

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE 2025-__

1 AN ORDINANCE BY MAYOR ANGELYNE BUTLER AND CITY COUNCILMEMBERS
2 KIMBERLY JAMES, HECTOR GUTIERREZ, LATRESA AKINS-WELLS, AND ALLAN MEARS OF
3 THE CITY OF FOREST PARK, GEORGIA TO AMEND ARTICLE A (GENERAL PROVISIONS),
4 ARTICLE D (ON-PREMISES CONSUMPTION), AND ARTICLE E (BANQUET HALLS) WITHIN
5 CHAPTER 2 (ALCOHOLIC BEVERAGES), TITLE 9 (LICENSING AND REGULATION) IN THE
6 CITY’S CODE OF ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN
7 EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

8 **WHEREAS**, the duly elected governing authority of the City of Forest Park, Georgia (the “City”)
9 is the Mayor and City Council thereof; and

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

12 **WHEREAS**, the City desires to amend its Code of Ordinances (“Code”) regarding certain licensed
13 alcoholic beverage caterer provisions related to operating hours, brown bagging, and the front façade of the
14 establishment(s); and

15 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals, and
16 welfare of the citizens of the City of Forest Park, Georgia.

17 **Section 1.** Title 9 (“Licensing and regulation”), Chapter 2 (“Alcoholic beverages”), Article A
18 (“General provisions”), Section 9-2-2 (“Definitions”) of the City’s Code of Ordinances is hereby amended
19 to be read and codified by inserting the following definition in **bold** font alphabetically after the term
20 “Brewpub” and before the term “City” as described in **Exhibit A** attached hereto and incorporated herein.

21 **Section 2.** Title 9 (“Licensing and regulation”), Chapter 2 (“Alcoholic beverages”), Article A
22 (“General provisions”), Section 9-2-3 (“License required; violations; classes of licenses”) of the City’s

23 Code of Ordinances is hereby amended to be read and codified with permanent additions in **bold** font and
24 permanent deletions in ~~striketrough~~ font as described in **Exhibit B** attached hereto and incorporated herein.

25 **Section 3.** Title 9 (“Licensing and regulation”), Chapter 2 (“Alcoholic beverages”), Article A
26 (“General provisions”), Section 9-2-18 (“Brown-bagging”) of the City’s Code of Ordinances is hereby
27 amended to be read and codified with permanent additions in **bold** font and permanent deletions in
28 ~~striketrough~~ font as described in **Exhibit C** attached hereto and incorporated herein.

29 **Section 4.** Title 9 (“Licensing and regulation”), Chapter 2 (“Alcoholic beverages”), Article D
30 (“On-premises consumption”), Section 9-2-67 (“Vacating premises – Sales by the drink”) of the City’s
31 Code of Ordinances is hereby amended to be read and codified with added text in **bold** font and deleted
32 text in ~~striketrough~~ font as set forth below as described in **Exhibit D** attached hereto and incorporated
33 herein.

34 **Section 5.** Title 9 (“Licensing and regulation”), Chapter 2 (“Alcoholic beverages”), Article E
35 (“Banquet halls”) of the City’s Code of Ordinances is hereby amended to be read and codified by deleting
36 all text within the article in its entirety and replacing it with language as described in **Exhibit E** attached
37 hereto and incorporated herein.

38 **Section 6.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by
39 reference as if fully set out herein.

40 **Section 7.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
41 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed
42 by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

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

59 **Section 9.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
60 repealed.

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

63 **Section 11.** The City Clerk, with the concurrence of the City Attorney, is authorized to correct any
64 scrivener's errors found in this Ordinance, including any exhibits, as enacted.

65 **ORDAINED** this 17th day of February 2025.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, *Mayor*

ATTEST:

_____ (SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

66 TITLE 9 – LICENSING AND REGULATION

67 [...]

68 CHAPTER 2. – ALCOHOLIC BEVERAGES

69 ARTICLE A. – GENERAL PROVISIONS

70 [...]

71 Section 9-2-2. – Definitions.

72 [...]

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

82 ***Brown-bagging* means the bringing, taking, or carrying of any alcoholic beverage into (i)**
83 **an establishment that does not have an alcohol license for the consumption of alcoholic beverages**
84 **on the premises; or (ii) where said individual in possession of the alcoholic beverage does not have**
85 **a caterer's license; provided that bringing an alcoholic beverage into a house, apartment, room, or**
86 **other unit designed for private residential occupancy shall not fall within this definition.**

87 *City* means the City of Forest Park, Georgia.

