

AGENDA

REGULAR MEETING OF MAYOR AND COUNCIL OF SEPTEMBER 19, 2016

6:00 P.M. Work Session

- Discussion of Agenda items
- Discussion of Parks & Recreation Programs
- City Managers Report

I. Call to Order – 7:00 p.m. – Mayor David Lockhart

II. Invocation

III. Pledge of Allegiance

IV. Roll Call

V. Comment Period

VI. Approval of Minutes

1. Work Session of Mayor and Council of September 6, 2016
2. Regular Meeting of Mayor and Council of September 6, 2016

VII. Agenda Items

1. **Tabled from September 6, 2016 meeting** - Consider an Ordinance to amend Article A ("General Provisions") and Article D ("On-Premises Consumption") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia by revising the language of Sections 9-2-3 and 9-2-70 and by enacting Section 9-2-71; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

The tabled Ordinance was revised to include amending Chapter 1 (General Regulations) of Title 7 (Parks, Recreation and Cultural Affairs) and now reads as follows:

- Ordinance to amend the Code of Ordinances, City of Forest Park, Georgia; to amend Chapter 1 (“General Regulations”) of Title 7 (“Parks, Recreation and Cultural Affairs”) by revising the language of Section 7-1-4; to amend Article A (“General Provisions”) of Chapter 2 (“Alcoholic Beverages”) of Title 9 (“Licensing and Regulation”) by revising the language of Sections 9-2-3 and 9-2-12; to amend Article D (“On-Premises Consumption”) of Chapter 2 (“Alcoholic Beverages”) of Title 9 (“Licensing and Regulation”) by revising the language of Section 9-2-70 and by enacting Section 9-2-71; to provide for severability; to repeal conflicting Ordinances; to provide an effective date; and for other purposes

SUMMARY AND BACKGROUND: During the off site planning meeting, the Mayor and Council developed Strategic Priorities and Goals. In the area of Leisure and Entertainment, one of the items noted was the creation of an ordinance to allow outdoor alcohol consumption. The proposed ordinance allows the sale of alcohol at special events by obtaining a temporary special permit. The temporary permit would only be able to be obtained by an individual/business that already has obtained an annual license from the city or other local governing authority in the state to sale alcoholic beverages for on-premises consumption. The proposed ordinance outlines the requirements for obtaining the temporary permit, hours beverages may be sold, review and recommendation for approval by the Forest Park Police Department and also allows the FPPD to immediately revoke the permit under certain situations or circumstances.

2. **Tabled from September 6, 2016 meeting** - Consider an Ordinance to amend Title 9 (“licensing and regulation”) of the Code of Ordinances, City of Forest Park, Georgia by amending Section 9-1-1 (“license required; annual basis; display of license; license for each place of business”) in Chapter 1 (“general provisions”) and by enacting Chapter 15 (“special events”) to regulate and set standards for the permitting of special events; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

SUMMARY AND BACKGROUND: During the off-site planning meeting, the Mayor and Council developed Strategic Priorities and Goals. In the area of Leisure and Entertainment, one of the items noted was the creation of an ordinance to regulate special events

uniformly. The proposed Ordinance defines what constitutes a special event, outlines the requirements for obtaining a permit/application process, standard that would be used in deciding a special event permit application, addresses the process for allowing the sale of alcoholic beverages as a component of a special event (explained in detail in separate proposed ordinance) and other miscellaneous provisions regarding vendors.

3. **Tabled from September 6, 2016 meeting** - Consider an Ordinance to amend Chapter 6 ("Peddlers and Solicitors") of Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia by enacting Article C ("Mobile Food Vendors"); to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

SUMMARY AND BACKGROUND: During the off site planning meeting, the Mayor and Council developed Strategic Priorities and Goals. In the area of Leisure and Entertainment, one of the items noted was the creation of an ordinance to allow food trucks. The proposed Mobile Food Vendor Ordinance defines mobile food vendors and the various types of units (i.e. ice cream truck, mobile food truck, push cart, etc.). The proposed ordinance also outlines where business can be conducted, requirements for obtaining a permit/application process, requirements regarding insurance and indemnity and other regulations, including meeting county and/or state health regulations.

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF SEPTEMBER 6, 2016

Call to Order:

The Work Session of Mayor and Council of September 6, 2016 was called to order by Mayor Pro-tem Tommy Smith at 6:00 p.m.

Present:

Mayor Pro-tem Tommy Smith & Councilmembers, Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were City Manager Al Wiggins, Director of Finance Mike Blandenburg, Jonathan Jones, Director of Planning, Building and Zoning; Chief Dwayne Hobbs and Colonel Tommy Orr; Deputy Fire Chief Matt Jackson; Sharon Smith, Deputy Director of Recreation and Leisure Services; Angela Redding, Management Analyst; Christine Terrell, Director of Support Services; Jeff Eady, Director of Public Works; and City Attorney Joe O'Neal.

Agenda Items:

Cemetery Committee – Ms. Bagley proposed restarting the Cemetery Committee to make some improvements to the cemeteries within the city. Mr. Wiggins stated that the cemetery committee would be an assistance to the community. We as a government can't access private property; however, a private citizen has more latitude to improve areas of the community.

Health Fair – Ms. Bagley stated that we are looking to host a health/wellness fair October 14 being a tentative date at the Community Center, Main Street. Ms. Bagley stated that we'd like to highlight some of the City of Forest Park's local providers and reach out to some of the agencies such as the United Way, the Salvation Army, etc.

City Managers Report:

- Cash Flow Report: We're in the first quarter of the FY16-17 Budget Cycle. Our budget began July 1st and this report of our current expenses and revenues. For the months of July and August, our monthly net position meaning our total expenses vs. our revenues. We had more expenses than revenues. This is not unusual for certain times of the year. The negative

monthly net position of \$1,005 and \$755 is actually in increments which is actually a little over (\$1m) and August (\$755,000). A small loan will be obtained to replenish the deficit around November or December.

This will be cash flow. The spreadsheet will be made available. Mr. Wiggins asked for any questions on this. A question was asked about using the reserve rather than acquiring a loan. Mr. Wiggins stated that the goal of government is to not have a large sum of money on hand and to collect money from tax payers unnecessarily. The question was asked about the interest on the loan. Mr. Wiggins stated the loan interest would be 1% or less. The question was asked about the collateral for the loan. Mr. Wiggins stated that we do have the proper amount of collateral or assets to guarantee the loans.

Executive
Session:

Ms. Wells made a motion to enter into executive session to discuss pending and potential litigation. Ms. Bagley seconded. Voting was unanimous.

Ms. Wells made a motion to reconvene the work session. Ms. Bagley seconded. Voting was unanimous.

Agenda Items:

Ordinance to amend Article A ("General Provisions") and Article D ("On-Premises Consumption") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation").

Mr. Wiggins stated this proposed ordinance will modify the existing Alcoholic Beverage ordinance which only allows for on-site consumption. This ordinance will allow for responsible consumption of alcohol for events such as festivals, or events that an existing business owner would like to extend to other portions of their property. Mr. Jones stated that we have eliminated the clause that limited the number of permits that a vendor may obtain. Mr. Wiggins indicated that only portions of Main Street and areas of our park would allow for the consumption of alcohol. Mr. Wiggins stated that Chief Hobbs did have some concerns and would like to table this ordinance until the next regular meeting.

Ordinance to amend Title 9 ("licensing and regulation") of the Code of Ordinances, City of Forest Park, Georgia by amending Section 9-1-1 ("license required; annual basis).

Mr. Jones explained that the aforementioned alcohol ordinance can only be done as a special event that has been approved and permitted. This Special Events Ordinance simply relates to our ability to allow these special events such as fairs, festivals, etc. that are not covered by an ordinance through an application and review process.

Ordinance to amend Chapter 6 ("Peddlers and Solicitors") of Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia by enacting Article C ("Mobile Food Vendors").

Mr. Jones stated this Mobile Food Vendors Ordinance will allow mobile food vendors to set up in a particular location with a permit and within a defined location that has been assigned. These food vendors would be stationary, not mobile. Mr. Wiggins stated that our current ordinances prevent the operation of mobile food vendors. Mr. Wiggins state that this limits the city of Forest Park from having events that other cities customarily allow such as Food Truck Fridays or Farmers Markets with mobile food vendors. This ordinance will not be city wide but will be a pilot program. Mr. Wiggins mentioned the mobile food vendors could only be located on Main Street to include the fountain, Starr Park and Fort Gillem.

