

ARTICLE II: BUSINESSES REGULATED

32-201. Insurance businesses.

1. License required. Each person, agency, firm, or company doing an insurance business within the municipal corporate limits shall be required to obtain a license from the city clerk in the manner specified in this chapter.

2. Company license fee. There is hereby levied for the year 1973 and for each year thereafter an annual license fee upon each insurance company insuring risks within the City of Jasper in the amount of twenty-five dollars (\$25), plus an additional license fee of twenty-five dollars (\$25) for each separate business location in excess of one operated and maintained by such company within the City of Jasper; provided, however, that said license fee shall entitle a company to write only one class of insurance, and any company writing more than one class of insurance shall be liable for additional such license fees for each class of insurance written within the City of Jasper. For the purposes of this ordinance, the insurance business is classified according to the five classes enumerated in *Section 53-305* of the *Georgia Insurance Code*.

3. Agency license fee. Independent agencies, brokers, etc., not otherwise licensed: There is hereby levied for the year 1978 and for each year thereafter an annual license fee upon each separate business location from which an insurance business is conducted and which is not subject to the company license fees imposed by Section 1 hereof, in the amount of twenty-five dollars (\$25) for each such location within the City or Jasper provided, however, that said license fee shall authorize only one class of insurance business to be conducted from such location, and the writing of more than one class of insurance from such location shall render such location liable for an additional such license fee for each class of insurance written.

4. Administrative provisions.

a. The license fees levied by Section 2 and 3 hereof are due and payable on February 1, 1973, and on February 1 of each succeeding year. Any such license fee not paid by March 15, for each respective year shall be delinquent.

b. Every insurance company doing business within the City of Jasper 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 such company in the City of Jasper; the location and person in charge of each and every business location within the City operated and maintained by such company; the classes of insurance written; and such other reasonable information as may be required, and, in addition, shall furnish complete information regarding the premium received, by class, from policies written

32-201 Insurance businesses. (continued)

risks residing or located within the City of Jasper. Such report shall be made over affidavit of an officer of such company. It is hereby declared to be a violation of this ordinance for any person, firm, corporation or their agents to knowingly give false or incomplete information on any such report. Said report shall be filed at the time of paying the license fee and premium tax.

c. The person responsible for each such insurance business location subject to license fee under Section 2 hereof shall file with the City Clerk a report on forms prescribed by him, showing the address of the business location; the class or classes of insurance written; the names of the persons writing insurance at such location; the names of the companies represented; and such other reasonable information as may be required. Such report shall be made over affidavit of the person in charge of such business location. It is hereby declared to be a violation of this ordinance for any person, firm, corporation or their agents to knowingly give false or incomplete information on any such report. Said report shall be filed at the time of paying the license fee.

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

5. Enforcement. The fees and taxes levied by this Ordinance may be enforced by execution in the same manner as other taxes of the City of Jasper. A violation of this Ordinance shall be grounds for refusing or revoking a license, and the person responsible may be punished as for violations of other city Ordinances.

Note: See section 4-102 on gross direct premium tax.

32-202 Construction contractors.

1. Definition. A general contractor, or builder is defined as any person who engages in the business of supervising the construction, alteration, or repair of buildings in the City of Jasper (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 shall be classified as a general contractor or builder regardless of the method he is compensated for his service.

2. License fee. A contractor or builder shall pay an annual license fee of \$50.00.

3. Subcontractors. The above license shall include the license 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 of Jasper license covering the specific type of work being handled by subcontractor.

32-202 Construction contractors (continued)

Factors to be used as a guide to determine whether a job is all under a general contractor or if a subcontractor is involved are the person, firm, or corporation paying Social Security, Withholding Tax, Workman's Compensation, insurance, or otherwise handling the payroll.

4. The above license shall not include license for electrical, plumbing, heating and/or air conditioning and additional license for these must be obtained with the following fees:

Contractor, Air Conditioning and/or Heating	\$35.00
Contractor, Automatic Sprinkler Systems	\$25.00
Contractor, Cement and/or Asphalt	\$25.00
Contractor, Paving	\$25.00
Contractor, Grading, Excavating and/or Landscaping	\$25.00
Contractor, Moving and/or Wrecking	\$25.00
Contractor, Painting, Paper Hanging	\$25.00
Contractor, Roofing	\$25.00
Contractor, Floor Finishing	\$25.00
Contractor, Electrical	\$25.00
Contractor, Plumbing	\$25.00
Contractor, Weather Stripping and/or Insulating	\$25.00

32-203 Merchants.

