CITY OF FOREST PARK

STATE OF GEORGIA

ORDINANCE NO. 15-15

AN ORDINANCE TO AMEND ARTICLE A, GENERAL PROVISIONS, OF CHAPTER 2, ALCOHOLIC BEVERAGES, OF TITLE 9, LICENSING AND REGULATION, OF THE CODE OF ORDINANCES OF THE CITY OF FOREST PARK; TO AMEND THE MINIMUM DISTANCES FROM CERTAIN TYPES OF ESTABLISHMENTS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD; TO AMEND THE DEFINITION OF "GROCERY STORE" WITH REGARD TO THE SALE OF ALCOHOLIC BEVERAGES; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Forest Park, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the City has the power to adopt regulations promoting the public health, safety, and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II of the 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-35-1 *et seq.*); and Section 1.13(11) of the City's Charter; and

WHEREAS, the State of Georgia (the "State") regulates the minimum distances that must exist between establishments that sell alcoholic beverages and churches, educational facilities, alcoholic treatment centers, and housing authority properties; and

WHEREAS, the City desires to amend the distance requirements, to mirror to State law, between establishments that sell alcoholic beverages and churches, educational facilities, alcoholic treatment centers, and housing authority properties; and

WHEREAS, the regulation of alcoholic beverages is for a public purpose and provides for the public health, safety, and general welfare; and

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

NOW THEREFORE, be it ordained by the Governing Body of the City of Forest Park, Georgia:

Section 1. **That subsections (a) and (b) of Section 9-2-12, Location of Business, of Article A, General Provisions, of Chapter 2, Alcoholic Beverages, of**

Title 9, Licensing and Regulation, of the Code of Ordinances of the City of Forest Park, Georgia, are hereby amended by striking the existing text and inserting the following text, in lieu thereof, to read as follows:

"(a) 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;

(4) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2); or

(b) 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 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)."

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.

Section 5. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this 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 16th day of NOVEMBER, 2015.

CITY OF FOREST PARK, GEORGIA:

David Lockhart
Mayor

Latresa Akins
Mayor Pro-tempore (Ward Four)

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Councilmember, Ward Two

Maudie McCord
Councilmember, Ward Three

Linda Lord
Linda Lord
Councilmember, Ward Five

ATTEST:

Mike Blankenship
City Clerk

Approved as to Form

City Attorney