Mr. Wiggins stated that since the previous 3 ordinances are inter-related and the Police Chief does have concerns, he asked they all three be tabled until the next Regular Meeting.

Adjournment:

Ms. Wells made a motion to adjourn the Work Session. Mr. Mears seconded. Voting was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF SEPTEMBER 6, 2016

Call to Order: The Regular Meeting of Mayor and Council of September 6, 2016, was called to order by Mayor Pro-tem Tommy Smith at 7:15 p.m.

Invocation: The invocation was given by Rev. Michael Clinkscales, Rock Church of Atlanta, followed by the Pledge of Allegiance to the American Flag.

Roll Call: Present were: Mayor Pro-tem Tommy Smith & Councilmembers Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were City Manager Al Wiggins, Director of Finance Mike Blandenburgh, Jonathan Jones, Director of Planning, Building and Zoning; Chief Dwayne Hobbs, Assistant Chief Tommy Orr; Deputy Fire Chief Matt Jackson, Sharon Smith, Deputy Director of Recreation and Leisure Services; Angela Redding, Management Analyst; Christine Terrell, Director of Support Services; Jeff Eady, Director of Public Works; and City Attorney Joe O'Neal.

Comment Period: Lawonda Folomi brought attention the grades of our Clayton County School System and would like to ask our council to find a solution to turn the F's into A's.

Public Hearing: Ms. Wells made a motion to recess for a public hearing. Ms. Bagley seconded. Voting was unanimous.

Mr. Smith opened the public hearing to receive comments on the millage rate increase. Mr. Smith asked if anyone was present to speak. No one requested to speak. Mr. Mears made a motion to close the public hearing. Ms. Wells seconded. Voting was unanimous.

Ms. Wells made a motion to reconvene the Regular Meeting. Mr. Mears seconded. Voting was unanimous.

Approval of
Minutes:

Ms. Bagley made a motion to approve the Work Session and Regular Meeting of August 15, 2016. Mr. Mears seconded. Voting was unanimous.

Proclamation:

Mr. Smith presented a proclamation to the Forest Park Fire Department for Muscular Dystrophy Awareness.

Mr. Smith and Mr. Wiggins presented a Proclamation to Jan Tuttle for 30 years of service to the City of Forest Park.

Ordinance:
Millage Rate

Request was made to consider an Ordinance by the City Council of The City of Forest Park to establish the final ad valorem tax millage rate for The City of Forest Park, Georgia to provide for severability; and for other purposes.

Mr. Mears made a motion to approve the Ordinance. Ms. Wells seconded. Voting was unanimous.

Mr. Wiggins stated that the 2 mill increase is the equivalent of approximately \$900k and no more than we anticipated needing. Mr. Wiggins stated that the Mayor and Council thought that it was not in the best interest of the citizens to include a buffer at this time.

Resolution:

Request was made to consider a Resolution of the Mayor and Council of The City of Forest Park, Georgia, authorizing the participation with Clayton County Government, Clayton County Public Schools and the Clayton County cities in preparation and submission of a compliance action plan to the Federal Aviation Administration ("FAA") in response to the FAA Policy Clarification for the use of aviation fuel tax revenue ("The FAA Policy") published in the Federal Register in November of 2014.

Mr. Antoine made the motion to approve the Resolution. Seconded by Ms. Wells. Voting for the motion was unanimous.

Ordinance:

Mr. Wiggins asked that the following agenda items be tabled until the upcoming council meeting.

- Ordinance to amend Article A ("General Provisions") and Article D ("On-Premises Consumption") of Chapter 2 ("Alcoholic Beverages") of Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest

Park, Georgia by revising the language of Sections 9-2-3 and 9-2-70 and by enacting Section 9-2-71; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

- Ordinance to amend Title 9 ("licensing and regulation") of the Code of Ordinances, City of Forest Park, Georgia by amending Section 9-1-1 ("license required; annual basis; display of license; license for each place of business") in Chapter 1 ("general provisions") and by enacting Chapter 15 ("special events") to regulate and set standards for the permitting of special events; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.
- Ordinance to amend Chapter 6 ("Peddlers and Solicitors") of Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia by enacting Article C ("Mobile Food Vendors"); to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

Mr. Mears made a motion to table the above Ordinances.
Ms. Wells seconded. Voting was unanimous.

Personnel
Matter:

Ms. Wells made a motion that we accept the resignation and release agreement as discussed by Mayor and Council during Executive Session. Mr. Antoine seconded. Voting was unanimous.

Mr. Smith asked Mr. O'Neal if there were any legal matters to discuss. Mr. O'Neal responded no.

Adjournment:

Ms. Wells made a motion to adjourn. Mr. Mears seconded. Voting was unanimous.

STATE OF GEORGIA

CITY OF FOREST PARK

ORDINANCE 2016-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA; TO AMEND CHAPTER 1 (“GENERAL REGULATIONS”) OF TITLE 7 (“PARKS, RECREATION AND CULTURAL AFFAIRS”) BY REVISING THE LANGUAGE OF SECTION 7-1-4; TO AMEND ARTICLE A (“GENERAL PROVISIONS”) OF CHAPTER 2 (“ALCOHOLIC BEVERAGES”) OF TITLE 9 (“LICENSING AND REGULATION”) BY REVISING THE LANGUAGE OF SECTIONS 9-2-3 AND 9-2-12; TO AMEND ARTICLE D (“ON-PREMISES CONSUMPTION”) OF CHAPTER 2 (“ALCOHOLIC BEVERAGES”) OF TITLE 9 (“LICENSING AND REGULATION”) BY REVISING THE LANGUAGE OF SECTION 9-2-70 AND BY ENACTING SECTION 9-2-71; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing body of the City of Forest Park (the “City”) is the Mayor and Council thereof; and

WHEREAS, the City has the power to adopt ordinances relating to the licensing and sale of alcoholic beverages within its limits under the authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 3-1-2, and the authority granted under the City’s Charter, including but not limited to Sections 1.13(6), 1.13(11) and 1.13(26); and

WHEREAS, the City previously has exercised such power by enacting Chapter 2 of Title 9 in its Code of Ordinances that regulates the licensing and the sale of such beverages; and

WHEREAS, the City is amending provisions in its Code of Ordinances to allow the permitting of special events and to regulate those occurrences and, in conjunction with those amendments, desires to revise certain provisions in its Code of Ordinances to allow, under limited and specific conditions, the issuance of temporary permits to sell alcoholic beverages during any such special event and to allow the sale, possession and consumption of alcoholic beverages during any such event; and

WHEREAS, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA, and by the authority thereof:

Section 1: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of Section 7-1-4 (“Alcohol use”) in Chapter 1 (“General Regulations”) of Title 7 (“Parks, Recreation and Cultural Affairs”) and inserting the following text in lieu thereof, to read and to be codified as follows:

“Except as permitted in Section 9-2-71, it shall be unlawful for any person within any park(s)/recreation area(s) to have in his/her possession, custody or control any alcoholic beverage of any kind whatsoever; or to consume any alcoholic beverage in the park area or any parking area adjacent thereto.”

Section 2: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of subsection (a) of Section 9-2-3 (“License required; violations; classes of licenses”) in Article A (“General Provisions”) of Chapter 2 (“Alcoholic Beverages”) of Title 9 (“Licensing and Regulation”) and inserting the following text in lieu thereof, to read and to be codified as follows:

“Except as permitted in Section 9-2-71, it shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city without having an applicable license issued by the city under this chapter.”

Section 3: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of subsection (a) of Section 9-2-12 (“Location of business”) in Article A (“General Provisions”) of Chapter 2 (“Alcoholic Beverages”) of Title 9 (“Licensing and Regulation”) and inserting the following text in lieu thereof, to read and to be codified as follows:

“Except as permitted in Section 9-2-71, no business engaged in the sale of distilled spirits by the package or for consumption on the premises may be located within:

- (1) One hundred (100) yards of any church;
- (2) Two hundred (200) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum;
- (3) One hundred (100) yards of any alcoholic treatment center; or
- (4) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).”

