



CITY OF
FORESTPARK

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

Monday, August 3, 2026 at 6:00 PM
Forest Park City Hall | Council Chambers
745 Forest Parkway, Forest Park, GA 30297

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
Carl Geffken, 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. PRESENTATION

**1. Mayor's Reading Club
Background/History:**

Staff will provide an overview of the Mayor's Reading Club: Little ROOTS, a literacy initiative established under Mayor Ellison's youth engagement efforts and aligned with the national Mayor's Reading Club program. The presentation will highlight planned reading and family engagement activities for the upcoming school year, including reading events, a bookmark contest, virtual reading opportunities, and a summer reading program.

V. OLD BUSINESS

2. Council Consideration of Ordinance Amending Title 9, Chapter 6 (Peddlers and Solicitors) of the City of Forest Park Code of Ordinances. (Citywide) - Planning and Community Development

Background/History:

The proposed ordinance revises Title 9, Chapter 6 of the City of Forest Park Code of Ordinances governing commercial solicitors, peddlers, transient merchants, charitable solicitations, and mobile food vendors to modernize existing regulations, improve administrative procedures, and provide greater clarity for applicants, City staff, and the public.

The ordinance was originally presented to the Mayor and Council at the July 20, 2026, Council Meeting but was tabled to allow for additional revisions regarding constitutionally protected religious activities. The ordinance has been revised to clarify exemptions for certain religious solicitation activities and to expressly provide that its provisions shall be applied in a manner consistent with applicable constitutional protections. The ordinance is being resubmitted for the Mayor and Council's consideration.

VI. NEW BUSINESS

3. **Council Consideration of an Ordinance Amending Title 9 (Licensing and Regulation), Chapter 1 (General Provisions), Chapter 3 (Pawnbrokers), Chapter 7 (Massage Establishments), and Chapter 12 (Adult Entertainment Establishments) of the City of Forest Park Code of Ordinances. (Citywide) - Planning and Community Development**

Background/History:

As part of the Planning & Community Development Department's ongoing efforts to evaluate and improve the City's regulatory framework, staff, in coordination with the City Attorney, conducted a comprehensive review of Title 9 (Licensing and Regulation) to identify opportunities for modernization, clarification, and improved administrative efficiency. The proposed ordinance amends Chapter 1 (General Provisions), Chapter 3 (Pawnbrokers), Chapter 7 (Massage Establishments), and Chapter 12 (Adult Entertainment Establishments) to modernize and clarify the City's licensing and regulatory requirements. The amendments update licensing standards, application requirements, administrative procedures, and enforcement provisions to improve consistency, enhance operational efficiency, and ensure the City's regulations remain responsive to current business practices and applicable state law. As part of this effort, the City's business license application has also been revised to align with the ordinance amendments and provide a more efficient application process for both applicants and staff.

4. **Council Consideration of an Ordinance Amending Title 9 (Licensing and Regulation), Chapter 2 (Alcoholic Beverages) of the City of Forest Park Code of Ordinances. (Citywide) - Planning and Community Development**

Background/History:

As part of the Planning & Community Development Department's ongoing efforts to evaluate and improve the City's regulatory framework, staff, in coordination with the City Attorney, conducted a comprehensive review of Title 9, Chapter 2 (Alcoholic Beverages) to identify opportunities for modernization, clarification, and improved administrative efficiency. The proposed ordinance amends Chapter 2 of Title 9 of the City of Forest Park Code of Ordinances to modernize and clarify the City's alcoholic beverage regulations. The amendments update licensing classifications, application and operational requirements, enforcement provisions, and other regulatory standards to improve administrative efficiency, promote consistency with state law, and support responsible business operations while protecting the public health, safety, and welfare. The alcohol license application and related administrative forms are currently being updated to align with the proposed ordinance amendments.

VII. PUBLIC HEARING - COMMENTS WILL BE HEARD DURING THE REGULAR SESSION MEETING

5. **Council Consideration of Case # RZ-2026-02- Rezoning Request for 0 Conrad Ave from Planned Industrial (PI) District to General Commercial (GC) District within Ward 1. - Planning and Community Development**

Background/History:

The Applicant is requesting to rezone approximately 1.17+/- acres located at 0 Conrad Avenue from Planned Industrial (PI) to General Commercial (GC) to allow for the development of a proposed four-story mixed-use commercial building consisting of hospitality, retail, restaurant, and office uses. The subject property is currently vacant and undeveloped and is proposed to be developed with

approximately 43,500 square feet of commercial space, including associated parking, internal circulation, and stormwater management facilities.

The Applicant purchased the property in 2021 when it was zoned for commercial use. During the City's subsequent zoning ordinance and official zoning map update, the property was rezoned to the Planned Industrial (PI) District, creating the need for the current rezoning request to accommodate the proposed development. The property is bordered by General Commercial (GC) zoning to the west, Planned Industrial (PI) zoning to the east and south, and property located outside the municipal limits to the north. Because the property directly adjoins commercially zoned property, the proposed rezoning would not create an isolated commercial zoning district and would facilitate the redevelopment of a vacant property while promoting additional commercial investment within the City.

After reviewing the request and the applicable zoning and development standards, staff recommended approval of the rezoning subject to conditions intended to address transportation, site design, parking, circulation, buffering, and compliance with the City's development standards. The Planning Commission conducted a public hearing on July 16, 2026, and recommended approval of the rezoning request, subject to the following conditions:

1. Traffic Impact Study
2. Site Plan Review
3. Parking Compliance
4. Loading, Circulation, and Access
5. Landscaping, Buffering, and Screening
6. Urban Design Review Board (UDRB) Approval
7. General Compliance

6. **Council Consideration to approve Case # CUP-2026-03 - Conditional Use Permit for 957 Astor Ave to establish a childcare center within the Single-Family Residential District (RS) in Ward 2. - Planning and Community Development**

Background/History:

The applicant is requesting approval of a Conditional Use Permit to establish a childcare center at 957 Astor Avenue, located within the Single-Family Residential (RS) District in Ward 2. The site was previously used as a childcare facility but has been vacant for approximately four years. The property formerly operated as a daycare center under prior ownership, and the request represents the continuation of a long-standing community-serving use rather than the introduction of a new land use. The applicant is currently under contract to purchase the property and is seeking approval from the Mayor and Council to operate the facility as Little Blossoms Learning Academy. The applicant also plans to improve the site through cosmetic renovations, interior updates, routine maintenance, educational equipment upgrades, and other minor enhancements intended to improve the appearance and functionality of the existing facility. No additions to the building or significant site modifications are proposed.

Pursuant to Section 8-8-28 of the City of Forest Park Zoning Ordinance, pre-kindergarten facilities and daycare centers require a Conditional Use Permit to operate within the Single-Family Residential (RS) District.

On July 16, 2026, the Planning Commission reviewed the request and voted to recommend approval, subject to the following conditions:

1. Development in Accordance with Approved Site Plan
2. Parking and Circulation Compliance
3. No Expansion of Use Without Approval
4. Licensing and Regulatory Compliance
5. Property Maintenance

7. **Council Consideration to approve Case #TA-2026-02 Text Amendment for Title 8. Planning and Development, Chapter 7. Subdivisions, Article G. – Planning & Community Development Department Fee Schedule, Section 8-7-81. Fee Schedule. (Citywide) - Planning and Community Development**

Background/History:

Following the adoption of the Public Arts Review Board by the Mayor and City Council, the Planning & Community Development Department is requesting an amendment to Section 8-7-81 to recognize the Public Arts Review Application within the City's Planning & Community Development Fee Schedule. The proposed amendment establishes a \$75.00 application fee to assist with the administrative costs associated with processing applications and facilitating the public art review process. The Planning Commission held a public hearing and recommended approval of the proposed text amendment on July 16, 2026.

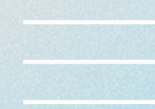
VIII. EXECUTIVE SESSION - Personnel, Litigation, Real Estate or Cyber Security OCGA § 50-14-1

IX. 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.



City of Forest Park



Growing Readers, Growing Community

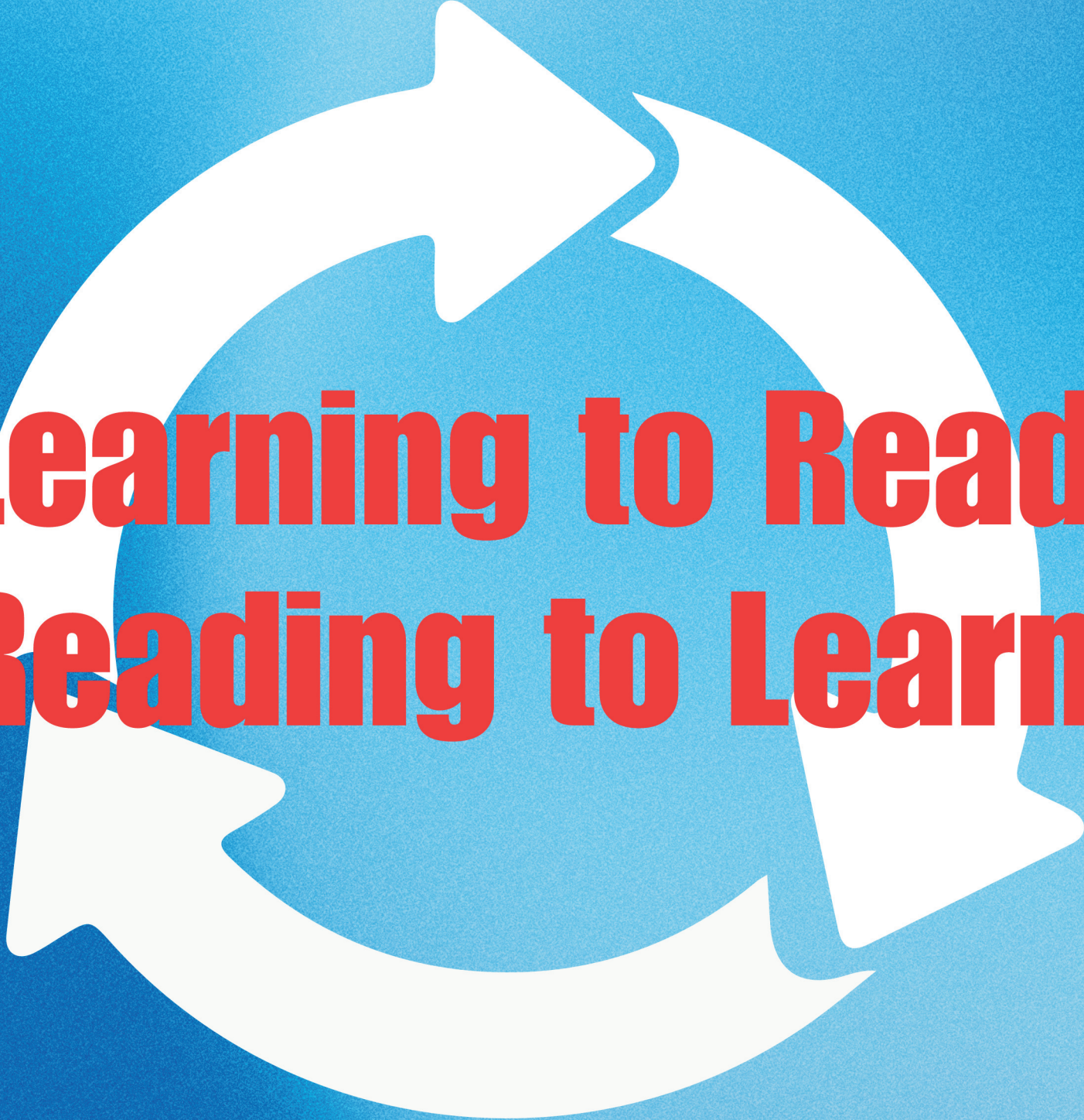
August 3, 2026

www.forestparkga.gov



WHAT IS THE MAYORS READING CLUB?

- 01 Promotes a culture of reading
- 02 Engage families in literacy activities
- 03 Connects local government with youth development efforts in our community



Learning to Read Reading to Learn



Little ROOTS in Forest Park

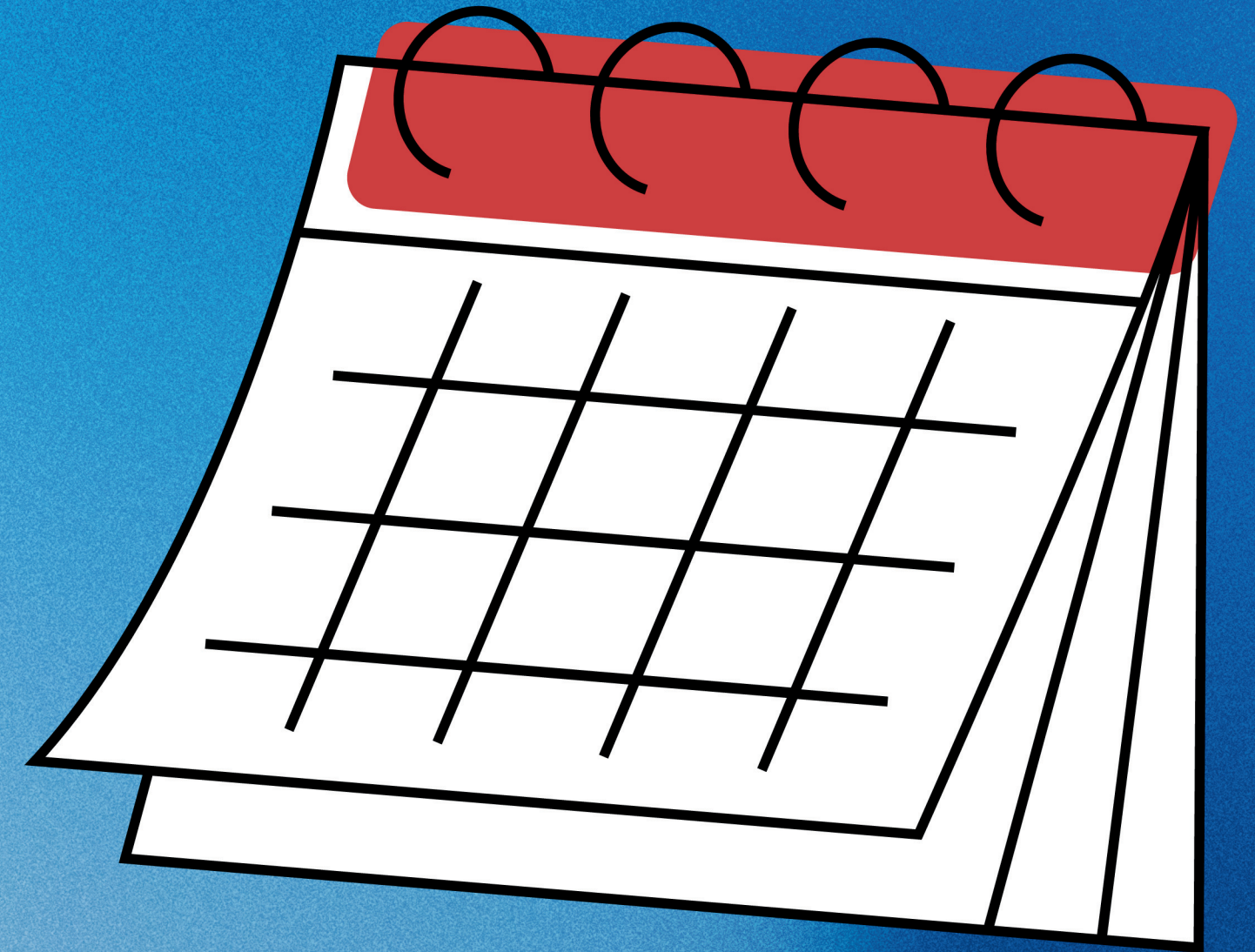


Reading Opens Opportunitites To Succeed



Plans for the Upcoming School Year

- Classroom Reading Events
- Bookmark Design Contest
- Virtual Reading Opportunities
- Summer Reading in the Park





TURNING A CHALLENGE INTO AN OPPORTUNITY

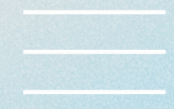
- Reach more children
- Reflect our community
- Encourage creativity and learning

GREETINGS FOREST PARK





City of Forest Park



Thank You



Mayor Gwen Ellison | www.forestparkga.gov | 404-366-4720



CITY OF
FOREST PARK

City Council Agenda Item

Subject: Consideration of Ordinance Amending Title 9, Chapter 6 (Peddlers and Solicitors) of the City of Forest Park Code of Ordinances.

Submitted By: SaVaughn Irons-Kumassah, Interim Director/Principal Planner, Planning & Community Development Department

Date Submitted: July 27, 2026

Work Session Date: August 03, 2026

Council Meeting Date: August 03, 2026

Background/History:

The proposed ordinance revises Title 9, Chapter 6 of the City of Forest Park Code of Ordinances governing commercial solicitors, peddlers, transient merchants, charitable solicitations, and mobile food vendors to modernize existing regulations, improve administrative procedures, and provide greater clarity for applicants, City staff, and the public.

The ordinance was originally presented to the Mayor and Council at the July 20, 2026, Council Meeting but was tabled to allow for additional revisions regarding constitutionally protected religious activities. The ordinance has been revised to clarify exemptions for certain religious solicitation activities and to expressly provide that its provisions shall be applied in a manner consistent with applicable constitutional protections. The ordinance is being resubmitted for the Mayor and Council's consideration

Cost: N/A

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

Action Requested from Council: Approval of Ordinance Amendment.

**STATE OF GEORGIA
CITY OF FOREST PARK**

ORDINANCE NO. 2026-____

1 AN ORDINANCE BY MAYOR GWENDOLYN ELLISON AND COUNCILMEMBERS
2 KIMBERLY JAMES, HECTOR GUTIERREZ, LATRESA AKINS-WELLS,
3 DELORES A. GUNN, AND ALLAN MEARS OF THE CITY OF FOREST PARK,
4 GEORGIA, BY AMENDING TITLE 9 (LICENSING AND REGULATION), CHAPTER 6
5 (PEDDLERS AND SOLICITORS) OF THE CITY'S CODE OF ORDINANCES; TO PROVIDE
6 AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

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

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

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

13 **WHEREAS**, the Mayor and Council have determined that the City's regulations governing
14 peddlers, solicitors, charitable solicitations, and mobile food vendors should be updated to reflect
15 current business practices, improve administrative efficiency, and promote consistency throughout
16 the Code of Ordinances; and

17 **WHEREAS**, the City finds that establishing clear permitting standards, application
18 requirements, permit durations, and enforcement procedures will assist City staff in the fair and
19 consistent administration of Chapter 6 while protecting the public health, safety, and welfare; and

20 **WHEREAS**, the Mayor and Council further find that revising Chapter 6 will modernize
21 the City's licensing regulations, enhance transparency for applicants, and ensure that commercial

and charitable solicitation activities, as well as mobile food vendor operations, are conducted in a manner that serves the best interests of the City and its residents.

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

Section 1. The City’s Code of Ordinances, Title 9 (“Licensing and Regulation”), Chapter 6 (“Peddlers and Solicitors”) is hereby amended with permanent additions in **bold** font and permanent deletions in ~~striketrough~~ font to be read and codified as set forth in **Exhibit A** attached hereto and incorporated herein.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intent of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

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

(c) In the event that any phrase, clause, sentence, paragraph, or section to this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the

greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and phrases shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the City's Code of Ordinances, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

SO ORDAINED this ____ day of _____, 2026.

CITY OF FOREST PARK, GEORGIA

By: _____
Dr. Gwendolyn Ellison, *Mayor*

ATTEST:

_____(SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

TITLE 9 – LICENSING AND REGULATION

[...]

CHAPTER 6. – PEDDLERS AND SOLICITORS

ARTICLE A. - COMMERCIAL SOLICITING

Sec. 9-6-1. - Permit required.

It shall be unlawful for a ~~peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor as defined below to~~ **any person subject to the provisions of this Article to engage in such business commercial solicitation, peddling, canvassing, or transient merchandising** within the city ~~without first obtaining a permit therefor in compliance with the provisions of this article~~ **unless such person has first obtained a valid permit issued in accordance with this Article, unless otherwise exempted by this Code or applicable law.**

Sec. 9-6-2. - Definitions.

For purposes of this Article, the following words and phrases shall have the meanings set forth below:

- (a) ~~For the purpose of this article, a~~ **A transient merchant, itinerant merchant or itinerant vendor** is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer **any person who travels from place to place, business to business, or residence to residence for the purpose of soliciting orders, contracts, subscriptions, donations, or commitments for the future sale or delivery of goods, merchandise, services, or other personal property, regardless of whether samples are displayed or advance payment is collected.**

(b) ~~The word *peddler* as used herein shall include any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."~~ **means any person who carries, transports, or conveys goods, wares, merchandise, food products, or other tangible personal property from place to place for the purpose of offering such items for immediate sale and delivery to customers. The term includes any person selling from a vehicle or other movable conveyance and includes persons commonly known as "hawkers" or "hucksters".**

(c) ~~A *canvasser* or *solicitor* is defined as any individual, whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery~~ **means any person who travels from place to place, business to business, or residence to residence for the purpose of soliciting orders, contracts, subscriptions, donations, or commitments for the future sale or delivery of goods, merchandise, services, or other personal property, regardless of whether samples are displayed or advance payment is collected.**

Sec. 9-6-3. - Application.

~~Applicants for permits under this article must file with the chief of police a sworn application in writing on a form to be furnished by the city, which shall give the following information:~~

~~(1) Name and description of the applicant;~~

~~(2) Address;~~

- 135 ~~(3) A brief description of the nature of the business and the goods to be sold;~~
- 136 ~~(4) If employed, the name and address of the employer;~~
- 137 ~~(5) The length of time for which the right to do business is desired;~~
- 138 ~~(6) If a vehicle is to be used, a description of the same, together with license~~
139 ~~number or other means of identification; and~~
- 140 ~~(7) A statement as to whether or not the applicant has been convicted of any~~
141 ~~crime, misdemeanor, or violation of any municipal ordinance, the nature~~
142 ~~of the offense and the punishment or penalty assessed therefor.~~
- 143 **(a) An applicant for a permit under this Article shall submit a completed**
144 **application, under oath, to the Chief of Police or the Chief's designee on a form**
145 **prescribed by the City.**
- 146 **(b) No permit application shall identify more than one (1) applicant. Each**
147 **individual engaging in activities regulated by this Article shall obtain a separate**
148 **permit, and permits shall not be issued jointly or to multiple individuals under**
149 **a single application.**
- 150 **(c) The application shall include, at a minimum, the following information:**
- 151 **(1) The applicant's full legal name, residential address, telephone number,**
152 **and, if available, email address;**
- 153 **(2) A brief description of the proposed business or solicitation activities**
154 **and the goods, merchandise, or services to be offered;**
- 155 **(3) If the applicant is acting on behalf of another individual, business, or**
156 **organization, the name, address, and telephone number of the**
157 **employer, principal, or sponsoring entity;**
- 158 **(4) The location or locations where the applicant intends to conduct**
159 **business or solicitation activities, if known;**
- 160 **(5) The dates for which the permit is requested;**
- 161 **(6) A description of any vehicle or conveyance to be used in connection**
162 **with the permitted activity, including the license plate number, if**
163 **applicable;**
- 164 **(7) A statement identifying whether the applicant has been convicted of**
165 **any felony or misdemeanor involving fraud, theft, or deceit within the**

166 previous five (5) years, including the nature of the offense and the date
167 of conviction; and

168 (8) Such other information or documentation as the Chief of Police or the
169 Chief's designee may reasonably require to determine the applicant's
170 eligibility for a permit under this Article.

171 *Sec. 9-6-4. - Investigation and issuance.*

172 (a) Upon receipt of such ~~completed~~ application, the ~~chief of police~~ **Chief of Police or**
173 **the Chief's designee** shall ~~cause such investigation of the applicant's business and~~
174 ~~moral character to be made as he deems necessary for the protection of the public~~
175 ~~good~~ **shall review the application and may conduct such investigation as is**
176 **reasonably necessary to verify the information contained therein and determine**
177 **whether the applicant satisfies the requirements of this Article.**

178 (b) ~~If, as a result of such investigation, the applicant's character or business~~
179 ~~responsibility is found to be unsatisfactory, the chief of police shall endorse on such~~
180 ~~application his disapproval and his reasons for the same, and notify the applicant~~
181 ~~that his application is disapproved and that no permit will be issued. Any person~~
182 ~~aggrieved by a decision of the chief of police may appeal such decision to the city~~
183 ~~manager~~ **If the Chief of Police or the Chief's designee determines that the**
184 **applicant has satisfied the requirements of this Article and all applicable laws,**
185 **the permit shall be issued upon payment of the applicable permit fee.**

186 (c) ~~If, as a result of such investigation, the character and business responsibility of the~~
187 ~~applicant are found to be satisfactory, the chief of police shall, upon receipt of~~
188 ~~payment of the prescribed permit fee, deliver to the applicant his permit. The chief~~
189 ~~shall keep a permanent record of all permits issued. The Chief of Police or the~~
190 **Chief's designee may deny a permit application upon determining that:**

191 (1) The application contains a material false statement or omission;

192 (2) The applicant has failed to provide information required by this Article
193 or requested during the review process;

194 (3) The applicant has failed to satisfy the requirements of this Article or
195 other applicable federal, state, or local laws; or

196 (4) The applicant is otherwise ineligible to receive a permit under this
197 Code.

198 (d) Any denial of a permit application shall be provided to the applicant in writing
199 and shall state the reason or reasons for the denial.

(e) Any person aggrieved by the denial of a permit application may appeal such decision to the City Manager by submitting a written notice of appeal within ten (10) calendar days after receipt of the written denial. The decision of the City Manager shall constitute the City's final administrative decision.

(f) The Chief of Police shall maintain a record of all permits issued pursuant to this Article.

[...]

Sec. 9-6-6. - Exhibition of permits.

(a) ~~Itinerant merchants. The permit issued hereunder for itinerant merchants and dealers and transient merchants shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said permit shall desire to do business in more than one (1) place within the city, separate permits may be issued for each place of business, and shall be posted conspicuously in each place of business.~~ ***Transient Merchants.*** A permit issued to a transient merchant, itinerant merchant, or itinerant vendor shall be prominently displayed at the authorized place of business at all times while conducting business within the City. A separate permit shall be required for each approved location.

(b) ~~Peddlers. Peddlers, solicitors and canvasses are required to exhibit their permit at the request of any citizen.~~ ***Peddlers, Canvassers, and Solicitors.*** A peddler, canvasser, or solicitor shall carry the permit issued under this Article while conducting business and shall produce the permit upon request of any law enforcement officer, code enforcement officer, or any person with whom the permittee seeks to conduct business or solicitation.

[...]

Sec. 9-6-8. - Use of streets.

~~It shall be unlawful for any person issued a permit under the provisions of this article to conduct any business transaction in any area which is within thirty five (35) feet of any street, alley, road or highway. A permit issued under this Article shall not authorize the permittee to obstruct or impede the free and safe use of any public street, sidewalk, alley, roadway, driveway, or other public right-of-way. No permittee shall conduct business or solicitation in a manner that interferes with pedestrian or vehicular traffic or creates a hazard to the public health, safety, or welfare.~~

233 *Sec. 9-6-9. – Suspension and Revocation of permits.*

234 Permits issued under the provisions of this article may be revoked for any of the following
235 causes:

236 ~~(1) Fraud, misrepresentation or false statement contained in the application~~
237 ~~for permit;~~

238 ~~(2) Fraud, misrepresentation or false statement made in the course of carrying~~
239 ~~on any business contemplated hereunder;~~

240 ~~(3) Any violation of this article;~~

241 ~~(4) Conviction of any crime or misdemeanor involving moral turpitude; or~~

242 ~~(5) Conducting any business contemplated hereunder, in an unlawful manner~~
243 ~~or in such a manner as to constitute a breach of the peace or to constitute~~
244 ~~a menace to the health, safety, or general welfare of the public.~~

245 **(a) The Chief of Police or the Chief's designee may suspend or revoke any permit**
246 **issued under this Article upon determining that:**

247 **(1) The permit was obtained through fraud, misrepresentation, or a**
248 **material false statement or omission;**

249 **(2) The permittee has violated any provision of this Article or any**
250 **condition of the permit;**

251 **(3) The permittee has violated any applicable federal, state, or local law**
252 **while conducting activities authorized by the permit;**

253 **(4) The permittee has conducted business or solicitation in a manner that**
254 **creates a threat to the public health, safety, or welfare; or**

255 **(5) The permittee has failed to maintain the qualifications or requirements**
256 **necessary for issuance of the permit.**

257 **(b) Any suspension or revocation shall be in writing and shall state the reason or**
258 **reasons for the action taken. Written notice shall be personally delivered or**
259 **mailed to the permittee at the address provided on the permit application.**

260 **(c) A permittee whose permit has been suspended or revoked may appeal the**
261 **decision to the City Manager by submitting a written notice of appeal within ten**
262 **(10) calendar days after receipt of the written notice. The decision of the City**
263 **Manager shall constitute the City's final administrative decision.**

Sec. 9-6-10. - Regulation of hours.

All activity regulated hereunder shall occur only between the hours of 9:00 a.m. and 6:00 p.m. Eastern Standard Time or between the hours of 9:00 a.m. and 7:00 p.m. Eastern Daylight Time, **unless otherwise authorized by the City as part of a special event permit or other lawful authorization.**

[...]

~~Sec. 9-6-12. - Reserved.~~ **Permit Duration.**

Each permit issued pursuant to this Article shall be valid for a period not to exceed five (5) consecutive calendar days from the date of issuance, unless sooner suspended or revoked pursuant to this Article. Upon expiration, any person seeking to continue activities regulated by this Article shall submit a new permit application and obtain a new permit prior to engaging in such activities.

Sec. 9-6-13. - Penalty.

~~Any person violating any of the provisions of this article shall upon conviction thereof be punished by a fine or imprisonment or both, to be set by the city's municipal court judge presiding at the time.~~ **Any person who violates any provision of this Article shall be subject to the penalties set forth in Section 1-1-8 of the Code of Ordinances of the City of Forest Park. In addition to any other remedy authorized by law, any permit issued under this Article may be suspended or revoked in accordance with Section 9-6-9. Each day that a violation continues shall constitute a separate offense.**

ARTICLE B. - CHARITABLE SOLICITATIONS

Sec. 9-6-21. - Definitions.

~~Whenever used in this article unless a different meaning clearly appears from the context:~~

~~(1) Solicit and solicitation shall mean the request directly or indirectly of money, credit, property, financial assistance or other things of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose as those purposes are defined in this article. These words shall also mean and include the following methods of securing money, credit, property, financial assistance or other things of value on the plea or representation that it will be used for a charitable or religious purpose as herein defined:~~

~~a. Any oral or written request;~~

297 b. ~~The distribution, circulation, mailing, posting or publishing of~~
298 ~~any handbill, written advertisement, or publication;~~

299 e. ~~The making of any announcement to the press, over the radio, by~~
300 ~~telephone or telegraph concerning an appeal, assemblage,~~
301 ~~athletic or sports event, bazaar, benefit, campaign, contest,~~
302 ~~dance, drive, entertainment, exhibition, exposition, party,~~
303 ~~performance, picnic, sale or social gathering, which the public is~~
304 ~~requested to patronize or to which the public is requested to make~~
305 ~~a contribution for any charitable or religious purpose connected~~
306 ~~therewith; or~~

307 d. ~~The sale of, offer or attempt to sell, any advertisement,~~
308 ~~advertising space, book, card, chance, coupon, device, magazine,~~
309 ~~membership, merchandise, subscription, ticket or other thing in~~
310 ~~connection with which any appeal is made for any charitable or~~
311 ~~religious purpose, or where the name of any charitable or~~
312 ~~religious person is used or referred to in any such appeal as an~~
313 ~~inducement or reason for making any such sale, or when or where~~
314 ~~in connection with any such sale, any statement is made that the~~
315 ~~whole or any part of the proceeds from any such sale, or any part~~
316 ~~of the proceeds from any such sale, will go or be donated to any~~
317 ~~charitable or religious purpose.~~

318 ~~"Solicitation" as defined herein shall be deemed completed when made,~~
319 ~~whether or not the person making the same receives any contribution or~~
320 ~~makes any sale referred to in this section.~~

321 (2) ~~Charitable shall mean and include the words patriotic, philanthropic,~~
322 ~~social service, welfare, benevolent, educational, civic, or fraternal, either~~
323 ~~actual or purported.~~

324 (3) ~~Religious and religion as used herein shall not mean and include the word~~
325 ~~"charitable" as herein defined, but shall be given their commonly accepted~~
326 ~~definitions.~~

327 (4) ~~Contributions shall mean the promise or grant of any money or property~~
328 ~~of any kind or value.~~

329 (5) ~~Person shall mean any individual, firm, co-partnership, corporation,~~
330 ~~company, association, or joint stock, organization or league, church,~~
331 ~~religious sect, religious denomination, society, and includes any trustee,~~
332 ~~receiver, assignee, agent, or other similar representative thereof.~~

(6) ~~Promoter shall mean any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise, or organize a campaign or solicitations.~~

For purposes of this Article, the following words and phrases shall have the meanings ascribed to them below:

(a) *Charitable Organization* means any nonprofit organization, corporation, association, trust, foundation, church, religious organization, educational institution, civic organization, or other entity organized and operated primarily for religious, charitable, educational, philanthropic, benevolent, patriotic, civic, or similar nonprofit purposes.

(b) *Contribution* means any donation, gift, grant, pledge, promise, subscription, or transfer of money, property, services, or anything of value made in response to a solicitation.

(c) *Person* means any individual, partnership, corporation, limited liability company, association, organization, trust, estate, or any other legal entity.