Any person, firm or corporation doing any retail merchandise business, including grocery, butcher, drug and notion, florist, feed and seed, building materials, jewelry, furniture, appliance, hardware, machinery and farm implements, fruits and vegetable, shoes, haberdashery, antique shops, used furniture, auto supplies, department stores, poultry supply, hobby shop, wearing apparel, book and stationary, but not limited to these shall pay the following license fee:

\$25.00 plus \$1.50 per thousand at cost on the inventory as reported on State Income Tax return at the end of the business for fiscal year next preceding January 1st. A return must be filed with the city clerk, which may be obtained at the City Hall.

32-204 Special or limited licenses.

The following licenses shall be set by Mayor and Council on an individual basis after application is made to the city clerk for these licenses:

- New Manufacturing
- Amusements, Rides, etc.
- Entertainment (All kinds and places)
- Skating Rinks
- Shooting Galleries

32-205 Solid waste collectors.

1. License required. Each person engaged in the business of solid waste collection and disposal in this municipality shall be required to obtain a license from the city clerk in the manner specified in this chapter.

Note: All persons engaged in solid waste handling or in operating a disposal facility or site are required to obtain a state permit from the Director of the Division of Environmental Protection of the Department of Natural Resources. See Ga. Code Ann. § 43-1607.1. This requirement does not limit the power of municipalities to adopt and enforce additional regulations not in conflict with state law, however. See Ga. Code Ann. § 43-1605.

2. Application. Application for a license to engage in the business of solid waste collection and disposal shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information:

- a. number, type, and size of waste collection vehicles to be used;
- b. the number of employees to be assigned to each waste collection vehicle;
- c. name and location of commercial and industrial establishments and/or the number of residences to be served;
- d. the types of waste to be collected; and
- e. the state permit number of each disposal site to be used.

3. Fee established. The annual business license fee for solid waste collectors doing business within this municipality shall be twenty-five dollars (\$25).

4. Review of application. No action on any application for a license to engage in the business of solid waste collection and disposal shall be taken by the city council until the street superintendent has reviewed such application and forwarded his recommendation thereon to the city clerk, in the manner specified in this chapter.

Note: See Section 32-102 of this code.

5. Limitation on issuance. No license shall be issued to any person whose solid waste collection vehicles do not meet the standards established for such vehicles in the solid waste management ordinance of this city.

Note: See Section 12-105.3 of this code.

6. Duty of licensees. It shall be the duty of all persons issued a license under this section to conform to the requirements of the solid waste management ordinance of this city, and failure to so conform shall be grounds for revocation of said license.

32-206 Peddlers and itinerant merchants.

1. License required. Each peddler and itinerant merchant as such terms are defined herein, who does business within this municipality shall be required to obtain a license from the city clerk in the manner specified in this chapter. No license shall be issued without the approval, of the city council.

Note: State law requires that every "peddler or itinerant dealer" obtain a license from the probate judge of the county in which he intends to conduct his business. See Ga. Code Ann. § 34-1001. Nothing in such law prohibits municipalities from also licensing such merchants, however.

2. Definitions. For the purposes of this section, the following words shall have the meanings specified:

a. The word "peddler" shall include any person-- whether a resident of this city or not-- traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden produce, farm products, or provisions who offers and exposes the same for sale, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance.

b. An "itinerant merchant" is defined as any person, firm, or corporation-- whether as owner, agent, consignee or employee, whether a resident of the city or not-- who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, tent, railroad box car, boat, or public room in any hotel, lodging house, apartment, or shop within the city for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction.

3. Exemptions. This section shall not be applicable to traveling salesman or nonresident merchants as provided in Chapter 92-4105 of the Georgia Code Annotated, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, or to bona fide charitable, religious, or philanthropic organizations.