Section 4: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of subsection (b) of Section 9-2-12 (“Location of business”) in Article A (“General Provisions”) of Chapter 2 (“Alcoholic Beverages”) of Title 9 (“Licensing and Regulation”) and inserting the following text in lieu thereof, to read and to be codified as follows:

“Except as permitted in Section 9-2-71, no business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within:

- (1) One hundred (100) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent of its total retail floor space is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council. The definition of "grocery store" shall have the same meaning as set forth in O.C.G.A. § 3-3-21(a)(1)(B) should that definition differ from that in this subsection;
- (2) One hundred (100) yards of any alcoholic treatment center; or
- (3) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).”

Section 5: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of Section 9-2-70 (“Sales outside business”) of Article D (“On-Premises Consumption”) of Chapter 2 (“Alcoholic Beverages”) of Title 9 (“Licensing and Regulation”) and inserting the following text in lieu thereof, to read and to be codified as follows:

“Except as permitted in Section 9-2-71, 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.”

Section 6: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by enacting Section 9-2-71 (“Temporary permit for special events”) in Article D (“On-Premises Consumption”) of Chapter 2 (“Alcoholic Beverages”) of Title 9 (“Licensing and Regulation”) to read and to be codified as follows:

(a) It shall be unlawful for any person to sell, or offer for sale, any alcoholic beverage at any special event that is permitted under Chapter 15 of Title 9 in the Code of Ordinances without first obtaining a temporary permit to sell such beverages.

(b) Upon the filing of an application for a temporary permit to sell alcoholic beverages during a special event, the Director of the Forest Park Planning, Building and zoning Department may issue such permit to an individual or organization only if the following conditions have been met:

- (1) The applicant shall have been duly licensed by the City or another local governing authority in this State for the sale of alcoholic beverages for on-premises consumption.
- (2) The Georgia Department of Revenue has issued a special event use permit to the applicant for the event in question.

- (3) The applicant has paid to the Director of the Forest Park Planning, Building and Zoning Department a nonrefundable filing fee and a permit fee, said fees to be in such amounts as may be set from time to time by resolution of the Mayor and Council.
- (4) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the time in which the special event named occurs.
- (5) The City has issued a permit for the special event pursuant to Chapter 15 of Title 9 in the Code of Ordinances.
- (6) The applicant is authorized in writing by the producer of the special event to participate in such event.
- (7) The application for the permit must have been filed with the Director of the Forest Park Planning, Building and Zoning Department at least thirty (30) days prior to the date of the special event.
- (8) The Director of the Forest Park Planning, Building and Zoning Department, or his or her designee, has reviewed the temporary permit application and recommended that it be granted.
- (9) The Forest Park Police Department has reviewed the temporary permit application and recommended that it be granted.
- (10) Alcoholic beverages may be sold only during the hours in which the special event occurs when said event transpires Monday through Saturday. Where the special event occurs on a Sunday, alcoholic beverages may be sold no earlier than 12:30 p.m. and no later than the time at which the special event ends.
- (11) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other City ordinances governing such sales, including but not limited to sections of this Code relating to hours of operation, distance requirements and the permit requirements for employees. Applicants shall also utilize cups in the serving of alcoholic beverages. No bottles shall be allowed.
- (12) Each temporary permit to sell alcoholic beverages during a special event shall last a maximum of three (3) consecutive days.
- (c) The Chief of the Forest Park Police Department or his designee may immediately revoke any temporary permit issued under this section in any situation or circumstance where he determines that the continued sale of alcoholic beverages under such permit may endanger the health, welfare or safety of the public.
- (d) Any permit issued pursuant to this section shall be temporary and shall not vest in the holder any permanent property rights in such permit.”

Section 7. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 8. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 9. (a) It is hereby declared to be the intention 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 intention 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 intention 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 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 10. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 11. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this ____ day of _____, 2016.

CITY OF FOREST PARK, GEORGIA:

David Lockhart, Mayor

Tommy Smith
Mayor Pro-tempore (Ward One)

Dabouze Antoine
Councilmember, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED BY:

City Attorney

FOREST PARK TEMPORARY ALCOHOL PERMIT ORDINANCE AMENDMENTS		
Issue/Provision	Current Forest Park Code	Revised Proposed Ordinance
Present: Title 7 – Parks, Recreation and Cultural Affairs; Chapter 1, Sec. 7-1-4 – Alcohol use. <u>Amended:</u> Same	It shall be unlawful for any person within any park(s)/recreation area(s) to have in his/her possession, custody or control any alcoholic beverage of any kind whatsoever; or to consume any alcoholic beverage in the park area or any parking area adjacent thereto.	Except as permitted in Section 9-2-71, it shall be unlawful for any person within any park(s)/recreation area(s) to have in his/her possession, custody or control any alcoholic beverage of any kind whatsoever; or to consume any alcoholic beverage in the park area or any parking area adjacent thereto.
Present: Title 9 –Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2- 3(a) – License Required; violations; classes of licenses. <u>Amended:</u> Same	It shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city without having an applicable license issued by the city under this chapter.	Except as permitted in Section 9-2-71, it shall be unlawful for any person to manufacture, serve, furnish, purvey, sell or offer for sale, at retail or wholesale, by the package or for consumption on the premises, any alcoholic beverage within the corporate limits of the city without having an applicable license issued by the city under this chapter.

<u>Present:</u> Title 9 –Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-12(a) – Location of business. <u>Amended:</u> Same	No business engaged in the sale of distilled spirits by the package or for consumption on the premises may be located within: (1) One hundred (100) yards of any church; (2) Two hundred (200) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum; or (3) One hundred (100) yards of any alcoholic treatment center; or (4) One hundred (100) yards of any housing authority in O.C.G.A. § 3-3-21(e)(2).	No business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within: (1) One hundred (100) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum; or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which
<u>Present:</u> Title 9 –Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-12(b) – Location of business. <u>Amended:</u> Same	No business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within: (1) One hundred (100) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum; or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which	<u>Except as permitted in Section 9-2-71, no business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within:</u> (1) One hundred (100) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum; or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which

has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent of its total retail floor space is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council. The definition of "grocery store" shall have the same meaning as set forth in O.C.G.A. § 3-3-21(a)(1)(B) should that definition differ from that in this subsection; (2) One hundred (100) yards of any alcoholic treatment center; or (3) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).	premises from selling wine or malt beverages within the one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent of its total retail floor space is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council. The definition of "grocery store" shall have the same meaning as set forth in O.C.G.A. § 3-3-21(a)(1)(B) should that definition differ from that in this subsection; (2) One hundred (100) yards of any alcoholic treatment center; or (3) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).	
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Any sales of alcoholic beverages outside of the licensed premises shall be prohibited, whether for consumption on or off the premises except for patios at eating establishments and restaurants. Except as permitted in Section 9-2-71, 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.	Any sales of alcoholic beverages outside of the premises except for patios at eating establishments and restaurants.	Present: Title 9 – Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-70 – Sales outside business. Amended: Same
(a) It shall be unlawful for any person to sell, or offer for sale, any alcoholic beverage at any special event that is permitted under Chapter 15 of Title 9 in the Code of Ordinances without first obtaining a temporary permit to sell such beverages. (b) Upon the filing of an application for a temporary permit to sell alcoholic beverages during a special event, the director of the Forest Park Planning, building and Zoning Department may issue such permit to an individual or organization only if the following conditions have been met: (1) The applicant shall have been duly licensed by the City or another local governing authority in this State for the sale of alcoholic beverages for on-premises consumption. (2) The Georgia Department of Revenue has issued a special event use permit	Reserved.	Present: Title 9 – Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-71 – Reserved. Amended: Title 9 – Licensing and Regulation; Chapter 2, Alcoholic Beverages, Article A, Sec. 9-2-71 – Temporary permit for special events.

to the applicant for the event in question. (3) The applicant has paid to the Director of the Forest Park Planning, Building and Zoning Department a nonrefundable filing fee and a permit fee, said fees to be in such amounts as may be set from time to time by resolution of the Mayor and Council. (4) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the time in which the special event named occurs. (5) The City has issued a permit for the special event pursuant to Chapter 15 of Title 9 in the Code of Ordinances. (6) The applicant is authorized in writing by the producer of the special event to participate in such event. (7) The application for the permit must have been filed with the Director of the Forest Park Planning, Building and Zoning Department at least thirty (30) days prior to the date of the special event. (8) The Director of the Forest Park Planning, Building and Zoning Department, or his or her designee,		
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has reviewed the temporary permit application and recommended that it be granted. (9) The Forest Park Police Department has reviewed the temporary permit application and recommended that it be granted. (10) Alcoholic beverages may be sold only during the hours in which the special event occurs when said event transpires Monday through Saturday. Where the special event occurs on a Sunday, alcoholic beverages may be sold no earlier than 12:30 p.m. and no later than the time at which the special event ends. (11) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other City ordinances governing such sales, including but not limited to sections of this Code relating to hours of operation, distance requirements and the permit requirements for employees. Applicants shall also utilize cups in the serving of alcoholic beverages. No bottles shall be allowed. (12) Each temporary permit to sell alcoholic beverages during a special		
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event shall last a maximum of three (3) consecutive days. (c) The Chief of the Forest Park Police Department or his designee may immediately revoke any temporary permit issued under this section in any situation or circumstance where he determines that the continued sale of alcoholic beverages under such permit may endanger the health, welfare or safety of the public. (d) Any permit issued pursuant to this section shall be temporary and shall not vest in the holder any permanent property rights in such permit."		
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STATE OF GEORGIA
CITY OF FOREST PARK