(d) *Promoter* means any person who plans, manages, supervises, conducts, or is responsible for organizing or directing a charitable solicitation on behalf of another person or organization.

(e) *Solicit* or *Solicitation* means any direct or indirect request, appeal, or representation for a contribution or thing of value for a charitable or religious purpose, whether made in person, by telephone, in writing, electronically, through advertising, by public announcement, or by the sale of goods, services, tickets, memberships, or other items where all or any portion of the proceeds is represented to benefit a charitable or religious purpose. A solicitation shall be deemed complete upon the making of the request, regardless of whether a contribution is received.

Sec. 9-6-22. - Solicitations permit; required. Permit required; exemptions.

~~No person shall solicit contributions within the city without a permit from the police department authorizing such solicitation; provided, however, that the provisions of this section shall not apply to any established persons organized and operating exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person if the solicitations by such established person are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for the making of such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person.~~

(a) Except as otherwise provided in this Article or by applicable federal or state law, no person shall solicit charitable contributions within the City without first obtaining a permit from the Chief of Police or the Chief's designee.

(b) The permit requirement of this section shall not apply to:

(1) A bona fide religious, charitable, educational, civic, or nonprofit organization soliciting contributions solely from its own members or congregants through its officers, employees, volunteers, or members, provided that no person receives compensation based upon the amount of contributions solicited;

(2) The collection of offerings, tithes, or other voluntary contributions received during the regular meetings, assemblies, or religious services of a bona fide religious organization; or

(3) Noncommercial religious evangelism, proselytizing, or the distribution of religious literature by a bona fide religious organization, or its officers, employees, members, agents, or volunteers, provided that no solicitation of money, donations, membership dues, or other financial contributions occurs in connection with such activity.

(c) Each permit issued pursuant to this Article shall be valid for a period not to exceed five (5) consecutive calendar days from the date of issuance, unless sooner suspended or revoked pursuant to this Article. Upon expiration, any person seeking to continue charitable solicitation activities regulated by this Article shall submit a new permit application and obtain a new permit prior to engaging in such activities.

(d) Nothing in this Article shall be construed or applied in a manner that conflicts with the rights guaranteed by the United States Constitution, the Constitution of the State of Georgia, or applicable federal or state law.

Sec. 9-6-23. - Same; application. Application.

~~An application for a permit to solicit shall be made to the police department upon forms provided by the city. The application herein required shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:~~

~~(1) The name and address or headquarters of the person applying;~~

~~(2) The purpose of the solicitation;~~

- 402 ~~(3) The name and address of the person or persons who will be in direct charge~~
403 ~~of conducting the solicitation and the names of all promoters connected or~~
404 ~~to be connected with the proposed solicitations;~~
- 405 ~~(4) An outline of the method or methods to be used in conducting the~~
406 ~~solicitations;~~
- 407 ~~(5) The time when such solicitations shall be made, giving the preferred dates~~
408 ~~for the beginning and ending of such solicitation;~~
- 409 ~~(6) The amount of any wages, fees, commissions, expenses or emoluments to~~
410 ~~be expended or paid to any person in connection with such solicitations,~~
411 ~~and the names and addresses of all such persons;~~
- 412 ~~(7) A full statement of the character and extent of the charitable work being~~
413 ~~done by the applicant within the city; and~~
- 414 ~~(8) Such other information as may be reasonably necessary and required by~~
415 ~~the police department in order for the department to determine the kind~~
416 ~~and character of the proposed solicitation and whether such solicitation is~~
417 ~~in the interest of, and not inimical to, the public welfare.~~
- 418 **(a) An applicant for a charitable solicitation permit under this Article shall submit**
419 **a completed application, under oath, to the Chief of Police or the Chief's**
420 **designee on a form prescribed by the City.**
- 421 **(b) Each permit application shall identify only one (1) applicant. No permit shall be**
422 **issued jointly to multiple individuals, and each person engaging in charitable**
423 **solicitation regulated by this Article shall obtain a separate permit.**
- 424 **(c) The application shall include, at a minimum, the following information:**
- 425 **(1) The applicant's full legal name, residential address, telephone number,**
426 **and, if available, email address;**
- 427 **(2) If the applicant is acting on behalf of a charitable organization, the**
428 **name, address, and telephone number of the organization;**
- 429 **(3) The charitable purpose for which the solicitation will be conducted;**
- 430 **(4) The names of the individual or individuals who will be responsible for**
431 **conducting and supervising the solicitation;**
- 432 **(5) The proposed method of solicitation, including the dates, times, and**
433 **locations where the solicitation will occur;**

- 434 (6) A statement identifying whether any person will receive compensation,
435 commissions, fees, or other remuneration in connection with the
436 solicitation and, if so, the nature and amount of such compensation;
- 437 (7) A brief description of the charitable activities or programs to be
438 supported by the solicitation; and
- 439 (8) Such other information or documentation as the Chief of Police or the
440 Chief's designee may reasonably require to determine the applicant's
441 eligibility for a permit under this Article.

442 *Sec. 9-6-24. - Same; investigation* **Review of application.**

443 ~~The police department shall examine all applications filed under this article and shall~~
444 ~~make, or cause to be made, such further investigations as deemed necessary to perform the duties~~
445 ~~hereunder. Upon request by the department any applicant shall make available for inspection by~~
446 ~~the department, or any person designated by the department, all of the applicant's books, records~~
447 ~~and papers at any reasonable time.~~

- 448 (a) Upon receipt of a completed application, the Chief of Police or the Chief's
449 designee shall review the application and may conduct such investigation as is
450 reasonably necessary to verify the information contained therein and determine
451 whether the applicant satisfies the requirements of this Article.
- 452 (b) During the review process, the Chief of Police or the Chief's designee may
453 request additional information or documentation reasonably necessary to
454 determine the applicant's eligibility for a permit. The applicant shall promptly
455 provide any requested information.
- 456 (c) The failure of an applicant to provide requested information or documentation
457 may constitute grounds for denial of the permit application.

458 *Sec. 9-6-25. - Same; standards for issuance* **Issuance or Denial of Permit.**

459 ~~The police department shall issue the permit herein provided for provided the following~~
460 ~~facts are found to exist:~~

- 461 ~~(1) That all of the statements made in the application are true;~~
- 462 ~~(2) That the applicant has a good character and reputation for honesty and~~
463 ~~integrity, or if the applicant is not an individual, that every person~~
464 ~~responsible for such organization is of good character and has a reputation~~
465 ~~for honesty and integrity;~~
- 466 ~~(3) That the control and supervision of the solicitation will be under~~
467 ~~responsible and reliable persons;~~

468 (4) ~~That the applicant has not engaged in any fraudulent transaction or~~
469 ~~enterprise; and~~

470 (5) ~~That the solicitation is promoted solely by a desire to finance the charitable~~
471 ~~cause described in the application and will not be conducted primarily for~~
472 ~~private profit.~~

473 (a) **If the Chief of Police or the Chief's designee determines that the applicant has**
474 **satisfied the requirements of this Article and all applicable federal, state, and**
475 **local laws, the permit shall be issued upon payment of the applicable permit fee.**

476 (b) **The Chief of Police or the Chief's designee may deny a permit application upon**
477 **determining that:**

478 (1) **The application contains a material false statement or omission;**

479 (2) **The applicant has failed to provide information required by this Article**
480 **or requested during the review process;**

481 (3) **The applicant has failed to satisfy the requirements of this Article or**
482 **other applicable federal, state, or local laws; or**

483 (4) **The applicant is otherwise ineligible to receive a permit under this**
484 **Code.**

485 (c) **Any denial of a permit application shall be provided to the applicant in writing**
486 **and shall state the reason or reasons for the denial.**

487 (d) **Any person aggrieved by the denial of a permit application may appeal such**
488 **decision to the City Manager by submitting a written notice of appeal within ten**
489 **(10) calendar days after receipt of the written denial. The decision of the City**
490 **Manager shall constitute the City's final administrative decision.**

491 *Sec. 9-6-26. - Use of fictitious name. **Fraudulent solicitations; suspension and revocation of***
492 *permit.*

493 (a) **No person shall directly or indirectly knowingly solicit contributions within the City**
494 **for any purpose by misrepresentation of his name, occupation, financial condition,**
495 **social condition or residence, and no person shall make or perpetrate any other**
496 **misstatement, deception or fraud in connection with any solicitation of any**
497 **contribution for any purpose in the city, or in any application or report filed under**
498 **this article making any false, fraudulent, or misleading representation concerning**
499 **the person's identity, affiliation, purpose, or the intended use of any contribution.**
500 **No person shall knowingly submit any false or misleading information in any**
501 **application, report, or other document required under this Article.**

(b) Any permit issued under this Article may be suspended or revoked by the Chief of Police or the Chief's designee if the permittee:

- (1) Obtained the permit through fraud, misrepresentation, or a material false statement or omission;
- (2) Violates any provision of this Article; or
- (3) Conducts charitable solicitation in a fraudulent, deceptive, or otherwise unlawful manner.

ARTICLE C. - MOBILE FOOD VENDORS

[...]

Sec. 9-6-30. - Decision on application for a vendor permit; review.

(a) ~~Section 9-6-29 and the full amount of the nonrefundable application fee, Upon receipt of a completed application submitted in accordance with Section 9-6-29, together with the full amount of the nonrefundable application fee, the director shall review such application and any accompanying documents and shall render a decision on the application within thirty (30) calendar days of such receipt approve or deny the application within thirty (30) calendar days.~~

(1) The director may grant the application only if ~~he~~ **the director** determines that the requested vendor permit complies with all requirements of this article and all other applicable laws and regulations of the city or the State of Georgia. If the application is granted, the director shall notify the applicant, in writing, of that decision ~~within the twenty-day period following his receipt of a complete application and the full amount of the nonrefundable fee and shall issue the vendor permit in accordance with Section 9-6-31.~~

(2) The director shall deny the application if he determines that the application contains materially false information, material omissions, or substantially misleading information or that the requested vendor permit would violate any provision of this article or any applicable law or regulation of the city or the State of Georgia. If the application is denied, the director shall notify the applicant, in writing, of that decision ~~within the thirty-day period following his receipt of the completed application and the full amount of the nonrefundable fee~~ **time period set forth in this subsection and shall state the reason or reasons for the denial.**

(b) Any person whose application for a vendor permit is denied shall have the right to appeal such denial to the city manager. Any such notice of appeal must be in writing and must be received by the city manager or ~~his~~ **the city manager's** designee within

ten (10) calendar days of the director's notification of the denial. The city manager or ~~his~~ **the city manager's** designee shall note, in writing, on the notice of the appeal the date that he received the item. Within thirty (30) calendar days of the receipt of the notice of appeal, the city manager or ~~his~~ **the city manager's** designee shall render a decision on such appeal and shall inform the appellant in writing of that decision. In the event that the city manager or his designee approves the application, the director thereafter shall issue the vendor permit pursuant to section 9-6-31.

- (c) Any appeal of the decision of the city manager or ~~his~~ **the city manager's** designee affirming the denial of an application for a vendor permit shall be taken to the superior court by a petition for a writ of certiorari as provided by law.

Sec. 9-6-31. - Issuance of vendor permit; vendor permit fees.

- (a) In the event that an application for a vendor permit is granted, the director shall make available to the applicant the vendor permit within three (3) business days of the city's receipt of the full amount of the vendor permit fee required by subsection (c) and any other fees which may be required by any other applicable ordinance or regulation.

- (b) The director may determine the format and content of the vendor permit; **provided that** ~~but, notwithstanding,~~ each vendor permit shall contain the following information:

(1) Name of the person to whom such permit is issued.

(2) Address and phone number of the person to whom such permit is issued.

(3) The date ~~that~~ the permit is issued.

(4) The location(s), the date(s) and the hour(s) of operation for which such permit is issued.

- (c) The vendor permit fee shall be ~~in such amount as may be set~~ **established** by resolution **of the Mayor and Council, as amended from time to time.** ~~by the governing authority.~~

- (d) A vendor permit shall be issued on an annual basis, with such period commencing on the date that the permit is issued and expiring one (1) year later.

- (e) No vendor permit may be sold, transferred, assigned or used by any person other than the one to whom such permit is issued.

- (f) A vendor permit shall be valid only for the location(s), the date(s) and the hour(s) of operation specified in such permit.

571 [...]

572 *Sec. 9-6-37. - Revocation and suspension; review.*

573 (a) The city may revoke or suspend a vendor permit issued under the provisions of this
574 article for any of the following reasons:

575 (1) Any fraud, misrepresentation or false statement contained in the
576 application for a vendor permit;

577 (2) Any fraud, misrepresentation or false statement made in the course of
578 carrying on any business contemplated by this article;

579 (3) A violation of this article or any provision of the Code of Ordinances or
580 the laws and regulations of Clayton County or the State of Georgia; or

581 (4) Conducting any business activity contemplated by this article in an
582 unlawful manner or in such a manner as to constitute a breach of the peace
583 or to constitute a menace to the health, safety or general welfare of the
584 public.

585 The decision to revoke or suspend any vendor permit shall be in writing, shall set
586 forth the reasons for such action and shall be mailed or ~~hand~~ **personally** delivered
587 to the person to whom such permit was issued.

588 (b) In the event that the city revokes or suspends any vendor permit issued under this
589 article, the person to whom such permit was issued shall have the right to appeal
590 such revocation or suspension to the city manager. Any such notice of appeal must
591 be in writing and must be received by the city manager or ~~his~~ **the city manager's**
592 designee within ten (10) calendar days of the city's notification of the revocation or
593 suspension. The city manager or ~~his~~ **the city manager's** designee shall note, in
594 writing, on the notice of appeal the date that he received the item. Within twenty
595 (20) calendar days of the receipt of the notice of appeal, the city manager or ~~his~~ **the**
596 **city manager's** designee shall render a decision on such appeal and shall inform
597 the appellant in writing of that decision. **The decision of the City Manager shall**
598 **constitute the City's final administrative decision.**

599 (c) Any appeal of the decision of the city manager or ~~his~~ **the city manager's** designee
600 affirming the revocation or suspension of a vendor permit shall be taken to the
601 superior court by a petition for a writ of certiorari as provided by law.

602 *Sec. 9-6-40. - Violation.*

603 ~~Any person violating any section of this article shall be subject to the general penalty~~
604 ~~provided in section 1-1-8 and, in addition, shall be subject to revocation or suspension of the~~

605 ~~vendor permit.~~ Any person violating any provision of this Article shall be subject to the
606 general penalty provided in Section 1-1-8 of the Code of Ordinances. In addition to any other
607 remedy authorized by law, any vendor permit issued under this Article may be suspended
608 or revoked in accordance with Section 9-6-37. Each day that a violation continues shall
609 constitute a separate offense.



CITY OF
FORESTPARK

City of Forest Park City Council
Agenda Item Summary
August 3, 2026

Agenda Item #
VI3

Requested By SaVaughn Irons-Kumassah, Interim Director	Sponsor(s)
Department Planning and Community Development	
Requested Action Ordinance (without public hearing)	
Requirement for Board Action	
Summary & Background As part of the Planning & Community Development Department's ongoing efforts to evaluate and improve the City's regulatory framework, staff, in coordination with the City Attorney, conducted a comprehensive review of Title 9 (Licensing and Regulation) to identify opportunities for modernization, clarification, and improved administrative efficiency. The proposed ordinance amends Chapter 1 (General Provisions), Chapter 3 (Pawnbrokers), Chapter 7 (Massage Establishments), and Chapter 12 (Adult Entertainment Establishments) to modernize and clarify the City's licensing and regulatory requirements. The amendments update licensing standards, application requirements, administrative procedures, and enforcement provisions to improve consistency, enhance operational efficiency, and ensure the City's regulations remain responsive to current business practices and applicable state law. As part of this effort, the City's business license application has also been revised to align with the ordinance amendments and provide a more efficient application process for both applicants and staff.	
Fiscal Impact N/A	
Exhibits Attached Agenda Item Summary (7), Title 9 (Licensing and Regulation) Amendment – Council Agenda Item - 08.03.2026, 2026-4-15 - FP Ord (Licensing)[67]	
Staff Recommendation Approval of Amendment	



CITY OF
FORESTPARK

City of Forest Park City Council
Agenda Item Summary
August 3, 2026

Agenda Item #
V2

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

Requested Action Ordinance (without public hearing)
Requirement for Board Action
Summary & Background As part of the Planning & Community Development Department's ongoing efforts to evaluate and improve the City's regulatory framework, staff, in coordination with the City Attorney, conducted a comprehensive review of Title 9 (Licensing and Regulation) to identify opportunities for modernization, clarification, and improved administrative efficiency. The proposed ordinance amends Chapter 1 (General Provisions), Chapter 3 (Pawnbrokers), Chapter 7 (Massage Establishments), and Chapter 12 (Adult Entertainment Establishments) to modernize and clarify the City's licensing and regulatory requirements. The amendments update licensing standards, application requirements, administrative procedures, and enforcement provisions to improve consistency, enhance operational efficiency, and ensure the City's regulations remain responsive to current business practices and applicable state law. As part of this effort, the City's business license application has also been revised to align with the ordinance amendments and provide a more efficient application process for both applicants and staff.
Fiscal Impact N/A
Exhibits Attached Title 9 (Licensing and Regulation) Amendment – Council Agenda Item - 08.03.2026, 2026-4-15 - FP Ord (Licensing)[67]
Staff Recommendation Approval of Amendment



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Consideration of Ordinance Amending Title 9 (Licensing and Regulation), Chapter 1 (General Provisions), Chapter 3 (Pawnbrokers), Chapter 7 (Massage Establishments), and Chapter 12 (Adult Entertainment Establishments) of the City of Forest Park Code of Ordinances.

Submitted By: SaVaughn Irons-Kumassah, Interim Director/Principal Planner, Planning & Community Development Department

Date Submitted: July 24, 2026

Work Session Date: July 24, 2026

Council Meeting Date: August 03, 2026

Background/History:

As part of the Planning & Community Development Department's ongoing efforts to evaluate and improve the City's regulatory framework, staff, in coordination with the City Attorney, conducted a comprehensive review of Title 9 (Licensing and Regulation) to identify opportunities for modernization, clarification, and improved administrative efficiency. The proposed ordinance amends Chapter 1 (General Provisions), Chapter 3 (Pawnbrokers), Chapter 7 (Massage Establishments), and Chapter 12 (Adult Entertainment Establishments) to modernize and clarify the City's licensing and regulatory requirements. The amendments update licensing standards, application requirements, administrative procedures, and enforcement provisions to improve consistency, enhance operational efficiency, and ensure the City's regulations remain responsive to current business practices and applicable state law. As part of this effort, the City's business license application has also been revised to align with the ordinance amendments and provide a more efficient application process for both applicants and staff.

Cost:

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

Action Requested from Council: Approval of Ordinance Amendment.

**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

standards; and

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

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

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

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

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

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

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

incorporated by reference as if fully set out herein.

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

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

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

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

Section 8. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Forest Park. It is the intention of the governing body, and it is 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 (d) This section shall not apply to the sale of food and/or merchandise under section 9-15-
98 13 or the sale of alcoholic beverages under section 9-15-14.

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

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

107 (b) **An application shall not be deemed complete until all required information,**
108 **documentation, and fees have been submitted to the satisfaction of the director of**
109 **finance. The director of finance may require additional documentation reasonably**

necessary to verify compliance with applicable laws, including zoning compliance and any required state or county licensure. It shall be the sole responsibility of the applicant to ensure that all required information, documentation, and fees are submitted and complete. The city shall have no obligation to notify an applicant of deficiencies in an application, and acceptance of an application by the city shall not be construed as a determination that the application is complete or sufficient.

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

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

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

~~(d)~~ (f) The applicant may file a petition for a writ of certiorari in the Superior Court to contest any decision made pursuant to this section. Nothing herein shall be construed as

preventing the city's governing body from appointing a hearing officer to serve in lieu of the director of finance under this section.

Sec. 9-1-3. - Fees.

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

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

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

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

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

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

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

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

(b) **A license issued under this chapter shall not be transferable. Any change in ownership, including the sale, transfer, or assignment of a business, or any change in controlling interest of a business entity, shall require the submission of a new**

188 **application for a license. The continued operation of a business under a prior owner's**
189 **license shall be prohibited.**

190 Sec. 9-1-7. - Penalties.

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

194 [...]

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

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

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

200
201 (1) **All licensees shall operate in compliance with all applicable federal, state, and**
202 **local laws and ordinances at all times. Failure to maintain such compliance shall**
203 **constitute grounds for denial, suspension, or revocation of a license.**

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

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

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

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

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

237 (2) Issue a warning to the licensee;

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

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

240 (5) Enter an order revoking the license instant-;

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

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

EXHIBIT B

250 TITLE 9 – LICENSING AND REGULATION

251 [...]

252 CHAPTER 3. – PAWNBROKERS

253 [...]

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

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

267 [...]

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

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

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

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

[...]

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

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

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

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

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

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

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

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

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

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

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

(1) The name and address of the pawnbroker;

(2) The time of the transaction;

(3) Serial numbers of pawn tickets;

(4) Amount paid or advanced;

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

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

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

[...]

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

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

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

Sec. 9-3-10. - Minors.

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

[...]

Sec. 9-3-12. - Violation.

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

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

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

- (1) That the city has the ability to issue a pawnbrokers license.
- (2) That any party wishing to apply for said license shall make application to the city for same within thirty (30) days of the date of publication of the notice.
- (3) All applications shall be reviewed and approved as qualifying for the license as provided for in section 9-3-3 of this Code.

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

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

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

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

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

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

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

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

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

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

~~(b) Imposition of moratorium:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT C

TITLE 9 – LICENSING AND REGULATION

[...]

CHAPTER 7. – MESSAGE ESTABLISHMENTS

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

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

[...]

Sec. 9-7-3. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The application contains no misstatement of fact;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided;

(5) Hot and cold running water shall be provided;

(6) Closed cabinets shall be utilized for the storage of clean linen;

(7) Adequate dressing and toilet facilities shall be provided for customers;

(8) All walls, ceilings, floors, steam or vapor rooms and all other physical facilities for the establishment shall be kept in good repair and maintained in a clean and sanitary condition;

(9) Clean and sanitary towels and linen shall be provided for customers receiving massage services; no common use of towels or linen shall be permitted; and

(10) The establishment, prior to the issuance of any license, must be in complete compliance with the city fire code, the city electrical code, the city plumbing code, and with all other requirements of federal, state, county and municipal law designed to protect the health, welfare and safety of the persons who come into contact with the establishment.

(d) All masseurs, licensed under this division to massage, shall be completely clothed during all times when administering a massage. For the purpose of this subsection, the term "completely clothed" means having on the upper portion of the body appropriate undergarments plus either pants or skirt, and such pants or skirt must cover from the waist down to a point at least two (2) inches above the knee. The holder of the license shall have the license subject to revocation for violation of this subsection. **The licensee shall be responsible for ensuring compliance with this subsection by all employees.**

(e) The storing, serving, sale or consumption of alcoholic beverages within a massage business is expressly prohibited. **Violation of this subsection shall constitute grounds for suspension or revocation of a license.**

Sec. 9-7-7. - Revocation.

(a) The license of a masseur may be revoked by the mayor and council upon one or more of the following grounds:

(1) Failure of the holder to maintain initial qualifications for obtaining the license;

(2) The licensee has violated any provision of this chapter;

(3) The licensee is guilty of fraud in the practice of massage or fraud or deceit in the licensee's being licensed to the practice of massage;

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

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

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

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

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

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

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

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

[...]

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

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

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

[...]

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

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

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

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

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

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

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

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

907 [...]

908 Sec. 9-7-16. - Penalties.

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

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

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

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

935 [...]

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

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

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

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

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

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

EXHIBIT D

955 TITLE 9 – LICENSING AND REGULATION

956 [...]

957 CHAPTER 12. -ADULT ENTERTAINMENT ESTABLISHMENTS

958 [...]

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

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

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

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

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

1026 whether the terms of disposition have been fully completed. Each person
1027 required to disclose convictions hereunder shall also provide a signed and
1028 notarized consent, on forms prescribed by the GCIC and the NCIC, authorizing
1029 the release of his or her criminal records to the city police department;

1030 (12) A complete set of fingerprints of the applicant and the operator(s);

1031 (13) If the person or business entity on whose behalf application for a license is
1032 made is doing business under a trade name, a copy of the trade name as
1033 properly recorded. If the application is made on behalf of a corporation, a copy
1034 of its authority to do business in the state should be provided, including articles
1035 of incorporation, and a trade name affidavit, if any, and last annual report, if
1036 any;

1037 (14) The address of the premises where the adult entertainment establishment will
1038 be operated, engaged in, conducted, or carried on;

1039 (15) A plat prepared by a registered engineer or a registered land surveyor, licensed
1040 by the State of Georgia, showing the location of the proposed premises where
1041 the adult entertainment establishment will be operated, engaged in, conducted
1042 or carried on in relation to the neighborhood, the surrounding zoning, its
1043 proximity to any residential area, church, school, public park or children's day
1044 care facility, any other adult entertainment establishment, and any
1045 establishment licensed by the city to sell alcoholic beverages, beer or wine for
1046 consumption on the premises; the survey should depict the location and
1047 distance of the property use closest to the proposed premises that would
1048 disqualify the property if it were within the prohibited distance pursuant to
1049 section 9-12-6(a);

1050 (16) Each application for an adult entertainment establishment license shall be
1051 verified and acknowledged under oath to be true and correct by:

1052 a. If application is made on behalf of an individual, the individual;

1053 b. If application is made on behalf of a partnership, by a general partner;

1054 c. If application is made on behalf of a corporation, by the president or
1055 chief executive officer of the corporation;

1056 d. If application is made on behalf of any other organization or association,
1057 by the chief administrative official.

1058 **The chief of police or his or her designee may require additional information**
1059 **or documentation reasonably necessary to verify compliance with this chapter and**
1060 **applicable law. Failure to provide such information may be grounds for denial of**
1061 **the application.**

1062 (c) *Appearance by applicant.* The applicant, and any operator(s) or owner(s) identified in
1063 the application, may be required to appear before the chief of police or his or her
1064 designee for purposes of verification, interview, or submission of additional
1065 information. Failure to appear or cooperate shall be grounds for denial of the
1066 application shall personally appear before the chief of police or his designee with
1067 payment of the nonrefundable application fee in the amount established by the governing
1068 body of the city, and shall present the application containing the aforementioned and
1069 described information.

1070 (d) *Investigation; standards for granting of license.* The city shall have ninety (90) days from
1071 the date of actual receipt of a fully completed application to investigate the facts provided
1072 in the application and the background of the applicant, the operator(s) and owner(s). The
1073 chief of police or his designee shall stamp the date of receipt of each application on the
1074 first page thereof and shall provide the applicant a photocopy of the stamped first page
1075 signifying the date of receipt of the application. The chief of police or his designee may
1076 search the GCIC and the NCIC to determine whether the applicant, operator(s), and
1077 owner(s) appear as part of any record maintained therein. The chief of police shall
1078 approve or deny the completed application for an adult entertainment establishment
1079 license within ninety (90) days of actual receipt of a fully completed application. If any
1080 application is received that is not fully complete for any reason, then in such event, the
1081 incomplete application shall be returned to the applicant as soon as possible following
1082 the discovery of the incompleteness, and the applicant shall be required to submit a newly
1083 completed application along with payment of an additional application fee in an amount
1084 established by the governing body of the city, and the ninety-day time period specified
1085 above shall begin over again upon the actual receipt of the fully completed application.
1086 If an application is determined to be incomplete, the city may suspend further review
1087 of the application until such time as the applicant submits all required information
1088 and documentation. The ninety (90) day review period shall not begin until a complete
1089 application has been received. The city shall not be required to return an incomplete
1090 application or require submission of a new application.

1091 ~~The application for an adult entertainment establishment license shall be granted if the~~
1092 ~~chief of police finds:~~ **The chief of police shall approve the application if it is determined**
1093 **that all requirements of this section have been satisfied, including but not limited to**
1094 **the following:**

- 1095 (1) The required license application fee has been paid;
- 1096 (2) The application contains all of the information provided for in subsections
1097 (b)(1)—(16) above, and the applicant has made no material misrepresentation
1098 of fact in the application;
- 1099 (3) Neither the applicant nor any of the operator(s) or owner(s) has been convicted
1100 or pled guilty or entered a plea of nolo contendere to any crime involving
1101 assault, illegal possession or use of a controlled substance, battery, keeping a
1102 place of prostitution, pandering, pimping, public indecency, prostitution,

1103 sodomy, solicitation of sodomy, masturbation for hire, sexual battery, rape,
1104 child molestation, enticing a child for indecent purposes, or any offense
1105 included in the definition of a "criminal offense against a victim who is a
1106 minor" as defined in O.C.G.A. § 42-1-12 within a period of ten (10) years
1107 preceding the date of the application. If there has been any such conviction or
1108 plea, then the application shall be denied, For purposes of this chapter, a
1109 conviction or plea of guilty or nolo contendere shall be ignored as to any
1110 offense for which the applicant was allowed to avail himself of the Georgia
1111 First Offender Act unless the applicant is later adjudicated guilty of having
1112 violated the terms of his first offender treatment;

1113 (4) Except as may be allowed by virtue of the settlement agreement and/or court
1114 order, neither the applicant nor any of the operator(s) or owner(s) has had an
1115 adult entertainment establishment license or permit revoked for cause by this
1116 city or any other municipal corporation or county located in or out of the State
1117 of Georgia within the five-year period immediately preceding the date of the
1118 application;

1119 (5) The building, structure, equipment and location of the premises of the adult
1120 entertainment establishment as proposed by the applicant is in compliance with
1121 all applicable laws, including, but not limited to, health, zoning, distance, fire
1122 and safety requirements and standards based on information provided by or
1123 through other city departments or Clayton County;

1124 (6) The applicant, operator(s) and owners(s) are all at least eighteen (18) years of
1125 age;

1126 (7) Except as may be allowed by virtue of the settlement agreement and/or court
1127 order, the proposed premises will be located at least the minimum distances set
1128 forth in this chapter from any residential use, church, school, public park or
1129 children's daycare facility, any other adult entertainment establishment, and
1130 any other establishment licensed by the city to sell alcoholic beverages, beer
1131 or wine for consumption on the premises pursuant to section 9-12-6(a);

1132 (8) The grant of such license will not cause a violation of any law of the State of
1133 Georgia or the United States.

1134 ~~The chief of police shall deny the application for an adult entertainment~~
1135 ~~establishment license if the application fails to meet any requirement contained in this~~
1136 ~~section. The chief of police shall deny the application if the applicant fails to meet any~~
1137 ~~requirement of this section or provides false, misleading, or incomplete information.~~

1138 (e) ~~Alcoholic beverages. In the event the applicant, licensee, and/or owner(s) of an adult~~
1139 ~~entertainment establishment desire(s) to sell or dispense spirituous liquors, beer, wine,~~
1140 ~~and/or any other alcoholic beverage for consumption on the premises of an adult~~
1141 ~~entertainment establishment, said applicant, licensee, and/or owner(s) must first apply~~

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

[...]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[...]

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

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

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

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

1305 curtain, door, lock, or other control-type device or any view-obstructing
1306 devices or materials.

1307 (2) *Construction.* Every booth, room or cubicle shall meet the following
1308 construction requirements:

1309 a. Each booth, room or cubicle shall be separated from adjacent booths,
1310 rooms and cubicles and any nonpublic areas by a wall.

1311 b. ~~Have~~ **Each booth, room, or cubicle shall have** at least one (1) side
1312 totally open to a public lighted area or aisle so that there is an
1313 unobstructed view of anyone occupying the booth from the area in
1314 ~~which the cash register for the adult entertainment establishment is~~
1315 ~~located~~ **a common area of the establishment.**

1316 c. All walls shall be solid and without openings, extended from the floor
1317 to a height of not less than six (6) feet and be nonabsorbent, smooth-
1318 textured, and easily cleanable.

1319 d. The floor must be, nonabsorbent, smooth-textured, and easily ~~cleaned~~
1320 **cleanable and maintained in a clean and sanitary condition.**

1321 e. The lighting level of each booth, room or cubicle ~~when not in use~~ shall
1322 **be illuminated at all times the establishment is open with** a minimum
1323 of ten (10) foot candles ~~at all times~~, as measured from the floor.

1324 (3) *Occupants.* Only one (1) individual shall occupy a booth, room or cubicle at
1325 any time. No occupant of same shall engage in any type of sexual activity, or
1326 cause any bodily discharge while in the booth, room or cubicle. No individual
1327 shall damage or deface any portion of the booth, room or cubicle.



CITY OF
FORESTPARK

City of Forest Park City Council
Agenda Item Summary
August 3, 2026

Agenda Item #
VI4

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

Requested Action Action Item
Requirement for Board Action
Summary & Background As part of the Planning & Community Development Department's ongoing efforts to evaluate and improve the City's regulatory framework, staff, in coordination with the City Attorney, conducted a comprehensive review of Title 9, Chapter 2 (Alcoholic Beverages) to identify opportunities for modernization, clarification, and improved administrative efficiency. The proposed ordinance amends Chapter 2 of Title 9 of the City of Forest Park Code of Ordinances to modernize and clarify the City's alcoholic beverage regulations. The amendments update licensing classifications, application and operational requirements, enforcement provisions, and other regulatory standards to improve administrative efficiency, promote consistency with state law, and support responsible business operations while protecting the public health, safety, and welfare. The alcohol license application and related administrative forms are currently being updated to align with the proposed ordinance amendments.
Fiscal Impact N/A
Exhibits Attached Title 9, Chapter 2 – Alcoholic Beverages Ordinance Amendment - City Council Agenda Item, 2026-6-21 - FP Ord (Alcohol)
Staff Recommendation Approval of Amendment



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Consideration of ordinance Amending Title 9 (Licensing and Regulation), Chapter 2 (Alcoholic Beverages) of the City of Forest Park Code of Ordinances.

