

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FOREST PARK, GEORGIA TO REVISE THE REGULATION OF BANQUET HALLS; TO PROVIDE FOR THE ESTABLISHMENT OF AN ETHICS OFFICER; TO PROVIDE FOR DISCIPLINE; AND FOR OTHER PURPOSES.

IT IS HEREBY ORDAINED by the Governing Authority of the City of Forest Park:

Section 1. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting Article E of Title 9, Chapter 2 of the Code and replacing it with a new Article E as shown on Exhibit A.

Section 2. In the event any word, phrase, sentence or paragraph is determined by a court of competent jurisdiction to be unconstitutional, the offending provisions shall be severed from the ordinance and the remaining words, phrases, sentences and paragraphs shall continue in effect as fully as though no challenge had been brought, it being the intent of the Council that severability be applied to the maximum extent allowed by law.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. This ordinance shall be effective immediately upon its adoption.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2021.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

ARTICLE E. BANQUET HALLS

Sec. 9-2-130. Definitions.

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

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

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

Banquet means the gathering of people upon property or in a building other than a private residence, for the purpose of honoring a person or an event, where liquor, beers or wines can be consumed by persons in attendance. Examples include wedding receptions, retirement parties, birthdays, holiday parties, and similar types of functions.

Banquet hall means a facility, other than a private residence, hotel, motel, other lodging place, private club, restaurant, bottle house, or lounge, which serves for the purposes of honoring a person or an event, where liquor, beers or wines can be consumed by persons in attendance.

Event means a social event such as wedding reception, bridal shower, retirement party, holiday party, award dinner or luncheon, bar/bat mitzvah, or similar type of function.

Food caterer means any person who, for consideration, prepares food for consumption off the premises.

Licensed alcoholic beverage caterer means any person licensed for the sale of alcoholic beverages by the state and who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off licensed premises and in connection with an authorized catered function.

Sec. 9-2-131. Permit required.

- (a) It shall be unlawful for any person to hold or stage a banquet serving alcohol within the city, without having first obtained a permit therefore. Furthermore, it shall be unlawful for any person owning a building or other property to allow said building or property to be used for purposes of a banquet where alcohol is served for which a permit to conduct the same has not been granted.
- (b) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function in the city, such caterer shall obtain a permit. The application for an event permit shall include the name and address of the alcoholic beverage caterer, the caterer's license number, and the location, date, address and time of the event. No permit fee shall be charged for the alcoholic beverage caterers licensed by the city. For caterers, a fee for each event shall be charged in the amount established by this chapter. No permit shall be issued to any person under this section who does not hold an alcoholic beverage caterer's license from a local jurisdiction or the State of Georgia. The permit shall be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the permit is in effect.

Sec. 9-2-132. Issuance of banquet and/or alcohol beverage caterer permits.

- (a) Permits for banquets and alcohol beverage caterers shall be issued by the chief of police or other officer designated by the chief to issue permits in his absence. Permits may be issued only after the applicant provides satisfactory evidence of those items listed in section 9-2-8 of this chapter, and also the following:
 - (1) The building or other facility where the banquet is to be held or conducted is a site or location meeting applicable building codes, fire codes, and otherwise appears to be a location where a banquet can be safely held;
 - (2) The availability of parking spaces/facilities so as not to cause traffic congestion, unlawful parking or unauthorized parking on surrounding properties, public safety and the effect of such operation on surrounding property values;
 - (3) The applicant shows proof of hiring private security obtained and paid for by the applicant to attend the banquet and provide order and security during the conduct of the proceedings;
 - (4) Caterers licensed by a jurisdiction other than Forest Park shall maintain a record of all alcoholic beverages transported into the city for the event, and shall pay an excise tax to the city covering all such beverages at the rates provided by section 3-4-1 of this Code. Failure to report and remit the tax within seven (7) days of the conclusion of the event shall be grounds for denial of subsequent permits to that caterer for similar events;
 - (5) Caterers licensed by the city shall maintain a record of all alcoholic beverages transported for each event, by event, and shall make report and remittance of such taxes with their regular monthly reports to the city;
 - (6) All employees serving, dispensing or handling alcohol are required to obtain a permit. Such employees must provide valid identification, a Social Security card and complete a notarized criminal history consent form, with a fee of twenty-five dollars (\$25.00).
- (b) As a condition to issuance of a permit, alcoholic beverage caterers licensed by jurisdictions other than the City of Forest Park shall be provided a copy of the city's alcoholic beverage ordinances, and shall indicate, by signature, that they have received such ordinances and acknowledge the applicability of such ordinances to their operations in the city. The chief of police or his designee shall consider the application, and if the applicant qualifies then the chief of police or his designee shall issue an event permit upon receipt of payment of a permit fee in an amount established by this chapter.