ORDINANCE 2016-____

AN ORDINANCE TO AMEND TITLE 9 (“LICENSING AND REGULATION”) OF THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA BY AMENDING SECTION 9-1-1 (“LICENSE REQUIRED; ANNUAL BASIS; DISPLAY OF LICENSE; LICENSE FOR EACH PLACE OF BUSINESS”) IN CHAPTER 1 (“GENERAL PROVISIONS”) AND BY ENACTING CHAPTER 15 (“SPECIAL EVENTS”) TO REGULATE AND SET STANDARDS FOR THE PERMITTING OF SPECIAL EVENTS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing body of the City of Forest Park (the “City”) is the Mayor and Council thereof; and

WHEREAS, the governing body of the City has the power to adopt ordinances promoting the health, safety and general welfare of the citizens of the City; and

WHEREAS, the governing body of the City desires to regulate the standards under which special events can occur within the municipal limits of the City and to set guidelines for the issuance of permits for such events; and

WHEREAS, the governing body of the City finds it desirable and in the interest of the health, safety and general welfare of the citizens of the City to amend its ordinances to adopt such regulations.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by enacting Subsection (d) in Section 9-1-1 (“License required; annual basis; display of license; license for each place of business”) of Chapter 1 (“General Provisions”) in Title 9 (“Licensing and Regulation”) to read and to be codified as follows:

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

Section 2. The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by enacting Chapter 15 (“Special Events”) in Title 9 (“Licensing and Regulation”), which is more particularly set forth in Exhibit “A” attached hereto and made a part hereof by reference.

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. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 5. (a) It is hereby declared to be the intention 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 intention 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 intention 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 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 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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

ORDAINED this _____ day of _____, 2016.

CITY OF FOREST PARK, GEORGIA:

David Lockhart, Mayor

Tommy Smith
Mayor Pro-tempore (Ward One)

Dabouze Antoine
Councilmember, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED BY:

City Attorney

EXHIBIT A

Title 9. – Licensing and Regulation. Chapter 15. – Special Events.

Section 9-15-1. – Title.

This Chapter shall be known as the “City of Forest Park Special Events Ordinance.”

Section 9-15-2. – Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to them in this section, except when the context clearly indicates another meaning:

Applicant means any Person submitting an application for a Special Event Permit pursuant to this Chapter.

Director means the Director of the Planning, Building and Zoning Department of the City of Forest Park, including his or her designee. In the absence of the employment by the City of a Director of the Planning, Building and Zoning Department, the term shall mean the individual designed by the City to oversee enforcement of this Chapter.

Governing Authority means the elected body of the City of Forest Park, comprised of the Mayor and five (5) Council members having the authority to adopt and to enforce this Chapter.

Parade means a type of Special Event consisting of a group of people or vehicles, or the combination thereof, consisting of five (5) or more vehicles and ten (10) or more persons, or a combination of three (3) or more vehicles and five (5) or more persons, proceeding or moving in a body or in concert along a Street or a Sidewalk of the City. The term also includes a march or a procession. Specifically excluded from this definition is a funeral procession.

Permit Fee means the monetary charge required to be paid pursuant to this Chapter for the issuance of a Special Event Permit.

Person means any individual, firm, partnership, association, corporation, company, trust, organization or any other entity of any kind.

Producer means any individual responsible for planning, producing and conducting a Special Event.

Sidewalk means that portion of a street set apart by curbs, barriers, markings or other delineation for pedestrian travel.

Special Event means any organized for-profit or non-profit activity having as its purpose entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property but requires special public services, and which is permitted by the City under this Chapter. Examples of Special Events include, but are not limited to: fairs, tours, grand opening celebrations, ceremonies, demonstrations, shows, exhibitions, pageants, athletic event or procession of any kind, races, parades, marches, rallies, assemblies, festivals, film production, concerts, holiday celebrations, bicycle runs, and block parties or other similar display, in or upon any Street, Sidewalk, park, or other public property within the municipal limits of the City that interferes with the normal flow of motor vehicle or pedestrian traffic or interferes with the use of public property by the public.

Special Event Permit means a permit issued under this Chapter.

Special Event Venue means that area for which a Special Event Permit has been issued.

Street means any right of way or place of whatever nature, publicly maintained and open to use for the public for purposes of motor vehicular travel. The term includes an interstate highway, a state highway, or any road.

Vendor means any person who sells or offers to sell any goods, food or beverages within a Special Event Venue.

Section 9-15-3. – Special Event Permit Required.

- (a) It shall be unlawful for any Person to engage in, participate in, manage, aid, start or solicit attendance at any Special Event unless a Special Event Permit previously has been obtained from the Director for such Special Event.
- (b) Any Special Permit issued under this Chapter shall be temporary and shall not vest in the holder any permanent property rights in such permit.
- (c) Unless specifically provided in this Chapter, a Special Event is subject to and must comply with any and all other applicable ordinances of the City.

Section 9-15-4. – Application for Special Event Permit.

- (a) Any Person seeking issuance of a Special Event Permit shall file a written application with the Director. Such application shall be made on forms provided by the Director. Such application, containing all information required by this Chapter, shall be filed:
 - (1) Where the proposed Special Event would involve any activity other than film production, the application for a Special Event Permit, containing all information required by this Chapter, shall be filed:
 - A. Not less than two (2) weeks before the date on which the proposed Special Event is to occur if city resources are not required during such event;
 - B. Not less than thirty (30) days before the date on which the proposed Special Event is to occur if city resources are required to be used during such event; and
 - C. Not more than one (1) year before the date on which the proposed Special Event is to occur.
 - (2) Where the proposed Special Event would involve only film production, the application for a Special Event Permit, containing all information required by this Chapter, shall be filed at least five (5) days before, but no earlier than one (1) year before, the proposed filming is to take place. One (1) Special Event Permit for a Special Event involving only film production may be issued in a quarter for any one (1) residential location. A Special Event Permit issued for a Special Event involving only film production shall be no more than 14 consecutive days in duration unless previously requested and approved by the city manager.
- (b) Each application for a Special Event Permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the Governing Authority.
- (c) All Producers of a Special Event shall be properly identified on the application; provided, however, that a Special Event Permit shall be issued only in the name of an individual. If a Person other than an individual is producing the Special Event, a designated individual shall be named for the purposes of the Special Event Permit and this individual shall be solely responsible for full compliance with all requirements of this Chapter, all provisions of the City's Code of Ordinances, and all applicable provisions of Georgia or federal law.
- (d) The application for a Special Event Permit shall contain the following information:
 - (1) The name and purpose of the Special Event.
 - (2) The name, address, email address and telephone number of the Person seeking to conduct the Special Event.
 - (3) If the Special Event is to be conducted for, on behalf of, or by a Person other than an individual, the name, address, email address and telephone number of the main office or headquarters of the Person and of the authorized and responsible individuals in charge of such Person.
 - (4) The name, address, email address and telephone number of the Producer(s) of the Special Event.
 - (5) A site plan with a map or diagram showing the area to be used, the location of any equipment, Vendors, game booths, stands, stages, seating and other facilities, the

areas to be used for parking, the location of toilet facilities and water as necessary for the event, and any areas where alcohol will be served or sold including a description of the barriers to be used to enclose such areas.