Submitted By: SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner, Planning & Community Development Department

Date Submitted: July 24, 2026

Work Session Date: July 24, 2026

Council Meeting Date: August 03, 2026

Background/History:

As part of the Planning & Community Development Department's ongoing efforts to evaluate and improve the City's regulatory framework, staff, in coordination with the City Attorney, conducted a comprehensive review of Title 9, Chapter 2 (Alcoholic Beverages) to identify opportunities for modernization, clarification, and improved administrative efficiency. The proposed ordinance amends Chapter 2 of Title 9 of the City of Forest Park Code of Ordinances to modernize and clarify the City's alcoholic beverage regulations. The amendments update licensing classifications, application and operational requirements, enforcement provisions, and other regulatory standards to improve administrative efficiency, promote consistency with state law, and support responsible business operations while protecting the public health, safety, and welfare. The alcohol license application and related administrative forms are currently being updated to align with the proposed ordinance amendments.

Cost: N/A

Budgeted for: _____ Yes _____ No

Financial Impact:

Action Requested from Council: Approval of Ordinance Amendment.

**STATE OF GEORGIA
CITY OF FOREST PARK**

ORDINANCE NO. 2026-_____

1 AN ORDINANCE BY MAYOR GWENDOLYN ELLISON AND COUNCILMEMBERS
2 KIMBERLY JAMES, HECTOR GUTIERREZ, LATRESA AKINS-WELLS,
3 DELORES A. GUNN, AND ALLAN MEARS OF THE CITY OF FOREST PARK,
4 GEORGIA, BY AMENDING TITLE 9 (LICENSING AND REGULATION), CHAPTER 2
5 (ALCOHOLIC BEVERAGES) OF THE CITY'S CODE OF ORDINANCES TO REVISE
6 PENALTIES FOR LITTER CONTROL VIOLATIONS; BY ADOPTING ARTICLE VIII
7 (DUMPSTER ENCLOSURES AND REFUSE CONTAINERS); TO PROVIDE FOR
8 CODIFICATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL
9 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 Mayor and Council desire to update and modernize the City's alcoholic
17 beverage licensing and regulatory framework to reflect current business practices, promote
18 economic development, protect the public health, safety, and welfare, and improve the
19 administration and enforcement of the City's alcohol regulations; and

20 **WHEREAS**, the Mayor and Council have reviewed Chapter 9 of the Code of Ordinances
21 and have determined that certain provisions should be revised, clarified, repealed, or supplemented

in order to provide a more comprehensive, efficient, and effective regulatory structure governing the manufacture, distribution, sale, service, and consumption of alcoholic beverages within the City; and

WHEREAS, the amendments set forth herein are intended to promote consistency with applicable state law, provide additional flexibility for lawful business operations, establish modern licensing classifications, and enhance the City's ability to regulate alcoholic beverage establishments in a manner that protects the public health, safety, and welfare;

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

Section 1. The City's Code of Ordinances, Title 9 ("Licensing and Regulation"), Chapter 2 ("Alcoholic Beverages") is hereby amended with permanent additions in **bold** font and permanent deletions in ~~striketrough~~ font to be read and codified as set forth in **Exhibit A** attached hereto and incorporated herein.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intent of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intent of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intent of the Mayor and Council that, to the greatest extent

44 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
45 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

46 (c) In the event that any phrase, clause, sentence, paragraph, or section to this Ordinance
47 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
48 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
49 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
50 greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable
51 any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance and that,
52 to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and
53 phrases shall remain valid, constitutional, enforceable, and of full force and effect.

54 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
55 repealed.

56 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
57 State of Georgia and the City. It is the intention of the governing body, and it is hereby ordained
58 that the provisions of this Ordinance shall become and be made part of the City's Code of
59 Ordinances, and the sections of this Ordinance may be renumbered to accomplish such intention.

60 **Section 6.** The City Clerk, with the concurrence of the City Attorney, is authorized to
61 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

62 **Section 7.** The effective date of this Ordinance shall be the date of adoption unless
63 otherwise stated herein.

SO ORDAINED this ____ day of _____, 2026.

CITY OF FOREST PARK, GEORGIA

By: _____
Dr. Gwendolyn Ellison, *Mayor*

ATTEST:

_____(SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

TITLE 9 – LICENSING AND REGULATION

[...]

CHAPTER 2. – ALCOHOLIC BEVERAGES

ARTICLE A. – GENERAL PROVISIONS

Sec. 9-2-1. - Purpose of chapter.

~~Pursuant to the power and authority vested in the city's governing body and to promote the general health and welfare, a plan has been devised to regulate and control the package sale of spirituous liquors, distilled spirits, malt beverages and wine and the retail sale of alcoholic beverages for consumption on the premises. The plan includes reasonable constraints and reasonable taxation of the privilege to engage in the business of selling or otherwise dealing in such substances and products, while incorporating the following:~~ **Pursuant to the power and authority vested in the City's governing body and to promote the public health, safety, morals, and general welfare, a plan has been devised to regulate and control the manufacture, distribution, sale, service, possession, and consumption of alcoholic beverages within the City. The plan includes reasonable constraints and reasonable taxation of the privilege to engage in the business of manufacturing, distributing, selling, serving, or otherwise dealing in alcoholic beverages, while incorporating the following:**

- (1) Alcoholic beverages may be sold in the city under a license granted by the governing body upon the terms and conditions provided in this chapter.
- (2) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this chapter and state law.
- (3) All licenses pursuant to this chapter shall have printed on the front these words: ~~"This is a privilege license and may therefore be revoked at anytime with cause, after a hearing."~~ **This is a privilege license and may be suspended, revoked, or otherwise sanctioned for cause after notice and an opportunity for hearing as provided in this chapter.**
- (4) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable state regulations and laws.

98 *Sec. 9-2-2. - Definitions.*

99 (a) As used in this chapter, the following terms shall have the following meanings:

100 *Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine,
101 from whatever source or by whatever process produced.

102 *Alcoholic beverage* means and includes all alcohol, distilled spirits, beer,
103 malt beverage, wine, or fortified wine as defined in this section.

104 ***Ancillary Retailer* means a for-profit business or nonprofit organization**
105 **located within the City that is licensed under this chapter to sell alcoholic**
106 **beverages for consumption on the premises as an incidental use to its primary**
107 **business purpose. Examples of ancillary retailers include, but are not limited**
108 **to, art galleries, museums, theaters, dog parks, entertainment venues, and**
109 **similar establishments. An ancillary retailer shall not derive more than twenty**
110 **percent (20%) of its total annual gross revenue from the sale of alcoholic**
111 **beverages.**

112 *Brewery* means any establishment where malt beverages are
113 manufactured.

114 *Brewpub* means any eating establishment in which malt beverages are
115 manufactured, subject to the barrel production limitation prescribed in O.C.G.A.
116 § 3-5-36. As used in this paragraph, the term "eating establishment" means an
117 establishment which is licensed to sell distilled spirits, malt beverages, or wines
118 and which derives at least fifty (50) percent of its total annual gross food and
119 beverage sales from the sale of prepared meals or food; provided, however, that
120 when determining the total annual gross food and beverage sales, barrels of malt
121 beverages sold to licensed wholesale dealers, as authorized pursuant to
122 subparagraph (D) of paragraph (2) of O.C.G.A. § 3-5-36, or to the public for
123 consumption off the premises, as authorized pursuant to subparagraph (D) of
124 paragraph (2) and paragraph (4) of O.C.G.A. § 3-5-36, shall not be used.

125 *Brown-bagging* means the bringing, taking, or carrying of any alcoholic
126 beverage into:

127 (1) An establishment that does not have an alcohol license for the
128 consumption of alcoholic beverages on the premises; or

129 (2) Where said individual in possession of the alcoholic beverage
130 does not have a caterer's license; provided that bringing an
131 alcoholic beverage into a house, apartment, room, or other unit
132 designed for private residential occupancy shall not fall within
133 this definition.

City means the City of Forest Park, Georgia.

Complimentary Service means the gratuitous provision of malt beverages or wine to patrons in connection with services provided by a business, including but not limited to salons, barbershops, spas, or similar establishments, pursuant to a license issued under this chapter.

Craft Beer means a malt beverage produced by a brewery whose annual production does not exceed six million (6,000,000) barrels of beer and whose flavor is derived primarily from traditional or innovative brewing ingredients and the fermentation process.

Craft Beer and Wine Market means a retail establishment that derives at least seventy (70) percent of its total annual gross sales from the sale of craft beer, hard cider, wine, or a combination thereof, and which is licensed under this chapter to sell such beverages in accordance with applicable law

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than twenty-four (24) percent alcohol by volume.

Eating establishment or restaurant means any public place, including a place available for rental by the public, ~~selling prepared food for consumption by the public, from a full menu with substantial entrees from which the public may choose, with sufficient employees for cooking and serving such entrees for consumption to the public at tables in dining rooms on the premises, with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all in good condition and fully operational, and all of which must be approved by the health and fire departments. An eating establishment will be prepared to serve food every hour they are open and will derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcoholic beverages~~ that is open to the public, licensed to sell alcoholic beverages for consumption on the premises, and derives at least fifty (50) percent of its total annual gross food and beverage sales from the sale of prepared meals or food. An eating establishment shall maintain a full-service kitchen consisting of, at a minimum, a stove or grill, refrigeration equipment, and a three-compartment sink, all of which shall be maintained in good working order and approved by the applicable health and fire authorities. Food shall be available for service during all hours alcoholic beverages are offered for sale, except during temporary interruptions due to emergencies, repairs, or circumstances beyond the control of the licensee.

Farm Winery means a winery that produces wine from agricultural products and satisfies the requirements of O.C.G.A. § 3-6-21.1, as may be amended from time to time. In the event of a conflict between this chapter and state law, the definition set forth in O.C.G.A. § 3-6-21.1 shall control.

***Farm Winery Tasting Room* means a facility operated by or on behalf of a farm winery for the promotion, sampling, tasting, sale, and distribution of wine in accordance with applicable state law. A farm winery tasting room may provide wine samples to the public, with or without charge, and may sell wine for on-premises consumption or in closed containers for off-premises consumption as authorized by state law.**

Fortified wine means any alcoholic beverage containing more than twenty-one (21) percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added, including, but not limited to, brandy.

Gallon or wine gallon means a United States gallon of liquid measurement equivalent to the volume of two hundred thirty-one (231) cubic inches or the nearest equivalent metric measurement.

Growler means a container that is filled by a licensee or employee of a licensee with beer or wine from a barrel, keg, or cask for off premises consumption.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six (6) percent alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this chapter, hard cider shall be deemed a malt beverage. The term "hard cider" does not include "sweet cider."

~~*Hotel/motel* means any building or other structure providing sleeping accommodations for hire to the general public, either, transient, permanent or residential. Such hotels shall maintain a minimum of fifty (50) rooms available for hire and have one (1) or more public dining rooms with an adequate kitchen as determined by the health department, and approved by the health and fire departments~~ ***group of buildings operated as a unified business providing sleeping accommodations for compensation to the general public. To qualify under this chapter, a hotel or motel shall maintain a minimum of fifty (50) guest rooms available for occupancy and shall contain at least one (1) public dining facility with an adequate kitchen approved by the applicable health and fire authorities. Hotels and motels may include restaurants, lounges, bars, or other food and beverage operations located within the premises and operated by the hotel, motel, or an authorized franchisee or concessionaire.***

Importer means any person who imports an alcoholic beverage into the State of Georgia and or the city from a foreign country who maintains a stock of such alcoholic beverages and sells the alcoholic beverages to another importer, or a broker, or wholesaler.

Individual means a natural person.

213 *License* means an authorization granted by the city to operate as one (1)
214 of the classes of licenses described in section 9-2-3(c) of this chapter.

215 ***License Representative* means an individual designated by a licensee to**
216 **act on behalf of the licensee with respect to matters arising under this chapter,**
217 **including communications with the City, regulatory compliance, inspections,**
218 **investigations, and enforcement proceedings.**

219 ~~*Licensee* means the individual to whom a license is issued pursuant to this~~
220 ~~chapter or, in the case of a partnership or corporation, all partners, officers, and~~
221 ~~directors of the partnership or corporation~~ **the individual, partnership,**
222 **corporation, limited liability company, or other legal entity to whom a license**
223 **is issued pursuant to this chapter and who shall be responsible for compliance**
224 **with all applicable provisions of this chapter and state law governing alcoholic**
225 **beverages.**

226 *Malt beverage* means any alcoholic beverage obtained by the fermentation
227 of any infusion or decoction of barley, malt, hops, or any other similar product,
228 or any combination of such products in water, containing not more than fourteen
229 (14) percent alcohol by volume and including ale, porter, brown, stout, lager beer,
230 small beer, and strong beer. The term does not include sake, known as Japanese
231 rice wine.

232 *Manufacturer* means any maker, producer, or bottler of an alcoholic
233 beverage, and shall also include:

- 234 (1) In the case of distilled spirits, any person engaged in distilling,
235 rectifying, or blending any distilled spirits;
- 236 (2) In the case of malt beverages, any brewer;
- 237 (3) In the case of wine, any vintner.

238 *Microbrewery* is the term used in this chapter to collectively refer to
239 breweries and brewpubs.

240 ***Microdistillery* means an establishment in which not more than ten**
241 **thousand (10,000) barrels of distilled spirits are manufactured on the licensed**
242 **premises during a calendar year and in which such distilled spirits may be sold**
243 **for on-premises consumption and off-premises consumption to the extent**
244 **authorized by state law. As used herein, the term "barrel" shall have the**
245 **meaning prescribed by the Georgia Alcoholic Beverage Code.**

246 *Open alcoholic beverage container* means any bottle, can, or other
247 receptacle that:

- 248 (1) Contains any amount of alcoholic beverage; and
- 249 (2) Is open, has a broken seal, or the contents of which have been
- 250 partially removed.

251 *Package* means a bottle, can, keg, barrel, or other original consumer

252 container. Retail package alcoholic beverages shall include all alcoholic

253 beverages in their original container, sold at retail to the final consumer, and not

254 for resale.

255 *Person* means any individual, firm, partnership, cooperative, nonprofit

256 membership corporation, joint venture, association, company, corporation,

257 agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group

258 or combination acting as a unit, body politic, or political subdivision, whether

259 public, private, or quasi-public.

260 *Pouring/alcohol permit* means an authorization granted to individuals by

261 the city to dispense, sell, serve, take orders, or mix alcoholic beverages.

262 *Retail consumption dealer* means any person who sells alcoholic beverages

263 for consumption on the premises, at retail, only to consumers and not for resale.

264 *Retail package dealer* means any person who sells unbroken packages, at

265 retail, only to consumers and not for resale.

266 ***Special Event* means a temporary activity, gathering, festival, concert,**

267 **exhibition, fundraiser, celebration, competition, market, or similar event**

268 **conducted at a fixed location for a limited duration and authorized by the City,**

269 **at which alcoholic beverages may be sold, served, dispensed, possessed, or**

270 **consumed pursuant to a special event license or permit issued under this**

271 **chapter.**

272 ***Ticketed Event* means an event conducted at a licensed premises for**

273 **which admission is conditioned upon the purchase, possession, or presentation**

274 **of a ticket, pass, wristband, reservation, or similar authorization for entry.**

275 *Wholesaler or wholesale dealer* means any person who sells alcoholic

276 beverages to other wholesale dealers, to retail package dealers, or to retail

277 consumption dealers.

278 *Wine* means any alcoholic beverage containing not more than twenty-four

279 (24) percent alcohol by volume made from fruits, berries, or grapes either by

280 natural fermentation or by natural fermentation with brandy added. The term

281 includes, but is not limited to, all sparkling wines, champagnes, combinations of

282 such beverages, vermouths, special natural wines, rectified wines, and like

283 products. The term does not include cooking wine mixed with salt or other

284 ingredients so as to render it unfit for human consumption as a beverage. A liquid
285 shall first be deemed to be a wine at that point in the manufacturing process when
286 it conforms to the definition of wine contained in this code section.

287 (b) In addition to the foregoing, all definitions as set forth in O.C.G.A. § 3-1-2, as
288 amended, are hereby incorporated by reference thereto and made a part of this
289 chapter, as applicable.

290 (c) In addition, as used in this chapter:

291 (1) *Applicant*. Any individual applying for any license authorized by this
292 article on an application form supplied by the city for such purpose.

293 (2) *Church*. Any duly dedicated structure provided for the regular practice of
294 a religious worship.

295 (3) *Premises*. The interior portion of any improvement situated at the address
296 of a licensee under this chapter, and in the case of a licensee authorized to
297 sell alcoholic beverages for consumption on the premises may include an
298 outdoor patio that provides tables and seating for a minimum of fifteen (15)
299 persons.

300 (4) *Private club*. Any **bona fide** nonprofit ~~association~~ **corporation** organized
301 under the laws of the State of Georgia which:

302 a. Has been in existence at least one (1) year prior to the filing of its
303 application for a license to be issued pursuant to this chapter;

304 b. Has at least seventy-five (75) regular dues-paying members;

305 c. Owns, hires, or leases a building or space within a building for the
306 reasonable use of its members, which building or space:

307 1. ~~Has suitable kitchen and dining room space and~~
308 ~~equipment, i.e., a full service kitchen consisting of a~~
309 ~~three compartment pot sink, a stove or grill~~
310 ~~permanently installed, and refrigerator, all of which~~
311 ~~must be approved by the health and fire departments,~~
312 ~~for the serving of meals for its members and guests~~
313 **Maintains suitable kitchen and dining facilities**
314 **approved by the applicable health and fire**
315 **authorities for the preparation and service of meals**
316 **to its members and guests; and**

317 2. ~~Is staffed with a sufficient number of employees for~~
318 ~~cooking, preparing, and serving meals for its members~~

and ~~guests~~ Maintains sufficient personnel to support
its food service operations and member activities; and

- d. ~~Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary. For purposes of this section, "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission on any profits from the sale of alcoholic beverages. For the purposes of this definition, tips or gratuities which are added to the bills under club regulations shall not be considered profits from the sale of alcoholic beverages~~ Is operated primarily for social, recreational, fraternal, patriotic, benevolent, political, athletic, or similar nonprofit purposes and not primarily for the sale or service of alcoholic beverages, and no part of its net earnings shall inure to the benefit of any member, officer, director, employee, or other private individual except for reasonable compensation for services rendered.

- (5) *Private residence.* Any structure(s) designed or intended for permanent dwelling by people.

- (6) *Entertainment venue.* ~~A location that is only open to the public for artistic presentations, live or recorded musical presentations, comedic presentations, theatrical performances, films or other similar expressive events of a limited duration. Adult entertainment establishments as defined in title 9, chapter 12, are not included within the definition of entertainment venue. An entertainment venue shall only be authorized to sell alcoholic beverages beginning one (1) hour before the scheduled event and no later than one (1) hour after the conclusion of the event and must otherwise comply with section 9-2-66 of this Chapter. The entertainment venue must make food available to its patrons.~~ A facility or establishment used primarily for artistic, cultural, musical, theatrical, cinematic, comedic, educational, sporting, or similar entertainment events presented to the public, whether live or recorded. The term shall not include any adult entertainment establishment regulated elsewhere in this Code.

- (d) Terms not defined in this chapter shall have the meanings assigned to them under the Georgia Alcoholic Beverage Code and regulations promulgated thereunder.

357 *Sec. 9-2-3. - License required; violations; classes of licenses.*

358 (a) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer
359 for sale, at retail or wholesale, by the package or for consumption on the premises,
360 any alcoholic beverage within the corporate limits of the city without having an
361 applicable license issued by the city under this chapter.

362 (b) It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer
363 for sale, at retail or wholesale, by the package or for consumption on the premises,
364 any alcoholic beverage within the corporate limits of the city in violation of the terms
365 of this chapter.

366 (c) There shall be the following classes of licenses in the city:

367 (1) Retail dealers of alcoholic beverages by the package (which includes
368 distilled spirits, malt beverages, and wine by the package);

369 (2) Retail dealers of distilled spirits by the package;

370 (3) Retail dealers of malt beverages and wine by the package;

371 (4) Retail dealers of malt beverages by the package;

372 (5) Retail dealers of wine by the package;

373 (6) Retail dealers of alcoholic beverages by the drink for consumption on the
374 premises (which includes distilled spirits, malt beverages, and wine by the
375 drink for consumption on the premises);

376 (7) Retail dealers of distilled spirits by the drink for consumption on the
377 premises;

378 (8) Retail dealers of malt beverages and wine by the drink for consumption on
379 the premises;

380 (9) Retail dealers of malt beverages by the drink for consumption on the
381 premises;

382 (10) Retail dealers of wine by the drink for consumption on the premises;

383 (11) Wholesale dealers of alcoholic beverages (which includes distilled spirits,
384 malt beverages, and wine);

385 (12) Wholesale dealers of distilled spirits;

386 (13) Wholesale dealers of malt beverages and wine;

387 (14) Wholesale dealers of malt beverages;

388 (15) Wholesale dealers of wine;

389 (16) Private club;

390 (17) Hotel/motel in-room service;

391 (18) Alcoholic beverages caterer;

392 (19) Importer dealer license;

393 (20) Growler; ~~and~~

394 (21) Microbrewery.;

395 **(22) Ancillary Retailer;**

396 **(23) Complimentary Service License;**

397 **(24) Craft Beer and Wine Market;**

398 **(25) Farm Winery;**

399 **(26) Farm Winery Tasting Room; and**

400 **(27) Microdistillery.**

401 (d) This section shall not apply to:

402 (1) The manufacture of malt beverages or wine within the boundaries of a lot
403 upon which a private residence is located when such malt beverages or
404 wine are not to be sold, to be offered for sale, or to be made available for
405 consumption by the general public;

406 (2) The serving or furnishing of any alcoholic beverage by a person within the
407 boundaries of a lot upon which a private residence is located when such
408 serving or furnishing is not made available to the general public and is not
409 undertaken in exchange for money or anything of value; or

410 (3) Any person selling or offering to sell any alcoholic beverage by the drink
411 pursuant to a temporary permit issued under section 9-2-71 of this Code, if
412 such action occurs on the premises of a special event (and during the
413 operating hours of such event) for which a permit has been issued
414 under title 9, chapter 15 of this Code.

415 *Sec. 9-2-4. - Application process and procedures.*

- 416 (a) All applications for licenses under this chapter shall be made on forms furnished by
417 the city and shall indicate, along with all information reasonably necessary to
418 complete the form, which license is being applied for under section 9-2-3(c)(1)
419 through ~~(20)~~ **(27)** above.
- 420 (b) Upon approval of an original or renewal application for a license of one (1) of the
421 above type sales of alcoholic beverages, such sales may be made by the applicant
422 after a license is issued for all the remaining part of a calendar year, unless the same
423 is suspended or revoked for due cause as provided hereinafter.
- 424 (c) Any and all licenses granted under this chapter shall expire on December 31 of each
425 year. Licensees who desire to renew their license shall file an application, with the
426 requisite fee provided for in this chapter, with the city's director of finance or his
427 designee, on the form provided for renewal of the license for the ensuing year.
428 Applications for renewal must be filed on or before October 1 of each year; with all
429 fees paid no later than November 15 of each year. Otherwise, a late charge of ten
430 (10) percent, plus interest at the rate set forth in subsection (d) shall be assessed
431 thereafter. No renewal license shall be granted after the previous license has expired
432 on December 31, and any application submitted thereafter shall be treated as an
433 initial application and the applicant shall be required to comply with all rules and
434 regulations for the granting of licenses as if no previous license had been held. All
435 licenses granted under this chapter shall be for the calendar year or for the number
436 of months remaining in the calendar year, and shall expire on December 31 of each
437 calendar year. License fees shall be prorated based on the number of months
438 remaining in the calendar year, and partial months shall be counted as a full month.
439 License fees are not refundable.
- 440 (d) Any person renewing any license issued under this chapter who shall pay the
441 required fee, or any portion thereof, after the date set forth in this chapter for such
442 payment, shall, in addition to the annual fee, pay a late charge of ten (10) percent,
443 and shall also pay simple interest on the delinquent balance at the annual rate then
444 charged by the Internal Revenue Service of the United States on unpaid federal
445 income taxes.
- 446 (e) No application will be considered from any applicant who, either individually or in
447 association with any other person or party, shall have at the time any outstanding
448 taxes, fees, special assessments, or any other sums that are due and owing to the city.
449 Further, no application shall be given to any person who does not possess an
450 occupational tax certificate issued by the city, and all applicants shall submit a copy
451 of their most current occupational tax certificate with their application. Any
452 application issued or considered and/or approved contrary to the requirements stated
453 in this subsection, shall be considered and declared null and void, and any and all
454 monies paid by the applicant shall be returned to the applicant.

- 455 (f) All applicants, by filing any application with the city, do by such filing authorize
456 and give consent to the city's police department to make full and complete
457 investigations into all persons, corporations, or other entities named in such
458 application, and into any person who shall have an interest in any license issued
459 hereunder, and any information sought or required by such department shall be
460 readily furnished by such applicant, and no license shall be considered until such
461 information as requested by such department has been satisfactorily furnished.

462 *Sec. 9-2-5. - License applications; contents.*

- 463 (a) All applicants, other than individuals, shall list the name, age and ~~home address~~
464 **business address** of all individuals who own any ownership interest in the applicant
465 and the percentage ownership interest held by each such individual, unless the
466 corporate stock or other ownership interest is listed on the stock exchange or is
467 available for over-the-counter sales and subject to regulation by federal and state
468 securities, laws and regulations.
- 469 (b) In addition to the foregoing, the application shall contain, under oath, the following
470 information and documents:
- 471 (1) The address at which the applicant wishes to be granted a license to operate
472 the business in the city.
- 473 (2) A statement authorizing an investigation by the chief of police into the
474 background of each and every individual described in subsection (a) above.
- 475 (3) A statement acknowledging that any license, if granted, will be a privilege
476 only and subject to revocation as provided in this chapter.
- 477 (4) A statement agreeing to ~~immediately~~ **promptly, and in no event later than**
478 **fifteen (15) days after the occurrence thereof**, notify the chief of police or
479 his designee, in writing, of any change in the individuals comprising the
480 class of people described in subsection (a) above as having an interest and
481 sharing in the profits of the undertaking.
- 482 (5) A statement of any interest any of the persons described in subparagraph
483 (a) above have in any other retail or wholesale business dealing in alcoholic
484 beverages of any kind including distilled spirits, malt beverages or wine.
- 485 (6) A certified check in the amount of three hundred dollars (\$300.00), for
486 administrative costs of processing the application and investigating the
487 individuals named in the application. It shall not be refundable in whole or
488 in part whether the application is granted or not and neither shall it
489 constitute a credit against any other tax, fee or license due the city.

(7) ~~In addition to the information required above, it shall be the duty of all persons holding a retail license under this chapter to file with the chief of police or his designee the names of all employees, with their home addresses and home telephone numbers and places of employment. Changes in the list of employees, with the names of new employees, must be filed with the chief of police or his designee within three (3) days from the date of any such change.~~ **Each licensee shall maintain accurate employment records for all employees required to obtain permits under this chapter and shall make such records available for inspection by the City upon reasonable request.**

(8) ~~In addition to the information required above, it shall be the duty of all persons holding retail licenses under this chapter to file with the chief of police or his designee the names, home addresses and telephone numbers of all managers and co-managers, or any other person who may from time to time assume the duties of a manager or co-manager and hold any supervisory capacity over such sales. Changes in the list of managers and co-managers, with names of new hires, must be filed with the chief of police or his designee within three (3) days from the date of any such change.~~ **Each licensee shall designate a manager or other responsible person for each licensed premises and shall provide current contact information for such individual to the City. Any change in the designated manager or responsible person shall be reported to the City within thirty (30) days.**

(9) ~~All employees shall be subject to such investigative rules and regulations as may be deemed necessary by the police department and every applicant shall submit an investigative fee in the amount of thirty five dollars (\$35.00) with each application for an employee license (new or renewal), and an E-verification shall be conducted on every employee.~~ **Employees required to obtain permits under this chapter shall comply with the employee permitting requirements established by Section 9-2-27. Any fees associated with such permits shall be established by resolution of the governing body and maintained on file in the office of the Director of Finance.**

(c) Separate applications must be made for each location and separate licenses must be issued.

(d) **The City may require such additional information reasonably necessary to determine the applicant's eligibility for a license under this chapter.**

Sec. 9-2-6. - Applicant.

The applicant shall be the owner of the proposed business if the business is solely owned or a jointly-owned partnership or firm. If a proposed licensee is a corporation, the applicant may

be the president, a vice-president, secretary or treasurer of the corporation, or the corporation's general manager at the particular business location. **If the proposed licensee is a limited liability company, the applicant may be a member, manager, or other duly authorized representative of the limited liability company. If the proposed licensee is any other legal entity, the applicant shall be an individual authorized to act on behalf of such entity.** Otherwise, no other individual may qualify as an applicant under this chapter.

Sec. 9-2-7. - Hours and days of operation.

- (a) Subject to subsection (f), licensees holding licenses for the retail package sale of wine, malt beverages, or both, shall engage in the retail package sale of wine, malt beverages, or both, only between the hours of 6:00 a.m. and 2:00 a.m. Monday through Saturday and until 2:00 a.m. on Sunday.
- (b) Sales of alcoholic beverages for consumption on the premises shall be prohibited between the hours of 3:30 a.m. and 9:00 a.m. Monday through Saturday and between the hours of 2:55 a.m. and 12:30 p.m. on Sunday.
- (c) Reserved.
- (d) The sale of alcoholic beverages is hereby authorized on any election day pursuant to the authority granted in O.C.G.A. § 3-3-20(b). Said sales shall only be authorized during the hours permitted under this chapter; provided, however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during any time that the polls are open on any election day, and such sales are hereby prohibited.
- (e) ~~All the preceding notwithstanding, no alcoholic beverages may be sold, traded, dispensed, or delivered on Easter Sunday and Christmas Day. This will begin at 12:00 a.m. on Easter Sunday and Christmas Day. No alcoholic beverages shall be sold, traded, dispensed, delivered, or otherwise distributed at any time prohibited by the laws of the State of Georgia~~
- (f) All alcoholic beverages sold, traded, dispensed, or delivered on Sundays shall be allowed only between the hours of 12:30 p.m. and 11:30 p.m.
- (g) **The hours established by this section shall apply unless otherwise expressly authorized by a temporary permit or special event permit issued pursuant to this chapter and applicable state law.**
- (h) **Notwithstanding any provision of this section to the contrary, all sales, service, dispensing, delivery, and consumption of alcoholic beverages shall be subject to and conducted in accordance with applicable state law.**

564 *Sec. 9-2-8. - Standards for issuance or denial of licenses under this chapter.*

- 565 (a) No license for the sale of alcoholic beverages shall be granted to any person who is
566 not a citizen of the United States or an alien lawfully admitted for permanent
567 residence **or otherwise authorized to work or conduct business in the United**
568 **States pursuant to applicable federal law.**
- 569 (b) Licenses under this chapter shall be issued by the director of finance or his designee.
570 Licenses shall be issued only after the following has been determined:
- 571 (1) The applicant has not been convicted of a violation of any state or federal
572 statute pertaining to any controlled substances;
- 573 (2) The applicant has not been convicted of a violation of any federal, state,
574 county or city law or regulation regarding alcoholic beverages, their sale,
575 distribution or manufacture within the past ten (10) years from the date of
576 application;
- 577 (3) The applicant has ~~never~~ **not within the preceding ten (10) years** had an
578 alcoholic beverage or business license or permit suspended or revoked by
579 the city, the State of Georgia, or any other government, state or political
580 subdivision;
- 581 (4) The applicant has not in the past conducted any business within the city
582 ~~causing the necessity of police observation and inspection in order to~~
583 ~~prevent the violation of any law, regulation or ordinance or as to the~~
584 ~~necessity for city action to compel the applicant's adherence to any city law,~~
585 ~~regulation or ordinance~~ **that has resulted in repeated or substantial**
586 **violations of federal, state, or local law, or demonstrated a pattern of**
587 **noncompliance with lawful governmental regulations;**
- 588 (5) That the building or other facility where the alcoholic beverages are to be
589 sold or dispensed meets all applicable city ordinances, building codes, fire
590 codes, and similar such codes;
- 591 (6) The applicant will provide adequate parking spaces/facilities so as not to
592 cause traffic congestion, unlawful parking or unauthorized parking on any
593 nearby properties;
- 594 (7) The applicant shall owe no monies to the city, Clayton County, the State of
595 Georgia, or the federal government that is delinquent;
- 596 (8) That applicant has obtained or will obtain a license in compliance with the
597 laws and regulations of the State of Georgia concerning the sale,
598 distribution, and consumption of alcoholic beverages;

- 599 (9) The proposed location shall meet all of the minimum distance requirements
600 set forth in this chapter, as evidenced by a plat of survey prepared by a
601 surveyor licensed and registered by the State of Georgia;
- 602 (10) In the case of the retail sale of malt beverages and/or wine by the package,
603 the application shall contain a summary of the current inventory required
604 by section 9-2-42 of this chapter;
- 605 (11) The applicant will ensure that all employees serving, dispensing, or
606 handling alcohol will obtain a permit from the city. Such employees must
607 provide valid identification, a Social Security card and complete a
608 notarized criminal history consent form, authorizing the police department
609 to conduct a complete criminal background investigation, with a fee as
610 established by the governing body by resolution from time to time and kept
611 on file in the office of the director of finance. The permit can be used at
612 any applicable establishment without the need of obtaining a new permit;
- 613 (12) The applicant shall have complied with the requirements of section 9-2-
614 31 of this chapter pertaining to the installation and maintenance of video
615 cameras within the applicant's premises-;
- 616 (13) **The applicant has provided complete and accurate information in the**
617 **application and has not made any material misrepresentation, omission,**
618 **or false statement in connection with the application;**
- 619 (14) **The proposed operation will comply with all applicable provisions of**
620 **this chapter, state law, zoning regulations, building codes, fire codes,**
621 **and other applicable laws and regulations; and**
- 622 (15) **The applicant has designated a responsible individual authorized to act**
623 **on behalf of the licensee regarding matters arising under this chapter.**
- 624 (c) The chief of police or his designee shall cause an appropriate investigation to be
625 made into the persons named and the information given on the application, and shall
626 cause the fingerprinting process as required by O.C.G.A. § 3-3-2 to be completed
627 and forwarded to the Georgia Bureau of Investigation. Upon completion of the
628 investigation and based upon the criteria specified above, the chief of police or his
629 designee shall approve or deny the application. The chief of police or his designee
630 shall notify the applicant, within ten (10) days, of his decision.
- 631 (1) Upon approval by the chief of police or his designee and upon receipt of
632 payment of the license fee, the director of finance shall issue the applicable
633 license or licenses to the applicant. The amount of the license fee shall be
634 established by the governing body from time to time in a separate
635 ordinance.