4. Application. Application for a license under this section shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information;

a. the fingerprints of the person or persons having the management or supervision of the applicant's business, or in lieu thereof at least three (3) letters of recommendation from reliable property owners in the county in which the business is to be conducted, certifying as to the applicant's good character and business responsibility, or other evidence which establishes the good character and business responsibility of such person or persons to the satisfaction of the mayor and council.

32-206 Peddlers and itinerant merchants. (continued)

b. the place or places in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

c. the place or places, other than the permanent place of business of the applicant, where applicant within the six months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

d. a statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by the applicant in the city; the invoice value and quality of such goods, wares, and merchandise; where the goods or property to be sold are manufactured or produced; and where such goods or products are located at the time said application is filed;

e. a brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the city clerk, copies of all said advertising whether by handbills, circulars, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto; and

f. whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of such offense, and the punishment assessed therefore.

5. Bond. Before any license shall be issued for engaging in a transient or itinerant business as provided in this section, the applicant for such license shall file with the city clerk a bond running to the city in the sum of \$____, executed by the applicant, as principal, and two sureties upon which service of process may be made in the State of Georgia; said bond to be approved by the city attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of this city and the statutes of this state regulating and concerning the sale of goods, wares, and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any

advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond must be approved by the city attorney, both as to form and as to the responsibility of the sureties thereon.

6. Service of process. Before any license as herein provided shall be issued for engaging in business as a peddler or itinerant merchant in this municipality, the applicant for such license shall file with the city clerk an instrument nominating and appointing the city clerk his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by this section, or for the performance of the conditions of said bond, or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the city clerk, as herein provided, the city clerk shall send to the licensee at his last known address, by registered mail, a copy of said process.

7. Fee establishment. The business license fee for each peddler and itinerant merchant doing business in the City of Jasper shall be the same as the fee for similar businesses in the city, or fifty five dollars (\$50.00) for dissimilar businesses.

8. Duty to exhibit. All persons obtaining a license under the provisions of this section shall be required to exhibit such license at the request of any citizen.

9. Loud noises and speaking devices. No licensee under this section, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any other sound device including any loud-speaking radio or amplifying system upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced there from capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

32-207 Charitable solicitors.

1. Registration required. Any person who wishes to solicit donations or contributions for, or to sell any insignia or novelty on the streets of the city on behalf of, or under the sponsorship of, any charitable, religious, social, patriotic, or civic club or organization shall be required to register such solicitation or sale with the chief of police at least 48 hours in advance of such event and to obtain a permit therefore.

Note: Registration of charitable organizations prior to solicitation is required at the state level, and may be mandated at the local level as well. See Chapter § 35-10 and § 35-1011 of the Georgia Code Annotated.

2. Form of registration. The registration required by this section shall be in writing, shall be signed by the chief officer of the club or organization, and shall contain the following information:

- a. the name and object of the charitable, religious, social, patriotic, or civic club or organization conducting or sponsoring the solicitation or sale to which the registration relates;
- b. the day or days on which the solicitation or sale will take place;
- c. the object for which the funds to be derived from the solicitation or sale will be utilized; and
- d. the name and address of the chief officer of the club or organization conducting or sponsoring the solicitation or sale.

3. Exemption. This section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are in the form of collections or contributions at the regular assemblies of any such organization or church.

4. Duty to exhibit. Charitable solicitors shall be required to exhibit their permits at the request of any citizen.

5. Unlawful acts. It shall be unlawful for any person to execute a registration which contains any false statement, and it shall be unlawful for any person to solicit donations or contributions or sell any insignia or novelty on the streets of the city purportedly in behalf of, or under the sponsorship of, any charitable, religious, social, patriotic, or civic club or organization which does not in fact exist.

32-208 Going-out-of-business sales, fire sales, etc.

1. License required. Any person selling or offering to sell any goods within this municipality at a sale to be advertised or held out by any means to be a going-out-of-business sale, or removal of business sale, or a fire and other altered stock sale, as such terms are defined in this section, shall be required to obtain a license from the city clerk in the manner specified in this chapter.

2. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them herein:

a. Fire and other altered goods sale. A sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water, or other means.

b. Going-out-of-business sale. A sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand, the business will cease and be discontinued, including, but not limited to, the following sales: adjuster's; adjustment; alteration; assignee's; bankrupt; benefit of administrator's; benefic of creditors'; benefit of trustees; building coming down; closing; creditor's committee; creditor's and; executor's; final days; forced out; forced out of business; insolvents'; last days; lease expires; liquidation; loss of lease; mortgage sale; receiver's; trustee's quitting business.

c. Goods. Any goods, wares, merchandise, or other property capable of being the object of a sale regulated under this section.

d. Removal of business sale. A sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock, of goods on hand and will then move to and resume business at a new location in the city, or will then continue business from other existing locations in the city.

3. Persons exempted. The provisions of this section shall not apply to or affect the following persons:

a. persons acting pursuant to an order or process of a court of competent jurisdiction.

b. persons acting in accordance with their powers and duties as public officials.

c. duly licensed auctioneers selling at auctions.

d. any publisher of a newspaper, magazine, or other publication who publishes in good faith any advertisement, without knowledge of its false, deceptive, or misleading character, or without knowledge that the provisions of this section have not been complied with.

4. Application. Application for a license under this section shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information:

a. the true name and address of the owner of the goods to be the object or the sale, if other than the applicant;

b. the true name and address of the person from whom such owner purchased the goods to be sold and the price therefore, and if not purchased, the manner of such acquisition;

c. a description of the place where such sale is to be held;

d. the nature of the occupancy, whether by lease or sublease, and the effective date of termination of such occupancy;

e. the dates on which and the period of time in which the sale is to be conducted;

f. a full and complete statement of the facts in regard to the sale, including the reasons for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;

g. the means to be employed in advertising such sale, together with the proposed content of any advertisement; and

h. a complete and detailed inventory of the goods to be sold at such sale, as disclosed by the applicant's records. Such inventory shall be attached to and become a part of the required application.

All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges, and shall not comprise goods purchased on consignment.

5. Fee established. The business license fee for each person conducting a sale regulated by the provisions of this section shall be \$_____.

6. Restriction on issuance. No license shall be issued to any person who has held a sale, as regulated under this section, at the location stated in the application within one year from the date of such application.

7. Conditions of issuance. A license shall be issued under this section on the following terms:

- a. Nature of sale. The license shall authorize only the one type of sale described in the application at the location named therein.
- b. Saleable goods. The license shall authorize only the sale of goods described in the inventory attached to the application.
- c. Surrender of general license. Upon being issued a license under this section for a going-out-of-business sale, the licensee shall surrender to the city clerk all other business licenses he may hold at that time applicable to the location and goods covered by the application for a license under this section.
- d. Restricted location. Where a person applying for a license under this chapter operates more than one place of business, the license issued shall apply only to the one store or branch specified in the application.
- e. Nontransferability. Any license provided for in this section shall not be assignable or transferable.

8. Duties of licensee. A licensee under this section shall:

- a. Adhere to inventory. Make no additions, whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.
- b. Advertise properly. Refrain from employing any untrue, deceptive, or misleading advertising.
- c. Adhere to advertising. Conduct the licensed sale in strict conformity with any advertising or publicity incident thereto.
- d. Keep duplicate inventory. Keep available at the place of sale a duplicate copy of the inventory submitted with the application and present such duplicate copy to inspecting officials upon request.
- e. Segregate non-inventoried goods. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale, apprising the public of the status of all such goods.

Note: Misrepresentation of the true ownership of a business for purpose of a going-out-of-business sale is a statutory offense. See Ga. Code Ann., § 106-505.

32-209 Pawnbrokers.

1. License required. Each pawnbroker doing business within this municipality shall be required to obtain a license from the city clerk in the manner specified in this chapter.

Note: Municipalities are specifically authorized to license pawnbrokers and to "exercise such general superintendence as will insure fair dealings between the pawnbroker and his customer's." See Ga. Code Ann. § 12-611.

2. Fees established. The annual business license fee for each pawnbroker doing business in this city shall be fifty dollars (\$50.00).

3. Review of application. No action on any application for a pawnbroker's license shall be taken by the city council until the chief of police has reviewed such application and forwarded his recommendation thereon to the city clerk, in the manner specified in this chapter.