- (6) The proposed date, location and hours of operation of the Special Event.
 - (7) If a Parade, identification of the proposed route it will travel, including the starting point and the termination point.
 - (8) If a Parade, the approximate number of individuals, animals and vehicles which constitute the Parade, including a description of the vehicles and the types of animals.
 - (9) A schedule of proposed activities to occur.
 - (10) The approximate number of spectators and participants that will attend or participate in any part of the Special Event. If the Special Event is to take place on more than one day, the approximate number of spectators and participants per day. If a spectator or participant is present for only a part of the Special Event, that person shall be included in the approximate number;
 - (11) A statement as to whether the special event will occupy all or a portion of the widths of any Street(s) proposed to be used.
 - (11) If the proposed Special Event is to be held in a city park or other public area, a statement as to whether the Special Event will occupy all or only a portion of the area;
 - (12) The location of any assembly areas for the Special Event;
 - (13) The time at which units of the Special Event will begin to assemble at any assembly area;
 - (14) A description of any public address or loudspeaker system to be used;
 - (15) A description of the items that will be offered for sale during the Special Event, including food, merchandise, and alcoholic beverages.
 - (16) If the Special Event is designed to be held by, on behalf of, or for any Person other than the Applicant, the Applicant shall file with the Director a communication in writing from the Person proposing to hold the Special Event authorizing the Applicant to apply for the permit on his behalf;
 - (17) The estimated number of vehicles requiring parking at the Special Event;
 - (18) Whether any temporary outdoor structures are proposed to be built, describing them in detail and their location;
 - (19) Plans for parking and restroom facilities;
 - (20) Plans for sanitation control, including the identification of the number, type, and location of any trash receptacles to be placed at the Special Event Venue;
 - (21) Plans for crowd and traffic control;
 - (22) Plans for fire inspection/prevention and/or fire code enforcement.
 - (23) If applicable, identification of any closures of Streets or Sidewalks requested.
 - (24) A certification that the Applicant will be financially responsible for any fees or costs that may be imposed for the Special Event.
 - (25) Such other information as the Director or a designated representative may deem reasonably necessary to determine that the permit meets the requirements of this article or any other applicable city ordinance.
- (e) An application for a Special Event Permit for a proposed Special Event that would involve only film production shall include the following information:
- (1) Purpose of the filming and the type of production;
 - (2) Location manager or production manager name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (a) of this section;
 - (3) Proposed date, location, and hours of operation, which in no event shall be earlier than 8:00 a.m. and no later than 11:00 p.m. in a residential zoned location and in no event shall be earlier than 8:00 a.m. and no later than 12:00 midnight in a commercial zoned locations;
 - (4) Proposed schedule of filming activities;

- (5) Full disclosure of any special effect (including, but not limited to, fire, explosives, gunfire) to be used during the film production;
 - (6) Full disclosure of any nondomestic animal to be present during the film production and if there will be the consumption or sale of alcohol on film site;
 - (7) Site plan - showing production location and base camp;
 - (8) Proof of permission of property owner for use of the production location and base camp;
 - (9) Proof of notification of neighbors and businesses affected by production location.
- (f) In addition, any film production, which would occur in a residential zoned location and would involve any of the four items below, will require a meeting with the special event/film permit review staff a minimum of one week prior to the submission of the application:
- (1) Outdoor filming;
 - (2) Film project that lasts three or more days;
 - (3) Full and partial lane and street closures;
 - (4) Requested variances to any City of Forest Park ordinance.
- (g) Late applications. The director of planning, building and zoning or a designated representative, where good cause is shown, shall have the authority to consider any application which is filed less than two weeks before the date the special event is proposed to be held; or in the case of a film project, less than five days.

Section 9-15-5. – Administrative Review.

- (a) Within two (2) business days of the receipt of a completed application for a Special Event Permit, the Director shall send a copy of such application and any accompanying documents to each department of the City. Each department of the City receiving a copy of such application and any accompanying documents shall review those items and shall note the resources which it will be required to perform in connection with the proposed Special Event, the number of personnel needed to perform such activities, the length of time to perform such services, and the estimated costs to perform such services. Within five (5) business days of its receipt of the application and any accompanying documents from the Director, each department shall report to the Director its findings on the required resources, including the estimated costs.
- (b) Each department of the city receiving a copy of such application and any accompanying documents may impose in writing certain conditions or restrictions as deemed necessary to facilitate the proposed Special Event, to comply with other laws and regulations, and/or ensure the safety, health and welfare of the public. Such written conditions or restrictions shall be forwarded to the Director within five (5) business days of the receipt of the application and accompanying documents. In the event the application for a Special Event Permit is granted, the Director shall make any such conditions or restrictions a part of the permit.

Section 9-15-6. – Standard for Deciding a Special Event Permit Application.

- (a) Issuance of Special Event Permit. The Director shall issue a Special Event Permit only when, after considering the application and other information submitted by the Applicant, he determines the following conditions have been met:
- (1) A Special Event Permit may be issued only after an adequate plan for crowd and traffic control, as well as security has been presented, and, when deemed necessary, employment of off-duty, uniformed Forest Park Police officer(s) shall be utilized. If Forest Park Police officer(s) are not available, then a P.O.S.T. certified police officer(s) may be utilized after they have been verified by the Director and obtained by the Producer.
 - (2) A Special Event Permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary,

employment of off-duty, uniformed fire personnel as approved by the Forest Park Fire chief and/or his designee has been verified by the Director and obtained by the Producer.

(3) A Special Event Permit may be issued only after an adequate EMS plan and, when deemed necessary, employment of off-duty medics who are state-certified EMT or paramedics, as approved by the Forest Park Fire chief and/or his designee have been verified by the City and obtained by the Producer.

(4) A Special Event Permit may be issued only after adequate waste disposal facilities have been determined by the City and obtained by the Producer.

(5) The sound level of the proposed Special Event will not violate any provision of the Code of Ordinances.

(6) The conduct of the proposed Special Event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route or place of occurrence;

(7) The conduct of the proposed Special Event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City.

(8) The concentration of individuals, animals and vehicles at assembly points of the Special Event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.

(9) The conduct of the proposed Special Event will not unreasonably interfere with the movement of firefighting equipment in route to a fire.

(10) The conduct of the proposed Special Event is not likely to cause injury to persons or property, to provoke disorderly conduct or to promote immediate lawless activity.

(11) If a Parade, the proposed Special Event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays.

(12) The information in the application and any accompanying documents is complete and contains all information required by Section 9-15-4(d) and does not contain any false material information.

(13) The Applicant has remitted all applicable fees and costs required by this Chapter or any other provision of the Code of Ordinances.

(b) Denial or Revocation of a Special Event Permit.

(1) The Director shall deny an application for a Special Event Permit for any of the following reasons:

- a. The proposed Special Event will unnecessarily disrupt vehicular or pedestrian traffic within the City such that the potential disruption could not be practically remedied.
- b. The proposed Special Event will interfere with access to fire stations or fire hydrants.
- c. The location of the proposed Special Event will cause undue hardship to nearby businesses or residences.
- d. The proposed Special Event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City.
- e. The information in the application and any accompanying documents fails to contain all information required by Section 9-15-4(d), or contains any materially false information.
- f. The proposed Special Event would interfere or conflict with a previously scheduled Special Event or with construction, maintenance or other City activities.
- g. There is a documented history of problems relating to the proposed Special Event in the past.
- h. There is a documented history that the Applicant or Promoter has not properly managed or paid all fees for a prior Special Event.
- i. The proposed Special Event would violate Section 11-1-26.
- j. The Producer fails to comply with any terms required by this Chapter.

k. The granting of the application would violate any provision of this Chapter, would violate any provision of the Code of Ordinances, or would violate any provision of Georgia or United States law.

1. The chief of the Forest Park Police Department, the chief of the Forest Park Fire Department, or their designees determines that the health, welfare or safety of the public would be endangered by the Special Event.

(2) At any time before the occurrence of, or during the conduct of, a Special Event, the Director shall revoke a previously issued Special Event Permit for any of the following reasons:

- a. The Director discovers that the application for such permit failed to contain all information required by Section 9-15-4(d) or contained any materially false information.
- b. The Producer failed to comply with all terms and conditions of the permit.
- c. The Producer failed to arrange or adequately remit all required fees, deposits, insurance or bonds to the City.
- d. The existence of a disaster, public calamity, riot or other emergency arising after the issuance of the Special Event Permit that the City, in its sole discretion, determines would likely result in the Special Event negatively impacting the public health, safety and welfare.
- e. The chief of the Forest Park Police Department, the chief of the Forest Park Fire Department, or their designees determines that the health, welfare or safety of the public would be endangered by the Special Event.

