  
1079 approve or deny the completed application for an adult entertainment establishment  
1080 license within ninety (90) days of actual receipt of a fully completed application. ~~If any~~  
1081 ~~application is received that is not fully complete for any reason, then in such event, the~~  
1082 ~~incomplete application shall be returned to the applicant as soon as possible following~~  
1083 ~~the discovery of the incompleteness, and the applicant shall be required to submit a newly~~  
1084 ~~completed application along with payment of an additional application fee in an amount~~  
1085 ~~established by the governing body of the city, and the ninety-day time period specified~~  
1086 ~~above shall begin over again upon the actual receipt of the fully completed application.~~  
1087 **If an application is determined to be incomplete, the city may suspend further review**  
1088 **of the application until such time as the applicant submits all required information**  
1089 **and documentation. The ninety (90) day review period shall not begin until a complete**  
1090 **application has been received. The city shall not be required to return an incomplete**  
1091 **application or require submission of a new application.**

1092 ~~The application for an adult entertainment establishment license shall be granted if the~~  
1093 ~~chief of police finds. The chief of police shall approve the application if it is determined~~  
1094 **that all requirements of this section have been satisfied, including but not limited to**  
1095 **the following:**

- 1096 (1) The required license application fee has been paid;
- 1097 (2) The application contains all of the information provided for in subsections  
1098 (b)(1)—(16) above, and the applicant has made no material misrepresentation  
1099 of fact in the application;
- 1100 (3) Neither the applicant nor any of the operator(s) or owner(s) has been convicted  
1101 or pled guilty or entered a plea of nolo contendere to any crime involving  
1102 assault, illegal possession or use of a controlled substance, battery, keeping a  
1103 place of prostitution, pandering, pimping, public indecency, prostitution,

1104 sodomy, solicitation of sodomy, masturbation for hire, sexual battery, rape,  
1105 child molestation, enticing a child for indecent purposes, or any offense  
1106 included in the definition of a "criminal offense against a victim who is a  
1107 minor" as defined in O.C.G.A. § 42-1-12 within a period of ten (10) years  
1108 preceding the date of the application. If there has been any such conviction or  
1109 plea, then the application shall be denied, For purposes of this chapter, a  
1110 conviction or plea of guilty or nolo contendere shall be ignored as to any  
1111 offense for which the applicant was allowed to avail himself of the Georgia  
1112 First Offender Act unless the applicant is later adjudicated guilty of having  
1113 violated the terms of his first offender treatment;

1114 (4) Except as may be allowed by virtue of the settlement agreement and/or court  
1115 order, neither the applicant nor any of the operator(s) or owner(s) has had an  
1116 adult entertainment establishment license or permit revoked for cause by this  
1117 city or any other municipal corporation or county located in or out of the State  
1118 of Georgia within the five-year period immediately preceding the date of the  
1119 application;

1120 (5) The building, structure, equipment and location of the premises of the adult  
1121 entertainment establishment as proposed by the applicant is in compliance with  
1122 all applicable laws, including, but not limited to, health, zoning, distance, fire  
1123 and safety requirements and standards based on information provided by or  
1124 through other city departments or Clayton County;

1125 (6) The applicant, operator(s) and owners(s) are all at least eighteen (18) years of  
1126 age;

1127 (7) Except as may be allowed by virtue of the settlement agreement and/or court  
1128 order, the proposed premises will be located at least the minimum distances set  
1129 forth in this chapter from any residential use, church, school, public park or  
1130 children's daycare facility, any other adult entertainment establishment, and  
1131 any other establishment licensed by the city to sell alcoholic beverages, beer  
1132 or wine for consumption on the premises pursuant to section 9-12-6(a);

1133 (8) The grant of such license will not cause a violation of any law of the State of  
1134 Georgia or the United States.

1135 ~~The chief of police shall deny the application for an adult entertainment~~  
1136 ~~establishment license if the application fails to meet any requirement contained in this~~  
1137 ~~section. **The chief of police shall deny the application if the applicant fails to meet any**~~  
1138 ~~**requirement of this section or provides false, misleading, or incomplete information.**~~

1139 (e) ~~Alcoholic beverages. In the event the applicant, licensee, and/or owner(s) of an adult~~  
1140 ~~entertainment establishment desire(s) to sell or dispense spirituous liquors, beer, wine,~~  
1141 ~~and/or any other alcoholic beverage for consumption on the premises of an adult~~  
1142 ~~entertainment establishment, said applicant, licensee, and/or owner(s) must first apply~~