4. Limitation on issuance. No pawnbroker's license shall be issued to any person who has been convicted of the offense of receiving stolen goods or of burglary or robbery.

5. Records. Each pawnbroker licensed hereunder shall furnish to the police chief each week a list of every article pledged with him or sold to him during the previous week, giving a full and accurate description of the article, from whom it was received, and the hour of the day received.

6. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack, or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

7. Minors. No pawnbroker shall have any business dealings as a pawnbroker with a minor, nor shall a pawnbroker's license be issued to a minor, nor shall a pawnbroker employ a minor to assist him in his business.

8. Stolen goods. It shall be the duty of every pawnbroker to report to the police any article pledged with him, or which is sought to be pledged with him, if he shall have reason to believe that the article was stolen or lost and found by the person attempting to pledge it in the case of a lost article.

32-210 Used car dealers.

1. Licensed required. Any used car or used motor vehicle dealer, as such terms are defined in Chapter 84-39 of the Georgia Code Annotated,

32-210 Used car dealers (continued)

who does business within this municipality shall be required to obtain a license from the city clerk in the manner specified in this chapter.

2. Fee established. The annual business license fee for each used car or used motor vehicle dealer doing business in the city shall be thirty seven dollars and fifty cents (\$37.50).

3. Review of application. No action on any application for a license under this section shall be taken by the city council until the chief of police has reviewed such application and forwarded his recommendation thereon to the city clerk in the manner specified in this chapter.

4. Restriction on issuance. No license under this section shall be issued to any applicant who has not been licensed by the State Board of Registration of Used Car Dealers.

5. Records. Each used car or used motor vehicles dealer licensed hereunder shall keep a record of all motor vehicles offered for sale, exchange, or disposal to the public, which record shall show the make of said motor vehicle, the year of its manufacture, its serial number, and its engine number, and which record shall always available for the chief of police or any patrolman or police officer within the city and open to his inspection at any time. It shall be the further duty of every such person to immediately report to the chief of police the presence in his place of business of any motor vehicle on which the serial or engine number has been defaced or altered.

6. Inspections. It shall be the duty of the chief of police to make inspections from time to time for the purpose of seeing that the records required herein are being kept.

7. Exceptions. Nothing in this section shall be deemed to apply to any individual making an isolated sale of his own vehicle.

32-211 Junk dealers and junkyards.

Note: *The Code of Public Transportation of Georgia provides for the regulation and control of junkyards within one thousand (1000) feet of federal interstate or federal-aid highways, subject to certain listed exceptions. See § 95A-905 to 95A-912 of the Georgia Code Annotated.*

32-211 Junk dealers and junkyards. (continued)

1. License required. Each junk dealer, as such term is defined in this section, who does business within this municipality, shall be required to obtain a license from the city clerk in the manner specified in this chapter.

Note: Any person engaged in the business of purchasing junk in any county of the state is required by state law to register his name the county probate judge.

2. Definitions. For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them herein:

a. Junk. Old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

b. Junkyard. A yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by pans, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

c. Junk dealer. A person who operates a junkyard, as defined above, within the city.

d. Business premises or premises. The area of a junkyard as described in a junk dealer's license or application for license, as provided for in this section.

3. Application. Application for a license under this section shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information:

32-211 Junk dealers and junkyards. (continued)

a. trade names used during the previous five years by the applicant and each person signing the application, along with the locations of prior establishments;

b. names and addresses of employers of each person signing the application during the previous five years;

c. the name, residence address, and telephone number of each person employed or intended to be employed in the business as of the time the application is filed;

d. a sketch of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, buildings, and uses; and

e. a description of the materials with which any buildings to be used in connection with the licensed business are or are to be made; a sketch giving distances, showing the location of such buildings on the business premises; and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls.

4. Review of application. No action on any application for a license to operate a junkyard shall be taken by the city council until the planning commission has reviewed such application and forwarded its recommendation thereon to the city clerk in the manner specified in this chapter.

5. Fee established. The annual business license fee for each junk dealer doing business in this municipality shall be \$_____.

6. General operating requirements. The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this section:

a. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.

b. No space not covered by the license shall be used in the licensed business.

c. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.

d. No weeds shall be permitted to attain a height of more than four inches.