EXHIBIT B

88 TITLE 9 – LICENSING AND REGULATION

89 [...]

90 CHAPTER 2. – ALCOHOLIC BEVERAGES

91 ARTICLE A. – GENERAL PROVISIONS

92 [...]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 115 (11) Wholesale dealers of alcoholic beverages (which includes distilled spirits, malt
116 beverages, and wine);
- 117 (12) Wholesale dealers of distilled spirits;
- 118 (13) Wholesale dealers of malt beverages and wine;
- 119 (14) Wholesale dealers of malt beverages;
- 120 (15) Wholesale dealers of wine;
- 121 (16) Private club;
- 122 (17) Hotel/motel in-room service;
- 123 (18) Alcoholic beverages caterer;
- 124 ~~(19) Banquet hall;~~
- 125 ~~(20)~~ (19) Importer dealer license;
- 126 ~~(21)~~ (20) Growler;
- 127 ~~(22)~~ (21) Microbrewery.
- 128 (d) This section shall not apply to:
- 129 (1) The manufacture of malt beverages or wine within the boundaries of a lot upon which a
130 private residence is located when such malt beverages or wine are not to be sold, to be
131 offered for sale, or to be made available for consumption by the general public;
- 132 (2) The serving or furnishing of any alcoholic beverage by a person within the boundaries
133 of a lot upon which a private residence is located when such serving or furnishing is not
134 made available to the general public and is not undertaken in exchange for money or
135 anything of value; or
- 136 (3) Any person selling or offering to sell any alcoholic beverage by the drink pursuant to a
137 temporary permit issued under section 9-2-71 if such action occurs on the premises of
138 a special event (and during the operating hours of such event) for which a permit has
139 been issued under Chapter 15 of Title 9 of the Code of Ordinances.

EXHIBIT C

140 TITLE 9 – LICENSING AND REGULATION

141 [...]

142 CHAPTER 2. – ALCOHOLIC BEVERAGES

143 ARTICLE A. – GENERAL PROVISIONS

144 [...]

145 Sec. 9-2-18. - Brown-bagging.

146 (a) ~~For the purposes of this section~~ **Brown-bagging is prohibited within the City. The following**
147 **acts constitute a violation of this ordinance:**

148 (1) ~~Brown bagging means the bringing, taking or carrying of any alcoholic beverage into~~
149 ~~a business licensed to operate within the city, but not licensed for the consumption of~~
150 ~~alcoholic beverages on the premises, provided that bringing an alcoholic beverage~~
151 ~~into a house, apartment, room or other unit designed for private residential occupancy~~
152 ~~shall not fall within this definition.~~

153 (2) ~~Brown bagging shall include the following prohibited acts:~~

154 a. (1) Any person who brown-bags;

155 b. (2) Any person participating in consumption of any alcoholic beverage being brown-
156 bagged;

157 c. (3) Any person who consumes an alcoholic beverage on any premises holding a business
158 license, except for those premises licensed for on-premises consumption of alcoholic
159 beverages or otherwise exempted from the definition of brown-bagging by virtue of
160 the private residential character of the occupancy;

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

163 (b) ~~Brown bagging is prohibited within the city.~~

164 (e) (b) The ~~business~~ **alcohol** license of any premises upon which brown-bagging knowingly or with
165 reckless indifference has been allowed shall be subject to suspension or revocation. Such
166 suspension or revocation action shall follow the procedures outlined in section 9-2-16 of this
167 chapter. Any conviction or plea of guilty or nolo contendere in the municipal court of the city
168 to a charge of brown-bagging shall be admissible in a license suspension or revocation
169 proceeding.

EXHIBIT D

170 TITLE 9 – LICENSING AND REGULATION

171 [...]

172 CHAPTER 2. – ALCOHOLIC BEVERAGES

173 [...]

174 ARTICLE D. – ON-PREMISES CONSUMPTION

175 [...]