636 (2) If the application is denied by the chief of police or his designee, such
637 decision is subject to the right of appeal provided in section 9-2-19 of this
638 chapter.

639 [...]

640 *Sec. 9-2-10. – ~~Reserved.~~ License Fees.*

641 **The annual license fees, permit fees, renewal fees, transfer fees, investigation fees, and**
642 **other fees authorized by this chapter shall be established by ordinance adopted by the Mayor**
643 **and Council. Such fees may be maintained in Appendix A to this Chapter and may be**
644 **amended from time to time by ordinance.**

645 [...]

646 *Sec. 9-2-12. - Location of business.*

647 (a) Except as provided for in section 9-2-63, any business engaged in the sale of any
648 alcoholic beverage shall comply with all distance requirements imposed by
649 O.C.G.A. § 3-3-21 and any other applicable provision in Georgia law or in this Code.
650 **In the event of a conflict between this chapter and state law, state law shall**
651 **control.**

652 (b) Any person applying for a license under this chapter to sell alcoholic beverages shall
653 file with the application a plat or survey showing whether the building is in
654 compliance with the distance limitations of O.C.G.A. § 3-3-21.

655 (c) The provisions of this section shall apply and control with regard to measurements
656 made under this chapter notwithstanding any provision in any zoning or land use
657 ordinance of the city to the contrary.

658 (d) **Unless otherwise required by state law, all distance measurements required**
659 **under this chapter shall be measured in a straight line from the nearest property**
660 **line of the licensed premises to the nearest property line of the protected use,**
661 **using a survey prepared by a surveyor licensed in the State of Georgia.**

662 (e) **Any licensed premises lawfully existing and operating in compliance with this**
663 **chapter at the time a church, school, alcohol treatment facility, or other protected**
664 **use is established shall be deemed a lawful nonconforming use and may continue**
665 **operation notwithstanding any subsequently created distance conflict, provided**
666 **the license remains continuously maintained and the use is not abandoned.**

667 [...]

668 *Sec. 9-2-14. - Signs.*

669 ~~(a) *Inscription at entrance required.* In retail package stores, a licensee shall have~~
670 ~~printed on a front window or entrance to the licensed premises the name of the~~
671 ~~licensee, together with the inscription, "Forest Park Retail Beer/Wine (or Liquor)~~
672 ~~License No. _____," in uniform letters not less than four (4), nor more than~~
673 ~~eight (8), inches in height.~~

674 ~~(b) *Neon and other signs.* In retail package stores, the licensee may place a neon sign~~
675 ~~not exceeding eight (8) inches in height inside any window in such a manner as to~~
676 ~~be readily visible from the outside of the building, containing the inscription,~~
677 ~~"Liquor," the inscription, "Beer," or the inscription, "Wine." In no event shall any~~
678 ~~one (1) retail establishment contain a total of more than three (3) such signs, which~~
679 ~~may be arranged in any reasonable manner. In no event shall the same word appear~~
680 ~~in the form of a neon sign more than one (1) time in any retail establishment. No~~
681 ~~other signs or advertising shall be installed in such a manner as to be readily visible~~
682 ~~to a passerby from the outside of the establishment.~~

683 ~~(c) *Signs in retail food stores.* Retail food stores displaying their merchandise on~~
684 ~~counters or shelves where signs are erected designating the merchandise may, in the~~
685 ~~same manner as such other merchandise is displayed, erect a sign or signs indicating~~
686 ~~the counters or shelves on which beer, wine or beer and wine are located, provided~~
687 ~~the lettering of such signs does not exceed in size the lettering on signs on counters~~
688 ~~or shelves where other products are sold.~~

689 **All signs associated with a licensed premises shall comply with the City's zoning**
690 **ordinance, sign regulations, and all other applicable laws and regulations**

691 [...]

692 *Sec. 9-2-16. - Limitation on number of licenses granted to one applicant; rental agreements.*

693 (a) No person or entity shall be issued a license for wholesale dealers of distilled spirits
694 or retail dealers of distilled spirits by the package if such person or entity already
695 has a financial interest in any other business with a license issued by the City of
696 Forest Park for wholesale dealers of distilled spirits or retail dealers of distilled
697 spirits by the package.

698 (b) Additionally, it shall be unlawful for any applicant or license holder to contract with
699 or agree with the owner of premises on which any retail sale of alcoholic beverages
700 is permitted, so as to provide for the payment of rent on a percentage of profit-
701 sharing basis, or for the owner of the leased premises in any way to share directly or
702 in any other way in the profits of the lessee's activity in connection with the sale of
703 alcoholic beverages; and the lessor shall not be in or have any other connection with

704 **exercise operational control over or participate in** the business of the retail sale of
705 alcoholic beverages.

706 **(c) Any material change in ownership or control of a licensed business shall be**
707 **reported to the City within fifteen (15) days and may require submission of a new**
708 **application or approval by the City as provided elsewhere in this chapter.**

709 [...]

710 *Sec. 9-2-18. - Brown-bagging.*

711 (a) Brown-bagging is prohibited within the city. The following acts constitute a
712 violation of this section:

713 (1) Any person who brown-bags;

714 (2) Any person participating in consumption of any alcoholic beverage being
715 brown-bagged;

716 (3) Any person who consumes an alcoholic beverage on any premises holding
717 a business license, except for those premises licensed for on-premises
718 consumption of alcoholic beverages, **licensed special events, authorized**
719 **catered functions**, or otherwise exempted from the definition of brown-
720 bagging by virtue of the private residential character of the occupancy; and

721 (4) Any employee of the business establishment in whose presence brown-
722 bagging knowingly or with reckless indifference occurs.

723 (b) The alcohol license of any premises upon which brown-bagging knowingly or with
724 reckless indifference has been allowed shall be subject to suspension or revocation.
725 Such suspension or revocation action shall follow the procedures outlined in section
726 ~~9-2-16~~ **9-2-19** of this Code. Any conviction or plea of guilty or nolo contendere in
727 the municipal court of the city to a charge of brown-bagging shall be admissible in
728 a license suspension or revocation proceeding.

729 *Sec. 9-2-19. - Denials; violations, revocations, suspensions; denial of renewal.*

730 (a) Any revocation by the State of Georgia of any permit or license issued to any
731 licensees herein pertaining to the sale of alcoholic beverages shall automatically
732 revoke any companion permit or license issued by the city, without any action
733 required by the city, and shall not be appealable.

734 (b) Except as provided in subsection (a) above, no license issued hereunder shall be
735 denied, suspended or revoked except for due cause as hereinafter set forth.

(c) *Due cause defined.* "Due cause" for the denial, suspension or revocation of any license issued under this chapter shall consist of: ~~any failure to meet any of the standards for issuance of an original license as set forth in section 9-2-8 of this chapter or of the violation of any laws or ordinances regulating such businesses, or the violation any regulations made for the purpose of regulating such businesses, or for the violation of any state or federal law or regulation which would authorize the refusal of an application for such license.~~

- (1) Any material misrepresentation, omission, or false statement in any application, renewal application, report, or other document submitted to the City;
- (2) Failure to continuously satisfy the qualifications or standards required for issuance of the license;
- (3) Violation of any provision of this chapter, any condition of a license issued under this chapter, or any applicable federal, state, or local law governing alcoholic beverages;
- (4) Permitting or maintaining unlawful activity, including controlled substance offenses, gambling offenses, prostitution, human trafficking, or other criminal activity on or about the licensed premises;
- (5) Repeated violations of federal, state, or local laws or regulations occurring on the licensed premises;
- (6) Failure to cooperate with lawful inspections or investigations conducted by the City or other governmental authorities;
- (7) Failure to pay taxes, fees, penalties, or other amounts lawfully owed to the City;
- (8) Operating in a manner that constitutes a threat to the public health, safety, or welfare; or
- (9) Any other ground that would have constituted a basis for denial of the original application.

(d) *Hearings.*

- (1) No license issued under this article shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided. This provision shall also apply to alcoholic beverage permits for employees.
- (2) The director of finance or his designee shall provide written notice to the applicant or licensee of his action to deny, suspend or revoke the license.

Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the director of finance may have a review thereof by appeal to the city manager or his designee (hereinafter called "the hearing officer"). Such appeal shall be by written petition, filed in the office of the director of finance within ~~ten (10)~~ **fifteen (15)** days after the action of the director of finance and in order to defray administrative costs, must be accompanied by a filing fee of two hundred and fifty dollars (\$250.00). The director of finance, at his discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing said appeal. Failure to file the appeal within the established time period will result in the action of the director of finance being made final, and no further appeal shall be allowed.

(3) Upon a timely filed appeal, a hearing shall be conducted by the hearing officer on each appeal within thirty (30) days of the date of filing of the appeal with the director of finance, unless a continuance of such date is agreed to by the appellant and the director of finance. The hearing officer shall provide notice to all parties of the date, time and location of the hearing. At the hearing, the appellant shall show cause why the revocation or suspension should be reversed. The appellant shall have the right to appear at the hearing in person and to be represented by counsel (at his own expense), and shall have the right to present evidence and to cross-examine any witnesses who are called to testify on behalf of the city. At the hearing, the appellant shall show cause why the revocation or suspension should be reversed. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three (3) days prior to such hearing. The appellant shall have the burden of proof on any such appeal. The rules of evidence shall not apply to such a hearing, but the hearing shall be conducted in a fundamentally fair manner. Within fifteen (15) days following the conclusion of the hearing, the hearing officer shall issue a written decision including findings of fact, and may either (i) find that the evidence warrants the denial, suspension or revocation; or (ii) find that the evidence does not warrant the denial, suspension or revocation, and provide notice of his decision to the parties. **The hearing officer may affirm, reverse, modify, or remand the decision under review and may impose reasonable conditions upon any continued licensure when authorized by this chapter.**

(4) The findings of the hearing officer shall not be set aside unless found to be: (1) contrary to law or ordinances; or (2) unsupported by substantial evidence on the record as a whole; or (3) unreasonable.

(5) The findings of the hearing officer shall be final unless appealed within thirty (30) days of the date of said finding. Any applicant or appellant

813 aggrieved by any decision made by any hearing officer pursuant to this
814 section may file a petition for a writ of certiorari in the superior court to
815 contest any such decision.

816 (6) Any person filing a petition for a writ of certiorari under this section shall
817 pay fee in the amount of one thousand dollars (\$1,000.00) to the city clerk
818 to help defray the cost of assembling, preparation of the transcript, copying,
819 and transmitting the record to the superior court.

820 (7) For the purpose of this chapter, notice shall be deemed delivered ~~three (3)~~
821 ~~days after the date of deposit in the United States Postal Service by regular~~
822 ~~U.S. mail, to the addresses provided to the hearing officer by the parties~~
823 **upon personal delivery, electronic transmission to the email address**
824 **provided by the applicant or licensee, or three (3) days after deposit in**
825 **the United States Mail, postage prepaid, addressed to the last address**
826 **provided to the City.**

827 *Sec. 9-2-20. - Transfers; changes of ownership; location.*

828 (a) Licenses issued under this chapter shall not be transferable, except for a change in
829 location, subject to the provisions of subsection (b) **and except as otherwise**
830 **expressly authorized by this section.**

831 (b) Should a transfer of location be requested, such new location shall first be qualified
832 pursuant to the location qualifications of this chapter, and upon same meeting the
833 qualifications as to location, such license may thereafter be duly transferred.

834 (c) **Any material change in ownership, membership interests, controlling interests,**
835 **or operational control of a licensed business shall be reported to the City within**
836 **thirty (30) days. The City may require the submission of a new application or**
837 **supplemental application materials whenever such change would affect the**
838 **qualifications of the licensee under this chapter.**

839 ~~(e)~~ (d) In case of the death of a licensee, the establishment shall be allowed to continue
840 to sell alcoholic beverages for a period of sixty (60) days from the date of death or
841 until expiration of the license or until approval of a new licensee, whichever shall
842 first occur, provided no sale of alcoholic beverages shall be allowed until such time
843 as a personal representative of the estate, appointed by a probate court of competent
844 jurisdiction, shall make application for authorization for such license with the
845 director of finance for the city. **The Director of Finance may extend such period**
846 **for good cause shown upon written request of the estate or personal**
847 **representative.**

848 (e) **Any change in the designated manager, license representative, or other**
849 **individual responsible for the day-to-day operation of the licensed premises shall**
850 **be reported to the City within fifteen (15) days.**

851 *Sec. 9-2-21. - Commencement of business.*

852 All licensees must commence business within ~~sixty (60)~~ **ninety (90)** days of the issuance
853 of any license authorized by this chapter. The failure to offer products authorized by this chapter
854 within such period of time shall operate as an automatic revocation of such license; **provided,**
855 **however, that the Director of Finance may grant one or more extensions for good cause**
856 **shown upon written request of the licensee.** The failure of any licensee to operate continuously
857 for a six-month period shall likewise cause such existing license to be revoked; **provided,**
858 **however, that temporary closures for renovations, casualty losses, governmental orders,**
859 **business interruptions, or other circumstances beyond the reasonable control of the licensee**
860 **shall not constitute abandonment of the licensed premises if the licensee provides written**
861 **notice to the City.**

862 *Sec. 9-2-22. - Employment of underage persons prohibited; exceptions.*

- 863 (a) No person shall allow or require a person in his/her employment ~~under eighteen (18)~~
864 ~~years of age~~ **who is not legally eligible under state law** to dispense, serve, sell, or
865 take orders for any alcoholic beverage.
- 866 (b) ~~The provisions of this section shall not prohibit persons under eighteen (18) years of~~
867 ~~age who are employed in supermarkets or convenient stores from selling or handling~~
868 ~~alcoholic beverages which are sold for consumption off the premises, provided such~~
869 ~~person has been approved for a permit pursuant to this chapter, has a valid work~~
870 ~~permit issued by the State of Georgia, and has his parent sign a written consent, in~~
871 ~~person, allowing the child to be so employed. Nothing in this section shall prohibit~~
872 **the employment of persons otherwise authorized by state law to sell, handle,**
873 **transport, stock, or process alcoholic beverages for off-premises consumption,**
874 **provided all requirements of state law and this chapter are satisfied.**

875 *Sec. 9-2-23. - Failure to require and properly check identification.*

- 876 (a) It shall be a violation of this chapter to fail to require and properly check
877 identification to ensure an underage person is not sold, served, or permitted to have
878 in his possession, alcoholic beverages while in a licensed establishment.
879 "Identification" in this section shall mean any document issued by a governmental
880 agency containing a description of the person, such person's photograph, and giving
881 such person's date of birth and shall include, without being limited to, a passport,
882 military ID card, driver's license or state department of public safety ID card,
883 **including any electronic or digital version thereof recognized by applicable state**
884 **law.**
- 885 (b) The licensee must have written policies and procedures for checking identification
886 and train, instruct and supervise employees to ensure compliance with this section.
887 ~~Further, the licensee must sign an affidavit, along with each employee certifying that~~
888 ~~the licensee has trained and instructed the employee on the requirements of this~~

889 ~~section.~~ **The licensee shall maintain records demonstrating compliance with**
890 **employee training requirements and shall make such records available to the**
891 **City upon reasonable request.**

892 *Sec. 9-2-24. - Sales to minors and others prohibited.*

893 The sale of any alcoholic beverage to any person under the minimum legal age established
894 by the laws of the State of Georgia, or to any person in an apparent intoxicated condition, or to
895 any person known to the licensee or his agent to be a habitual drunkard, is hereby prohibited.
896 The solicitation of any such purchase by any minor, or the misrepresentation of any such minor
897 as to his age, is likewise prohibited.

898 No holder or employee of the holder of a license authorizing the sale of alcoholic
899 beverages, shall do any of the following upon the licensed premises:

900 (1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other
901 alcoholic beverage to any person under the age of twenty-one (21) years.

902 (2) The prohibition in subsection (1) of this section shall not apply with
903 respect to the sale of alcoholic beverages to a person when such person
904 has furnished proper identification showing that the person to whom the
905 alcoholic beverages are being sold is twenty-one (21) years of age or older.
906 For the purposes of this subsection, proper identification means any
907 document issued by a government agency containing a description of the
908 person, such person's photograph, or both, and giving such person's date
909 of birth, including, but not limited to, a passport, military identification
910 card, driver's license, or identification card authorized under an act to
911 require the department of public safety to issue identification cards to
912 persons who do not have a motor vehicle driver's license. Proper
913 identification shall not include a birth certificate.

914 (3) Sell or offer to sell any alcoholic beverages to any person who is
915 noticeably intoxicated, who is of unsound mind, or who is a habitual
916 drunkard whose intemperate habits are known to the licensee or his
917 employees.

918 (4) Sell alcoholic beverages upon the licensed premises or permit alcoholic
919 beverages to be consumed thereon, on any day or at any time when the
920 sale or consumption is prohibited by state law or city ordinance.

921 (5) No person who holds a license to sell alcoholic beverages by the drink
922 shall allow any minors to be in, frequent or loiter about the licensed
923 premises of the establishment or lounge unless such minors are
924 accompanied by a parent, legal guardian, or custodian; provided, however,
925 that such minors shall be permitted in eating establishments, ~~or~~ private
926 clubs, **hotels, entertainment venues, ancillary retailers or other**

927 **establishments specifically authorized under** ~~as defined in~~ this chapter
928 without being accompanied by a parent, legal guardian, or custodian and
929 provided further that this section shall not apply to minors who are
930 employees under the terms of this chapter.

931 (6) The penalty for violation of this section by an individual shall be as
932 follows:

933 a. For the first offense, a minimum fine of five hundred
934 dollars (\$500.00).

935 b. For the second offense and subsequent violations within
936 one (1) year, a minimum fine of one thousand dollars
937 (\$1,000.00).

938 (7) Any licensed establishment where two (2) or more violations of this
939 section, or O.C.G.A. § 3-3-23 and related regulations have occurred within
940 any twenty-four-month period shall be punished as follows:

941 a. For the second offense within any twenty-four-month
942 period, suspension of license(s) for a period not to exceed
943 one hundred eighty (180) days.

944 b. For the third and any subsequent violation within any
945 twenty-four-month period, suspension of license(s) for a
946 period not to exceed one (1) year. As to the penalties in this
947 subsection, if there is a change in a majority of the licensed
948 establishment's owners, partners or shareholders, the
949 violations under the old ownership shall not count against
950 the new owners; however, a different corporation,
951 partnership or other association will be charged with the
952 violations of its predecessor(s) if a majority of the owners,
953 partners or shareholders are the same.

954 (8) **A conviction shall not be required for the City to pursue administrative**
955 **suspension, revocation, or other enforcement remedies authorized by**
956 **this chapter.**

957 [...]

958 *Sec. 9-2-26. - Notice to employees.*

959 Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter
960 in the licensed premises at all times, and shall instruct any person working there with respect to
961 the terms of this chapter; and each licensee, the licensee's agents and employees selling alcoholic

beverages shall at all times be familiar with the terms of this chapter **and all applicable state laws governing the sale, service, and handling of alcoholic beverages.**

Sec. 9-2-27. - Regulations as to employees and manager.

The following regulations shall apply to all establishments holding a license for consumption of alcoholic beverages on the premises:

(1) No person shall be employed to dispense, sell, serve, take orders, mix alcoholic beverages, or serve in any managerial position, by an establishment holding a license under this chapter until such person has been ~~fingerprinted or cleared~~ **approved** by the chief of police or his designee, indicating that the person is eligible for such employment.

(2) This section shall not be construed to include volunteer groups with non-profit tax exempt status from the Internal Revenue Service whose volunteer efforts financially benefit a non-profit organization with no direct financial benefit, either by wages, tips or donations, to the individual volunteer. No volunteer under the age of eighteen (18) shall be allowed to dispense, sell, serve, take orders or mix alcoholic beverages. Employees of a licensed establishment whose duties are limited solely to those of busboy(s), cook(s), or dishwasher(s) shall also be excluded from this section.

(3) No permit shall be issued until such time as a signed application has been filed with the chief of police or his designee, and upon paying a fee as established by the governing body by resolution from time to time and kept on file in the office of the director of finance, and a search of the criminal record of the applicant completed. The application shall include, but shall not be limited to, the name, date of birth, ~~and prior arrest record of the person, though the fact of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.~~ **current address, and such other information as may be reasonably required by the chief of police or his designee to determine eligibility for a permit under this chapter. The applicant shall authorize the City to conduct such criminal history and background investigations as may be reasonably necessary to determine eligibility for a permit under this chapter.**

(4) The chief of police or his designee shall have a complete and exhaustive search made relative to any police record of the person fingerprinted or cleared. If there is no record of a violation of this chapter, the chief of police or his designee shall issue a permit to the person, in person, stating, in writing, that the person is eligible for employment. If it is found that the

1002 person is not eligible for employment, the chief of police or his designee
1003 shall notify the person, in writing, that they are not eligible for
1004 employment, the cause of such denial and their right to appeal.

1005 (5) No person shall be granted a permit under this chapter unless it appears to
1006 the satisfaction of the chief of police or his designee, that such person has
1007 not been convicted or pled guilty or entered a plea of nolo contendere to
1008 any crime involving moral turpitude, illegal gambling, or illegal
1009 possession or sale of controlled substances or the illegal sale or possession
1010 of alcoholic beverages, including the sale or transfer of alcoholic
1011 beverages to minors in a manner contrary to law, keeping a place of
1012 prostitution, solicitation of sodomy, or any sexual related crime within a
1013 period of ~~five (5)~~ **ten (10)** years of the date of conviction and has been
1014 released from parole or probation. A person's first time conviction for
1015 illegal possession of alcohol as a misdemeanor or violation of a city or
1016 county ordinance shall not, by itself, make a person ineligible for an
1017 alcohol permit. No person shall be granted a permit under this chapter who
1018 has been convicted, plead guilty or entered a plea of nolo contendere to
1019 any federal, state, or local law for any felony within five (5) years of the
1020 date of conviction and has not been released from parole or probation prior
1021 to the filing for application for such permit. ~~For purposes of this chapter,~~
1022 ~~a conviction or plea of guilt or nolo contendere shall be ignored as to any~~
1023 ~~offense for which the defendant who was allowed to avail themselves of~~
1024 ~~the Georgia First Offender Act (Ga. Laws 1968, p. 324), as amended. A~~
1025 **discharge pursuant to the Georgia First Offender Act shall not**
1026 **constitute a conviction unless an adjudication of guilt has subsequently**
1027 **been entered.** Except, however, that any such offense shall not be ignored
1028 where the defendant violated any term of probation imposed by the court
1029 granting the first offender treatment or committed another crime and the
1030 sentence in court entered an adjudication of guilt as to the crime for which
1031 the defendant had previously been sentenced as a first offender.

1032 (6) An alcohol/pouring permit shall be issued for a period of one (1) calendar
1033 year from the date of the original application. ~~As noted in subsection (11)~~
1034 ~~below, the alcohol/pouring permit must be in the possession of and worn~~
1035 ~~by the employee at all times while the employee is working at the licensed~~
1036 ~~establishment. This permit must be worn by the employee while the permit~~
1037 ~~holder is working and available for inspection by members of the police~~
1038 ~~department or the code enforcement department. The permit holder shall~~
1039 **maintain proof of a valid permit and present such proof upon request**
1040 **of any authorized City official.**

1041 (7) No person shall be issued a permit if it is determined that the person
1042 falsified, concealed or covered up any material fact by any device, trick or
1043 scheme while making application to the police department for an
1044 alcohol/pouring permit under this section. If it is determined that a person

1045 is in violation of this subsection and a permit is denied for this reason, then
1046 sixty (60) calendar days must elapse from the date of notification per
1047 regular U.S. mail to the address on file for the person, before a new
1048 application and fee may be resubmitted.

1049 (8) All permits issued through administrative error can be terminated and
1050 seized by the chief of police or his designee, or code enforcement.

1051 (9) Replacement permits will be issued within thirty (30) days of the original
1052 date, upon paying one-half of the fees charged for alcohol/pouring
1053 permits. After thirty (30) days of the original application date, a new
1054 application and fee must be submitted.

1055 (10) All permits issued under this chapter remain the property of the police
1056 department and shall be produced for inspection upon the demand of any
1057 officer or designee of the police department or employee of the business
1058 license department or code enforcement department.

1059 (11) No licensee shall allow any employee or manager required to hold a permit
1060 to work on the premises unless the employee or manager has in their
1061 possession a current valid city pouring permit. For new employees, a
1062 receipt issued by the chief of police permit unit may be used for a
1063 maximum of thirty (30) days from the date of its issue. Licensees are
1064 required by this chapter to inspect and verify that each employee required
1065 to do so, has in his possession a valid current alcohol permit. This
1066 requirement shall apply to all licensees and all employees working in any
1067 retail establishment engaged in the retail sale of alcoholic beverages, by
1068 the package or for consumption on the premises.

1069 (12) ~~It shall be the duty of all persons holding any license to sell alcoholic~~
1070 ~~beverages to file with the chief of police or his designee, the name of the~~
1071 ~~establishment, the license number and a list of all employees, with their~~
1072 ~~home addresses and home telephone numbers, twice annually during the~~
1073 ~~month of June and again at the time a licensee under this chapter shall~~
1074 ~~apply for a renewal of the license[s].~~ **Each licensee shall maintain**
1075 **current records identifying all employees required to hold permits**
1076 **under this chapter and shall make such records available to the City**
1077 **upon reasonable request.**

1078 (13) Any person(s) convicted of any violation(s) of this section shall receive a
1079 minimum fine of three hundred dollars (\$300.00).

1080 *Sec. 9-2-28. - Expiration; renewal of license. Reserved.*

1081 All licenses granted under this chapter shall be for the calendar year and shall expire on
1082 December 31. All licenses hereunder must be renewed by October 1 of each calendar year.

1083 *Sec. 9-2-29. - Wholesalers.*

1084 Any wholesaler in alcoholic beverages licensed by the State of Georgia shall be granted
1085 a license to distribute such beverage at wholesale in this city upon application. The application
1086 shall be accompanied by evidence that the wholesaler understands and agrees to comply with
1087 the appropriate provisions of this chapter and to pay the fees below. **Each wholesaler shall**
1088 **maintain all licenses, permits, registrations, and approvals required by applicable federal**
1089 **and state law and shall remain in compliance with all applicable laws governing the**
1090 **distribution of alcoholic beverages.**

1091 *Sec. 9-2-30. - Wholesalers license fee.*

1092 (a) The wholesaler dealer license fee annually as provided in this chapter.

1093 (b) ~~Such fee shall be paid on or before October 1 of each year. Such fee shall be paid~~
1094 **in accordance with the renewal requirements set forth in Section 9-2-4(c) of this**
1095 **chapter.**

1096 [...]

1097 ARTICLE B. – MALT BEVERAGES AND WINE – RETAIL PACKAGE SALES

1098 *Sec. 9-2-41. - Definitions. State License Required.*

1099 ~~The definitions contained in section 9-2-2 shall be applicable to this article.~~

1100 **When any license issued by the state revenue commissioner to engage in the business**
1101 **described in this chapter is revoked, such action shall automatically revoke the license**
1102 **issued by the city.**

1103 *Sec. 9-2-42. - Other inventory required.*

1104 ~~(a) No license shall be granted for the retail sale of malt beverages or wine by the~~
1105 ~~package unless the applicant can show that he has or will have on hand prior to~~
1106 ~~issuance of a license an inventory of foodstuffs having a wholesale value of at least~~
1107 ~~ten thousand dollars (\$10,000.00), exclusive of alcoholic beverages. Each licensee~~
1108 ~~shall be required to maintain such inventory. "Foodstuffs" shall be defined, for the~~
1109 ~~purposes of this section, as "any matter or substance that can be taken into and~~
1110 ~~assimilated by the body for nourishment." Further, in order to meet the inventory~~
1111 ~~requirement of this section, any merchandise which a licensee desires for inclusion~~
1112 ~~therein must remain on the licensed premises and not be stored in any facility other~~
1113 ~~than such premises. No license shall be granted for the retail sale of malt~~
1114 ~~beverages or wine by the package unless the applicant operates or proposes to~~
1115 ~~operate a bona fide retail establishment open to the general public and engaged~~
1116 ~~in the regular sale of lawful merchandise. The licensed premises shall be~~

1117 maintained and operated as a legitimate retail business and shall not be
1118 established or operated primarily for the purpose of circumventing the
1119 requirements of this chapter. The Chief of Police, Director of Finance, or their
1120 designees may require such records, inventories, invoices, photographs, or other
1121 documentation as may be reasonably necessary to determine compliance with
1122 this section. Failure to comply with this section shall constitute grounds for
1123 denial, suspension, revocation, or nonrenewal of the license.

1124 (b) The chief of police shall be charged with the duty of enforcing this section, and he
1125 may require an inventory count to be taken from time to time when he is of the
1126 opinion that the licensee is not maintaining the inventory required herein.

1127 *Sec. 9-2-43. - ~~Sale of certain containers unlawful.~~ Maintenance of Licensed Premises.*

1128 ~~It shall be unlawful to sell or offer for sale any malt beverages in any single container,~~
1129 ~~single can, or single glass bottle which shall be smaller than twenty-two (22) ounces in size.~~ **All**
1130 **licensed premises operating under this article shall be maintained in a clean, safe, and**
1131 **sanitary condition and in compliance with all applicable federal, state, and local laws,**
1132 **including applicable building, fire, health, zoning, and property maintenance regulations.**
1133 **Failure to maintain the licensed premises in compliance with this section shall constitute**
1134 **grounds for denial, suspension, revocation, or nonrenewal of a license issued under this**
1135 **chapter.**

1136 *Sec. 9-2-44. - Importers—Application.*

1137 Any importer in alcoholic beverages licensed by the State of Georgia may be granted a
1138 license to distribute such beverage to another importer, wholesaler or broker in this city upon
1139 application or letter. The application or letter shall be accompanied by evidence that the importer
1140 understands and agrees to comply with the appropriate provisions of this chapter. **The importer**
1141 **shall continuously maintain all licenses, permits, registrations, and approvals required by**
1142 **applicable federal and state law and shall remain in compliance with all applicable laws**
1143 **governing the importation and distribution of alcoholic beverages.**

1144 *Sec. 9-2-45. - Importers—Fees.*

1145 (a) The importer dealer license fee shall be paid annually in the amount established by
1146 this chapter.

1147 (b) ~~Such fee shall be paid on or before October 1 of each year.~~ **Such fee shall be paid**
1148 **in accordance with the renewal requirements set forth in Section 9-2-4(c) of this**
1149 **chapter.**

Sec. 9-2-46. – Compliance with Other Laws.

Each licensee operating under this article shall continuously comply with all applicable federal, state, and local laws, ordinances, regulations, permits, and approvals relating to the operation of the licensed premises. Failure to maintain such compliance shall constitute grounds for denial, suspension, revocation, or nonrenewal of a license issued under this chapter.

Sec. 9-2-47. – Change in Ownership or Control.

Any material change in ownership, membership interests, controlling interests, or operational control of a business licensed under this article shall be reported to the City in accordance with Section 9-2-20 of this chapter.

~~Secs. 9-2-46 9-2-48—9-2-50. - Reserved.~~

ARTICLE C. - DISTILLED SPIRITS—RETAIL PACKAGE SALES

~~Sec. 9-2-51. - Definitions. State license required.~~

~~The definitions contained in section 9-2-2 shall be applicable to this article.~~

No license issued under this article shall remain valid unless the licensee continuously maintains all licenses, permits, registrations, and approvals required by the State of Georgia and applicable federal law for the retail sale or distribution of distilled spirits.

[...]

Sec. 9-2-53. – Compliance with Other Laws.

Each licensee operating under this article shall continuously comply with all applicable federal, state, and local laws, ordinances, regulations, permits, and approvals relating to the operation of the licensed premises. Failure to maintain such compliance shall constitute grounds for denial, suspension, revocation, or nonrenewal of a license issued under this chapter.

Sec. 9-2-54. – Change in Ownership or Control.

Any material change in ownership, membership interests, controlling interests, or operational control of a business licensed under this article shall be reported to the City in accordance with Section 9-2-20 of this chapter.

~~Secs. 9-2-53 9-2-55—9-2-60. - Reserved.~~

ARTICLE D. - ON-PREMISES CONSUMPTION

Sec. 9-2-61. - Definitions. Applicability.

~~The definitions set forth in section 9-2-2 of this chapter shall be applicable to this article.~~

This article shall govern the retail sale of alcoholic beverages for consumption on the licensed premises and shall apply in addition to the general requirements set forth in Article A of this chapter.

Sec. 9-2-62. - Premises eligible for license. Eligible Premises and Special License Categories.