32-211 Junk dealers and junkyards. (continued)

e. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse or any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.

f. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb, or become scattered or blown off the business premises.

g. Junk shall be stored in piles not exceeding 10 feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes.

h. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.

i. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.

j. No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the building code; and no junk or other material shall be burned on the premises in the open except in accordance with the provisions of Chapter 13.

k. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business or any Sunday, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.

l. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence of a minimum height of _____ feet measured from ground level. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding _____ square feet in size.

m. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business.

n. No junkyard shall be allowed to become a nuisance; nor shall any junkyard be operated in such manner as to become injurious to the health, safety, or welfare of the community or of any residents close by.

32-211 Junk dealers and junkyards. (continued)

7. Records. Each acquisition of junk shall be recorded in a permanent type register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the junk acquired, and the date of the transaction. Such data shall be held available for inspection by any police officer.

8. Minors. No junk dealer shall have any business dealings as a junk dealer with a minor, nor shall a junk dealer's license be issued to a minor, nor shall a junk dealer employ a minor to assist him in his business.

9. Stolen goods. Every junk dealer who shall receive or be in possession of any goods, articles, or things of value which may have been lost or stolen shall upon demand produce such article or thing to any member of the police department for examination.

10. Vehicles. Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

32-212 Auctions.

1. License required. Each person who desires to conduct an auction within this municipality shall be required to obtain a license therefore from the city clerk in the manner specified in this chapter.

2. Fee established. The business license fee for each auction licensed under this section shall be \$_____.

3. Application. Application for a license under this section shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information:

a. a statement setting forth when, where, and for how long the auction sale will be conducted;

b. a certified copy of the state auctioneer's license of the person who is to conduct the auction; and

c. a full and true inventory of all the articles to be sold at the auction sale, together with an affidavit that all information contained in the application is true and that the inventory contains a true listing of all the articles to be sold at said auction.

32-212 Auctions. (continued)

No auction sale shall be held except as set forth in the application and affidavit and no other articles shall be sold except those included in the sworn inventory unless a new affidavit shall be filed listing additional goods to be sold. No other person shall be allowed to conduct the auction sale except such person listed in the affidavit unless a new affidavit is filed setting forth such other person who may be employed to conduct such auction and cry off such goods.

Note: Georgia Laws 1975, p. 53, established a Georgia Auctioneers Commission to regulate and license auctioneers doing business in the state. The Act makes it unlawful from and after July 1, 1975 for any person to act in the capacity of an auctioneer without first obtaining a license from the Commission. See Chapter 84-3A of the Georgia Code Annotated.

4. Bond. Every applicant for a license under this section shall file with the city clerk, a surety bond running to the city in the amount of \$_____ with surety acceptable to and approved by the city clerk, conditioned that the said applicant-- if issued a license hereunder-- will comply fully with all of the provisions of the ordinances of this city and the statutes of this state regulating and concerning auctions and auctioneers, will render true and strict accounts of all his sales to any person or persons employing him to make the same, will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence, or other wrongful act on the part of the licensee, his agent, or employees in the conduct of any auction or in the exercise of the calling of auctioneer. A Liability insurance policy issued by an insurance company authorized to do business in this state which conforms to the above requirements may be permitted by the city clerk in his discretion in lieu of a bond.

5. Cappers, boosters, or by-bidders. It shall be unlawful for any person to act or to employ another in any auction sale as a by-bidder or what is sometimes known as a "capper" or "booster", or to make or to accept any false or misleading bid, or to pretend to buy or sell any article sold or offered for sale at such auction.

6. Exemptions. Nothing in this section shall be held to apply to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers, or other public officers acting under judicial process, nor to the sale of real property at auction.

32-213 Circuses, carnivals, and public exhibitions.

1. License required. No person, firm, or corporation shall conduct or operate a circus, carnival, or public exhibition; as such terms are defined herein, without having first obtained a license from the city clerk in the manner specified in this chapter.

2. Definitions.

a. The term "carnival" as used in this section shall mean and include amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities and side-shows.

b. The term "public exhibition" as used in this section shall mean and include circuses, menageries, side-shows, and other similar itinerant amusement enterprises which are open to the public and for admission to which a fee is charged.