176 Sec. 9-2-67. - Vacating premises—Sales by the drink.

177 (a) In all premises licensed to sell alcoholic beverages by the drink, all patrons must be excluded
178 from the premises within thirty (30) minutes **prior to the end of the hours of operation**
179 **permitted in section 9-2-7** ~~closing time required herein.~~

180 (b) Nothing contained herein shall prohibit the sale of food and non-alcoholic beverages in any
181 properly licensed restaurant or dining facility at such times and hours that the sale of alcoholic
182 beverages for on the premises consumption has been prohibited; however, any licensee who
183 desires to engage in such sale shall comply with subsection (a) and may be permitted to
184 conduct such sales only after all patrons who wish to purchase alcoholic beverages on-
185 premises have been excluded from the premises.

186 ~~(c) Licensees may purchase from licensed wholesalers all sizes of packaged alcohol above the~~
187 ~~quantity of one (1) pint.”~~

EXHIBIT E

188 TITLE 9 – LICENSING AND REGULATION

189 [...]

190 CHAPTER 2. – ALCOHOLIC BEVERAGES

191 [...]

192 ARTICLE E. – AUTHORIZED CATERED FUNCTIONS

193 Sec. 9-2-130. - Definitions.

194 The definitions of those terms found in section 9-2-2 of this chapter shall be applicable to this
195 article; in addition, the following terms found in this article are defined below.

196 *Adequate Parking* means one (1) parking space for each seventy-five (75) square feet of customer
197 service within the premises of the applicant and one (1) parking space per every four (4) employees.

198 *Authorized catered function* means an event at a location not otherwise licensed for consumption
199 of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and
200 sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a
201 permit obtained under this section.

202 *Food Caterer* means any person who, for consideration, prepares food for consumption off the
203 premises.

204 *Licensed Alcoholic Beverage Caterer (LABC)* means any person licensed for the sale of alcoholic
205 beverages by the state and who possesses a license by a local government in the state authorizing such
206 person to sell or dispense alcoholic beverages by the drink off licensed premises and in connection with
207 an authorized catered function.

208 Sec. 9-2-131. – Licensed Alcoholic Beverage Caterers.

209 (a) Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the
210 drink on premises at which Authorized Catered Functions are to be held. Such licenses shall be
211 annual licenses and may be obtained only by those persons, firms or corporations already
212 licensed by the city for the sale of alcoholic beverages at retail or by the drink.

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

215 (1) The application for permit shall include: (i) name of the alcoholic beverage caterer; (ii)
216 the caterer’s license number; (iii) and the date, address and time of the event.

217 (2) No alcoholic beverages shall be sold or distributed after 12:00 a.m. Thus, a permit will
218 not be granted to any LABC for any authorized catered function where alcoholic
219 beverages are being sold or distributed past 12:00 a.m.

- 220 (3) No permit fee shall be charged for the alcoholic beverage caterers licensed by the city.
221 However, for caterers licensed by jurisdictions other than Forest Park, a fee of fifty
222 dollars (\$50.00) per event permit shall be charged.
- 223 (4) No permit shall be issued to any person under this section who does not hold an
224 alcoholic beverage caterer's license from a local jurisdiction in the State of Georgia.
- 225 (5) The permit must be visibly displayed where the alcoholic beverages are being sold or
226 dispensed at the authorized catered function.
- 227 (c) The following persons will not be considered eligible for holding a permit:
- 228 (1) Persons suffering under any judicially determined mental incapacity; or
- 229 (2) Any person, who, within the past ten (10) years from the date of the application, has
230 been convicted of any crime involving moral turpitude, illegal gambling, or illegal
231 possession or sale of controlled substances or the illegal sale or possession of alcoholic
232 beverages, including the sale or transfer of alcoholic beverages to minors in a manner
233 contrary to law, prostitution, solicitation of sodomy, or any sexual related crime or
234 force or violence, or violation of any taxing statute. For purposes of this article, a
235 conviction includes a plea of guilty, a verdict of guilty, a bond forfeiture, or plea of
236 nolo contendere.
- 237 (d) A permit shall not be issued to any LABC if the chief of police, fire marshal, or their designee
238 in his/her sole discretion determines the following would result from the event:
- 239 (1) Traffic congestion requiring the services of a police officer for the orderly movement
240 of traffic in and out of the catered function premises;
- 241 (2) There are inadequate parking facilities/spaces which could cause illegal or unauthorized
242 parking on the street or on surrounding properties;
- 243 (3) Location within any area not otherwise appropriately zoned; and
- 244 (4) Proximity to churches, schools, or other similar premises.
- 245 (e) Caterers licensed by a jurisdiction other than Forest Park shall maintain a record of all alcoholic
246 beverages transported into the city for the event and shall pay an excise tax to the city covering
247 all such beverages at the rates provided by section 3-4-1. Failure to report and remit the tax
248 within seven (7) days of the conclusion of the event shall be grounds for denial of subsequent
249 permits to that caterer for similar events.
- 250 (f) Caterers licensed by Forest Park shall maintain a record of all alcoholic beverages transported
251 for each event, by event, and shall make report and remittance of such taxes with their regular
252 monthly reports to the city.
- 253 (g) No alcoholic beverages shall be transported, distributed or sold to other than licensed locations
254 in the city, except to authorized catered functions, unless otherwise authorized by this chapter
255 or by state law.