1143 for and obtain a permit to serve alcohol on the premises as a retail consumption dealer in  
1144 accordance with the provisions of Title 9, Chapter 2 of the Code of the City of Forest  
1145 Park, Georgia regulating the sale of alcoholic beverages, as may hereinafter be amended,  
1146 before said sales can commence. Application and receipt of a license to sell or dispense  
1147 alcoholic beverages as a retail consumption dealer shall require payment of an additional  
1148 alcohol license fee pursuant to Title 9, Chapter 2 of the Code of the City of Forest Park,  
1149 Georgia. The number of adult entertainment establishments that may be permitted to sell  
1150 or dispense alcoholic beverages for on-premises consumption is further limited by the  
1151 provisions of section 9-12-7(e) below. **If the applicant, licensee, or owner(s) of an adult**  
1152 **entertainment establishment desire to sell or dispense spirituous liquors, beer, wine,**  
1153 **or any other alcoholic beverage for on-premises consumption, such applicant shall**  
1154 **apply for and obtain all required permits and approvals in accordance with Title 9,**  
1155 **Chapter 2 of the Code of the City of Forest Park, Georgia, as may be amended, prior**  
1156 **to commencing such activity. Approval to sell or dispense alcoholic beverages shall be**  
1157 **conditioned upon compliance with all applicable licensing requirements, including**  
1158 **the payment of all required fees. The number of adult entertainment establishments**  
1159 **permitted to sell or dispense alcoholic beverages for on-premises consumption shall**  
1160 **be subject to the limitations set forth in section 9-12-7(e) of this chapter.**

1161 [...]

1162 Sec. 9-12-11. - Denial, fine, suspension, or revocation of license; hearing.

1163 (a) *Grounds.* Any of the following shall be grounds for implementation of a fine not to  
1164 exceed one thousand dollars (\$1,000.00), suspension, or revocation of an adult  
1165 entertainment establishment license:

1166 (1) ~~The making of any statement on an application for a license issued hereunder~~  
1167 ~~which is material and is later found to be false~~ **The making of any material**  
1168 **false, misleading, or fraudulent statement in an application or any**  
1169 **document submitted in connection with a license issued under this chapter;**

1170 (2) ~~A knowing violation (either individually by the licensee or through the~~  
1171 ~~operation of the licensed premises) of sections 9-12-3, 9-12-4, 9-12-6, 9-12-~~  
1172 ~~7, 9-12-10, 9-12-13, or 9-12-14 of this chapter~~ **A knowing violation by the**  
1173 **licensee, operator(s), owner(s), or any employee or agent of the licensed**  
1174 **premises of any provision of this chapter, including but not limited to**  
1175 **sections 9-12-3, 9-12-4, 9-12-6, 9-12-7, 9-12-10, 9-12-13, or 9-12-14;**

1176 (3) The revocation of the employment permits of three (3) operators of the adult  
1177 entertainment establishment pursuant to section 9-12-6(b)(6) of this chapter  
1178 within a **any** twelve-month period;

1179 (4) ~~With respect to the applicant, licensee, operator(s) and owner(s), conviction of~~  
1180 ~~or a plea of guilty or nolo contendere to any of the crimes which would make~~  
1181 ~~such person or adult entertainment establishment ineligible to hold a license~~

1182 ~~under section 9-12-5(d)(3) above.~~ **The conviction of, or plea of guilty or nolo**  
1183 **contendere by, the applicant, licensee, operator(s), or owner(s) to any**  
1184 **offense that would render such person or establishment ineligible to hold a**  
1185 **license under section 9-12-5(d)(3);**

1186 **(5) Failure to maintain compliance with all applicable federal, state, or local**  
1187 **laws, including but not limited to zoning, building, fire, and life safety**  
1188 **regulations.**

1189 (b) *Denial; procedure.* Within ninety (90) days of actual receipt of a fully completed  
1190 application for a license to operate an adult entertainment establishment, the chief of  
1191 police or his designee shall either approve or deny the application. In no event shall the  
1192 decision whether to approve or deny the adult entertainment establishment license  
1193 application be withheld for more than ninety (90) days after actual receipt of a fully  
1194 completed application. ~~In the event that such application is held without decision for a~~  
1195 ~~period of more than ninety (90) days, however, the license application shall be deemed~~  
1196 ~~approved, and expressive conduct may begin immediately thereafter notwithstanding the~~  
1197 ~~fact that no license has been issued.~~ **In the event that a decision is not rendered within**  
1198 **ninety (90) days of receipt of a complete application, the application shall be deemed**  
1199 **approved for purposes of commencing operations, subject to continued compliance**  
1200 **with this chapter and all applicable laws.** The city shall issue an adult entertainment  
1201 establishment license to an applicant who informs the city, through the city manager or  
1202 the chief of police, of the fact that an application has been submitted, but no decision has  
1203 been made thereon for a period of more than ninety (90) days following actual receipt of  
1204 the fully completed application. ~~Notwithstanding the fact that the license provided by this~~  
1205 ~~sentence shall not be a prerequisite to the commencement of business operations~~  
1206 ~~contemplated by the application, the city shall issue an adult entertainment establishment~~  
1207 ~~license under such circumstances within five (5) business days of actual receipt of written~~  
1208 ~~notice by the applicant of such circumstances.~~ **Issuance of a license under this**  
1209 **subsection shall not preclude subsequent enforcement action, including suspension or**  
1210 **revocation, if it is later determined that the application contained false information**  
1211 **or that the applicant does not meet the requirements of this chapter.** In the event that  
1212 the chief of police denies an application for an adult entertainment establishment license,  
1213 then within five (5) business days following such denial, notice of such denial shall be  
1214 delivered to the applicant in person or deposited in the United States mail, with sufficient  
1215 first class postage affixed, properly addressed to the applicant at the address provided for  
1216 such notices on the application.