3. Fees established. The business license fee imposed on each circus, carnival, or public exhibition operating within the city limits shall be as follows:

For circuses	\$ _____	per day
For carnivals . . . . .	.\$ _____	per day
For side shows and concessions	\$ _____	per day
For rides . . . . .	.\$ _____	per day
For other public exhibitions	\$ _____	per day

4. Conditions of issuance. No license under this section shall be issued until the following conditions have been met:

a. the operator and sponsor of the circus, carnival, or public exhibition have each assumed full responsibility for maintaining order and for keeping the site clean and free of trash, papers, and other debris, and have placed crash containers in adequate number and in convenient locations for the use of the public;

b. all rides have been inspected for mechanical, structural, electrical, and other hazards by the appropriate officers and employees of the city, and adequate safeguards have been placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electrical switches, and other possible or potential hazards; and

c. the applicant has placed on file with the city clerk a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damages arising

32-213 Circuses, carnivals, and public exhibitions. (continued)

out of the use and operation of any and all devices and facilities operated in connection with such carnival or exhibition. Such insurance shall be in the minimum amount of one hundred thousand dollars (\$100,000) for each person, and three hundred thousand dollars (\$300,000) for each accident.

5. Inspections. It shall be the duty of the chief of police and the fire chief to see that proper inspections and patrols are made of the premises used for the activities licensed herein.

32-214 Parades.

1. Registration and permit. Any person who wishes to organize, form, or conduct; a parade as defined herein shall be required to register such parade with the chief of police at least 24 hours in advance of the event and to obtain a permit therefore.

2. Definitions. For the purposes of this section, "parade" shall mean any march, ceremony, demonstration, exhibition, or procession of any kind upon any public street of the city.

3. Application. Application for a permit to conduct a parade shall be made to the chief of police in writing, shall be signed by the person responsible for the conduct of the parade, and shall contain the following information:

- a. the time proposed for the parade;
- b. the route of the proposed parade;
- c. the number of vehicles (if any) and number of persons whose participation is anticipated in the proposed parade;
- d. the name and address of the person or organization sponsoring or promoting the proposed parade; and
- e. the name and address of the person making the application for a parade permit.

4. Review of application. The chief of police shall forward the application to the mayor, who shall review the information set forth in the application and ascertain the following: the extent of vehicular and pedestrian traffic to be anticipated at the time and place of and on the route of the proposed parade; the availability of police forces to escort the proposed parade and to direct traffic in conjunction with the proposed parade; and whether or not, in the light of all the circumstances, the proposed parade will unreasonably burden or interfere with the normal use of the streets or sidewalks of the city by the general public.

32-214 Parades. (continued)

5. Disposition. In the event the mayor determines in view of all the circumstances that the proposed parade will unreasonably burden and interfere with the normal use of the streets or sidewalks of the city by the general public, he shall deny the request for a parade permit; and if he determines on the contrary that the proposed parade will not unreasonably burden or interfere with the normal use of the streets or sidewalks of the city by the general public, he shall grant the parade permit. In either case the mayor shall indicate his disposition on the application and shall notify the applicant of the action taken.

6. Exemption. The provisions of this section shall be inapplicable to any parade which is conducted under the supervision of a practicing mortician in conjunction with any funeral.

32-215 Billiard and pool rooms.

1. License required. Each person keeping, operating, or maintaining a billiard table, pool table, or any other table of like character within the corporate limits of the city for use by the public shall be required to obtain a license from the city clerk in the manner specified in this chapter.

Note: All persons operating "billiard rooms" in the state are required to obtain a license from the county tax collector prior to being issued a license by the city clerk of the city or town which such establishment is located. See Ga. Code Ann. § 54-1503.

2. Fee established. The annual business license fee for each operator of a pool room in the city shall be two hundred dollars (\$200.00) and the annual business license fee for each operator of a billiard room in the city shall be three hundred dollars (\$300.00).

3. Hours of operation. It shall be unlawful for the owner, operator, or manager of any billiard or pool room in the city to permit such establishment to be open for business between the hours of 11:00 p.m. and 8:00 a.m. weekdays or between the hours of 12:00 midnight on Saturday and 8:00 a.m. on Monday.