- 256 (h) No LABC shall employ alcoholic any person under twenty-one (21) years of age to dispense,
257 serve, sell or handle alcoholic beverages at authorized catered functions.
- 258 (i) The LABC shall comply with all laws of the State of Georgia and the provisions of this chapter.
259 No alcohol shall be served to a person under the age of twenty-one (21) years, and no alcohol
260 shall be served to any person who is in a state of noticeable intoxication or who is under the
261 influence of alcohol or other drugs;
- 262 (j) As a condition of permit issuance, alcoholic beverage caterers licensed by jurisdictions other
263 than Forest Park shall be provided a copy of the city's alcoholic beverages ordinances, and shall
264 indicate, by signature, that they have received such ordinances and acknowledge the
265 applicability of such ordinances to their operations.
- 266 (k) It shall be unlawful for any person to dispense, sell or offer for sale at wholesale or retail any
267 alcoholic beverages defined herein which include beer, wine, distilled spirits within the city,
268 without having first complied with the provisions of this article, but the properly licensed sale
269 of same is hereby declared lawful.

270 Sec. 9-2-132. – Requirements for Authorized Catered Functions.

271 For a catered function to be authorized by the City and to not be denied or terminated must adhere
272 to the following requirements:

- 273 (a) The building or other facility where the Authorized Catered Function is to be held or conducted
274 is a site or location meeting applicable building codes, fire codes, and otherwise appears to be a
275 location where an event can be safely held;
- 276 (b) The availability of parking spaces/facilities so as not to cause traffic congestion, unlawful parking
277 or unauthorized parking on surrounding properties, public safety and the effect of such operation
278 on surrounding property values. The fire marshal shall inspect the catered function-location to
279 determine if adequate parking spaces/facilities exist or whether provisions for adequate parking
280 are available. If parking facilities are to be shared with adjoining property owners or with
281 property in the surrounding area, the LABC shall provide a written, signed agreement
282 demonstrating such agreement. Said agreement shall contain language that would indemnify the
283 city against any liability or damage from such agreement. The owner of such catered function
284 facilities shall also be required to show proof of adequate insurance coverage for any such
285 damage or liability.
- 286 (c) A Forest Park police officer is obtained and paid for by either the LABC or the host of the
287 Authorized Catered function to attend the Authorized Catered Function to provide order and
288 security during the conduct of the proceedings;
- 289 (d) No controlled substances or firearms shall be permitted in or about the Authorized Catered
290 Function premises;
- 291 (e) The main entrance of all permitted catered function shall be clearly visible from a public street,
292 except premises located within a motel, hotel, private club, shopping center or multiple story
293 commercial building. The front window(s) of the premises shall be clearly visible from a public
294 street. The covering of the front window(s) is prohibited.

295 Sec. 9-2-133. - Violations, revocations, and penalties.

296 (a) *Periodic inspections.* Agents of the police department shall have the authority to inspect the
297 Authorized Catered Function premises of all licensees and permittees during legal hours of
298 operation.

299 (b) If there is found to be a violation of any provision of this chapter, the city has the authority to
300 terminate the Authorized Catered Function. Additionally, unless provided elsewhere in this
301 chapter, any person violating any provision of this chapter shall, if convicted, be guilty of a
302 misdemeanor and be fined in an amount of not more than one thousand dollars (\$1,000.00) for
303 each violation, or be incarcerated for not more than twelve (12) months or both such fine and
304 incarceration.

305 Secs. 9-2-134 – 9-2-139. – Reserved.