Sec. 9-2-133. Prohibitions.

Upon the obtaining of a permit, the permittee shall be responsible to ensure that the banquet is conducted in a reasonable and safe manner. In addition, the following prohibitions shall apply to any banquet:

- (1) The private security hired for the banquet shall be required to be on the banquet premises at all times and shall not be a participant in the banquet festivities;
- (2) The permittee shall comply with all laws of the State of Georgia and the provisions of this chapter. No alcohol shall be served to a person under the age of twenty-one (21) years, and no alcohol shall be served to any person who is in a state of noticeable intoxication or who is under the influence of alcohol or other drugs;
- (3) No controlled substances shall be permitted in or about the banquet premises, and no firearms shall be permitted in or about the banquet premises;
- (4) No person under the age of twenty-one (21) shall be employed to dispense, serve or handle alcoholic beverages.

Sec. 9-2-134. Violations, revocations and penalties.

- (a) *Periodic inspections.*
 - (1) Agents of the police department shall have the authority to inspect the premises of all licensees and permittees during legal hours of operation.
 - (2) Any person found to be in violation of any provision of this chapter shall have his/her banquet permit or alcoholic beverage caterer permit immediately revoked and the conduct of the banquet terminated. In addition, unless provided elsewhere in this chapter, any person violating any provision of this chapter shall, if convicted, be guilty of a misdemeanor and be fined in an amount of not more than one thousand dollars (\$1,000.00) for each violation, or be incarcerated for not more than twelve (12) months or both such fine and incarceration.

Sec. 9-2-135. Compliance.

- (a) It shall be unlawful for any person to dispense, sell or offer for sale at wholesale or retail any alcoholic beverages defined herein which include beer, wine, distilled spirits within the city, without having first complied with the provisions of this article, but the properly licensed sale of same is hereby declared lawful.
- (b) This article shall apply to:
 - (1) Any banquet hall desiring to serve alcohol.
 - (2) Private clubs where the facility is leased to non-members or others, where alcohol is provided by the private club or an alcoholic beverage caterer.

Sec. 9-2-136. Premises eligible for permit.

- (a) The following persons will not be considered eligible for holding of a banquet permit or alcoholic beverage caterer permit provided herein:
 - (1) Persons suffering under any judicially determined mental incapacity; or
 - (2) Any person, who, within the past ten (10) years from the date of the application, has been convicted of any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, prostitution, solicitation of sodomy, or any sexual related crime or force or violence, or violation of any taxing statute. For purposes of this article, a conviction includes a plea of guilty, a verdict of guilty, a bond forfeiture, or plea of nolo contendere.
- (b) No location for a banquet permit shall be approved if it shall manifestly appear that any of the following, as determined by the chief of police and fire marshal or their designee, would result from the issuance of such license:
 - (1) Traffic congestion requiring the services of a police officer for the orderly movement of traffic in and out of the premises;
 - (2) There are inadequate parking facilities/spaces which could cause illegal or unauthorized parking on the street or on surrounding properties;
 - (3) Location within any area not otherwise appropriately zoned; and
 - (4) Proximity to churches, schools, or other premises as hereinafter set forth.

Sec. 9-2-137. General provisions.

- (a) *Banquet location.* The minimum distance requirements found in this chapter shall be applicable to banquets regulated by this article.
- (b) *Banquet entrance.* The main entrance of all permitted premises shall be clearly visible from a public street, except premises located within a motel, hotel, private club, shopping center or multiple story commercial building.
- (c) *Parking.* The fire marshal shall inspect the banquet location to determine if adequate parking spaces/facilities exist or whether provisions for adequate parking are available. If parking facilities are to be shared with adjoining property owners or with property in the surrounding area, applicant shall provide a written, signed agreement demonstrating such agreement. Said agreement shall contain language that would indemnify the city against any liability or damage from such agreement. The owner of such banquet facilities shall also be required to show proof of adequate insurance coverage for any such damage or liability.

Sec. 9-2-138. Hotels, motels.

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

Sec. 9-2-139. Employment of certain persons prohibited.

- (a) It shall be unlawful for any licensee to employ on the premises any person in any capacity who has been convicted at any time within the past five (5) years of any crimes involving moral turpitude, illegal gambling, prostitution, controlled substances, or having to do with alcoholic beverages.
- (b) Minors may be employed, provided however, it shall be unlawful for any person under twenty-one (21) years of age to take orders for, dispense, serve, sell, handle or deliver alcoholic beverages.