

## **ARTICLE III. BUSINESSES REGULATED**

### **DIVISION 1. GENERALLY**

#### **Sec. 22-140. Administrative and regulatory fees.**

A nonprorated, nonrefundable administrative fee in the amount established by the city council shall be required on all business and occupation tax accounts for the initial start-up, renewal, or reopening of those accounts.

(1) A regulatory fee will be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee may not include an administrative fee.

(2) Each of the following listed occupations and professions shall pay an annual regulatory fee in the amount established by the city council per year:

- a. Auto and motorcycle racing.
  - b. Boardinghouses.
  - c. Boxing and wrestling promoters.
  - d. Burglar and fire alarm installer.
  - e. Businesses providing bonds.
  - f. Carnivals.
  - g. Deals in precious metals.
  - h. Escort services.
  - i. Firearm dealers.
  - j. Fortunetellers.
  - k. Garbage collectors.
  - l. Handwriting analysts.
  - m. Health clubs, gym and spa.
  - n. Hotels and motels.
  - o. Hypnotists.
  - p. Landfills.
  - q. Locksmiths.
  - r. Massage parlors.
  - s. Modeling agencies.
  - t. Parking Lots.
  - u. Pawnbrokers.
  - v. Peddlers.
  - w. Scrap metal possessors.
  - x. Shooting galleries and firearm ranges.
  - y. Stables.
  - z. Tattoo artist.
  - aa. Taxicab and limousine operators.
  - bb. Therapists.
  - cc. Vending boxes and machines.
- (Code 1979, § 36-3.0)

#### **Sec. 22-141. Applications.**

Every person required to procure a registration under the provisions of this chapter or any other chapter of this Code or law of the city shall submit an application for the registration to the city clerk, which application shall conform to the requirements of this article. Each application shall be a written statement upon forms provided by the city clerk.

(Code 1979, § 32-101(1))

**Sec. 22-142. Contents of application.**

Each application shall contain the following information:

- (1) Name and home address of the applicant, if an individual, or home office address if a corporation or partnership;
- (2) Place where the proposed business is to be located;
- (3) Kind of business to be carried on;
- (4) Name and home addresses of the partners, if a partnership;
- (5) Names and home addresses of the officers and directors, if a corporation;
- (6) Complete record of all arrests and convictions against the applicant and every partner, officer, or director of the applicant for violations of any and all laws and articles of the city, state, or federal government;
- (7) Additional information that the city clerk or council may find reasonably necessary to the fair administration of this chapter; and
- (8) Signature of the applicant, if an individual, or a partner, if a partnership, or an officer, if a corporation, given under oath, verifying that the information provided is complete, true, and correct.

(Code 1979, § 32-101(2), (3))

**Sec. 22-143. Payment of fees; refunds.**

- (a) Each application shall be accompanied by the amount of the fee chargeable for the registration, the amount to be prorated by quarters to the end of the fiscal year.
- (b) The city clerk shall issue a receipt to the applicant for the amount of the fee tendered with the application for a registration, provided that the receipt shall not be construed as approval of the application, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provision of this chapter.
- (c) Upon the disapproval of any application for which a fee has been submitted under the provisions of this chapter, the city clerk shall refund the fee, provided that the applicant is not otherwise indebted to the city.

(Code 1979, § 32-101(4))

**Sec. 22-144. Confidentiality of information.**

All information furnished or secured under the authority of this article shall be kept in strict confidence by the city clerk, shall not be subject to public inspection, and shall be utilized solely by the officers of the city responsible for administering the provisions of this chapter.

(Code 1979, § 32-101(5))

**Sec. 22-145. False statements in application.**

False statements on any application for a registration shall be grounds for immediate revocation of the registration.

(Code 1979, § 32-101(6))

**Sec. 22-146. Review by city officers.**

If any provision of this chapter or any licensing provision elsewhere in this Code provides for the review of an application for a registration by a city officer designated therein, the city clerk shall forward a copy of the application to the officer within 48 hours of the time of the receipt of the application. The officer charged with the duty of reviewing the application shall make a recommendation thereon, favorable or otherwise, and shall

return the recommendation to the city clerk within seven days after receiving a copy of the application.