1217 Sec. 9-12-12. - Appeals procedure.

1218 (a) *Fine, suspension, or revocation of licenses or permits; procedure.* Whenever the chief of  
1219 police or his designee finds the conditions described herein are met for implementation  
1220 of a fine not to exceed one thousand dollars (\$1,000.00), suspension, or revocation of an  
1221 adult entertainment establishment license or for revocation an employment permit issued  
1222 pursuant to this chapter, he or she shall notify the holder of said license or permit  
1223 immediately upon the taking of said action. If requested in writing by the holder of the

1224 license or permit, the chief of police shall schedule a hearing before the city manager of  
1225 the city to consider such action. In the event a hearing is requested, the chief of police  
1226 shall, at least fifteen (15) days prior to the date of the hearing, notify the holder of the  
1227 license or permit of the time and date of the hearing ~~and the proposed action and the~~  
1228 ~~grounds therefor~~ **and shall include in such notice a statement of the proposed action**  
1229 **and the specific grounds therefor.** The holder of the license or permit shall be entitled  
1230 to present evidence and cross-examine any witnesses at the hearing with or without legal  
1231 counsel. **The hearing shall be conducted in a fundamentally fair manner, and formal**  
1232 **rules of evidence shall not apply.** The city manager shall preside over the hearing and  
1233 shall make his decision within ten (10) days of the hearing and shall notify the holder of  
1234 the license or permit of ~~his~~ **the** decision in writing within five (5) business days of making  
1235 his decision. ~~During the pendency of the above described appeal and hearing procedure~~  
1236 ~~of a suspension or revocation, the holder of the license or permit may not exercise the~~  
1237 ~~privileges or rights formerly granted by said license or permit.~~ **During the pendency of**  
1238 **a suspension or revocation, the chief of police may impose an immediate suspension**  
1239 **where necessary to protect the public health, safety, or welfare, provided that a**  
1240 **prompt post-deprivation hearing is made available as set forth herein.**

1241 In the event that an employee's permit to work or a license to operate is revoked by the  
1242 chief of police or his designee, the revocation is upheld by the city manager, and the city  
1243 manager's decision is upheld by a court of competent jurisdiction in the event of an appeal  
1244 as discussed in subsection (c) below, then in such event, an appeal cost in an amount  
1245 established by the governing body of the city shall be assessed against the appellant,  
1246 which must be paid before the appellant is allowed to work or perform any services again  
1247 on the premises of any adult entertainment establishment in the city.

1248 (b) The city manager shall have the power to decide all questions brought before him and  
1249 shall have the power to uphold the revocation by the chief of police of an employee  
1250 permit or any other permit issued under this chapter if he finds grounds as stated in  
1251 section 9-12-6(b)(6) (employee permit), and the power to uphold the decision of the chief  
1252 of police, or to determine other action as appropriate including issuance of a fine not to  
1253 exceed one thousand dollars (\$1,000.00), suspension, or revocation of a license, if he  
1254 finds grounds as stated in section 9-12-11(a)(2) (license), or any other provision of this  
1255 chapter.

1256 (c) Any applicant for an adult license or employee permit, license holder, or permit holder  
1257 aggrieved by any decision of the city manager, or any decision of the city, or any of its  
1258 officials, employees or agents pursuant to this chapter, may seek an immediate review of  
1259 such decision by filing an appropriate pleading in the Superior Court of Clayton County,  
1260 Georgia initiating a certiorari proceeding within thirty (30) days pursuant to the Official  
1261 Code of Georgia.

1262 Sec. 9-12-13. - Automatic license forfeiture for nonuse.

1263 Any holder of any license hereunder who shall for a period of ninety (90) consecutive  
1264 calendar days after the license has been issued cease to operate the business and sale of the

1265 product or products authorized shall after the said ninety (90) calendar day period automatically  
1266 forfeit the license without the necessity of any further action. **The ninety (90) day period shall**  
1267 **not apply during any period in which the licensed premises are temporarily closed due to**  
1268 **fire, casualty, renovation, or other good cause as determined by the City Manager or**  
1269 **designee, provided that the licensee has notified the City in writing of such closure.**

1270 [...]