Section 9-15-7. – Time for Decision on Special Event Permit Application; Issuance and Content of Special Event Permits.

(a) The Director shall render a decision on an application for a Special Event Permit within ten (10) business days following the receipt of a completed application and any accompanying documents. If the application is granted, the Director shall notify the Applicant, in writing, of that decision within said ten (10) day period. If the application is denied, the Director shall hand deliver or mail to the Applicant within said ten (10) day period a written notice stating the reasons for such denial. The time period set forth in this section shall not commence until the Applicant has provided to the Director all information required by Section 9-15-4(d). The date of issuance of the decision of Director shall be the date of mailing or hand delivery of the decision.

(b) Where an application is granted, the Director shall hand deliver or mail to the Applicant the Special Event Permit within three (3) business days of the City's receipt of the full amount of the initial Permit Fee required by Section 9-15-9 and any other fees which may be required by any other applicable ordinance or regulation.

(c) Immediately upon the issuance of a Special Event Permit, the Director shall send a copy of such permit to the City Manager, the Chief of the Forest Park Police Department, the Chief of the Forest Park Fire Department, the Director of Recreation and Leisure and the Director of Public Works.

(d) Each Special Event Permit shall contain the following:

- (1) A designation of the date(s) on which the Special Event is to be held.
- (2) A designation of the starting and ending time(s) for each date on which the Special Event is to be held.
- (3) The route to be traversed.
- (4) The portions of any Street or Sidewalk to be traversed that may be occupied.
- (5) The portions of any public property that may be occupied.

- (6) Any conditions or restrictions imposed by any department of the City under Section 9-15-5(c).
- (7) Such other information as the Director shall find necessary to the enforcement of this Chapter.

Section 9-15-8. – Appeal Procedure.

- (a) Any Person whose application for a Special Event Permit is denied shall have the right to appeal such denial, in writing, to the City Manager. Such appeal must be received by the City Manager within ten (10) calendar days of the Director's issuance of the decision. An appeal is deemed received by the City Manager upon receipt, when hand delivered, and within three (3) days of mailing, if sent by mail. The City Manager or his designee shall consider and render a written decision upon the appeal within ten (10) business days of receipt of a request for the same and mail his or her decision to Applicant. The City Manager or his designee shall review the manner in which the Director evaluated the application for a Special Event Permit pursuant to the criteria set out in this Chapter. In the event the City Manager or his designee approves the application, the Director thereafter shall issue the Special Event Permit pursuant to Section 9-15-7.
- (b) Any appeal of the decision of the City Manager or his designee denying an application for a Special Event Permit rendered under this section shall be taken to the superior court by a petition for a writ of certiorari as provided by law.

Section 9-15-9. – Permit Fees.

- (a) In the event that an application for a Special Event Permit is granted, the Director shall determine and calculate the Permit Fee based on all services to be provided by the government for such event. The Director shall determine the aggregate amount of costs for such services by the information provided by each department under Section 9-15-5(b). The initial Permit Fee shall be the total amount of such estimated costs. If, at the conclusion of the Special Event, the actual cost of government services is greater than the amount of the initial Permit Fee, the Applicant and/or the Producer shall be responsible for the difference. Failure to pay the outstanding amount within thirty (30) days of the billing date shall be a violation of this Chapter and shall subject the Applicant and/or the Producer to late fees and other penalties up to and including the denial of future applications for Special Event Permits.
- (b) The initial Permit Fee must be paid in full prior to the issuance of a Special Event Permit and no later than ten (10) business days prior to such Event.
- (c) The fees required under this section shall be in addition to the nonrefundable application fee required under Section 9-15-4(b). The fees required under this section also shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.
- (d) Upon receipt of the initial Permit Fee stated in this section, the Director shall issue the Special Event Permit to the Applicant.

Section 9-15-10. Duties of the Producer of a Special Event.

- (a) The Producer of a Special Event shall comply with all conditions and directions imposed in connection with the issuance of the Special Event Permit and with all applicable local, state and federal laws and ordinances.
- (b) The Producer shall ensure that a copy of the Special Event Permit is on-site during the entire time of the Special Event and shall immediately produce the Special Event Permit at the request of any City official.
- (c) The Producer shall clean any Street, any Sidewalk, or any other public property that was part of the Special Event Venue of any rubbish or debris, returning such property to its condition

prior to the Special Event, within twenty-four (24) hours of the conclusion of the Special Event. If the Producer fails to remove such refuse, the clean up on said public property shall be arranged by the City and the cost incurred for this service shall be charged to the Applicant.

Section 9-15-11. – Temporary Closure of Streets and Sidewalks.

A Special Event Permit may provide for the City to close designated Streets and/or Sidewalks to allow use of such public ways for the Special Event during the designated days and hours of such event. However, no such closure of any Street or Sidewalk shall occur without the prior approval from the Chief of the Forest Park Police Department or his designee.

Section 9-15-12. – Hours of Special Events.

A Special Event that occurs in a residential-zoned location shall start no earlier than 9:00 a.m. and end no later than 11:00 p.m. A Special Event that occurs in a commercial-zoned location shall start no earlier than 9:00 a.m. and end no later than 11:00 p.m.

Section 9-15-13. – Vendors of Food and Merchandise.

- (a) The sale of food and/or merchandise by vendors shall be allowed as a component of a Special Event provided that each vendor has written authorization from the Producer to participate in the event and provided further that each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the Producer and submitted as part of the application for a Special Event Permit.
- (b) The Producer shall have the sole responsibility and control of all food and merchandise vendors allowed as a component of a Special Event. The Producer shall have the authority to designate the location in the Special Event Venue where such vendors shall operate and to designate the activities of such vendors.
- (c) Vendors authorized to sell food and/or merchandise under this section shall not be required to obtain a separate permit to operate during the Special Event.
- (d) The vendor authorization under this section shall not exceed the date(s) and times in which the Special Event occurs and shall not extend beyond the location of the Special Event Venue.
- (e) Notwithstanding subsection (c), food vendors authorized by this section shall be required to comply with all rules and regulations of the Clayton County Health Department and the State of Georgia as to the storage, preparation and service of food.

Section 9-15-14. – Vendors of Alcoholic Beverages.

The sale of alcoholic beverages may be allowed as a component of a Special Event. No vendor shall sell, or offer for sale, any alcoholic beverage at a Special Event without obtaining a temporary permit under Section 9-2-71. No vendor shall sell, or offer for sale, any alcoholic beverage at a Special Event without obtaining written authorization from the Producer to participate in such event.

Section 9-15-15. – Miscellaneous Provisions Regarding Vendors.

- (a) Each vendor authorized by the Producer shall prominently display on his or her person a badge provided by the Producer. Such badge shall identify the vendor as an authorized

participant in the Special Event and shall bear the signature of the Producer or his designated agent. Such badge shall be in a form as approved by the Director.

- (b) It shall be unlawful for any vendor not authorized by the Producer as provided in this Chapter to engage in any business within a distance of one hundred (100) yards of the Special Event Venue from one (1) hour before the start of the Special Event and until one (1) hour after the end of the Special Event.

Section 9-15-16. – Insurance.

At the City's request, the Applicant and/or the Producer may be required to obtain and present evidence of a surety indemnity bond or comprehensive liability insurance naming the City as an additional insured. The insurance requirement is a minimum of one million dollars (\$1,000,000.00) personal injury and one hundred thousand dollars (\$100,000.00) property damage against all claims arising from Special Event Permits issued under this Chapter. If any Special Event poses higher risks than would be covered by such insurance, the Applicant and/or the Producer shall be responsible for assessing the risk of such event and obtaining additional insurance coverage.

Section 9-15-17. – Save Harmless Agreement.

The Applicant is required to provide a save harmless agreement in which the Applicant agrees to defend, indemnify and save harmless the City, including its officers, employees and agents, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the Special Event; excepting any claims arising solely out of the intentional acts of the City, its officers, employees and agents.

Section 9-15-18. – Limitations of Liability.

This Chapter shall not be construed as imposing upon the City, including its officers, employees and agents, any liability or responsibility for any injury or damage to any person in any way connected to the use for which the Special Permit has been issued. The City, including its officers, employees and agents, shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of a Street, a Sidewalk, or other public property.

Section 9-15-19. – Other Permits.

The Applicant shall obtain any other permits that may be required by other Chapters of this Code of Ordinances and by other jurisdictions for the Special Event.