(Code 1979, § 32-102(1))

**Sec. 22-147. Council consideration.**

Upon the receipt of the recommendation of the reviewing officer as herein provided, or upon the receipt of the application, if no reviewing officer is designated, the city clerk shall forward the recommendation or application to the city council for consideration and action at its next regular scheduled public meeting.

(Code 1979, § 32-102(2))

**Sec. 22-148. Limitation on issuance.**

No registration shall be issued to any applicant whose place of business is not in full compliance with all minimum standard building codes adopted by the city.

(Code 1979, § 32-102(3))

**Sec. 22-149. Issuance of business registration.**

Upon express approval of the city council, the city clerk shall issue a business registration to the applicant, which registration shall state the nature of the business authorized and bear the date of issuance and the signatures of the mayor and city clerk.

(Code 1979, § 32-102(4))

**Sec. 22-150. Registration as privilege; discretion of council.**

The granting of a business registration under the provisions of this article shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in the business.

(Code 1979, § 32-102(5))

**Sec. 22-151. Display of registration.**

It shall be the duty of any person conducting a registered business in the city to keep his registration posted in a conspicuous place on the premises used for the business at all times.

(Code 1979, § 32-103)

**Sec. 22-152. Inspections.**

(a) Whenever inspections of the premises used for or in connection with the operation of a registered business or occupation are provided for or required by this chapter or any other provision of this Code or state or federal law, or are reasonably necessary to secure compliance with any provision of this Code or to detect violations thereof, it shall be the duty of the registrant, or the person in charge of the premises to be inspected, to admit thereto, for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make the inspection at any reasonable time such admission is requested.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any article provision or to detect violations thereof, it shall be the duty of the registrant whose business is governed by the provision to give to any authorized officer or employee of the city requesting the same sufficient samples of the material or commodity for the analysis.

(c) In addition to any other penalty which may be provided, the mayor may revoke the registration of any registered proprietor of a registered business in the city who refuses to allow any officer or employee who is authorized to make the inspection or make the sample to make the inspection, or make an adequate sample of the commodity, or who interferes with the officer or employee while in the performance of his duty in making the inspection; provided that no registration shall be revoked for the cause unless written demand is made upon the registrant or person in charge of the premises, in the name of the city, stating that the inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(Code 1979, § 32-104)

**Sec. 22-153. Termination and renewal of registrations.**

(a) All annual registrations shall terminate on February 1. A registration taken out after February 1 shall nevertheless terminate the following February 1. No deduction shall be made for time less than one year. Any registration fee not paid by March 15 for each respective year shall be delinquent.

(b) Each registrant shall make a written application for renewal on forms supplied by the city clerk on or before February 1 of each calendar year, which application shall contain substantially the same information as the initial application and be accompanied by all required fees.

(c) An applicant for renewal of a registration shall be entitled to a refund of fees tendered if he withdraws his application for renewal prior to final action on the same by the city council.

(Code 1979, § 32-105)

**Sec. 22-154. Revocation and suspension.**

The city council, after affording the registrant notice of the charges and opportunity to be heard with respect to any suspension or revocation proceedings, and if it finds this chapter to have been violated by the registrant, his agent, or his employee, may revoke the registration in its entirety, suspend the registration for a specified period of time, place the registrant on probation, or place other conditions thereon as the council may deem necessary or appropriate.

(Code 1979, § 32-106)

**Sec. 22-155. Change of location.**

In the absence of any provision to the contrary, the location of any registered business or occupation may be changed, provided ten days' notice thereof is given to the city clerk, and provided that the registrant complies with all building and zoning requirements.

(Code 1979, § 32-107)

**Sec. 22-156. Transfer of registration.**

All registrations shall be personal to the registrant to whom issued, but in cases where the ownership is changed and both the name and location of the registered business or occupation are maintained, the mayor and city council may allow the registration to be transferred.