1271 Sec. 9-12-14. - Physical layout of adult entertainment establishments.

1272 (a) *Layout of adult entertainment establishments providing live adult entertainment.* ~~No~~  
1273 ~~adult entertainment establishment as defined in subsections (1), (2), (3) or (4) of the~~  
1274 ~~definition of an "adult entertainment establishment" contained in section 9-12-2 above~~  
1275 ~~shall provide any booth, room, private room or "VIP" room, cubicle or enclosed space~~  
1276 ~~for customers or patrons to go where adult entertainers or other employees are also~~  
1277 ~~permitted to go, excepting only restrooms, and no live adult entertainment shall be~~  
1278 ~~conducted or viewed inside any booth, room, cubicle or enclosed space or restroom. All~~  
1279 ~~live adult entertainment or other interaction between employees and patrons in such~~  
1280 ~~establishments shall only take place in an open main area, which are open to view from~~  
1281 ~~all other areas of the premises (as defined in section 9-12-2 above) of such adult~~  
1282 ~~entertainment establishments, are not blocked or partially blocked by the erection of~~  
1283 ~~doors or walls, and which main area must be accessible by two (2) entrances/exits into~~  
1284 ~~and/or out of the interior of the premises. No adult entertainment establishment, as~~  
1285 ~~defined in subsections (1), (2), (3), or (4) of the definition of "adult entertainment~~  
1286 ~~establishment" contained in Section 9-12-2, shall provide or maintain any booth,~~  
1287 ~~room, private room, "VIP" room, cubicle, or other enclosed space to which patrons~~  
1288 ~~and adult entertainers or employees are simultaneously permitted access, except for~~  
1289 ~~restrooms. No live adult entertainment shall be conducted or viewed within any~~  
1290 ~~booth, room, cubicle, enclosed space, or restroom. All live adult entertainment and~~  
1291 ~~all interactions between employees and patrons shall occur only within a main area~~  
1292 ~~of the premises that is open and unobstructed, and which is readily visible from~~  
1293 ~~common areas of the establishment. Such main area shall not be concealed or~~  
1294 ~~substantially obscured by walls, doors, curtains, partitions, or other visual barriers.~~  
1295 **The main area shall be designed to allow continuous observation of all live adult**  
1296 **entertainment activities from the interior of the premises and shall be accessible by**  
1297 **at least two (2) means of ingress and egress, where permitted by applicable building**  
1298 **and fire codes.**

1299 (b) *Layout of other adult entertainment establishments.* All adult entertainment  
1300 establishments other than those defined in subsections (1), (2), (3), and (4) of the  
1301 definition of "adult entertainment establishment" contained in section 9-12-2 above, are  
1302 permitted to have booths, rooms, cubicles or enclosed spaces and shall comply with the  
1303 following requirements:

1304 (1) *Access.* Each booth, room or cubicle shall be totally accessible to and from  
1305 aisles and public areas of the establishment, and shall be unobstructed by any

1306 curtain, door, lock, or other control-type device or any view-obstructing  
1307 devices or materials.

1308 (2) *Construction.* Every booth, room or cubicle shall meet the following  
1309 construction requirements:

1310 a. Each booth, room or cubicle shall be separated from adjacent booths,  
1311 rooms and cubicles and any nonpublic areas by a wall.

1312 b. ~~Have~~ **Each booth, room, or cubicle shall have** at least one (1) side  
1313 totally open to a public lighted area or aisle so that there is an  
1314 unobstructed view of anyone occupying the booth from the area in  
1315 ~~which the cash register for the adult entertainment establishment is~~  
1316 ~~located~~ **a common area of the establishment.**

1317 c. All walls shall be solid and without openings, extended from the floor  
1318 to a height of not less than six (6) feet and be nonabsorbent, smooth-  
1319 textured, and easily cleanable.

1320 d. The floor must be, nonabsorbent, smooth-textured, and easily ~~cleaned~~  
1321 **cleanable and maintained in a clean and sanitary condition.**

1322 e. The lighting level of each booth, room or cubicle ~~when not in use~~ shall  
1323 **be illuminated at all times the establishment is open with** a minimum  
1324 of ten (10) foot candles ~~at all times~~, as measured from the floor.

1325 (3) *Occupants.* Only one (1) individual shall occupy a booth, room or cubicle at  
1326 any time. No occupant of same shall engage in any type of sexual activity, or  
1327 cause any bodily discharge while in the booth, room or cubicle. No individual  
1328 shall damage or deface any portion of the booth, room or cubicle.