(a) ***Premises eligible for license.*** No retail on-premises consumption license shall be issued to any applicant except as for a restaurant, hotel, motel, private club, entertainment venue, **ancillary retailer**, or banquet hall as defined herein.

(b) *Ancillary Retailers.*

(1) **An ancillary retailer may obtain a license for the sale of alcoholic beverages for consumption on the premises as an incidental use to its primary business activity.**

(2) **The sale and service of alcoholic beverages shall be secondary and incidental to the principal business conducted on the premises.**

(3) **No ancillary retailer shall derive more than twenty percent (20%) of its total annual gross revenue from the sale of alcoholic beverages.**

(4) **No ancillary retailer shall operate as a bar, tavern, nightclub, package store, or other establishment primarily engaged in the sale of alcoholic beverages.**

(5) **Upon request of the City, an ancillary retailer shall provide records reasonably necessary to verify compliance with this section.**

(6) **Ancillary retailers shall comply with all provisions of this chapter applicable to on-premises consumption licensees.**

[...]

Sec. 9-2-64. - Hotels, motels.

~~Hotel and motel corporations and their franchise restaurant corporations owners, operators, franchisees, corporations, limited liability companies, partnerships, and other lawful business entities~~ operating as contemplated in these regulations are authorized to apply

for and to hold a retail on-premises consumption license in ~~their corporate names~~ **the name of the applicant entity**. They shall name on such application an agent and/or manager actively employed in the operation of said hotel, motel or franchise restaurant who shall be responsible for operation under said license, and who shall qualify in all respects under these regulations. Should said manager and/or agent leave the employment of the hotel or motel corporation or its franchise restaurant corporation in the city, a new agent and/or manager shall be named by the licensee within ten (10) days thereafter.

- (1) ~~Each individual licensee shall be a citizen of the United States or shall be an alien lawfully admitted for permanent residence in the United States.~~ **Each individual applicant shall be legally authorized to work and conduct business within the United States and the State of Georgia.**

- (2) ~~Corporations must either be incorporated in the State of Georgia or must have registered to do business in the State of Georgia.~~ **Any corporation, limited liability company, partnership, or other business entity applying for a license under this article shall be duly organized and in good standing under the laws of its jurisdiction of formation and, where required by law, authorized to transact business in the State of Georgia.**

[...]

Sec. 9-2-68. - Disturbances prohibited.

All licensees who are licensed to sell any alcoholic beverages by the drink for on-premises consumption shall cause to be removed from the premises any patrons behaving in an obnoxiously loud, disrespectful or boisterous manner. It shall be unlawful to permit any disturbance of the peace, obscenity or public indecency on said premises and the licensee shall be responsible for removing from the premises any person engaging in such conduct. **No licensee shall operate the licensed premises in a manner that creates or permits recurring criminal activity, disorderly conduct, public intoxication, fighting, excessive noise, littering, loitering, or other conditions that constitute a threat to the public health, safety, or welfare.** Failure to remove such patrons can result in suspension or loss of any license issued under this article.

[...]

Sec. 9-2-70. - Sales outside business.

- (a) Any sales of alcoholic beverages outside the licensed premises shall be prohibited, whether for consumption on or off the premises, except for patios at eating establishments and restaurants **and other outdoor areas specifically approved by the City as part of the licensed premises, including patios, courtyards, terraces, rooftops, and outdoor dining areas.**

- (b) This section shall not apply to:

1245 (1) Any licensee selling or offering to sell any alcoholic beverage by the drink
1246 if such action occurs on the premises of a special event (and during the
1247 operating hours of such event) for which a permit has been issued
1248 under Chapter 15 of Title 9 of the Code of Ordinances.

1249 (2) Any person selling or offering to sell any alcoholic beverage by the drink
1250 pursuant to a temporary permit issued under section 9-2-71 if such action
1251 occurs on the premises of a special event (and during the operating hours
1252 of such event) for which a permit has been issued under Chapter
1253 15 of Title 9 of the Code of Ordinances.

1254 [...]

1255 *Secs. 9-2-72—9-2-129. - Reserved.*

1256 ARTICLE E. - AUTHORIZED CATERED FUNCTIONS

1257 [...]

1258 *Sec. 9-2-131. - Licensed alcoholic beverage caterers.*

1259 (a) Licenses may be obtained for the purpose of selling or dispensing alcoholic
1260 beverages by the drink ~~on premises at which authorized catered functions are to be~~
1261 ~~held. Such licenses shall be annual licenses and may be obtained only by those~~
1262 ~~persons, firms or corporations already licensed by the city for the sale of alcoholic~~
1263 ~~beverages at retail or by the drink~~ **in connection with authorized catered functions.**
1264 **Such licenses shall be annual licenses and may be issued to any person or entity**
1265 **meeting the requirements of this chapter, applicable state law, and any other**
1266 **requirements established by the City for the issuance of an alcoholic beverage**
1267 **caterer license.**

1268 (b) Before an LABC may sell or dispense alcoholic beverages at any authorized catered
1269 function, such caterer must obtain a permit.

1270 (1) The application for permit shall include:

1271 a. Name of the alcoholic beverage caterer;

1272 b. The caterer's license number; and

1273 c. The date, address and time of the event.

1274 (2) No alcoholic beverages shall be sold or distributed after 12:00 a.m. Thus,
1275 a permit will not be granted to any LABC for any authorized catered

1276 function where alcoholic beverages are being sold or distributed past
1277 12:00 a.m.

1278 (3) No permit fee shall be charged for the alcoholic beverage caterers licensed
1279 by the city. However, for caterers licensed by jurisdictions other than the
1280 city, a fee of fifty dollars (\$50.00) per event permit shall be charged.

1281 (4) No permit shall be issued to any person under this article who does not
1282 hold an alcoholic beverage caterer's license from a local jurisdiction in the
1283 state.

1284 (5) The permit must be visibly displayed where the alcoholic beverages are
1285 being sold or dispensed at the authorized catered function.

1286 (c) ~~The following persons will not be considered eligible for holding a permit: No~~
1287 **permit shall be issued to any applicant who is ineligible to hold an alcoholic**
1288 **beverage license under Article A of this chapter.**

1289 ~~(1) — Persons suffering under any judicially determined mental incapacity; or~~

1290 ~~(2) — Any person, who, within the past ten (10) years from the date of the~~
1291 ~~application, has been convicted of any crime involving moral turpitude,~~
1292 ~~illegal gambling, or illegal possession or sale of controlled substances or~~
1293 ~~the illegal sale or possession of alcoholic beverages, including the sale or~~
1294 ~~transfer of alcoholic beverages to minors in a manner contrary to law,~~
1295 ~~prostitution, solicitation of sodomy, or any sexual related crime or force~~
1296 ~~or violence, or violation of any taxing statute. For purposes of this article,~~
1297 ~~a conviction includes a plea of guilty, a verdict of guilty, a bond forfeiture,~~
1298 ~~or plea of nolo contendere.~~

1299 (d) A permit shall not be issued to any LABC if the chief of police, fire marshal, or their
1300 designee in his/her sole discretion determines the following would result from the
1301 event:

1302 (1) Traffic congestion requiring the services of a police officer for the orderly
1303 movement of traffic in and out of the catered function premises;

1304 (2) There are inadequate parking facilities/spaces which could cause illegal or
1305 unauthorized parking on the street or on surrounding properties;

1306 (3) Location within any area not otherwise appropriately zoned; and

1307 (4) Proximity to churches, schools, or other similar premises.

1308 (e) Caterers licensed by a jurisdiction other than the city shall maintain a record of all
1309 alcoholic beverages transported into the city for the event and shall pay an excise

- 1310 tax to the city covering all such beverages at the rates provided by section 3-4-1 of
1311 this Code. Failure to report and remit the tax within seven (7) days of the conclusion
1312 of the event shall be grounds for denial of subsequent permits to that caterer for
1313 similar events.
- 1314 (f) Caterers licensed by the city shall maintain a record of all alcoholic beverages
1315 transported for each event, by event, and shall make report and remittance of such
1316 taxes with their regular monthly reports to the city.
- 1317 (g) No alcoholic beverages shall be transported, distributed or sold to other than licensed
1318 locations in the city, except to authorized catered functions, unless otherwise
1319 authorized by this chapter or by state law.
- 1320 (h) No LABC shall employ alcoholic any person under twenty-one (21) years of age to
1321 dispense, serve, sell or handle alcoholic beverages at authorized catered functions.
- 1322 (i) The LABC shall comply with all laws of the state and the provisions of this chapter.
1323 No alcohol shall be served to a person under the age of twenty-one (21) years, and
1324 no alcohol shall be served to any person who is in a state of noticeable intoxication
1325 or who is under the influence of alcohol or other drugs;
- 1326 (j) As a condition of permit issuance, alcoholic beverage caterers licensed by
1327 jurisdictions other than the city shall be provided a copy of the city's alcoholic
1328 beverages ordinances, and shall indicate, by signature, that they have received such
1329 ordinances and acknowledge the applicability of such ordinances to their operations.
- 1330 (k) It shall be unlawful for any person to dispense, sell or offer for sale at wholesale or
1331 retail any alcoholic beverages defined herein which include beer, wine, distilled
1332 spirits within the city, without having first complied with the provisions of this
1333 article, but the properly licensed sale of same is hereby declared lawful.
- 1334 **(l) The owner, lessee, organizer, sponsor, or host of an authorized catered function**
1335 **shall be jointly responsible with the licensed alcoholic beverage caterer for**
1336 **compliance with this chapter during the authorized catered function.**
- 1337 **(m) As a condition of permit approval, the City may impose reasonable conditions**
1338 **necessary to protect the public health, safety, and welfare, including**
1339 **requirements relating to security personnel, traffic control, parking**
1340 **management, crowd control, hours of operation, fencing, sanitation, lighting, or**
1341 **similar operational matters.**
- 1342 [...]

1343 *Sec. 9-2-134. – Suspension of Alcohol Service.*

1344 The Chief of Police, Fire Marshal, City Manager, or their designee may immediately
1345 suspend the sale, service, or distribution of alcoholic beverages at any authorized catered
1346 function upon a determination that continued alcohol service presents a threat to public
1347 health, safety, or welfare. Such suspension may occur without terminating the event itself.

1348 *Sec. 9-2-135. – Occupancy Limits.*

1349 No authorized catered function shall exceed the maximum occupancy permitted by
1350 applicable fire, building, or life safety codes.

1351 *Sec. 9-2-136. – Security Requirements.*

1352 As a condition of permit approval, the City may require the submission and
1353 implementation of a security, traffic management, parking management, or crowd-control
1354 plan for any authorized catered function.

1355 *Secs. 9-2-134 9-2-137—9-2-139. - Reserved.*

1356 ARTICLE F. – GROWLERS RESERVED

1357 *Sec. 9-2-140. – Growlers license.*

1358 ~~(a) The retail sale of growlers is authorized for establishments licensed pursuant to this~~
1359 ~~article.~~

1360 ~~(b) A growler license may be obtained only by establishments engaged in the retail sale~~
1361 ~~of growlers.~~

1362 ~~(c) In addition to the retail sale of growlers, a growler licensee is permitted to apply for~~
1363 ~~licenses to engage in the retail sale of beer and/or wine by the package and by the~~
1364 ~~glass for consumption on premises. The obtaining of a license for the on premise~~
1365 ~~consumption of beer and/or wine by the glass shall not authorize consumption from~~
1366 ~~growlers on the premises. After a growler is filled at the licensed premises, it must~~
1367 ~~be securely sealed and removed from the premises in its original condition and~~
1368 ~~cannot be opened or consumed on the premises.~~

1369 ~~(d) Growlers may only be filled with beer or wine from kegs or barrels procured by the~~
1370 ~~licensee from a duly licensed wholesaler.~~

1371 ~~(e) Only professionally sanitized and sealed growlers may be filled and made available~~
1372 ~~for retail sale.~~

1373 ~~(f) A growler licensee shall be authorized to offer samples of draft beer or wine to~~
1374 ~~patrons over the age of twenty-one (21).~~

(g) ~~Growler licensees and employee thereof shall be permitted to taste draft beer and wine at the licensed growler premises for quality control or educational purposes only. At no time however, shall a growler licensee and/or employee become intoxicated at the licensed premises.~~

(h) ~~No food purchased at an establishment possessing a growler license may be consumed on premises.~~

~~Sec. 9-2-141. -- Growlers license, regulations generally.~~

~~The following regulations shall apply to licensed growler establishments:~~

(1) ~~No screen, partition or thing which prevents a clear view into the interior of a growler store from the street, nor any booth within, shall be permitted.~~

(2) ~~No sale of beer or wine shall be permitted between the hours of 2:00 a.m. and 8:00 a.m. In addition, no sale of beer or wine shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or any other days or times prohibited by state law.~~

(3) ~~The state regulations relating to the sale and distribution of beer and/or wine, as revised, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.~~

~~Sec. 9-2-142. -- Prohibited locations.~~

~~It shall be prohibited to obtain a growler license within the following areas of the city:~~

(1) ~~Within any residential zoning district or other prohibited zoning district established in the zoning ordinance; and~~

(2) ~~Within any area prohibited by state law.~~

ARTICLE G. - BREWERIES AND DISTILLERIES

~~Sec. 9-2-143. - Licenses and regulations generally.~~ ***General Provisions Applicable to Craft Beverage Establishments.***

The following regulations shall apply to licensed breweries and distilleries:

(1) ~~Subject to all applicable provisions of state law, a brewery or distillery licensee, or employee thereof, shall be permitted a limited exception under this article to taste draft beer, wine or distilled spirits at the licensed~~

1405 ~~premises for quality control or educational purposes. At no time shall a~~
1406 ~~brewery or distillery licensee and/or employee become intoxicated at the~~
1407 ~~licensed premises. Subject to all applicable provisions of state law, a~~
1408 **brewery, distillery, microdistillery, craft beer and wine market, farm**
1409 **winery tasting room, or brewpub licensee, or employee thereof, shall be**
1410 **permitted to taste alcoholic beverages at the licensed premises for**
1411 **quality control, educational, promotional, or training purposes. At no**
1412 **time shall any licensee or employee become intoxicated at the licensed**
1413 **premises.**

1414 (2) ~~An individual applying for a brewery or distillery license shall indicate on~~
1415 ~~their application whether he or she intends to open and operate a brewery,~~
1416 ~~distillery or brewpub. An applicant seeking a license under this article~~
1417 **shall indicate on its application the specific category of license sought,**
1418 **including but not limited to brewery, distillery, microdistillery,**
1419 **brewpub, craft beer and wine market, or farm winery tasting room.**

1420 (3) All operations by a brewery or distillery shall be conducted within an
1421 enclosed building.

1422 (4) Nothing herein shall be interpreted as to prevent any brewery or distillery
1423 licensee from exercising any right or authority provided to it under state
1424 law.

1425 (5) The state regulations relating to the manufacture, sale, and distribution of
1426 malt beverages and distilled spirits, as revised from time to time,
1427 promulgated by the state revenue department, are hereby incorporated into
1428 and made a part of this chapter as if fully set out in this section.

1429 *Sec. 9-2-144. - Provisions applicable to breweries and distilleries only. **Operations of Breweries***
1430 ***and Distilleries.***

1431 (a) ~~Breweries and distilleries shall be authorized to provide guided tours of their~~
1432 ~~facilities, during which a "free tasting" of their products may be conducted. Said~~
1433 ~~tours and tastings shall be permitted in accordance with the Official Code of Georgia,~~
1434 ~~as amended from time to time. Breweries and distilleries may conduct tours,~~
1435 **tastings, educational events, promotional events, and other activities authorized**
1436 **by state law at the licensed premises.**

1437 (b) ~~No "free tasting" of products shall be permitted between the hours of 12:00 a.m. and~~
1438 ~~8:00 a.m. any day of the week. In addition, no pouring or tasting shall be permitted~~
1439 ~~on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times~~
1440 ~~prohibited by state law. Promotional or educational tours shall also only be permitted~~
1441 ~~within these allowed timeframes. Tours, tastings, and other activities authorized~~
1442 **by this section shall be conducted only during the hours permitted by state law**
1443 **and this chapter.**

- 1444 (c) ~~All products provided at the "free tasting" shall be served by a state-licensed~~
1445 ~~representative of the facility and shall be products produced on-site by said facility.~~
1446 **Alcoholic beverages provided during tours or tastings shall be served in**
1447 **accordance with applicable state law and shall consist only of products**
1448 **authorized for service by the licensee.**
- 1449 (d) The facility may elect to provide non-alcoholic food or beverages at no charge to
1450 customers or tour-attendees, either directly or indirectly.
- 1451 (e) ~~As permitted by state law and subject to the restrictions therein, breweries and~~
1452 ~~distilleries shall be authorized to operate an eating establishment and may offer for~~
1453 ~~sale for consumption on the premises any other alcoholic beverages produced by~~
1454 ~~other manufacturers which are authorized for retail sale under this chapter, provided~~
1455 ~~that such alcoholic beverages are purchased from a licensed wholesaler. As~~
1456 **permitted by state law and subject to the restrictions therein, breweries and**
1457 **distilleries may operate an eating establishment and may sell, serve, or offer for**
1458 **consumption on the licensed premises alcoholic beverages authorized by state law**
1459 **and this chapter, including alcoholic beverages produced by other manufacturers**
1460 **and purchased through duly licensed wholesalers.**
- 1461 (f) No person who is a participant in an educational or promotional tour may bring
1462 alcoholic beverages obtained off the premises of the facility under any
1463 circumstances.
- 1464 (g) ~~Souvenirs may be provided or sold, including souvenir containers that may be used~~
1465 ~~in "free tastings" sponsored by the facility, in compliance with state law, as amended~~
1466 ~~from time to time. Souvenirs may be provided or sold by the facility, including~~
1467 **souvenir containers, glasses, mugs, or similar items utilized in connection with**
1468 **tours, tastings, educational events, or promotional events, in compliance with**
1469 **state law, as amended from time to time.**
- 1470 (h) Except as set forth in this section, a breweries and distilleries shall be subject to all
1471 sections of this article.
- 1472 (i) Operation of a brewery or distillery shall prohibit such licensee from obtaining any
1473 other category of alcohol beverage license available under this chapter for the same
1474 premises.

1475 *Sec. 9-2-145. - Provisions applicable to brewpubs only.*

- 1476 (a) A brewery licensee operating a brewpub shall be authorized to operate an eating
1477 establishment that shall be the sole retail outlet for such malt beverages and may
1478 offer for sale for consumption on the premises any other alcoholic beverages
1479 produced by other manufacturers which are authorized for retail sale under this
1480 chapter, provided that such alcoholic beverages are purchased from a licensed
1481 wholesaler.

- 1482 (b) Should a licensee operating a brewpub offer for sale other alcoholic beverages
1483 produced by other manufacturers on the premises of the brewpub, the licensee shall
1484 also be required to obtain an on-premises consumption license.
- 1485 (c) A licensee who is operating a brewpub shall be entitled by virtue of said license to
1486 sell alcoholic beverages by the package for consumption off the premises.
- 1487 (d) A licensee operating a brewpub shall pay all state and local license fees and excise
1488 taxes applicable to individuals licensed under this chapter as manufacturers, retailers
1489 and, where applicable, wholesale dealers.
- 1490 (e) Except as set forth in this section, a licensee operating a brewpub shall be subject to
1491 all sections of this article.
- 1492 (f) ~~Brewpubs may not pour or serve malt beverages between the hours of 12:00 a.m.~~
1493 ~~and 8:00 a.m. any day of the week. In addition, no sale or pouring of malt beverages~~
1494 ~~or wine shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on~~
1495 ~~any other days or times prohibited by state law. Where in conflict with the operating~~
1496 ~~hours permitted for other establishments offering on premises consumption, the~~
1497 ~~operating hours of this subsection shall control for brewpubs. **Brewpubs shall**~~
1498 ~~comply with the hours of operation established elsewhere in this chapter.~~

1499 [...]

1500 ~~Secs. 9-2-147—9-2-160.—Reserved.~~

1501 ***Sec. 9-2-147. – Craft Beer and Wine Markets.***

- 1502 (a) A craft beer and wine market may obtain a license authorizing the retail sale of
1503 malt beverages and wine for consumption on or off the licensed premises, as
1504 permitted by state law.
- 1505 (b) A craft beer and wine market may conduct tastings, educational events,
1506 promotional events, and similar activities involving malt beverages and wine,
1507 subject to the provisions of this chapter and applicable state law.
- 1508 (c) A craft beer and wine market may sell beer and wine in growlers or other
1509 refillable containers to the extent authorized by state law. All growlers shall be
1510 filled, sealed, labeled, stored, transported, and sold in accordance with applicable
1511 state law and regulations.
- 1512 (d) A craft beer and wine market may sell packaged malt beverages and wine for
1513 off-premises consumption in accordance with this chapter and applicable state
1514 law.

1515 (e) Craft beer and wine markets shall comply with all applicable provisions of this
1516 chapter governing the sale, service, possession, and consumption of alcoholic
1517 beverages.

1518 *Sec. 9-2-148. – Farm Winery Tasting Rooms.*

1519 (a) A farm winery tasting room may obtain a license authorizing the sampling, sale,
1520 and service of wine in accordance with applicable state law.

1521 (b) A farm winery tasting room may conduct tastings, educational events,
1522 promotional events, tours, and similar activities involving wine produced by a
1523 farm winery.

1524 (c) A farm winery tasting room may sell wine by the glass, bottle, growler, or other
1525 lawful container to the extent authorized by state law.

1526 (d) A farm winery tasting room may offer for sale food and nonalcoholic beverages
1527 in accordance with applicable law.

1528 (e) Farm winery tasting rooms shall comply with all applicable provisions of this
1529 chapter governing the sale, service, possession, and consumption of alcoholic
1530 beverages.

1531 *Sec. 9-2-149. – Microdistilleries.*

1532 (a) A microdistillery may obtain a license authorizing the manufacture, sampling,
1533 sale, and service of distilled spirits in accordance with applicable state law.

1534 (b) A microdistillery may conduct tours, tastings, educational events, promotional
1535 events, and similar activities involving distilled spirits produced by the facility.

1536 (c) A microdistillery may sell distilled spirits and related products to the extent
1537 authorized by state law.

1538 (d) Souvenirs, branded merchandise, and commemorative items may be sold or
1539 distributed in compliance with applicable state law.

1540 (e) Microdistilleries shall comply with all applicable provisions of this chapter
1541 governing the manufacture, sale, service, possession, and consumption of
1542 alcoholic beverages.

1543 *Sec. 9-2-150. – Combination Licenses.*

1544 Unless expressly prohibited by this chapter or by state law, a licensee operating under
1545 this article may obtain additional alcoholic beverage licenses authorized by this chapter for
1546 the same premises. The City may impose reasonable conditions on any such combination of

licenses to ensure compliance with this chapter and to protect the public health, safety, and welfare.

ARTICLE H. - PENALTIES FOR VIOLATION OF THIS CHAPTER

Sec. 9-2-161. - Penalties.

~~Any person found guilty of violating any of the provisions of this chapter, unless specify elsewhere in this chapter, shall be punished as provided for in section 1-1-8 of the Code of Ordinances, or may be deemed guilty of a misdemeanor offense and, if convicted, shall be fined in an amount of not more than one thousand dollars (\$1,000.00) for each violation, or be incarcerated for not more than twelve (12) months or both such fine and incarceration. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person, and shall be punished accordingly.~~ **Any person found guilty of violating any provision of this chapter, unless otherwise specified elsewhere in this chapter, shall be punished as provided in section 1-1-8 of the Code of Ordinances, or may be deemed guilty of a misdemeanor offense and, upon conviction, shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) for each violation, imprisoned for a period not exceeding twelve (12) months, or both. Each day during which any violation of this chapter is committed, continued, or permitted shall constitute a separate offense and shall be punishable accordingly.**

ARTICLE I. - FOREST PARK ENTERTAINMENT DISTRICT

[...]

Sec. 9-2-174. - Signage.

~~Any licensed establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11 inch by eight and one half inch sign posted at the door for public view whereas a patron exiting the establishment can read the following:~~

~~"All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage served in a clear plastic cup not to exceed sixteen (16) ounces in size and obtained by an establishment licensed to sell alcoholic beverages in the entertainment district boundary outlined on the map below. Any individual that leaves the permitted area with an alcoholic beverage in an open container is in violation of city code and may be subject to a citation and/or fine."~~

Any licensed establishment that permits patrons to leave the premises with an alcoholic beverage pursuant to this article shall conspicuously post a sign at each public exit informing patrons of the rules governing the Forest Park Entertainment District.

1582 **Such sign shall be at least eleven (11) inches by eight and one-half (8.5) inches in size**
1583 **and shall contain substantially the following language:**

1584 **"Alcoholic beverages may be possessed and consumed only within the Forest Park**
1585 **Entertainment District. Alcoholic beverages must remain in an approved container not**
1586 **exceeding sixteen (16) ounces. Removal of an alcoholic beverage beyond the boundaries of**
1587 **the Entertainment District is prohibited and may result in citation or other penalties."**

1588 [...]



City of Forest Park City Council Agenda Item Summary August 3, 2026

Agenda Item #
VII5

CITY OF
FORESTPARK

Requested By

SaVaughn Irons-Kumassah, Interim Director

Sponsor(s)**Department**

Planning and Community Development

Requested Action

Action Item

Requirement for Board Action**Summary & Background**

The Applicant is requesting to rezone approximately 1.17+/- acres located at 0 Conrad Avenue from Planned Industrial (PI) to General Commercial (GC) to allow for the development of a proposed four-story mixed-use commercial building consisting of hospitality, retail, restaurant, and office uses. The subject property is currently vacant and undeveloped and is proposed to be developed with approximately 43,500 square feet of commercial space, including associated parking, internal circulation, and stormwater management facilities.

The Applicant purchased the property in 2021 when it was zoned for commercial use. During the City's subsequent zoning ordinance and official zoning map update, the property was rezoned to the Planned Industrial (PI) District, creating the need for the current rezoning request to accommodate the proposed development. The property is bordered by General Commercial (GC) zoning to the west, Planned Industrial (PI) zoning to the east and south, and property located outside the municipal limits to the north. Because the property directly adjoins commercially zoned property, the proposed rezoning would not create an isolated commercial zoning district and would facilitate the redevelopment of a vacant property while promoting additional commercial investment within the City.

After reviewing the request and the applicable zoning and development standards, staff recommended approval of the rezoning subject to conditions intended to address transportation, site design, parking, circulation, buffering, and compliance with the City's development standards. The Planning Commission conducted a public hearing on July 16, 2026, and recommended approval of the rezoning request, subject to the following conditions:

1. Traffic Impact Study
2. Site Plan Review
3. Parking Compliance
4. Loading, Circulation, and Access
5. Landscaping, Buffering, and Screening
6. Urban Design Review Board (UDRB) Approval
7. General Compliance

Fiscal Impact

N/A

Exhibits Attached

RZ-2026-02 - 0 Conrad Ave - City Council Agenda Item, LEGAL AD FINAL 07-16-2026, RZ-2026-02 FINAL STAFF REPORT, RZ-2026-02- 0 Conrad Ave Decision Letter , 2026-7-29 - FP Rezone Ord (0 Conrad)

Staff Recommendation

Approval with Conditions



CITY OF
FOREST PARK

City Council Agenda Item

Subject: Council Discussion and Decision on Case # RZ-2026-02- Rezoning Request for 0 Conrad Ave from Planned Industrial (PI) District to General Commercial (GC) District.

Submitted By: SaVaughn Irons-Kumassah, Interim Director/Principal Planner, Planning & Community Development Department

Date Submitted: July 23, 2026

Work Session Date: August 03, 2026

Council Meeting Date: August 03, 2026

Background/History:

The Applicant is requesting to rezone approximately 1.17+/- acres located at 0 Conrad Avenue from Planned Industrial (PI) to General Commercial (GC) to allow for the development of a proposed four-story mixed-use commercial building consisting of hospitality, retail, restaurant, and office uses. The subject property is currently vacant and undeveloped and is proposed to be developed with approximately 43,500 square feet of commercial space, including associated parking, internal circulation, and stormwater management facilities.

The Applicant purchased the property in 2021 when it was zoned for commercial use. During the City's subsequent zoning ordinance and official zoning map update, the property was rezoned to the Planned Industrial (PI) District, creating the need for the current rezoning request to accommodate the proposed development. The property is bordered by General Commercial (GC) zoning to the west, Planned Industrial (PI) zoning to the east and south, and property located outside the municipal limits to the north. Because the property directly adjoins commercially zoned property, the proposed rezoning would not create an isolated commercial zoning district and would facilitate the redevelopment of a vacant property while promoting additional commercial investment within the City.

After reviewing the request and the applicable zoning and development standards, staff recommended approval of the rezoning subject to conditions intended to address transportation, site design, parking, circulation, buffering, and compliance with the City's development standards. The Planning Commission conducted a public hearing on July 16, 2026, and recommended approval of the rezoning request, subject to the following conditions:

1. Traffic Impact Study
2. Site Plan Review
3. Parking Compliance
4. Loading, Circulation, and Access

-
5. Landscaping, Buffering, and Screening
 6. Urban Design Review Board (UDRB) Approval
 7. General Compliance
-

Cost: N/A

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

Financial Impact: N/A

Action Requested from Council: Mayor and Council consideration and action on Case #RZ-2026-02 rezoning request from Planned Industrial (PI) District to General Commercial (GC) District, consistent with the Planning Commission's recommendation for approval with conditions.

June 23, 2026

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

Please run the following Public Hearings Section of July 1, July 8, and July 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 Rezoning, Text Amendment, Conditional Use Permit, and Variance request listed below. The Public Hearings will be held on Thursday, July 16, 2026, 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 Rezoning, Text Amendment and Conditional Use Permit request at Forest Park City Hall Council Chambers, 745 Forest Parkway, on Monday, August 3, 2026, at 6:00 p.m.

Case# RZ-2026-02 – Rezone Request for **0 Conrad Avenue, Parcel #13045A B001**. The applicant, Barry Dunlop, is requesting the rezoning of an approximately 1.17+/- acre lot to allow for the development of a four-story multi-use building consisting of hospitality, retail, restaurant, and office uses, located within the Planned Industrial District (PI) to General Commercial District (GC) ward 1.

Case# VAR-2026-04 – Variance Request for **357 Cynthia Lane, Parcel #13083C B014**. The applicant Jorge Cortez c/o Daniel Arrendondo is requesting a variance from Section 8-8-29, Single-Family Residential (RS) District Standards, to permit encroachment into the required 10-foot side setback for the construction of a deck. This request is within the Single-Family Residential District (RS) ward 4.

Case# CUP-2026-03 – Conditional Use Permit Request for **957 Astor Avenue, Parcel #13048C C001**. The applicant, Atiya Harris, is requesting a Conditional Use Permit to authorize the operation of a daycare facility within the Single-Family Residential District (RS) Ward 2.

Case# TA-2026-02 – Text Amendment for Title 8. – Planning and Development, Chapter 7. Subdivisions, Article G. – Planning and Community Development Department Fee Schedule, section 8-7-81. – Fee Schedule, of the City of Forest Park Code of Ordinances to amend such section, to establish an application fee for the newly adopted Public Art Application process. The proposed amendment is intended to provide a fee structure to support the administrative review and processing of Public Art Applications submitted to the city.

SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner
Forest Park Planning & Community Development Department
404-366-4720

STAFF REPORT

Planning Commission Meeting: July 16, 2026

City Council Meeting: August 3, 2026

Case: RZ-2026-02

Current Zoning: PI- Planned Industrial

Proposed Request: Rezone property from Planned Industrial (PI) to General Commercial District (GC) to allow for the development of a four-story multi-use building consisting of hospitality, retail, restaurant, and office uses, located within Ward 1.

Staff Report Compiled By: SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner

Staff Recommendation: Approval of Rezoning Request with Conditions

APPLICANT INFORMATION

Owner of Record: Legwork Plumbing Solutions

Address: 0 Conrad Ave

City/State: Forest Park, GA 30297

Applicant: Barry Dunlop

Address: 903 Bombay Lane

City/State: Roswell, GA 30076

PROPERTY INFORMATION

Parcel Number: 13045A B001

Address: 0 Conrad Ave

Acreage: 1.17 +/-

FLU: Industrial

SUMMARY & BACKGROUND

The subject property consists of approximately 1.17+/- acres located at **0 Conrad Avenue** and is currently zoned Planned Industrial District (PI). The Applicant is requesting to rezone the property to General Commercial District (GC) to allow for the development of a proposed four-story mixed-use commercial building consisting of hospitality, retail, restaurant, and office uses. The property is located in Ward 1.

The subject property is currently vacant and undeveloped. According to the Applicant's Letter of Intent, the property was previously cleared and mass graded prior to the current ownership. Public water and sanitary sewer are available to serve the site, and access is proposed from Conrad Avenue. The conceptual site plan depicts a four-story building containing approximately 43,500 square feet with associated surface parking, internal circulation, and stormwater management facilities.

The Applicant purchased the property in 2021, prior to the City's comprehensive zoning update. At the time of purchase, the property was zoned for commercial use. As part of the City's subsequent zoning ordinance update and map adoption, the property was rezoned to the Planned Industrial (PI) District, creating the need for the current rezoning request to accommodate the proposed commercial development.

The subject property is bordered by General Commercial (GC) zoning to the west, Planned Industrial (PI) zoning to the east and south, and property located outside the municipal limits to the north. Because the property directly adjoins commercially zoned property to the west, approval of the request would not create an isolated commercial zoning district.

The Future Land Use Map designates the property as Industrial, while the current zoning designation is Planned Industrial (PI). The proposed General Commercial (GC) zoning district would permit a variety of regional commercial uses, including hotels, restaurants, retail establishments, and professional offices, consistent with the Applicant's proposed mixed-use commercial development.