- (a) Alcoholic beverages. Any temporary permit for the sale of alcoholic beverages shall be in accordance with the provisions of state law and Chapter 2 of Title 9 of the Code of Ordinances.
- (b) Signs. Permits for the erection of any sign during the period in which the Special Event is to occur shall be in accordance with the provisions of the Code of Ordinance regulating signs.

Section 9-15-17. – Exemptions.

This Chapter shall not apply to the following activities:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in school sponsored educational activities or athletic events, provided such conduct is under the immediate direction and supervision of the proper school authorities.
- (3) A public event which is directly related to a recognized function of city, state or local government and which is in a major part initiated, financed and executed by the city, state, local or United States government.
- (4) Private social gatherings which will make no use of Streets other than for lawful parking.
- (5) Peaceful picketing in connection with labor disputes.

STATE OF GEORGIA

CITY OF FOREST PARK

ORDINANCE 2016-____

AN ORDINANCE TO AMEND CHAPTER 6 (“PEDDLERS AND SOLICITORS”) OF TITLE 9 (“LICENSING AND REGULATION”) OF THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA BY ENACTING ARTICLE C (“MOBILE FOOD VENDORS”); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing body of the City of Forest Park (the “City”) is the Mayor and Council thereof; and

WHEREAS, the governing body of the City has the power to adopt ordinances promoting the health, safety and general welfare of the citizens of the City; and

WHEREAS, the governing body of the City desires to regulate the standards under which mobile food vendors can operate within the municipal limits of the City and to set guidelines for the issuance of permits for such vendors; and

WHEREAS, the governing body of the City finds it desirable and in the interest of the health, safety and general welfare of the citizens of the City to amend its ordinances to adopt such regulations.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA, and by the authority thereof:

Section 1: The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by enacting Article C (“Mobile Food Vendors”) of Chapter 6 (“Peddlers and Solicitors”) in Title 9 (“Licensing and Regulation”), which is more particularly set forth in Exhibit “A” attached hereto and made a part hereof by reference.

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. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 4. (a) It is hereby declared to be the intention 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 intention 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 intention 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 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. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this ____ day of _____, 2016.

CITY OF FOREST PARK, GEORGIA:

David Lockhart, Mayor

Tommy Smith
Mayor Pro-tempore (Ward One)

Dabouze Antoine
Councilmember, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED BY:

City Attorney

EXHIBIT A

Title 9 – Licensing and Regulation Chapter 6. – Peddlers and Solicitors Article C. Mobile Food Vendors

Section 9-6-27. – Definitions.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this section, except when the context clearly indicates another meaning:

Base of Operation shall mean any permitted location in which food is kept, handled, prepared, packaged, stored or placed in containers for subsequent transport, sale or service elsewhere.

Director means the Director of the Planning, Building and Zoning Department of the City of Forest Park, including his or her designee. In the absence of the employment by the City of a Director of the Planning, Building and Zoning Department, the term shall mean the individual designated by the City to oversee the enforcement of this Article.

Ice Cream Truck shall mean a motor vehicle primarily carrying ice cream, popsicles, ice sherbets, or other frozen desserts of any kind for the purpose of retail sale on the streets of the city.

Mobile Food Truck shall mean a retail food establishment that reports to and operates from a Base of Operation and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

Mobile Food Vendor Unit shall mean an Ice Cream Truck, a Mobile Food Truck or a Pushcart.

Person means any individual, firm, partnership, association, corporation, company, organization or any other entity of any kind.

Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.

Vendor Permit means a permit issued under this Article for the operation of a Mobile Food Vendor Unit.

Vendor Permit Fee means the monetary charge required to be paid pursuant to this Article for the issuance of a Vendor Permit.

Section 9-6-28. – Permit Requirement.

(a) *In general.* No Person shall operate a Mobile Food Vendor Unit without first obtaining the proper licenses and/or permits from the State of Georgia, Clayton County and the City. The operator of any Mobile Food Vendor Unit shall comply at all times with the provisions of this Article and all other applicable local, state and federal laws, rules and regulations.

(b) *Specific requirements.* Any Person intending to operate a Mobile Food Vendor Unit within the municipal limits of the City, prior to commencing such operation, shall obtain:

- (1) All permits or licenses as may be required by the State of Georgia, including the Department of Public Health, and Clayton County, including the Clayton County Health Department;
- (2) A Vendor Permit issued by the City; and

(3) An occupational tax certificate issued by the City or other jurisdictions.

(c) *Multiple Mobile Food Vendor Units.* A Vendor Permit shall be required for each Mobile Food Vendor Unit operated within the City, notwithstanding unity of ownership or operation of any such unit and a previously obtained Vendor Permit for another such unit.

Section 9-6-29. – Application.

(a) Any Person seeking the issuance of a Vendor Permit shall submit, on an annual basis, a written application for such permit with the Director. Such application shall be made on forms provided by the Director.

(b) Each application for a Vendor Permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution by the Governing Authority.

(c) An application for a Vendor Permit shall contain the following information:

- (1) The name, address, telephone number and email address of the Person who is the owner of the Mobile Food Vendor Unit and the individual(s) who will operate such unit if different from the owner. Where the owner is not an individual, the application shall identify all partners, officers, directors or other individuals with a financial interest in such owner, including the name, address, telephone number and email address of each such individual.
- (2) If applicable, the make, model, vehicle identification number and license plate number of the Mobile Food Vendor Unit.
- (3) A photograph of the Mobile Food Vendor Unit.
- (4) The corporate and, where applicable, trade name of the Base of Operation associated with the Mobile Food Vendor Unit and a copy of the occupational tax certificate issued by the City to the Base of Operation. If the Base of Operation is located outside the municipal limits of the City, the applicant shall provide a copy of the occupational tax certificate issued by the Base of Operation by the jurisdiction in which it is located.
- (5) A copy of the approved permit for the Mobile Food Vendor Unit issued by the Georgia Department of Public Health.
- (6) A copy of the approved permit for the Mobile Food Vendor Unit issued by the Clayton County Health Department.
- (7) Identification of the location or locations, the date or dates, and the times in which the Mobile Food Vendor Unit intends to conduct business.
- (8) If the Mobile Food Vendor Unit intends to conduct business from private property, written proof that the owner(s) of such property consents to its use for such purpose.
- (9) Proof of a current, valid driver's license issued by the State of Georgia for each individual expected to operate the Mobile Food Vendor Unit.
- (10) A copy of the Mobile Food Vendor Unit's food and beverage menu.
- (11) Proof of the liability insurance coverage required in Section 9-6-32(e).
- (12) Where temporary seating is provided to patrons, a scaled drawing for each site indicating where such seating will be located and the number of seats (and, if applicable, tables) to be furnished.
- (13) Any other information that the Director may deem necessary to determine that the requested Vendor permit would meet all requirements of this Article, any other applicable law or regulation of the City, any applicable law or regulation of Clayton County, or any applicable law or regulation of the State of Georgia.

Section 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, 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.
- (1) The Director may grant the application only if he 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 (20) day period following his receipt of a complete application and the full amount of the nonrefundable fee.
- (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 (30) day period following his receipt of the completed application and the full amount of the nonrefundable fee.
- (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 designee within ten (10) calendar days of the Director's notification of the denial. The City Manager or his 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 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 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.

Section 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 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 by resolution 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.

Section 9-6-32. – Operational Regulations.

- (a) No Mobile Food Vendor Unit shall conduct business during any time or from any location other than the locations, the dates and times stated in the Vendor Permit.
- (b) No Mobile Food Vendor Unit shall conduct business on private property without the prior written consent of the owner.
- (c) A Mobile Food Vendor Unit may conduct business only in the following locations:
 - (1) The Main Street Overlay District; or
 - (2) Any paved public parking area (and excluding any privately owned lot or any unpaved public property) that is:
 - i. Adjacent to the portion of Lake Drive that is south of the intersection of Bennett Alley and Lake Drive and north of the intersection of Lake Drive and West Street; or
 - ii. Adjacent to the portion of South Avenue that is east of the intersection of South Avenue and West Street and west of the intersection of South Avenue and Park Avenue; or
 - iii. Adjacent to the portion of Park Avenue that is south of the intersection of Park Avenue and Forest Parkway and that is north of the intersection of Park Avenue and South Avenue; or
 - iv. Adjacent to the portion of Bridge Avenue (also known as Hines Ward Way) that is east of the intersection of Bridge Avenue and Lake Drive and west of the intersection of Bridge Avenue and Park Avenue; or
- (3) The Gillem Logistics Center.
- (d) Except as provided in subsection (c), no Mobile Food Vendor Unit shall conduct any business on any public street, road, highway or sidewalk or on any other public property.
- (e) Except for Pushcarts, no Mobile Food Vendor Unit shall be located within twenty (20) feet of any street intersection or pedestrian crosswalk or within ten (10) feet of any driveway.
- (f) No Pushcart shall be located within ten (10) feet of any street intersection or pedestrian crosswalk or within ten (10) feet of any driveway.
- (g) No Mobile Food Vendor Unit may conduct business between 9:00 p.m. and 6:30 a.m.
- (h) A Mobile Food Vendor Unit may sell food (including ice cream and other frozen dessert items) and beverage items.
- (i) This section shall not apply to a Mobile Food Vendor Unit during any period in which such unit is participating in a special event pursuant to Section 9-15-13.