(Code 1979, § 32-108)

**Sec. 22-157. Duplicate registration.**

A duplicate registration shall be issued by the city clerk to replace a previously issued registration which has been lost, stolen, defaced, or destroyed without any willful conduct on the part of the registrant, upon the filing of a sworn affidavit attesting to the fact and the payment of a fee in the amount established by resolution of the city council. (Code 1979, § 32-109)

**Sec. 22-158. Branch offices.**

For the purposes of this article, each branch establishment or location wherein a representative of the owner shall be deemed a separate place of business for which a separate registration shall be required, provided that warehouses and distributing plants used in connection with and incidental to a business registered under the provisions of this article shall not be deemed to be separate places of business or branch offices. (Code 1979, § 32-110)

**Sec. 22-159. Joint registrations prohibited.**

A person engaged in two or more businesses at the same location shall be required to obtain separate registrations for conducting each of the businesses for which a registration is required. (Code 1979, § 32-111)

**Sec. 22-160. Penalties.**

(a) Any person who shall conduct a business or occupation without having obtained a registration therefor as required by this article, or who shall violate any other provisions of this chapter, shall, upon conviction therefor, be punished by a fine not to exceed \$100.00 and costs, or by imprisonment not to exceed 30 days, or both, any and all of the penalties to be imposed in the discretion of the judge of the municipal court. Each warning or citation shall be considered a separate offense.

(b) In addition to the above penalties, the defendant shall be subject to, and the city clerk shall issue execution for, the tax fee due to the city for which the person is subject.

(Code 1979, § 32-112)

Secs. 22-161--22-180. Reserved.

**DIVISION 2. INSURANCE COMPANIES**

**Sec. 22-181. Registration required.**

Each person conducting an insurance business within the corporate limits of the city shall be required to obtain a registration from the city clerk in the manner specified in this division. Insurance companies, in addition to the registration fees established in this division, shall be subject to the gross premiums tax provided in chapter 94.

(Code 1979, § 32-201(1))

**Sec. 22-182. Company registration fees.**

For purposes of this division, the insurance business is classified according to the five classes enumerated in O.C.G.A. § 33-8-8.2. Each insurance business shall pay a separate registration fee, in the amount established by resolution of the city council, for each separate business location within the city and, at each location, for each separate class of insurance written in the city.

(Code 1979, § 32-201(2); Ord. of 11-21-1991, § 1)

**Sec. 22-183. Agency registration fees.**

Independent agencies and brokers not otherwise registered pursuant to section 22-285 shall pay a separate registration fee in the amount established by resolution of the city council for each separate business location within the city and, at each location, for each separate class of insurance written in the city.

(Code 1979, § 32-201(3); Ord. of 11-21-1994, § 3)

**Sec. 22-184. Registration fees for insurers of certain risks.**

For each separate business location not otherwise subject to a registration fee hereunder that is operated and maintained by a business organization engaged in the business of lending money or transacting sales involving term financing, and, in connection with the loans or sales, offers, solicits or takes application for insurance through a registered agent of an insurer for insurance, the insurer shall pay an additional annual registration per location in the amount established by resolution of the city council.

(Ord. of 11-21-1994, § 2)

**Sec. 22-185. Annual company report.**

(a) Every insurance company doing business within the city and subject to the fees herein imposed shall file with the city clerk, on forms prescribed by him, a report showing the names and addresses of its agents representing the company in the city, the location and person in charge of each and every business location within the city operated and maintained by the company, the classes of insurance written, and the other reasonable information as may be required.

(b) Every insurance company doing business within the city and subject to the fees herein imposed shall also furnish complete information regarding the premium received, by class, from policies written for risks residing or located within the city.

(c) The report required herein shall be made over affidavit of an officer of the company.

(d) It is a violation of this division for any person or his agent to knowingly give false or incomplete information on any the report.