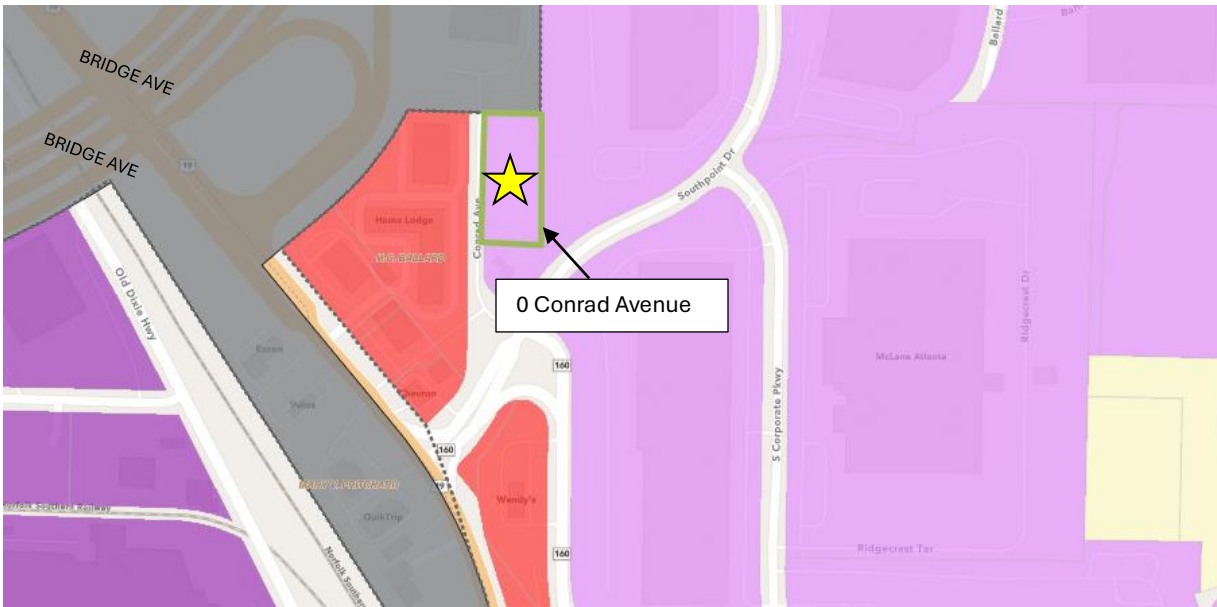
ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES

North	Outside of the City Limits	East	PI (Planned Industrial District)
South	PI (Planned Industrial District)	West	GC (General Commercial District)

AERIAL MAP

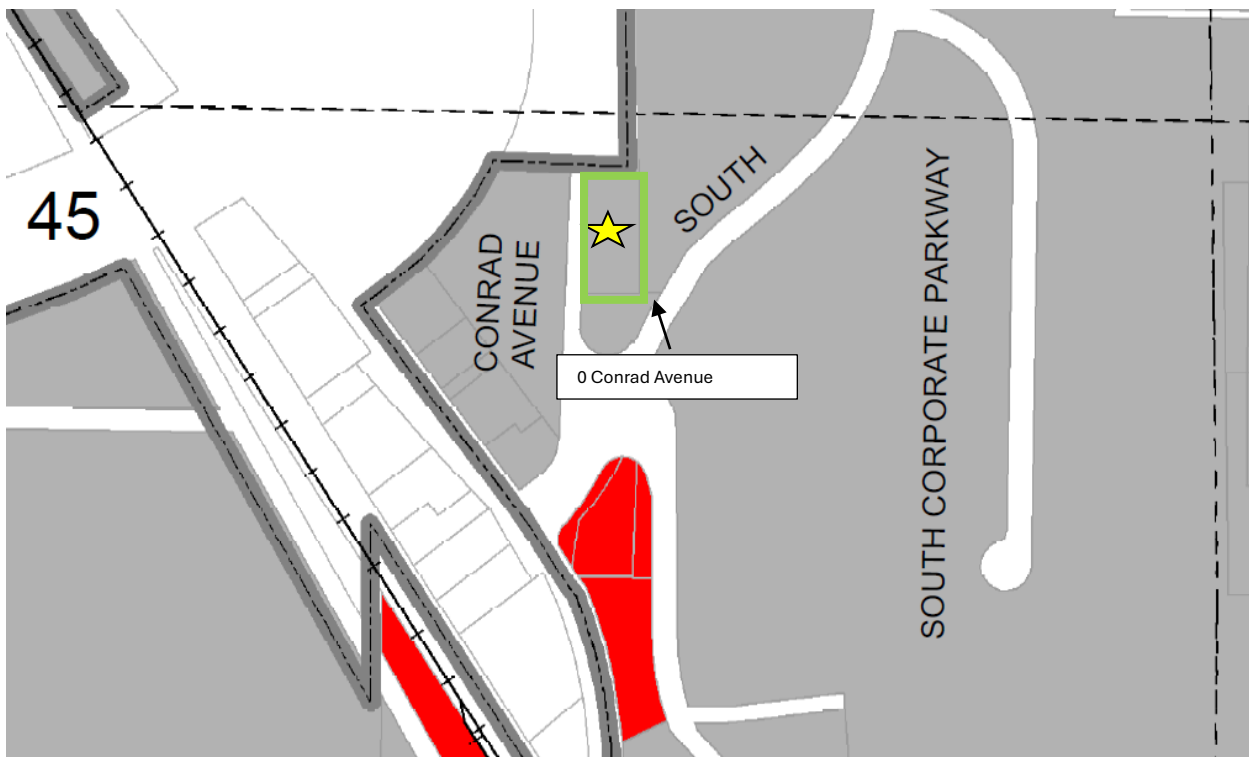


ZONING MAP



Current Zoning: PI (Planned Industrial District)

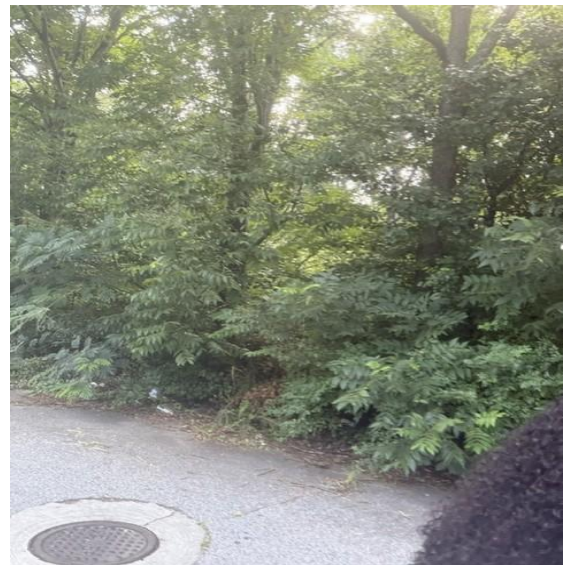
FUTURE LAND USE MAP



Future Land Use: Industrial

SITE PHOTOS





SURROUNDING PROPERTIES



**Zoned GC (General Commercial District)
(West of Parcel)**



**Outside of the City Limits
(North of Parcel)**

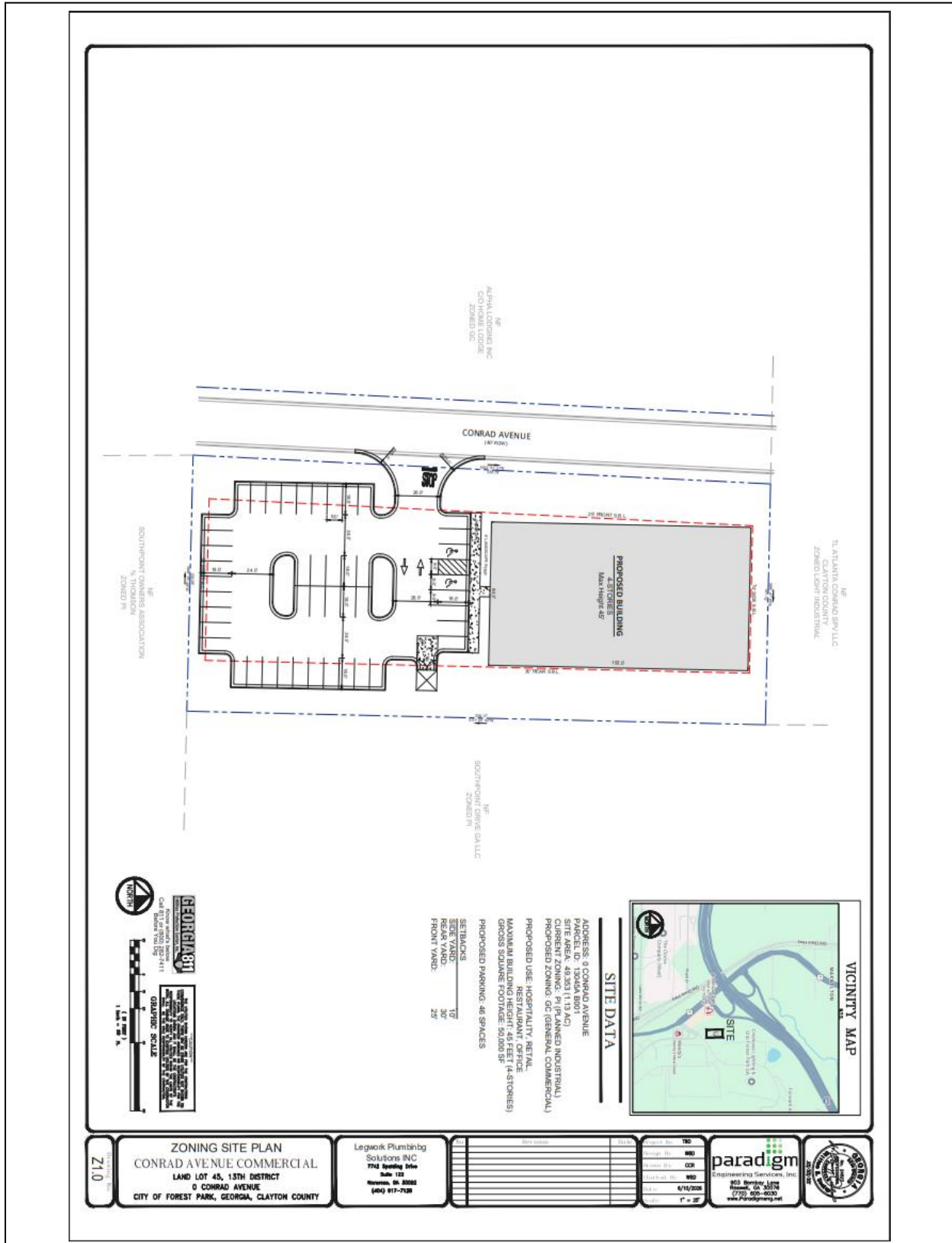


**Zoned PI (Planned Industrial District
(South of Parcel)**



**Zoned PI (Planned Industrial District
(East of Parcel)**

SITE PLAN



Impact Summary

Would the proposed amendment be consistent and compatible with the city's land use and development plans, goals, and objectives?

☒ Yes ☐ No

The proposed amendment is generally consistent with the City's goal of encouraging economic development and commercial investment by facilitating redevelopment of a currently vacant property. The requested General Commercial (GC) zoning district would permit a variety of commercial uses that may contribute to employment opportunities, increased tax revenue, and reinvestment within the community. Additionally, the property was commercially zoned when acquired by the Applicant in 2021, prior to the City's comprehensive zoning update.

However, staff notes that the property's Future Land Use designation is Industrial, and the site is surrounded primarily by industrially zoned properties. While the request would not create an isolated commercial zoning district due to the adjacent General Commercial zoning to the west, additional evaluation is warranted to determine the long-term compatibility of the proposed commercial development with surrounding industrial operations.

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?

☒ Increase ☐ Decrease ☐ No Impact

The proposed amendment has the potential to increase traffic volumes along Conrad Avenue and surrounding roadways due to the proposed hospitality, retail, restaurant, and office uses. Unlike the property's current vacant condition, the proposed development would generate customer, employee, service, and delivery traffic throughout the day. Given the site's proximity to industrial businesses and truck traffic, staff recommends that a Traffic Impact Study be completed to evaluate roadway capacity, access management, circulation, and any necessary transportation improvements prior to final development approval.

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?

☐ Increase ☐ Decrease ☒ No Relationship

The proposed amendment itself is not expected to adversely affect public safety. Any future development will be subject to review by the City's Building, Fire, Engineering, and other applicable departments to ensure compliance with all building, fire, life safety, and emergency access requirements.

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?

☒ Promote ☐ Diminish ☐ No Influence

The proposed amendment has the potential to promote the public health and general welfare by encouraging redevelopment of a vacant property and expanding commercial services and employment opportunities within the City. However, staff recognizes the importance of ensuring that future commercial activity is compatible with the surrounding industrial environment and that appropriate infrastructure improvements are provided to support the proposed intensity of development.

Would the proposed amendment tend to increase, to decrease, or to have no influence on the adequacy of light and air?

☒ Promote ☐ Diminish ☐ No Influence

The proposed amendment is not expected to significantly diminish the adequacy of light and air. Development of the property will be subject to the City's zoning, landscaping, buffering, and site design standards to minimize impacts on adjacent properties.

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?

☐ Cause ☒ Prevent ☐ No Influence

The amendment would not cause overcrowding of land. The property has long functioned as a quadraplex, and the rezoning does not permit an increase in units beyond the existing configuration. The lot size and development pattern remain unchanged.

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 as dense in population as to adversely affect the health, safety, and general welfare of the city?

☐ Cause ☐ Prevent ☒ No Influence

The proposed amendment is commercial in nature and is not expected to affect residential population distribution within the City.

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?

☐ Impede ☒ Facilitate ☐ No Impact

Public water and sanitary sewer are available to serve the property. However, due to the scale and intensity of the proposed mixed-use commercial development, additional review will be required during the site development process to verify the adequacy of transportation infrastructure, utility capacity, stormwater management, and other public facilities.

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?

☒ Yes ☐ No

The proposed amendment can be compatible with surrounding development if appropriate site planning, buffering, landscaping, and access management measures are incorporated. Staff notes that the surrounding area consists primarily of industrial development, and consideration should be given to potential operational conflicts related to truck traffic, noise, and industrial activities. These factors should be evaluated during the development review process to ensure compatibility between the proposed commercial uses and adjacent industrial operations.

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?

☒ Promote ☐ Diminish ☐ No Influence

Redevelopment of the currently vacant property has the potential to improve the visual appearance of the corridor through new construction, landscaping, buffering, and compliance with the City's architectural and site development standards. The proposed development would replace an undeveloped site with an active commercial investment that may contribute positively to the area's overall appearance.

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?

☐ Yes ☒ No

No measurable adverse economic impact is anticipated. If developed in accordance with City standards, the project has the potential to increase the City's tax base, encourage private investment, and enhance commercial activity within the area. Any potential operational concerns associated with surrounding industrial uses should be addressed during the development review process.

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

☐ Yes ☒ No

No. The proposed General Commercial zoning district would directly adjoin existing General Commercial zoning located immediately west of the subject property. As such, approval of the request would not create an isolated zoning district and would represent an extension of an existing commercial zoning pattern.

Staff Review

Public Works, Police, and Fire departments

At the time of this report, formal departmental comments have not been received. Should the rezoning be approved, the proposed development will be subject to review by Public Works, Fire, Police, Engineering, and other applicable departments during the site development and permitting process to ensure compliance with all applicable local, state, and federal regulations.

Planning & Community Development Department

Planning & Community Development (PCD) staff has conducted a comprehensive review of the rezoning request to amend the zoning designation of the subject property from **Planned Industrial (PI)** to **General Commercial (GC)** to accommodate a proposed four-story mixed-use commercial development consisting of hospitality, retail, restaurant, and office uses.

Staff recognizes that the request presents an opportunity to encourage redevelopment of a vacant property and expand commercial investment within the City. The Applicant also purchased the property in 2021 when it was zoned for commercial use, prior to the City's comprehensive zoning update that redesignated the property as Planned Industrial.

Staff further notes that the requested rezoning would not create an isolated commercial district, as the property directly adjoins General Commercial zoning to the west. However, the subject property remains surrounded primarily by industrial zoning and industrial land uses, and the Future Land Use Map designates the property as Industrial.

Due to the scale and intensity of the proposed development and its location within an active industrial area, staff has identified several planning considerations that should be carefully evaluated prior to final action. These include the compatibility of the proposed commercial uses with surrounding industrial operations, the potential impacts associated with truck traffic and circulation, site access, and the long-term functionality of the development within the surrounding industrial corridor.

Given the scale and intensity of the proposed mixed-use commercial development, staff has identified several planning considerations that should be addressed during the development review process. These include the compatibility of the proposed commercial uses with the surrounding industrial corridor, the adequacy of roadway capacity and site access, and compliance with the City's parking and circulation standards. Staff recommends that a Traffic Impact Study be completed to evaluate anticipated traffic volumes, truck movements, roadway capacity, and access management. In addition, the applicant should provide a detailed parking analysis demonstrating compliance with Section 8-8-90 of the Zoning Ordinance based on the final mix of proposed uses.

STAFF RECOMMENDATION

Staff recommends **approval of the rezoning request from Planned Industrial (PI) to General Commercial (GC), subject to the following conditions**, as the request would facilitate redevelopment of a vacant property, would not create an isolated commercial zoning district, and has the potential to promote commercial investment and economic development within the City. However, due to the scale and intensity of the proposed mixed-use development and its location within an established industrial corridor, staff recommends the following conditions to ensure compatibility with surrounding uses and compliance with the City's development standards.

Conditions of Approval:

1. Traffic Impact Study

Prior to the approval of any Land Development Permit or Site Development Plans, the Applicant shall submit a Traffic Impact Study prepared by a licensed professional engineer. The study shall evaluate projected traffic volumes, roadway capacity, site access, truck movements, internal circulation, and any recommended transportation improvements. The Traffic Impact Study shall be reviewed and approved by the City Engineer and Planning & Community Development Department.

2. Site Plan Review

The conceptual site plan presented with the rezoning application is for illustrative purposes only. Final site development plans shall be submitted for review and approval by the Planning & Community Development Department and all applicable reviewing agencies and shall comply with all provisions of the City of Forest Park Code of Ordinances.

3. Parking Compliance

Prior to issuance of a Land Development Permit, the Applicant shall submit a detailed parking analysis demonstrating compliance with Section 8-8-90 of the City of Forest Park Zoning Ordinance based on the final allocation of hotel, restaurant, retail, and office uses. Any shared parking calculations or reductions shall be subject to City review and approval.

4. Loading, Circulation, and Access

The development shall provide adequate loading facilities, internal circulation, driveway design, and emergency vehicle access in accordance with the City's Zoning Ordinance, Engineering Standards, and Fire Code. Final access locations shall be subject to review and approval by the City Engineer and applicable reviewing agencies.

5. Landscaping, Buffering, and Screening

The development shall comply with all applicable landscaping, screening, and buffering requirements of the City of Forest Park Code of Ordinances. Any required buffers adjacent to incompatible land uses shall be installed and maintained in accordance with City standards.

6. Urban Design Review Board Approval

Prior to the issuance of any Land Development Permit or building permits, the Applicant shall obtain approval from the Urban Design Review Board (UDRB) for the proposed architectural design, building elevations, site layout, landscaping, lighting, signage, and other applicable site improvements in accordance with the City of Forest Park Code of Ordinances. Any substantial modification to the approved design shall require additional review and approval by the UDRB.

7. General Compliance

Development and use of the property shall comply with all applicable provisions of the City of Forest Park Code of Ordinances and adopted development standards

Next Steps

Final approval of the rezoning request rests with the Mayor and City Council. The Applicant or the Applicant's representative shall be present at the Mayor and Council Meeting scheduled for **Monday, August 3, 2026**, to present the request and respond to any questions regarding the proposed development. Following any approval by Mayor and Council, the Applicant shall proceed with all required development reviews, including Urban Design Review Board (UDRB) approval, site plan review, permitting, and compliance with all applicable conditions of approval prior to commencement of construction.



"Guiding Growth. Preserving Community."

FOREST PARK PLANNING & COMMUNITY DEVELOPMENT

785 Forest Parkway, Forest Park, GA 30297

Ph:404.366.4720

www.forestparkga.gov

July 17, 2026

Barry Dunlop
903 Bombay Lane
Roswell, GA 30076

RE: RZ-2026-02- 0 Conrad Ave, Forest Park, GA 30297 (Parcel #3045A B001)

Dear Barry Dunlop,

On July 16, 2026, the City of Forest Park Planning Commission voted to **APPROVE, WITH CONDITIONS**, the request to Rezone property from Planned Industrial (PI) to General Commercial District (GC) to allow for the development of a four-story multi-use building consisting of hospitality, retail, restaurant, and office uses, located within Ward 2. The subject property is located at **0 Conrad Ave, Forest Park, GA 30297 (Parcel #3045A B001)**

The approval is subject to all conditions imposed by the Planning Commission and any applicable requirements of the City of Forest Park Code of Ordinances. All development activities shall be conducted in accordance with the approved site plan and any conditions of approval.

The conditions are as follows:

1. Traffic Impact Study

Prior to the approval of any Land Development Permit or Site Development Plans, the Applicant shall submit a Traffic Impact Study prepared by a licensed professional engineer. The study shall evaluate projected traffic volumes, roadway capacity, site access, truck movements, internal circulation, and any recommended transportation improvements. The Traffic Impact Study shall be reviewed and approved by the City Engineer and Planning & Community Development Department.

2. Site Plan Review

The conceptual site plan presented with the rezoning application is for illustrative purposes only. Final site development plans shall be submitted for review and approval by the Planning & Community Development Department and all applicable reviewing agencies and shall comply with all provisions of the City of Forest Park Code of Ordinances.

WWW.FORESTPARKGA.GOV

3. Parking Compliance

Prior to issuance of a Land Development Permit, the Applicant shall submit a detailed parking analysis demonstrating compliance with Section 8-8-90 of the City of Forest Park Zoning Ordinance based on the final allocation of hotel, restaurant, retail, and office uses. Any shared parking calculations or reductions shall be subject to City review and approval.

4. Loading, Circulation, and Access

The development shall provide adequate loading facilities, internal circulation, driveway design, and emergency vehicle access in accordance with the City's Zoning Ordinance, Engineering Standards, and Fire Code. Final access locations shall be subject to review and approval by the City Engineer and applicable reviewing agencies.

5. Landscaping, Buffering, and Screening

The development shall comply with all applicable landscaping, screening, and buffering requirements of the City of Forest Park Code of Ordinances. Any required buffers adjacent to incompatible land uses shall be installed and maintained in accordance with City standards.

6. Urban Design Review Board Approval

Prior to the issuance of any Land Development Permit or building permits, the Applicant shall obtain approval from the Urban Design Review Board (UDRB) for the proposed architectural design, building elevations, site layout, landscaping, lighting, signage, and other applicable site improvements in accordance with the City of Forest Park Code of Ordinances. Any substantial modification to the approved design shall require additional review and approval by the UDRB.

7. General Compliance

Development and use of the property shall comply with all applicable provisions of the City of Forest Park Code of Ordinances and adopted development standards
Best Regards,



"Guiding Growth. Preserving Community."

FOREST PARK PLANNING & COMMUNITY DEVELOPMENT

785 Forest Parkway, Forest Park, GA 30297

Ph:404.366.4720

www.forestparkga.gov

Final approval of the rezoning request rests with the Mayor and City Council. The Applicant or the Applicant's representative shall be present at the **Mayor and Council Meeting scheduled for Monday, August 3, 2026**, to present the request and respond to any questions regarding the proposed development.

Following any approval by Mayor and Council, the Applicant shall proceed with all required developments reviews, including Urban Design Review Board (UDRB) approval, site plan review, permitting, and compliance with all applicable conditions of approval prior to commencement of construction. If you have any additional questions or concerns, please don't hesitate to contact the department. Thank you!

Ryan Saddler

Ryan Saddler, Planner I
Forest Park Planning and Community Development

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**STATE OF GEORGIA
CITY OF FOREST PARK**

ORDINANCE NO. 2026-____

AN ORDINANCE BY MAYOR GWENDOLYN ELLISON AND COUNCILMEMBERS KIMBERLY JAMES, DELORES A. GUNN, HECTOR GUTIERREZ, LATRESA AKINS-WELLS, AND ALLAN MEARS OF THE CITY OF FOREST PARK, GEORGIA, TO APPROVE AN APPLICATION TO REZONE CERTAIN REAL PROPERTY LOCATED AT 0 CONRAD AVENUE (PARCEL ID 13045A B001) FROM THE PLANNED INDUSTRIAL ZONING DISTRICT TO THE GENERAL COMMERCIAL ZONING DISTRICT; TO AMEND THE OFFICIAL ZONING MAP; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

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

WHEREAS, the governing body is authorized by its Charter to regulate zoning within the limits of the City; and

WHEREAS, the total subject property is located at 0 Conrad Avenue, Forest Park, Georgia 30297 (Parcel ID 13045A B001), (hereinafter referred to as the “Property”), is approximately 1.17 acres, and is positioned within the Planned Industrial zoning district (“PI Zoning District”); and

WHEREAS, the Property is currently vacant and undeveloped; and

WHEREAS, Legwork Plumbing Solutions, Inc. ("Applicant") has requested to rezone the Property from the PI Zoning District to the General Commercial zoning district (“GC Zoning

District”) to allow for the development of a proposed four-story mixed-use commercial building consisting of hospitality, retail, restaurant, and office uses; and

WHEREAS, the City Council finds that the subject property was previously zoned for commercial use prior to the City's comprehensive zoning update and that the requested rezoning is intended to restore commercial development opportunities for the property while allowing for appropriate review of the proposed development; and

WHEREAS, the City Council further finds that, although the Property is designated Industrial on the Future Land Use Map, the requested rezoning will facilitate the redevelopment of a vacant property while extending an existing GC Zoning District immediately adjacent to the Property and is therefore appropriate subject to the conditions imposed herein; and

WHEREAS, the City Planner and Planning Commission recommend approval of the rezoning application, subject to certain conditions included in the City's Staff Report more particularly described in **Exhibit A** attached hereto and incorporated herein; and

WHEREAS, the City Council has considered the Staff Report, the recommendations of the Planning Commission, the evidence presented during the public hearing, and the zoning criteria established by law, and finds that approval of the rezoning, subject to the conditions contained herein, is in the best interests of the City and promotes the public health, safety, morals, and general welfare.

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, morals, and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK, GEORGIA, and by the authority thereof:

Section 1. That the Applicant's request to rezone 0 Conrad Avenue, Forest Park, Georgia 30297 (Parcel ID 13045A B001) from the PI Zoning District to the GC Zoning District is hereby approved, subject to all conditions set forth in the City's Staff Report.

Section 2. That the Zoning Ordinance of the City be amended, and the Official Zoning Map of the City established in connection therewith be amended to reflect the rezoning of Parcel ID 13045A B001 from the PI Zoning District to the GC Zoning District. The City Clerk is hereby directed to update and maintain the official copy of said Zoning Map.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) The approval granted herein is subject to all applicable local, state, and federal regulations.

(b) It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality shall, to the greatest extent allowed

by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified therein.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

Section 7. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Forest Park, Georgia. It is the intention of the governing body, and it is hereby ordained that the provision of this ordinance shall become and be made part of the Code of Ordinances, City of Forest Park, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

SO ORDAINED this ____ day of _____, 2026.

CITY OF FOREST PARK, GEORGIA

Dr. Gwendolyn Ellison, *Mayor*

ATTEST:

City Clerk

APPROVED BY:

City Attorney

EXHIBIT A STAFF REPORT



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STAFF REPORT Planning Commission Meeting: July 16, 2026 City Council Meeting: August 3, 2026

Case: RZ-2026-02

Current Zoning: PI- Planned Industrial

Proposed Request: Rezone property from Planned Industrial (PI) to General Commercial District (GC) to allow for the development of a four-story multi-use building consisting of hospitality, retail, restaurant, and office uses, located within Ward 1.

Staff Report Compiled By: SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner

Staff Recommendation: Approval of Rezoning Request with Conditions

APPLICANT INFORMATION

Owner of Record: Legwork Plumbing Solutions	Applicant: Barry Dunlop
Address: 0 Conrad Ave	Address: 903 Bombay Lane
City/State: Forest Park, GA 30297	City/State: Roswell, GA 30076

PROPERTY INFORMATION

Parcel Number: 13045A B001	Acreage: 1.17 +/-
Address: 0 Conrad Ave	FLU: Industrial

SUMMARY & BACKGROUND

The subject property consists of approximately 1.17 +/- acres located at **0 Conrad Avenue** and is currently zoned Planned Industrial District (PI). The Applicant is requesting to rezone the property to General Commercial District (GC) to allow for the development of a proposed four-story mixed-use commercial building consisting of hospitality, retail, restaurant, and office uses. The property is located in Ward 1.

The subject property is currently vacant and undeveloped. According to the Applicant's Letter of Intent, the property was previously cleared and mass graded prior to the current ownership. Public water and sanitary sewer are available to serve the site, and access is proposed from Conrad Avenue. The conceptual site plan depicts a four-story building containing approximately 43,500 square feet with associated surface parking, internal circulation, and stormwater management facilities.

The Applicant purchased the property in 2021, prior to the City's comprehensive zoning update. At the time of purchase, the property was zoned for commercial use. As part of the City's subsequent zoning ordinance update and map adoption, the property was rezoned to the Planned Industrial (PI) District, creating the need for the current rezoning request to accommodate the proposed commercial development.

The subject property is bordered by General Commercial (GC) zoning to the west, Planned Industrial (PI) zoning to the east and south, and property located outside the municipal limits to the north. Because the property directly adjoins commercially zoned property to the west, approval of the request would not create an isolated commercial zoning district.



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The Future Land Use Map designates the property as Industrial, while the current zoning designation is Planned Industrial (PI). The proposed General Commercial (GC) zoning district would permit a variety of regional commercial uses, including hotels, restaurants, retail establishments, and professional offices, consistent with the Applicant's proposed mixed-use commercial development.

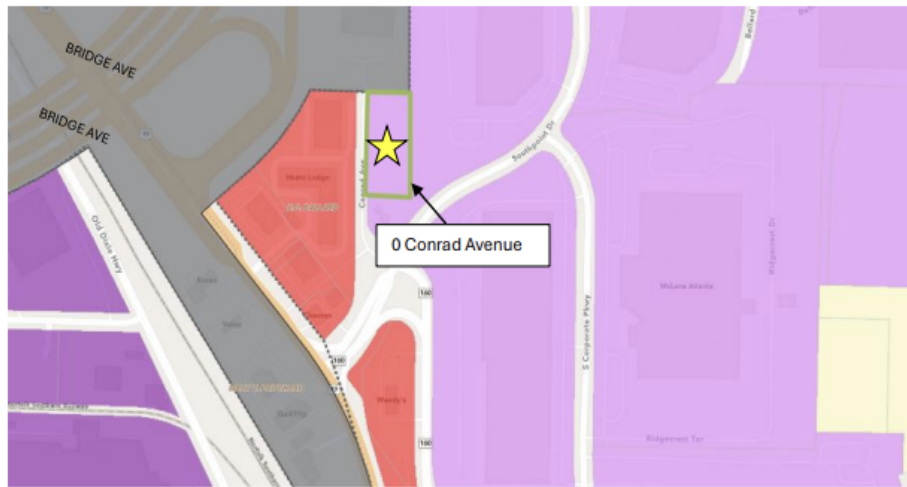
ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES

North	Outside of the City Limits	East	PI (Planned Industrial District)
South	PI (Planned Industrial District)	West	GC (General Commercial District)

AERIAL MAP

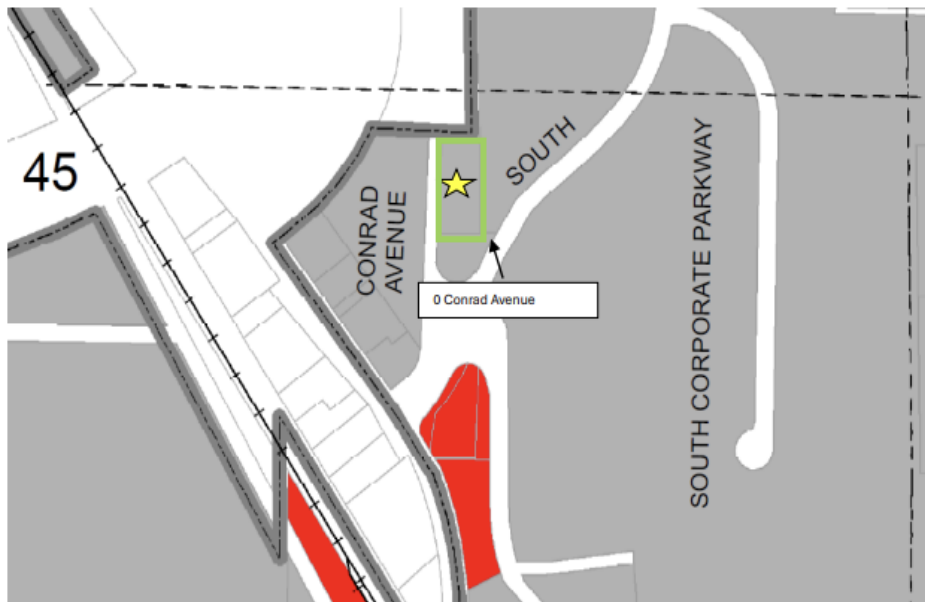


ZONING MAP



Current Zoning: PI (Planned Industrial District)

FUTURE LAND USE MAP



Future Land Use: Industrial



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SITE PHOTOS





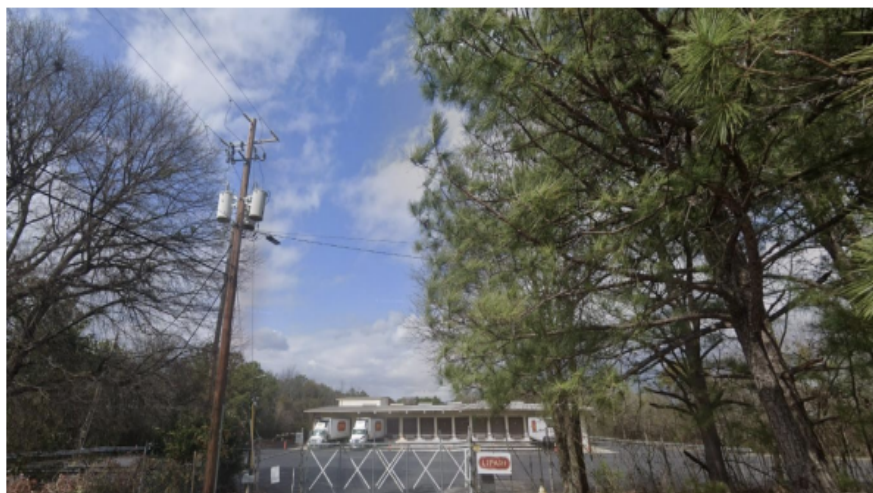
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SURROUNDING PROPERTIES



**Zoned GC (General Commercial District)
(West of Parcel)**



**Outside of the City Limits
(North of Parcel)**



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**Zoned PI (Planned Industrial District
(South of Parcel)**



**Zoned PI (Planned Industrial District
(East of Parcel)**



PROPOSED BUILDING
100.0' x 100.0'

CONRAD AVENUE
100.0'

13TH AVENUE
100.0'

PROPOSED PARKING SPACES

STREETS	SPACES
CONRAD AVENUE	10
13TH AVENUE	10
TOTAL	20

SITE DATA

PROPERTY	VALUE
ACRES	2.34
PERMITS	100.0' x 100.0'
CONCRETE	100.0' x 100.0'
PROPOSED ZONING	COMMERCIAL
PROPOSED USE	COMMERCIAL
PROPOSED BUILDING	100.0' x 100.0'
PROPOSED PARKING	20 SPACES
STREETS	CONRAD AVENUE, 13TH AVENUE
MEAN WIDE	100.0'
FRONT YARD	10.0'

VICINITY MAP

LEGEND

Symbol	Description
[Symbol]	Proposed Building
[Symbol]	Proposed Parking Spaces
[Symbol]	Proposed Driveway
[Symbol]	Proposed Sidewalk
[Symbol]	Proposed Street

ZONING SITE PLAN
CONRAD AVENUE COMMERCIAL
LAND LOT 45, 13TH DISTRICT
CONRAD AVENUE
CITY OF FOREST PARK, GEORGIA, CLAYTON COUNTY

Legwork Planning
 Solutions LLC
 1000 Peachtree Street
 Suite 100
 Atlanta, GA 30309
 (404) 517-7100

paradigm
 Engineering Services, Inc.
 1000 Peachtree Street
 Suite 100
 Atlanta, GA 30309
 (404) 517-7100

21.0

21.0

21.0



Impact Summary

Would the proposed amendment be consistent and compatible with the city's land use and development plans, goals, and objectives?