Section 9-6-32. – Additional Requirements and Prohibited Conduct.

- (a) A Mobile Food Vendor Unit shall maintain a one million dollar (\$1,000,000.00) liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the Vendor Permit. Such insurance shall name the city as an additional

- insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advanced written notice to the City.
- (b) All Mobile Food Vendor Units shall comply with the City's noise ordinance. Except as provided in subsection (g) (l), no Mobile Food Vendor Unit may utilize any amplified sound device.
- (c) The Vendor Permit and all applicable licenses or permits issued by the City, Clayton County or the State of Georgia shall be firmly attached to the Mobile Food Vendor Unit in a manner that they are readily visible to the public.
- (d) Each individual driver of a Mobile Food Vendor Unit must possess a valid driver's license issued by the State of Georgia.
- (e) No Mobile Food Vendor Unit shall display any signage that is not approved by the planning, building and zoning department.
- (f) No Mobile Food Vendor Unit shall be left unattended or otherwise stored on sites from which it offers the sale of food or beverage items to the public. Every Mobile Food Vendor Unit must return to its Base of Operation when not in use. The following safety regulations shall apply to any Mobile Food Vendor Unit other than a Pushcart:
- (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
- (2) Every vehicle shall be equipped with two (2) rear-vision mirrors, one (1) at each side, firmly attached to the outside of such vehicle and so located as to reflect to the driver a view of the roadway to the rear, along both sides of the vehicle.
- (h) No Mobile Food Vendor Unit may conduct business in a location that might block or impede pedestrian or vehicular traffic.
- (i) A Mobile Food Vendor Unit must maintain a state of mobile readiness at all times. The Director may prohibit any alteration, removal, attachment, placement or change in, under or upon such unit that would prevent or otherwise reduce ready mobility.
- (j) All equipment or service items utilized in the business operation of a Mobile Food Vendor Unit must remain on such vehicle or the premises of the Base of Operation at all times. The placement of any such items (including, but not limited to, coolers, propane tanks, generators, barbeque pits and cash registers) on the ground surface outside of a Mobile Food Vendor Unit is subject to the approval of the director of planning, building and zoning.
- (k) A Mobile Food Vendor Unit must be self-supporting for all required utilities during any time it is conducting business. No electrical wires, plumbing or water lines/hoses, or gas lines may be attached to such unit during the time that it is conducting business.
- (l) No Mobile Food Vendor Unit may conduct business with any individual while such individual is situated in a motor vehicle.
- (m) All Mobile Food Vendor Units shall comply with all applicable health and safety laws, regulations and rules of the City, Clayton County, the State of Georgia and the federal government.
- Section 9-6-33. – Litter.**
- (a) No Mobile Food Vendor Unit may sell any food or beverage for immediate consumption unless it has made available for public use a suitably sized receptacle for litter. Such receptacle shall be maintained and regularly emptied. All waste generated by the Mobile Food Vendor Unit's operation, including that associated with its customers and employees, must be disposed of at the Base of Operation.

- (b) The area within which a Mobile Food Vendor Unit operates shall, at all times, be kept clean and free of litter, garbage and debris. The operator of such unit shall be responsible for maintaining the premises upon which it is situated in a safe and hygienic manner.

Section 9-6-34. – Fire Safety.

To minimize the threat of fire to the public, the following requirements apply:

- (a) *Combustible gas detector.* Prior to the operation of any combustible gas-fueled appliance in a Mobile Food Vendor Unit, all visible connections shall be inspected for leaks by utilizing a combustible gas detector. Detected leaks shall be repaired before any gas-fueled appliance is operated.
- (b) *Propane cylinders.* No combustible gas fuel tank or cylinder may be connected to any cooking device in a Mobile Food Vendor Unit while such vehicle is travelling upon any street, road or highway.
- (c) *Portable fire extinguishers.* All Mobile Food Vendor Units shall be equipped with a readily accessible multipurpose dry chemical portable fire extinguisher with a minimum rating of 2A 10BC. All Mobile Food Vendor Units utilizing fats or cooking oils, including those that produce grease, grease-laden vapors or oily by-products shall, in addition to such fire extinguisher, be equipped with a readily accessible Class K fire extinguisher.
- (d) *Operations prior to set up.* All Mobile Food Vendor Units are prohibited from igniting, starting or operating any appliances requiring heat, electricity or combustible gases while traveling upon any street, road or highway.
- (e) *Exhaust.* The emission of exhaust gases or smoke from the operation of a Mobile Food Vendor Unit shall be handled in such a manner that such emission does not constitute a nuisance.
- (f) *Hood cleaning and maintenance.* All cooking hoods and ventilation mechanisms in a Mobile Food Vendor Unit shall be maintained and regularly cleaned to minimize the buildup of grease and other combustible residue. Such maintenance and cleaning shall extend to all interior and exterior surfaces upon which grease may accumulate.

Section 9-6-35. – Indemnity.

As part of the permitting process set forth herein, any Person seeking a Vendor Permit under this Article shall execute an indemnity agreement indemnifying and releasing the City of Forest Park, its agents, employees and elected officials from any and all liability against any and all claims, actions, and suits of any type whatsoever.

Section 9-6-36. – Revocation and Suspension; Review.

- (a) The City may revoke or suspend a Vendor Permit issued under the provisions of this Article for any of the following reasons:
 - (1) Any fraud, misrepresentation or false statement contained in the application for a Vendor Permit;
 - (2) Any fraud, misrepresentation or false statement made in the course of carrying on any business contemplated by this Article;
 - (3) A violation of this Article or any provision of the Code of Ordinances or the laws and regulations of Clayton County or the State of Georgia.; or
 - (4) Conducting any business activity contemplated by this Article in an unlawful manner or in such a manner as to constitute a breach

of the peace or to constitute a menace to the health, safety or general welfare of the public.

The decision to revoke or suspend any Vendor Permit shall be in writing, shall set forth the reasons for such action and shall be mailed or hand delivered to the Person to whom such permit was issued.

(b) In the event that the City revokes or suspends any Vendor Permit issued under this Article, the Person to whom such permit was issued shall have the right to appeal such revocation or suspension to the City Manager. Any such notice of appeal must be in writing and must be received by the City Manager or his designee within ten (10) calendar days of the City's notification of the revocation or suspension. The City Manager or his designee shall note, in writing, on the notice of appeal the date that he received the item. Within twenty (20) calendar days of the receipt of the notice of appeal, the City Manager or his designee shall render a decision on such appeal and shall inform the appellant in writing of that decision.

(c) Any appeal of the decision of the City Manager or his designee affirming the revocation or suspension of a Vendor Permit shall be taken to the superior court by a petition for a writ of certiorari as provided by law.

Section 9-6-34. – Permit Not in Lieu of Occupation Tax Certificate.

Any Vendor Permit issued under this Article shall be cumulative and not in lieu of any occupation tax certificate issued by the City under Chapter 1 of Title 9 of the Code of Ordinances.

Section 9-6-35. – Exemption.

This Article shall not apply to any Mobile Food Vendor Unit that has not obtained a permit under Section 9-6-31 but seeks to conduct business within the City only in connection with a special event pursuant to Section 9-15-13. The requirements of Chapter 15 of Title 9 of the Code of Ordinances shall apply under said circumstances.

Section 9-6-35. – Violation.

Any Person violating any section of this Article shall be subject to the general penalty provided in Section 1-1-8 and, in addition, shall be subject to revocation or suspension of the Vendor Permit.