(e) The report shall be filed at the time of paying the registration fee and premium tax as provided in this Code.

(Code 1979, § 32-201(4)b)

**Sec. 22-186. Annual business location report.**

(a) The person responsible for each the insurance business location subject to registration fee hereunder shall file with the city clerk a report on forms prescribed by the clerk showing the address of the business location, the class of insurance written at that location, the names of the persons writing insurance at the location, the names of the companies represented, and any other reasonable information as may be required.

(b) The report shall be made over affidavit of the person in charge of the business location.

(c) It is a violation of this division for any person or his agent to knowingly give false or incomplete information on any the report.

(d) The report shall be filed at the time of paying the registration fee.

(Code 1979, § 32-201(4)c)

**Sec. 22-187. Confidentiality of reports.**

All reports required to be filed under this division shall be confidential, and the information contained therein shall be solely for the use of the officers of the city responsible for administering this chapter.

(Code 1979, § 32-201(4)d)

Secs. 22-188--22-210. Reserved.

### **DIVISION 3. CONSTRUCTION CONTRACTORS**

#### **Sec. 22-211. General contractors.**

(a) The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*General contractor* or *builder* means any person who engages in the business of supervising the construction, alteration, or repair of buildings in the city (even if doing part of the work himself) and who has general direction and control of the carpenters, masons, and other parties employed in the work, regardless of the method he is compensated for his service.

(b) Each general contractor shall procure a business registration from the city annually.

(Code 1979, § 32-202(1), (2))

#### **Sec. 22-212. Subcontractors.**

(a) The general contractor's registration shall include the registration for grading, excavating, painting, paper hanging, floor finishing, roofing, sheet metal work and weather stripping, provided those persons doing the work are employed by the general contractor or builder, but each subcontractor doing any work for a general contractor must have a city registration covering the specific type of work being handled by the subcontractor.

(b) In determining whether a separate subcontractor's registration is required, factors to be used as a guide include consideration of the person paying social security, withholding tax, workman's compensation, insurance, or otherwise handling the payroll.

(Code 1979, § 32-202(3))

#### **Sec. 22-213. Additional contractors' registrations required.**

The general contractor's registration shall not include, and additional registration shall be required for, the following contractors:

- (1) Contractor, air conditioning or heating.
- (2) Contractor, automatic sprinkler systems.
- (3) Contractor, cement or asphalt.
- (4) Contractor, paving.
- (5) Contractor, grading, excavating or landscaping.
- (6) Contractor, moving or wrecking.
- (7) Contractor, painting, paper hanging.
- (8) Contractor, roofing.
- (9) Contractor, floor finishing.
- (10) Contractor, electrical.
- (11) Contractor, plumbing.
- (12) Contractor, weather stripping or insulating.

(Code 1979, § 32-202(4))

Secs. 22-214--22-230. Reserved.

## **DIVISION 4. MERCHANTS**

### **Sec. 22-231. Registration required.**

(a) Any person doing any retail merchandise business, including, but not limited to, the following, shall be required to obtain a city business registration:

- (1) Grocery.
- (2) Butcher.
- (3) Drug and notion.
- (4) Florist.
- (5) Feed and seed.
- (6) Building materials.
- (7) Jewelry, furniture.
- (8) Appliance.
- (9) Hardware.
- (10) Machinery and farm implements.
- (11) Fruits and vegetable.
- (12) Shoes, haberdashery.
- (13) Antique shops.
- (14) Used furniture.
- (15) Auto supplies.
- (16) Department stores.
- (17) Poultry supply.
- (18) Hobby shop.
- (19) Wearing apparel.
- (20) Book and stationary.

(b) The registration fee for merchants shall be established by resolution of the city council and shall consist of a base fee plus an additional amount per thousand at cost of inventory value, as reported on the merchant's state income tax return at the end of the business or fiscal year next preceding January 1. A return form may be obtained from the city clerk, and the return must be filed with the clerk.

(Code 1979, § 32-203)

Secs. 22-232--22-250. Reserved.