☒ Yes ☐ No

The proposed amendment is generally consistent with the City's goal of encouraging economic development and commercial investment by facilitating redevelopment of a currently vacant property. The requested General Commercial (GC) zoning district would permit a variety of commercial uses that may contribute to employment opportunities, increased tax revenue, and reinvestment within the community. Additionally, the property was commercially zoned when acquired by the Applicant in 2021, prior to the City's comprehensive zoning update.

However, staff notes that the property's Future Land Use designation is Industrial, and the site is surrounded primarily by industrially zoned properties. While the request would not create an isolated commercial zoning district due to the adjacent General Commercial zoning to the west, additional evaluation is warranted to determine the long-term compatibility of the proposed commercial development with surrounding industrial operations.

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?

☒ Increase ☐ Decrease ☐ No Impact

The proposed amendment has the potential to increase traffic volumes along Conrad Avenue and surrounding roadways due to the proposed hospitality, retail, restaurant, and office uses. Unlike the property's current vacant condition, the proposed development would generate customer, employee, service, and delivery traffic throughout the day. Given the site's proximity to industrial businesses and truck traffic, staff recommends that a Traffic Impact Study be completed to evaluate roadway capacity, access management, circulation, and any necessary transportation improvements prior to final development approval.

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?

☐ Increase ☐ Decrease ☒ No Relationship

The proposed amendment itself is not expected to adversely affect public safety. Any future development will be subject to review by the City's Building, Fire, Engineering, and other applicable departments to ensure compliance with all building, fire, life safety, and emergency access requirements.

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?

☒ Promote ☐ Diminish ☐ No Influence

The proposed amendment has the potential to promote the public health and general welfare by encouraging redevelopment of a vacant property and expanding commercial services and employment opportunities within the City. However, staff recognizes the importance of ensuring that future commercial activity is compatible with the surrounding industrial environment and that appropriate infrastructure improvements are provided to support the proposed intensity of development.



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Would the proposed amendment tend to increase, to decrease, or to have no influence on the adequacy of light and air?

☒ Promote ☐ Diminish ☐ No Influence

The proposed amendment is not expected to significantly diminish the adequacy of light and air. Development of the property will be subject to the City's zoning, landscaping, buffering, and site design standards to minimize impacts on adjacent properties.

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?

☐ Cause ☒ Prevent ☐ No Influence

The amendment would not cause overcrowding of land. The property has long functioned as a quadruplex, and the rezoning does not permit an increase in units beyond the existing configuration. The lot size and development pattern remain unchanged.

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 as dense in population as to adversely affect the health, safety, and general welfare of the city?

☐ Cause ☐ Prevent ☒ No Influence

The proposed amendment is commercial in nature and is not expected to affect residential population distribution within the City.

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?

☐ Impede ☒ Facilitate ☐ No Impact

Public water and sanitary sewer are available to serve the property. However, due to the scale and intensity of the proposed mixed-use commercial development, additional review will be required during the site development process to verify the adequacy of transportation infrastructure, utility capacity, stormwater management, and other public facilities.

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?

☒ Yes ☐ No

The proposed amendment can be compatible with surrounding development if appropriate site planning, buffering, landscaping, and access management measures are incorporated. Staff notes that the surrounding area consists primarily of industrial development, and consideration should be given to potential operational conflicts related to truck traffic, noise, and industrial activities. These factors should be evaluated during the development review process to ensure compatibility between the proposed commercial uses and adjacent industrial operations.

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?

☒ Promote ☐ Diminish ☐ No Influence

Redevelopment of the currently vacant property has the potential to improve the visual appearance of the corridor through new construction, landscaping, buffering, and compliance with the City's architectural and site development standards. The proposed development would replace an undeveloped site with an active commercial investment that may contribute positively to the area's overall appearance.



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Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?

☐ Yes ☒ No

No measurable adverse economic impact is anticipated. If developed in accordance with City standards, the project has the potential to increase the City's tax base, encourage private investment, and enhance commercial activity within the area. Any potential operational concerns associated with surrounding industrial uses should be addressed during the development review process.

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

☐ Yes ☒ No

No. The proposed General Commercial zoning district would directly adjoin existing General Commercial zoning located immediately west of the subject property. As such, approval of the request would not create an isolated zoning district and would represent an extension of an existing commercial zoning pattern.

Staff Review

Public Works, Police, and Fire departments

At the time of this report, formal departmental comments have not been received. Should the rezoning be approved, the proposed development will be subject to review by Public Works, Fire, Police, Engineering, and other applicable departments during the site development and permitting process to ensure compliance with all applicable local, state, and federal regulations.

Planning & Community Development Department

Planning & Community Development (PCD) staff has conducted a comprehensive review of the rezoning request to amend the zoning designation of the subject property from **Planned Industrial (PI)** to **General Commercial (GC)** to accommodate a proposed four-story mixed-use commercial development consisting of hospitality, retail, restaurant, and office uses.

Staff recognizes that the request presents an opportunity to encourage redevelopment of a vacant property and expand commercial investment within the City. The Applicant also purchased the property in 2021 when it was zoned for commercial use, prior to the City's comprehensive zoning update that redesignated the property as Planned Industrial.

Staff further notes that the requested rezoning would not create an isolated commercial district, as the property directly adjoins General Commercial zoning to the west. However, the subject property remains surrounded primarily by industrial zoning and industrial land uses, and the Future Land Use Map designates the property as Industrial.

Due to the scale and intensity of the proposed development and its location within an active industrial area, staff has identified several planning considerations that should be carefully evaluated prior to final action. These include the compatibility of the proposed commercial uses with surrounding industrial operations, the potential impacts associated with truck traffic and circulation, site access, and the long-term functionality of the development within the surrounding industrial corridor.



Given the scale and intensity of the proposed mixed-use commercial development, staff has identified several planning considerations that should be addressed during the development review process. These include the compatibility of the proposed commercial uses with the surrounding industrial corridor, the adequacy of roadway capacity and site access, and compliance with the City's parking and circulation standards. Staff recommends that a Traffic Impact Study be completed to evaluate anticipated traffic volumes, truck movements, roadway capacity, and access management. In addition, the applicant should provide a detailed parking analysis demonstrating compliance with Section 8-8-90 of the Zoning Ordinance based on the final mix of proposed uses.

STAFF RECOMMENDATION

Staff recommends **approval of the rezoning request from Planned Industrial (PI) to General Commercial (GC), subject to the following conditions**, as the request would facilitate redevelopment of a vacant property, would not create an isolated commercial zoning district, and has the potential to promote commercial investment and economic development within the City. However, due to the scale and intensity of the proposed mixed-use development and its location within an established industrial corridor, staff recommends the following conditions to ensure compatibility with surrounding uses and compliance with the City's development standards.

Conditions of Approval:

1. Traffic Impact Study

Prior to the approval of any Land Development Permit or Site Development Plans, the Applicant shall submit a Traffic Impact Study prepared by a licensed professional engineer. The study shall evaluate projected traffic volumes, roadway capacity, site access, truck movements, internal circulation, and any recommended transportation improvements. The Traffic Impact Study shall be reviewed and approved by the City Engineer and Planning & Community Development Department.

2. Site Plan Review

The conceptual site plan presented with the rezoning application is for illustrative purposes only. Final site development plans shall be submitted for review and approval by the Planning & Community Development Department and all applicable reviewing agencies and shall comply with all provisions of the City of Forest Park Code of Ordinances.

3. Parking Compliance

Prior to issuance of a Land Development Permit, the Applicant shall submit a detailed parking analysis demonstrating compliance with Section 8-8-90 of the City of Forest Park Zoning Ordinance based on the final allocation of hotel, restaurant, retail, and office uses. Any shared parking calculations or reductions shall be subject to City review and approval.

4. Loading, Circulation, and Access

The development shall provide adequate loading facilities, internal circulation, driveway design, and emergency vehicle access in accordance with the City's Zoning Ordinance, Engineering Standards, and Fire Code. Final access locations shall be subject to review and approval by the City Engineer and applicable reviewing agencies.



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5. Landscaping, Buffering, and Screening

The development shall comply with all applicable landscaping, screening, and buffering requirements of the City of Forest Park Code of Ordinances. Any required buffers adjacent to incompatible land uses shall be installed and maintained in accordance with City standards.

6. Urban Design Review Board Approval

Prior to the issuance of any Land Development Permit or building permits, the Applicant shall obtain approval from the Urban Design Review Board (UDRB) for the proposed architectural design, building elevations, site layout, landscaping, lighting, signage, and other applicable site improvements in accordance with the City of Forest Park Code of Ordinances. Any substantial modification to the approved design shall require additional review and approval by the UDRB.

7. General Compliance

Development and use of the property shall comply with all applicable provisions of the City of Forest Park Code of Ordinances and adopted development standards

Next Steps

Final approval of the rezoning request rests with the Mayor and City Council. The Applicant or the Applicant's representative shall be present at the Mayor and Council Meeting scheduled for **Monday, August 3, 2026**, to present the request and respond to any questions regarding the proposed development. Following any approval by Mayor and Council, the Applicant shall proceed with all required development reviews, including Urban Design Review Board (UDRB) approval, site plan review, permitting, and compliance with all applicable conditions of approval prior to commencement of construction.



CITY OF
FORESTPARK

City of Forest Park City Council
Agenda Item Summary
August 3, 2026

Agenda Item #
VII6

Requested By SaVaughn Irons-Kumassah, Interim Director	Sponsor(s)
--	-------------------

Department 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 at 957 Astor Avenue, located within the Single-Family Residential (RS) District in Ward 2. The site was previously used as a childcare facility but has been vacant for approximately four years. The property formerly operated as a daycare center under prior ownership, and the request represents the continuation of a long-standing community-serving use rather than the introduction of a new land use.

The applicant is currently under contract to purchase the property and is seeking approval from the Mayor and Council to operate the facility as Little Blossoms Learning Academy. The applicant also plans to improve the site through cosmetic renovations, interior updates, routine maintenance, educational equipment upgrades, and other minor enhancements intended to improve the appearance and functionality of the existing facility. No additions to the building or significant site modifications are proposed.

Pursuant to Section 8-8-28 of the City of Forest Park Zoning Ordinance, pre-kindergarten facilities and daycare centers require a Conditional Use Permit to operate within the Single-Family Residential (RS) District.

On July 16, 2026, the Planning Commission reviewed the request and voted to recommend approval, subject to the following conditions:

1. Development in Accordance with Approved Site Plan
2. Parking and Circulation Compliance
3. No Expansion of Use Without Approval
4. Licensing and Regulatory Compliance
5. Property Maintenance

Fiscal Impact

Exhibits Attached

CUP-2026-03 CUP Agenda Item 957 Astor Ave, LEGAL AD FINAL 07-16-2026, CUP-2026-03 FINAL STAFF REPORT, CUP-2026-03 - 957 Astor Ave Decision Letter , 2026-7-29 - FP CUP ORD (957 Astor)

Staff Recommendation

Approval with Conditions



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Discussion to approve Case # CUP-2026-03- Conditional Use Permit for 957 Astor Ave to establish a childcare center within the Single-Family Residential District (RS) in Ward 2.

Submitted By: SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner, Planning & Community Development Department

Date Submitted: July 23, 2026

Work Session Date: August 03, 2026

Council Meeting Date: August 03, 2026

The applicant is requesting approval of a Conditional Use Permit to establish a childcare center at 957 Astor Avenue, located within the Single-Family Residential (RS) District in Ward 2. The site was previously used as a childcare facility but has been vacant for approximately four years. The property formerly operated as a daycare center under prior ownership, and the request represents the continuation of a long-standing community-serving use rather than the introduction of a new land use.

The applicant is currently under contract to purchase the property and is seeking approval from the Mayor and Council to operate the facility as Little Blossoms Learning Academy. The applicant also plans to improve the site through cosmetic renovations, interior updates, routine maintenance, educational equipment upgrades, and other minor enhancements intended to improve the appearance and functionality of the existing facility. No additions to the building or significant site modifications are proposed.

Pursuant to Section 8-8-28 of the City of Forest Park Zoning Ordinance, pre-kindergarten facilities and daycare centers require a Conditional Use Permit to operate within the Single-Family Residential (RS) District.

On July 16, 2026, the Planning Commission reviewed the request and voted to recommend approval, subject to the following conditions:

1. Development in Accordance with Approved Site Plan
2. Parking and Circulation Compliance
3. No Expansion of Use Without Approval
4. Licensing and Regulatory Compliance
5. Property Maintenance

Cost: N/A

Budgeted for: ☐ **Yes** ☐ **No**

Financial Impact:

Action Requested from Council: To approve case # CUP-2026-03

June 23, 2026

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

Please run the following Public Hearings Section of July 1, July 8, and July 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 Rezoning, Text Amendment, Conditional Use Permit, and Variance request listed below. The Public Hearings will be held on Thursday, July 16, 2026, 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 Rezoning, Text Amendment and Conditional Use Permit request at Forest Park City Hall Council Chambers, 745 Forest Parkway, on Monday, August 3, 2026, at 6:00 p.m.

Case# RZ-2026-02 – Rezone Request for **0 Conrad Avenue, Parcel #13045A B001**. The applicant, Barry Dunlop, is requesting the rezoning of an approximately 1.17+/- acre lot to allow for the development of a four-story multi-use building consisting of hospitality, retail, restaurant, and office uses, located within the Planned Industrial District (PI) to General Commercial District (GC) ward 1.

Case# VAR-2026-04 – Variance Request for **357 Cynthia Lane, Parcel #13083C B014**. The applicant Jorge Cortez c/o Daniel Arrendondo is requesting a variance from Section 8-8-29, Single-Family Residential (RS) District Standards, to permit encroachment into the required 10-foot side setback for the construction of a deck. This request is within the Single-Family Residential District (RS) ward 4.

Case# CUP-2026-03 – Conditional Use Permit Request for **957 Astor Avenue, Parcel #13048C C001**. The applicant, Atiya Harris, is requesting a Conditional Use Permit to authorize the operation of a daycare facility within the Single-Family Residential District (RS) Ward 2.

Case# TA-2026-02 – Text Amendment for Title 8. – Planning and Development, Chapter 7. Subdivisions, Article G. – Planning and Community Development Department Fee Schedule, section 8-7-81. – Fee Schedule, of the City of Forest Park Code of Ordinances to amend such section, to establish an application fee for the newly adopted Public Art Application process. The proposed amendment is intended to provide a fee structure to support the administrative review and processing of Public Art Applications submitted to the city.

SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner
Forest Park Planning & Community Development Department
404-366-4720

Staff Report – Conditional Use Permit

Public Hearing Date: July 16, 2026

City Council Meeting: August 3, 2026

Case: CUP-2026-03

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, Interim Planning Director/Principal Planner

Staff Recommendation: Approval of Conditional Use with Conditions

APPLICANT INFORMATION

Owner of Record:

Name: MCKENZIE FRANK H OR PAMELA Y
OR HUGHES SHERIKA MCKENZIE

Address: 125 Fernway Dr

City/State: Fayetteville, GA 30214

Applicant:

Name: Atiya Harris

Address: 957 Astor Ave

City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13048C C001

Acreage: 0.99

Address: 957 Astor Ave, Forest Park, GA 30297

FLU: Low Density Residential

SUMMARY & BACKGROUND

The property applicant is requesting approval of a Conditional Use Permit (CUP) to allow the continued operation of a licensed childcare and early learning center, Little Blossoms Learning Academy, located at 957 Astor Avenue, Forest Park, Georgia (Parcel No. 13048C C001). The subject property consists of approximately 0.99 +/- acres and contains an existing one-story brick building that has historically operated as a childcare facility. The applicant proposes to continue utilizing the existing building to provide childcare services for children ranging from 6 weeks through school age.

According to the applicant's Letter of Intent, the property has previously operated as a daycare center under prior ownership, and the request represents the continuation of a long-standing community-serving use rather than the introduction of a new land use. The applicant is currently under contract to purchase the property and is seeking Conditional Use Permit approval to continue operating the facility as Little Blossoms Learning Academy. The proposed improvements are limited to cosmetic renovations, interior updates, routine maintenance, educational equipment upgrades, and other minor

enhancements intended to improve the appearance and functionality of the existing facility. No additions to the building or significant site modifications are proposed.

The submitted conceptual site plan demonstrates that the existing site will continue to provide a safe and functional layout for the proposed use. The plan includes a designated one-way parent drop-off and pick-up circulation pattern, seven on-site parking spaces (including one ADA-accessible space), controlled access gates, multiple emergency exits, fenced outdoor playground areas, an outdoor learning garden, and preservation of existing mature trees. These site features are intended to support safe operations while minimizing impacts to the surrounding residential neighborhood.

The subject property is located within the Single-Family Residential (RS) District. The intent of the RS District is to provide for the development of single-family residential neighborhoods while allowing certain community-serving institutional uses that are compatible with residential development. Pursuant to Section 8-8-28 of the City of Forest Park Zoning Ordinance, Pre-K and day care centers are permitted as a Conditional Use within the RS District. Accordingly, approval of a Conditional Use Permit by the Planning Commission and Mayor and Council is required for the continued operation of the childcare center under the proposed ownership. Although the property has historically operated as a daycare facility, the Conditional Use Permit process provides the City with the opportunity to ensure that the continued use remains compatible with the surrounding neighborhood and consistent with the intent of the zoning district.

The applicant has indicated that the facility will comply with all applicable federal, state, and local regulations, including licensing requirements through the Georgia Department of Early Care and Learning (DECAL), as well as all applicable building, fire, health, sanitation, and zoning requirements.

Based on the applicant's Letter of Intent, the submitted conceptual site plan, and the historic operation of the property as a childcare facility, the proposed request is not expected to create additional impacts on surrounding properties, public infrastructure, or traffic patterns beyond those historically associated with the site. Approval of the Conditional Use Permit is associated with the land use of the property and is not specific to a particular property owner or operator.

Property Zoned General Commercial District (GC)

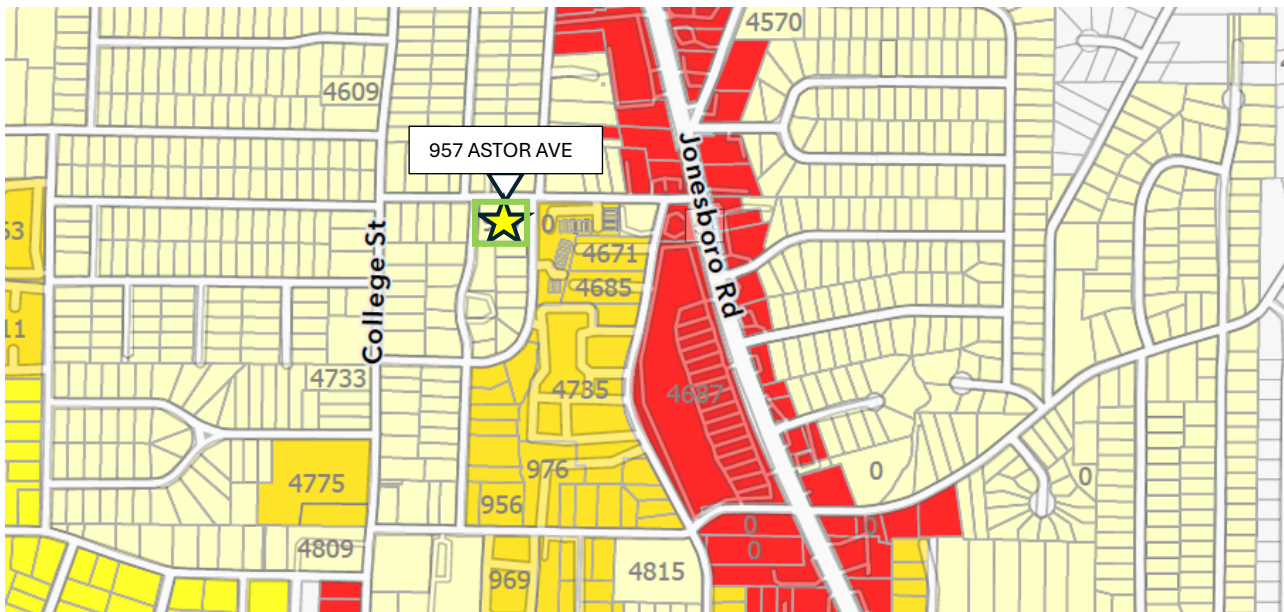
ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

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

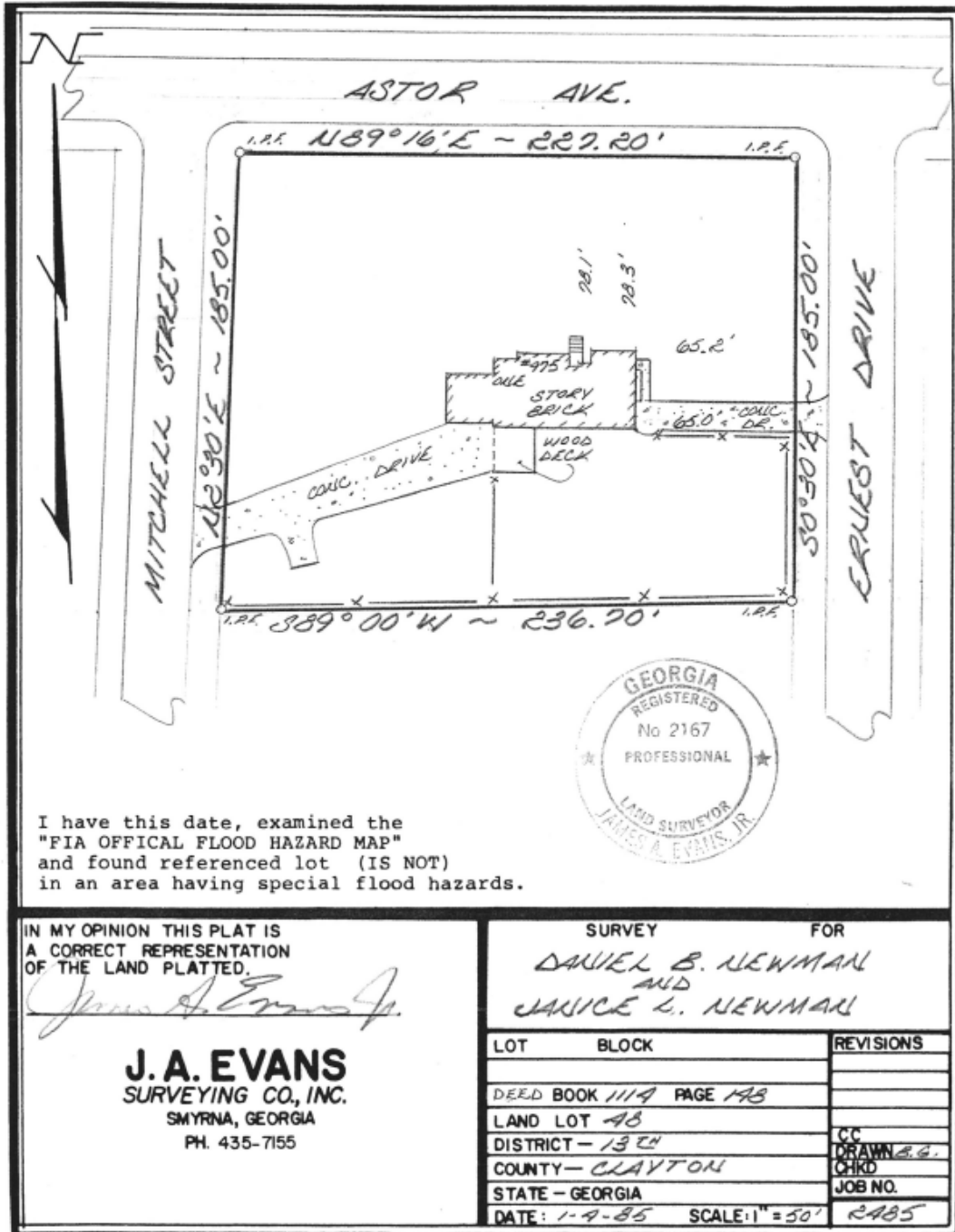


ZONING MAP

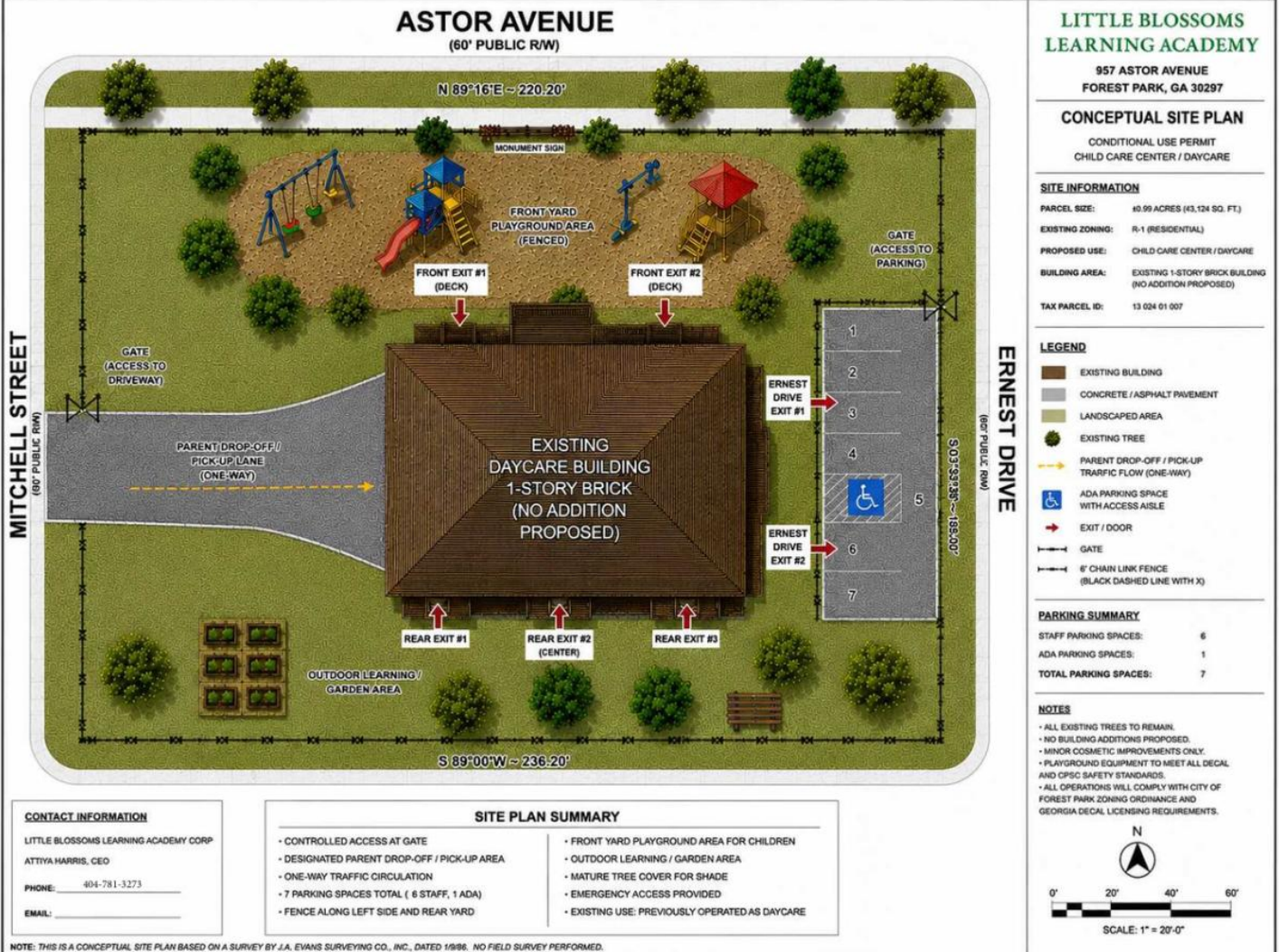


SURVEY

AF 33699



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?** Yes. The proposed Conditional Use Permit is consistent with the City's land use and development goals. The property is located within the Single-Family Residential (RS) District, where Pre-K and day care centers are permitted as a Conditional Use pursuant to Section 8-8-28 of the Zoning Ordinance. The request represents the continuation of a historically established childcare facility rather than the introduction of a new or incompatible land use. The proposal supports the City's objective of providing neighborhood-serving institutional uses while maintaining compatibility with surrounding residential development.
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 traffic safety or congestion. The conceptual site plan provides a designated one-way parent drop-off and pick-up circulation pattern, controlled access, and seven on-site parking spaces, including one ADA-accessible space. Because no expansion or increase in operational intensity is proposed, traffic patterns are expected to remain consistent with the property's historic use.
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 increase fire hazards or other public safety concerns. The applicant has indicated the facility will comply with all applicable building, fire, life safety, health, sanitation, and licensing requirements, including those established by the Georgia Department of Early Care and Learning (DECAL). The conceptual site plan also identifies multiple building exits, emergency access, fenced play areas, and controlled site access that support the safe operation of the facility.
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 Conditional Use Permit is expected to promote the public health and general welfare by providing quality childcare services to Forest Park residents and surrounding communities. Reliable childcare supports working families, early childhood education, workforce participation, and overall community stability while continuing a long-standing community service at this location.
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 have no influence on the adequacy of light and air. No additions or expansions to the existing building are proposed.

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 **have no relationship** to population distribution within the city. The request does not involve residential development or an increase in residential density and therefore is not expected to adversely affect the health, safety, or general welfare of the community.
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 is expected to **have no significant impact** on transportation, water, sewer, utilities, or other public services. The property has historically operated as a childcare facility, and no expansion is proposed. Existing infrastructure is expected to adequately support the continued operation of the site.
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 proposed use is **compatible with surrounding development**. Childcare centers are recognized as an appropriate Conditional Use within the RS District because they provide an important neighborhood-serving institutional use. The conceptual site plan preserves existing mature trees, landscaped open space, and fenced outdoor play areas while limiting improvements primarily to cosmetic renovations. No factors have been identified that would be expected to diminish the value, use, or enjoyment of surrounding properties.
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?** The proposed Conditional Use Permit is expected to **have a** positive or neutral influence on the aesthetics of the property and surrounding area. The applicant proposes cosmetic building improvements, routine maintenance, landscaping preservation, and continued upkeep of the property without altering the existing residential character of the neighborhood.
11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** There is **no indication** that the proposed use would have a measurable adverse economic effect on surrounding or adjacent properties. The continued operation of a childcare center is specifically contemplated by **Section 8-8-28 of the City of Forest Park Zoning Ordinance** as a Conditional Use within the RS District. The request represents the continuation of a long-standing community-serving use and is not expected to negatively affect surrounding property values.

12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** **No.** Approval of the Conditional Use Permit would not create an isolated district unrelated to surrounding development. The request authorizes a land use specifically permitted as a Conditional Use within the RS District and continues an existing institutional use that has historically operated at this location. The proposal remains compatible with the surrounding residential neighborhood and the established development pattern.

STAFF RECOMMENDATION

Staff recommends APPROVAL OF A CONDITIONAL USE PERMIT to allow the continued operation of a childcare and early learning center (Little Blossoms Learning Academy) within the Single-Family Residential (RS) District, subject to the following conditions:

1. Development in Accordance with Approved Site Plan

The childcare center shall be developed and operated substantially in accordance with the conceptual site plan submitted with the Conditional Use Permit application. Any substantial changes to the site layout, circulation pattern, playground areas, parking configuration, or building footprint shall require review and approval by the City.

2. Parking and Circulation Compliance

The property owner and operator shall maintain all required parking, accessible parking, and the designated one-way parent drop-off and pick-up circulation in accordance with the approved site plan and the parking requirements of the City of Forest Park Zoning Ordinance.

3. No Expansion of Use Without Approval

Approval of this Conditional Use Permit is based upon the continued operation of the existing childcare facility within the existing building. Any expansion of the building, increase in site intensity, significant increase in enrollment beyond the capacity approved by the appropriate licensing agencies, or other material modification to the approved use shall require additional review and approval by the City.

4. Licensing and Regulatory Compliance

The property owner and operator shall maintain all required licenses and approvals, including but not limited to those issued by the Georgia Department of Early Care and Learning (DECAL), and shall remain in compliance with all applicable federal, state, and local laws, ordinances, building codes, fire codes, health regulations, and zoning requirements.

5. Property Maintenance

The property owner shall maintain the building, landscaping, playground areas, fencing,

parking lot, and all other site improvements in a safe, clean, and orderly condition in accordance with applicable City codes.

Attachments Included:

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

July 17, 2026

Atiya Harris
957 Astor Ave
Forest Park, GA 30297

RE: CUP-2026-03 - 957 Astor Ave Forest Park, GA 30297 (Parcel # 13048C C001)

Dear Atiya Harris ,

On July 16, 2026, the City of Forest Park Planning Commission voted to **APPROVE, WITH CONDITIONS**, the request for a Conditional Use Permit to establish a childcare center within the Single-Family Residential District (RS) in Ward 2. The subject property is located at **957 Astor Ave Forest Park, GA 30297 (Parcel # 13048C C001)**

The approval is subject to all conditions imposed by the Planning Commission and any applicable requirements of the City of Forest Park Code of Ordinances. All development activities shall be conducted in accordance with the approved site plan and any conditions of approval.

The conditions are as follows:

1. Development in Accordance with Approved Site Plan

The childcare center shall be developed and operated substantially in accordance with the conceptual site plan submitted with the Conditional Use Permit application. Any substantial changes to the site layout, circulation pattern, playground areas, parking configuration, or building footprint shall require review and approval by the City.

2. Parking and Circulation Compliance

The property owner and operator shall maintain all required parking, accessible parking, and the designated one-way parent drop-off and pick-up circulation in accordance with the approved site plan and the parking requirements of the City of Forest Park Zoning Ordinance.

3. No Expansion of Use Without Approval

Approval of this Conditional Use Permit is based upon the continued operation of the existing childcare facility within the existing building. Any expansion of the building, increase in site intensity, significant increase in enrollment beyond the capacity approved by the appropriate licensing agencies, or other material modification to the approved use shall require additional review and approval by the City.

4. Licensing and Regulatory Compliance

The property owner and operator shall maintain all required licenses and approvals, including but not limited to those issued by the Georgia Department of Early Care and Learning (DECAL), and shall remain in compliance with all applicable federal, state, and local laws, ordinances, building codes, fire codes, health regulations, and zoning requirements.

5. Property Maintenance

The property owner shall maintain the building, landscaping, playground areas, fencing, parking lot, and all other site improvements in a safe, clean, and orderly condition in accordance with applicable City codes.

Final approval of the rezoning request rests with the Mayor and City Council. The Applicant or the Applicant's representative shall be present at the **Mayor and Council Meeting scheduled for Monday, August 3, 2026**, to present the request and respond to any questions regarding the proposed development.

If you have any additional questions or concerns, please don't hesitate to contact the department. Thank you!

Ryan Saddler

Ryan Saddler, Planner I
Forest Park Planning and Community Development

**STATE OF GEORGIA
CITY OF FOREST PARK**

ORDINANCE NO. 2026-____

AN ORDINANCE BY MAYOR GWENDOLYN ELLISON AND COUNCILMEMBERS KIMBERLY JAMES, DELORES A. GUNN, HECTOR GUTIERREZ, LATRESA AKINS-WELLS, AND ALLAN MEARS OF THE CITY OF FOREST PARK, GEORGIA, TO APPROVE A CONDITIONAL USE PERMIT FOR CERTAIN REAL PROPERTY LOCATED AT 957 ASTOR AVE, FOREST PARK, GEORGIA 30297 (PARCEL ID 13048C C001); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

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

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

WHEREAS, the governing body is authorized by its authorized by its Charter to regulate zoning within the limits of the City; and

WHEREAS, the total subject property is approximately 0.99 acres located at 957 Astor Ave, Forest Park, Georgia 30297 (Parcel ID 13048C C001) (“Property”) and is currently zoned within the Single-Family Residential District (“RS Zoning District”); and

WHEREAS, Atiya Harris (“Applicant”), who is under contract to purchase the Property, has applied for a Conditional Use Permit (“CUP”) to allow the continued operation of Little Blossoms Learning Academy Corp., a childcare and early learning center, at the Property; and

WHEREAS, pursuant to Section 8-8-28 of the City’s Code of Ordinances (“Code”), Pre-K and daycare centers are permitted within the RS Zoning District only upon approval of a CUP; and

WHEREAS, the RS Zoning District is intended to provide for the development of single-family residential neighborhoods while allowing certain community-serving institutional uses that are compatible with residential development; and

WHEREAS, the proposed use will continue to operate within the existing building without any significant expansion of the site or intensity of the use, thereby preserving the residential character of the surrounding area while providing an important community service; and

WHEREAS, the City Planner and Planning Commission recommend approval of the CUP application *subject to certain conditions* included in the City's Staff Report, more particularly described in **Exhibit A** attached hereto and incorporated herein; and

WHEREAS, the City finds that the CUP application does conform to the requirements of its designated zoning district, and the proposed use shall not negatively impact the surrounding properties and is consistent with the City's future land use; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Act has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, morals and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK, GEORGIA, and by the authority thereof:

Section 1. The application submitted by Atiya Harris for a CUP to allow the continued operation of a childcare and early learning center on the Property is hereby approved, subject to the conditions contained in **Exhibit A**, which are incorporated herein by reference.

Section 2. The CUP approved by this Ordinance is a land use authorization that shall run with the land and shall not be personal to the Applicant, the property owner, or any operator of the approved use. Upon transfer of ownership or operation of the property, the CUP shall remain in full force and effect, provided the approved use continues in compliance with this Ordinance, all

conditions of approval, and the applicable provisions of the City's Code of Ordinances. Nothing herein shall prohibit the City from enforcing the conditions of approval or taking any action authorized by law or the Code of Ordinances, including the modification, suspension, or revocation of the CUP for noncompliance or as otherwise provided by law. The CUP shall remain appurtenant to the Property unless lawfully modified, revoked, or otherwise terminated by the City in accordance with the Code.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein,

Section 4. (a) The approval granted herein is subject to all applicable local, state, and federal regulations, including but not limited to building codes, fire safety codes, and business licensing requirements.

(b) It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

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

Section 5. The effective date of this Ordinance shall be the date of unless otherwise specified therein.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Forest Park, Georgia. It is the intention of the governing body, and it is hereby ordained that the provision of this ordinance shall become and be made part of the Code Ordinances, City of Forest Park, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

SO ORDAINED this ____ day of _____, 2026.

CITY OF FOREST PARK, GEORGIA

Gwendolyn Ellison, *Mayor*

ATTEST:

City Clerk (SEAL)

APPROVED BY:

City Attorney

EXHIBIT A



"Guiding Growth. Preserving Community."
FOREST PARK PLANNING & COMMUNITY DEVELOPMENT
785 Forest Parkway, Forest Park, GA 30297
Ph: 404.366.4720
www.forestparkga.gov

Staff Report – Conditional Use Permit

Public Hearing Date: July 16, 2026

City Council Meeting: August 3, 2026

Case: CUP-2026-03

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, Interim Planning Director/Principal Planner

Staff Recommendation: Approval of Conditional Use with Conditions

APPLICANT INFORMATION

Owner of Record:

Name: MCKENZIE FRANK H OR PAMELA Y
OR HUGHES SHERIKA MCKENZIE

Address: 125 Fernway Dr

City/State: Fayetteville, GA 30214

Applicant:

Name: Atiya Harris

Address: 957 Astor Ave

City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13048C C001

Acreage: 0.99

Address: 957 Astor Ave, Forest Park, GA 30297

FLU: Low Density Residential

SUMMARY & BACKGROUND

The property applicant is requesting approval of a Conditional Use Permit (CUP) to allow the continued operation of a licensed childcare and early learning center, Little Blossoms Learning Academy, located at 957 Astor Avenue, Forest Park, Georgia (Parcel No. 13048C C001). The subject property consists of approximately 0.99 +/- acres and contains an existing one-story brick building that has historically operated as a childcare facility. The applicant proposes to continue utilizing the existing building to provide childcare services for children ranging from 6 weeks through school age.

According to the applicant's Letter of Intent, the property has previously operated as a daycare center under prior ownership, and the request represents the continuation of a long-standing community-serving use rather than the introduction of a new land use. The applicant is currently under contract to purchase the property and is seeking Conditional Use Permit approval to continue operating the facility as Little Blossoms Learning Academy. The proposed improvements are limited to cosmetic renovations, interior updates, routine maintenance, educational equipment upgrades, and other minor

enhancements intended to improve the appearance and functionality of the existing facility. No additions to the building or significant site modifications are proposed.

The submitted conceptual site plan demonstrates that the existing site will continue to provide a safe and functional layout for the proposed use. The plan includes a designated one-way parent drop-off and pick-up circulation pattern, seven on-site parking spaces (including one ADA-accessible space), controlled access gates, multiple emergency exits, fenced outdoor playground areas, an outdoor learning garden, and preservation of existing mature trees. These site features are intended to support safe operations while minimizing impacts to the surrounding residential neighborhood.

The subject property is located within the Single-Family Residential (RS) District. The intent of the RS District is to provide for the development of single-family residential neighborhoods while allowing certain community-serving institutional uses that are compatible with residential development. Pursuant to Section 8-8-28 of the City of Forest Park Zoning Ordinance, Pre-K and day care centers are permitted as a Conditional Use within the RS District. Accordingly, approval of a Conditional Use Permit by the Planning Commission and Mayor and Council is required for the continued operation of the childcare center under the proposed ownership. Although the property has historically operated as a daycare facility, the Conditional Use Permit process provides the City with the opportunity to ensure that the continued use remains compatible with the surrounding neighborhood and consistent with the intent of the zoning district.

The applicant has indicated that the facility will comply with all applicable federal, state, and local regulations, including licensing requirements through the Georgia Department of Early Care and Learning (DECAL), as well as all applicable building, fire, health, sanitation, and zoning requirements.

Based on the applicant's Letter of Intent, the submitted conceptual site plan, and the historic operation of the property as a childcare facility, the proposed request is not expected to create additional impacts on surrounding properties, public infrastructure, or traffic patterns beyond those historically associated with the site. Approval of the Conditional Use Permit is associated with the land use of the property and is not specific to a particular property owner or operator.

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

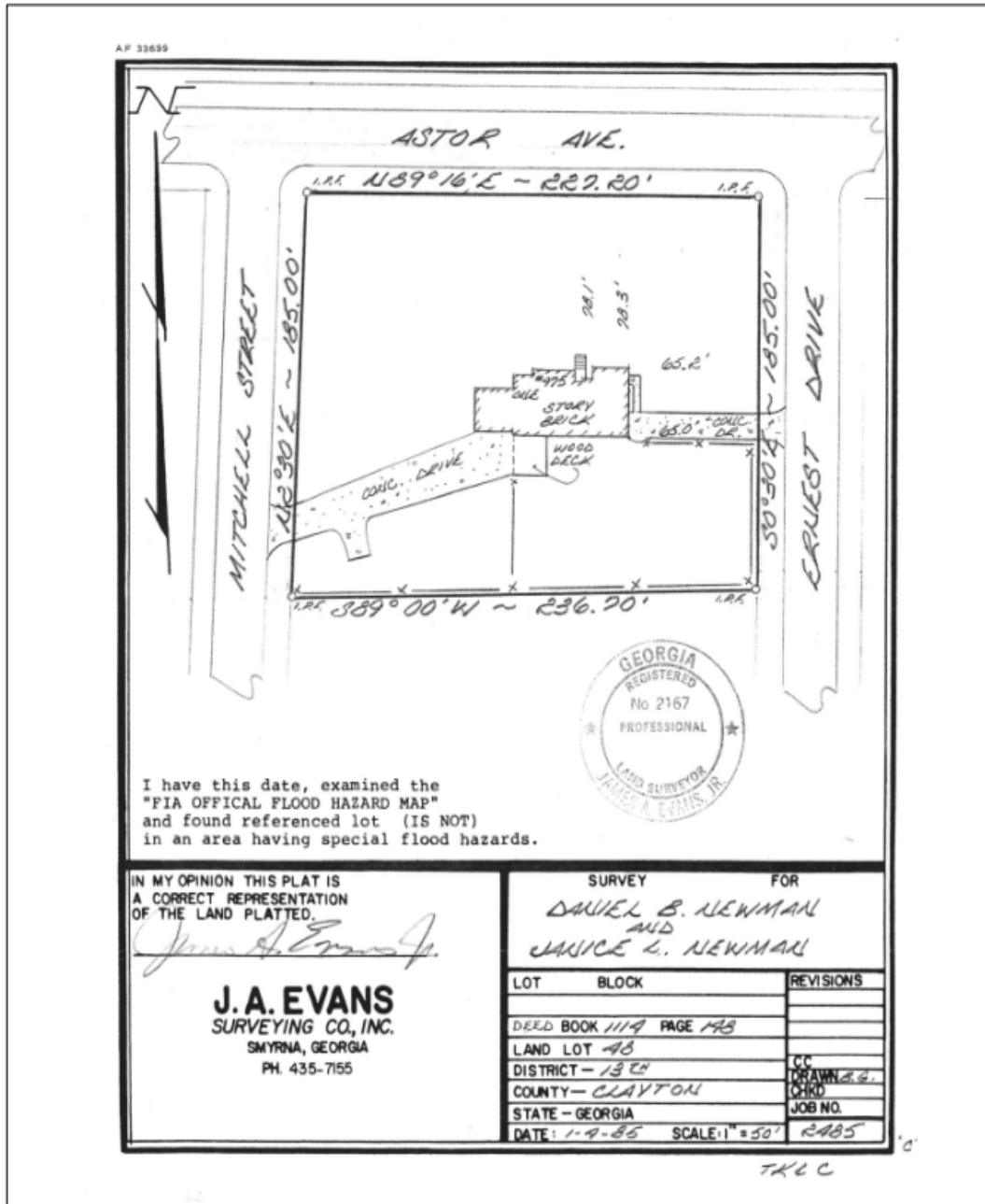
AERIAL MAP



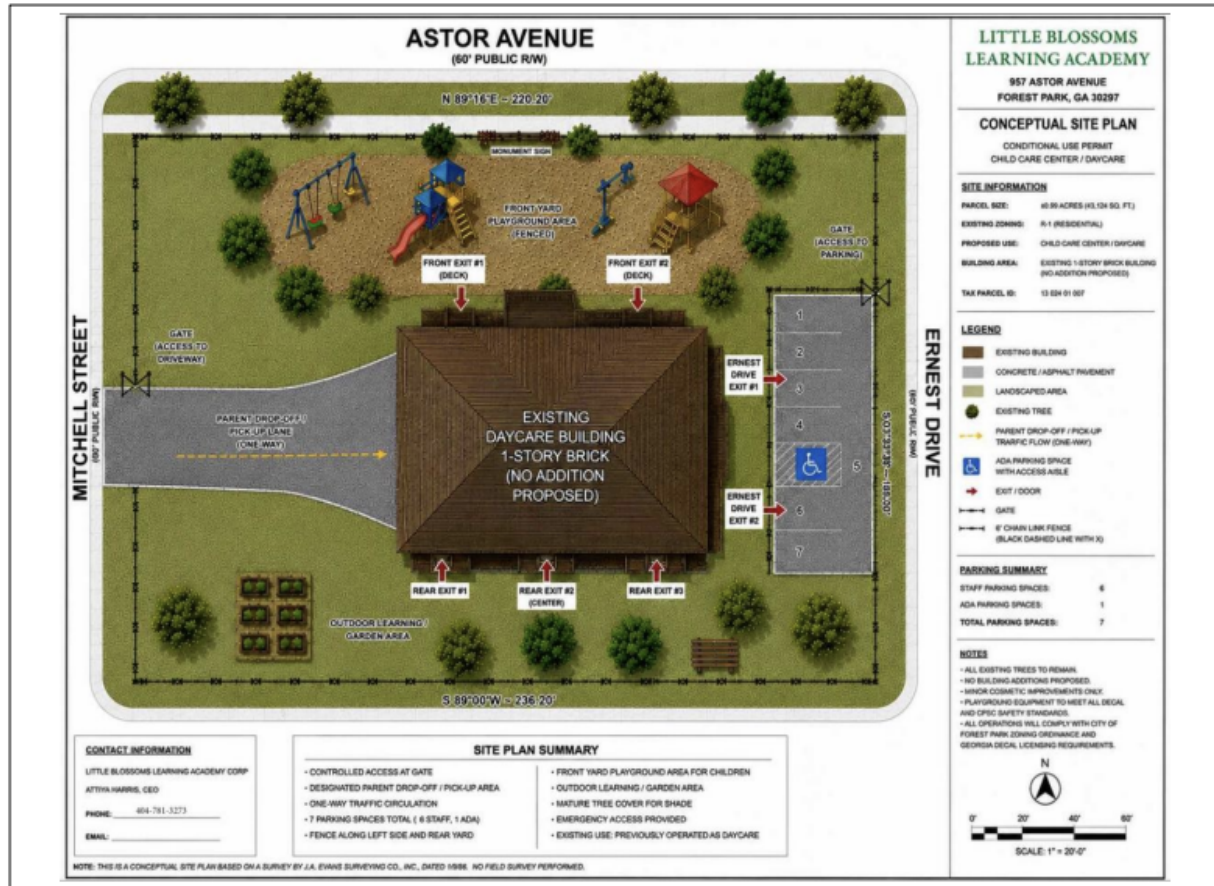
ZONING MAP



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?** Yes. The proposed Conditional Use Permit is consistent with the City's land use and development goals. The property is located within the Single-Family Residential (RS) District, where Pre-K and day care centers are permitted as a Conditional Use pursuant to Section 8-8-28 of the Zoning Ordinance. The request represents the continuation of a historically established childcare facility rather than the introduction of a new or incompatible land use. The proposal supports the City's objective of providing neighborhood-serving institutional uses while maintaining compatibility with surrounding residential development.
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 traffic safety or congestion. The conceptual site plan provides a designated one-way parent drop-off and pick-up circulation pattern, controlled access, and seven on-site parking spaces, including one ADA-accessible space. Because no expansion or increase in operational intensity is proposed, traffic patterns are expected to remain consistent with the property's historic use.
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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 Conditional Use Permit is expected to promote the public health and general welfare by providing quality childcare services to Forest Park residents and surrounding communities. Reliable childcare supports working families, early childhood education, workforce participation, and overall community stability while continuing a long-standing community service at this location.
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 have no influence on the adequacy of light and air. No additions or expansions to the existing building are proposed.

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 **have no relationship** to population distribution within the city. The request does not involve residential development or an increase in residential density and therefore is not expected to adversely affect the health, safety, or general welfare of the community.
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 is expected to **have no significant impact** on transportation, water, sewer, utilities, or other public services. The property has historically operated as a childcare facility, and no expansion is proposed. Existing infrastructure is expected to adequately support the continued operation of the site.
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 proposed use is **compatible with surrounding development**. Childcare centers are recognized as an appropriate Conditional Use within the RS District because they provide an important neighborhood-serving institutional use. The conceptual site plan preserves existing mature trees, landscaped open space, and fenced outdoor play areas while limiting improvements primarily to cosmetic renovations. No factors have been identified that would be expected to diminish the value, use, or enjoyment of surrounding properties.
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?** The proposed Conditional Use Permit is expected to **have a** positive or neutral influence on the aesthetics of the property and surrounding area. The applicant proposes cosmetic building improvements, routine maintenance, landscaping preservation, and continued upkeep of the property without altering the existing residential character of the neighborhood.
11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** There is **no indication** that the proposed use would have a measurable adverse economic effect on surrounding or adjacent properties. The continued operation of a childcare center is specifically contemplated by **Section 8-8-28 of the City of Forest Park Zoning Ordinance** as a Conditional Use within the RS District. The request represents the continuation of a long-standing community-serving use and is not expected to negatively affect surrounding property values.

12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** **No.** Approval of the Conditional Use Permit would not create an isolated district unrelated to surrounding development. The request authorizes a land use specifically permitted as a Conditional Use within the RS District and continues an existing institutional use that has historically operated at this location. The proposal remains compatible with the surrounding residential neighborhood and the established development pattern.

STAFF RECOMMENDATION

Staff recommends **APPROVAL OF A CONDITIONAL USE PERMIT** to allow the continued operation of a childcare and early learning center (Little Blossoms Learning Academy) within the Single-Family Residential (RS) District, subject to the following conditions:

1. **Development in Accordance with Approved Site Plan**

The childcare center shall be developed and operated substantially in accordance with the conceptual site plan submitted with the Conditional Use Permit application. Any substantial changes to the site layout, circulation pattern, playground areas, parking configuration, or building footprint shall require review and approval by the City.

2. **Parking and Circulation Compliance**

The property owner and operator shall maintain all required parking, accessible parking, and the designated one-way parent drop-off and pick-up circulation in accordance with the approved site plan and the parking requirements of the City of Forest Park Zoning Ordinance.

3. **No Expansion of Use Without Approval**

Approval of this Conditional Use Permit is based upon the continued operation of the existing childcare facility within the existing building. Any expansion of the building, increase in site intensity, significant increase in enrollment beyond the capacity approved by the appropriate licensing agencies, or other material modification to the approved use shall require additional review and approval by the City.

4. **Licensing and Regulatory Compliance**

The property owner and operator shall maintain all required licenses and approvals, including but not limited to those issued by the Georgia Department of Early Care and Learning (DECAL), and shall remain in compliance with all applicable federal, state, and local laws, ordinances, building codes, fire codes, health regulations, and zoning requirements.

5. **Property Maintenance**

The property owner shall maintain the building, landscaping, playground areas, fencing,

parking lot, and all other site improvements in a safe, clean, and orderly condition in accordance with applicable City codes.

Attachments Included:

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



CITY OF
FORESTPARK

City of Forest Park City Council
Agenda Item Summary
August 3, 2026

Agenda Item #
VII7

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

Requested Action Action Item
Requirement for Board Action
Summary & Background Following the adoption of the Public Arts Review Board by the Mayor and City Council, the Planning & Community Development Department is requesting an amendment to Section 8-7-81 to recognize the Public Arts Review Application within the City's Planning & Community Development Fee Schedule. The proposed amendment establishes a \$75.00 application fee to assist with the administrative costs associated with processing applications and facilitating the public art review process. The Planning Commission held a public hearing and recommended approval of the proposed text amendment on July 16, 2026.
Fiscal Impact
Exhibits Attached TA-2026-02 City Council Agenda Item 08.03.2026, LEGAL AD FINAL 07-16-2026, TA-2026-02 FINAL STAFF REPORT- PARB APP FEE, OFFICIAL PARB APPLICATION
Staff Recommendation approval



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Discussion to approve Case #TA-2026-02 Text Amendment for Title 8. Planning and Development, Chapter 7. Subdivisions, Article G. – Planning & Community Development Department Fee Schedule, Section 8-7-81. Fee Schedule.

Submitted By: SaVaughn Irons-Kumassah, Interim Planning Director/ Principal Planner, Planning & Community Department

Date Submitted: July 23, 2026

Work Session Date: August 03, 2026

Council Meeting Date: August 03, 2026

Background/History:

Following the adoption of the Public Arts Review Board by the Mayor and City Council, the Planning & Community Development Department is requesting an amendment to Section 8-7-81 to recognize the Public Arts Review Application within the City's Planning & Community Development Fee Schedule. The proposed amendment establishes a \$75.00 application fee to assist with the administrative costs associated with processing applications and facilitating the public art review process. The Planning Commission held a public hearing and recommended approval of the proposed text amendment on July 16, 2026.

Cost: N/A

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

Action Requested from Council: To Approve Case #TA-2026-02.

June 23, 2026

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

Please run the following Public Hearings Section of July 1, July 8, and July 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 Rezoning, Text Amendment, Conditional Use Permit, and Variance request listed below. The Public Hearings will be held on Thursday, July 16, 2026, 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 Rezoning, Text Amendment and Conditional Use Permit request at Forest Park City Hall Council Chambers, 745 Forest Parkway, on Monday, August 3, 2026, at 6:00 p.m.

Case# RZ-2026-02 – Rezone Request for **0 Conrad Avenue, Parcel #13045A B001**. The applicant, Barry Dunlop, is requesting the rezoning of an approximately 1.17+/- acre lot to allow for the development of a four-story multi-use building consisting of hospitality, retail, restaurant, and office uses, located within the Planned Industrial District (PI) to General Commercial District (GC) ward 1.

Case# VAR-2026-04 – Variance Request for **357 Cynthia Lane, Parcel #13083C B014**. The applicant Jorge Cortez c/o Daniel Arrendondo is requesting a variance from Section 8-8-29, Single-Family Residential (RS) District Standards, to permit encroachment into the required 10-foot side setback for the construction of a deck. This request is within the Single-Family Residential District (RS) ward 4.

Case# CUP-2026-03 – Conditional Use Permit Request for **957 Astor Avenue, Parcel #13048C C001**. The applicant, Atiya Harris, is requesting a Conditional Use Permit to authorize the operation of a daycare facility within the Single-Family Residential District (RS) Ward 2.

Case# TA-2026-02 – Text Amendment for Title 8. – Planning and Development, Chapter 7. Subdivisions, Article G. – Planning and Community Development Department Fee Schedule, section 8-7-81. – Fee Schedule, of the City of Forest Park Code of Ordinances to amend such section, to establish an application fee for the newly adopted Public Art Application process. The proposed amendment is intended to provide a fee structure to support the administrative review and processing of Public Art Applications submitted to the city.

SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner
Forest Park Planning & Community Development Department
404-366-4720

STAFF REPORT – Text Amendments

Public Hearing Date: July 16, 2026

City Council Meeting: August 3, 2026

Case: TA-2026-02

Proposed Request: Text Amendments to The City of Forest Park Zoning Code of Ordinance

Staff Report Compiled By: SaVaughn Irons-Kumassah, Interim Planning Director/Principal Planner

Staff Recommendation: Approval to amend Zoning Ordinance

PROPOSED TEXT AMENDMENTS

1. The Planning & Community Development Department is proposing a text amendment to the City of Forest Park Code of Ordinances, Title 8. Planning and Development, Chapter 7. Subdivisions, Article G. – Planning & Community Development Department Fee Schedule, Section 8-7-81. Fee Schedule.
2. *The proposed amendment establishes a new application fee of Seventy-Five Dollars (\$75.00) for Public Art Review Board Applications submitted to the City of Forest Park*

BACKGROUND

The Mayor and City Council recently adopted the Public Art Review Board to establish a formal review procedure for murals, sculptures, monuments, and other public art installation displays within the city. To fully implement the new process, the Planning & Community Development Department is requesting an amendment to Section 8-7-81 to recognize the Public Art Review Application Fee within the City's fee structure. The proposed application fee of **\$75.00** is intended to offset the administrative costs associated with processing applications, coordinating departmental review, and scheduling items before the Public Arts Review Board. The fee itself will be incorporated into the City's Planning & Community Development Fee Schedule, which is maintained separately from the Code of Ordinances. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in an adverse manner. Per **Sec. 8-7-81. - Fee schedule**. Fees are charged as determined by the planning and community development director, with the approval of the mayor and city council. Building fees are based on the gross square footage and the International Code Council's (ICC) current building valuation data.

The following amendment has been proposed:

Amend Section 8-7-81 to recognize the Public Art Application as a Planning & Community Development application subject to the City's adopted fee schedule.

The proposed Planning & Community Development Fee Schedule shall include:

- Public Arts Review Application — **\$75.00**

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CITY OF FOREST PARK

Planning & Community Development Department

785 Forest Parkway

Forest Park, Georgia 30297

(404) 366-4720

Public Arts Review Board Application

Introduction: Thank you for your interest in contributing to public art in the City of Forest Park. This application is for artists, organizations, and property owners proposing public art displays, including murals, sculptures, monuments, and other public art installations within the City of Forest Park. All submissions will be reviewed by the Public Arts Review Board (PARB).

Application Deadline: Applications must be submitted by the close of business on the second (2nd) Wednesday of each month.

Board Review: Applications received by the deadline will be scheduled for review by the Public Arts Review Board during the following calendar month on the third (3rd) Wednesday of the *following month* at 12:00 PM

Example: Applications submitted by the second Wednesday in May will be scheduled for the June PARB meeting.

Incomplete or late applications will be deferred to the next available review cycle.

Section 1: Artist Information

1. **Full Name:** _____

2. **Contact Information:**

○ Phone Number: _____

○ Email Address: _____

○ Mailing Address: _____

3. **Artist Bio (200 words max):**

○ *Applicants may include their bio within the application or attach a separate document.*

○ [Text Field]



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4. Website / Portfolio / Social Media Links (if applicable):

- [Text Field]

Section 2: Public Art Proposal

1. Title of Proposed Public Art Display

2. Proposed Installation Location (please specify the wall or area you are proposing for your public art display):

(Note: If applicable, City-owned locations approved for public art installations will be identified by the Planning & Community Development Department and/or the Economic Development Department.)

3. Description of Proposed Public Art Display:

- Describe the concept, theme, and imagery of your proposed public art display (500 words max).

4. Materials & Techniques:

- List the materials you plan to use for the proposed public art display (e.g., spray paint, acrylic paint, metal, stone, wood, mixed media, etc.) and describe your installation or fabrication process, as applicable.



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5. Dimensions of the Proposed Artwork:

- Width (in feet):
- Height (in feet):

6. Proposed Timeline:

- Provide an estimated timeline for completion of the public art display (from start date to finish). Include preparation and curing time if necessary.

7. Additional Details / Notes:

- [Text Field] (Optional: Any other relevant information about your public art display proposal, such as special installation requirements or community engagement ideas.)

Section 3: Artistic & Community Impact

1. How does your public art display reflect the spirit and values of Forest Park?

2. What is the potential impact of your public art display on the local community?

3. Do you have any plans for community engagement (e.g., workshops, interactive elements, or collaboration with local groups)?



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Section 4: Budget & Funding

1. Proposed Budget for the public art Project:

Please provide a detailed budget that includes costs for materials, tools, labor, and other expenses.

2. Funding Sources (if applicable):

Are you seeking additional funding for the public art display? If so, please provide details of potential funding sources or grants.

Section 5: References & Previous Work

1. Previous Public Art Experience:

- If you have completed public art projects previously, please provide a brief description of your past work (include links to photos or other media if possible).

2. References:

- Please provide two professional references who can speak to your artistic abilities and character.

- Reference 1: Name, Contact Information, and Relationship to Artist



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- Reference 2: Name, Contact Information, and Relationship to Artist [

Section 6: Terms & Conditions

By submitting this application, you agree to the following terms:

1. Approval Process:

- The Public Arts Review Board shall review each complete application during a public meeting and shall render a decision at the conclusion of the meeting unless additional information is required or the Board votes to defer action to a future meeting. Written notice of the Board's decision, including any conditions of approval or reasons for denial, shall be provided to the applicant within three (3) business days following the meeting

2. Permitting & Permissions:

- The City of Forest Park will provide the necessary permissions and permits for the selected public arts projects. The artist is responsible for complying with all local regulations.

3. Copyright and Ownership:

- The artist retains copyright over their work. However, by submitting this proposal, the artist grants the City of Forest Park a non-exclusive, royalty-free license to display, photograph, and share images of the public art for promotional purposes.

4. Public Safety:

- The artist agrees to ensure that all work will be done in a manner that meets public safety standards. The artist will take responsibility for any safety concerns during the installation.

5. Liability:

- The City of Forest Park is not liable for any damages or injuries during the installation or after the public art display is completed.

By submitting the application, the artist acknowledges understanding and acceptance of these terms.



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[] I agree to the terms and conditions.

Signature of Artist:

Date:

Application Submission Instructions: Please submit your completed application within our online customer portal. For assistance please contact:

- Email: planning@forestparkga.gov
- Location: The Planning & Community Development Department
- Or submit in person to: 785 Forest Parkway, Forest Park, GA 30297

For questions or additional information, contact: (404)366-4720

This application form is designed to ensure that public art display projects align with the City of Forest Park's goals of promoting public art, enhancing community spaces, and fostering local talent. We look forward to reviewing your proposal!