Note: This is a requirement of state law. See Ga. Code Ann. § 84-1610.

4. Minors. It shall be unlawful for any person having charge of or control of any pool room or billiard room open to the public to admit into such room any minor, whether for the purpose of playing billiards or pool or not.

32-215 Billiard and pool rooms. (continued)

5. Clear view of premises required. The owner, operator, or manager of any billiard or pool room in the city shall not permit to be used on such premises any screens, shades, partitions, or other devices of like character which shall have the effect of obstructing the view through the windows or doors of the place where the billiard or pool tables are kept.

6. Doors. The doors of all billiard or pool rooms licensed under this section shall be kept unlocked whenever the tables are in use or when any person other than the proprietor or his agent is present in such place.

7. Gambling. It shall be unlawful for the owner, operator, or manager of any billiard or pool room open for public use to allow gambling of any kind to occur upon such premises.

32-216 Taxi cabs

1. License required. Each person who engages in the business of operating one or more taxicabs in this municipality, as such term is defined herein, shall be required to obtain a license from the city clerk in the manner specified in this chapter.

Note: The Georgia Public Service Commission licenses "motor common carriers" which are not subject to regulation by a city or town. See Chapter 68-5 of the Georgia Code Annotated.

2. Definitions. For the purposes of this section the following words shall have the meanings indicated:

a. Cruising. The driving of a taxicab on the streets, alleys, or public places of this city in search of or soliciting prospective passengers for hire.

b. License. The authorization granted by the mayor and council to allow a person to engage in the business of operating taxi-cabs in this city.

c. Manifest. A daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

32-216 Taxicabs. (continued)

d. Open stand. A public place alongside the curb of a street or elsewhere which has been designated by the chief of police as reserved exclusively for the use of taxicabs.

e. Rate card. A card which contains the rates of fare for taxicab service and which is on clear display in each taxicab.

f. Taxicab. A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven passengers, including the driver, and not operated on a fixed route.

g. Taxicab driver's permit. The permission granted by the mayor and council to a person to drive a taxicab upon the streets of this city.

h. Taximeter. A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

i. Waiting time. The time when a taxicab is not in motion from the time of arrival at the point of origin of a trip to the time of commencement of such trip.

3. Application. Application for a license under this section shall be made as provided in Article I of this chapter, except that such application, shall contain the following additional information:

a. the financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments;

b. the experience of the applicant in the transportation of passengers;

c. any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a license;

d. the number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals; and

e. the color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

4. License fee. The annual business license fee for each person engaged in the business of operating taxicabs in the city shall be a base fee of \$37.50.

Note: The city council may in its discretion allow the applicant to file, in lieu of a bond or bonds, a liability insurance policy issued by an insurance company authorized to do business in the State of Georgia, provided that such policy conforms to the provisions of this section relating to bonds.

5. Taxicab driver's license and permit. No person shall operate a taxicab for hire upon the streets of this municipality, and no person who owns or controls a taxicab shall permit it to be so driven, and taxicab licensed under the provisions of this section shall be driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a valid motor vehicle driver's license, issued by the State of Georgia, and a valid taxicab driver's permit issued by the municipality as provided herein.

a. Application for taxicab driver's permit. An application for a taxicab driver's permit shall be in writing, addressed to the mayor and council, and filed with the city clerk; and such application shall be verified under oath and shall contain the following information:

- (1) the names and addresses of four residents of the city who have known the applicant and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (2) the experience of the applicant in the transportation of passengers;
- (3) the educational background of the applicant; and
- (4) a concise history of his employment.

Each application shall be accompanied by a certificate from a reputable physician of the city certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

6. Inspection of taxicabs by police.

a. No taxicab shall be permitted to be used or operated in this municipality until such vehicle has been thoroughly and carefully inspected and examined under the supervision of the chief of police and has been found to comply with such reasonable rules and regulations respecting safety and sanitation as may be prescribed by said chief of police. These rules and regulations shall be promulgated to assure safe and sanitary transportation and shall specify such equipment and regulatory devices as the chief of police shall deem necessary therefore.

b. When it has been determined that a vehicle has met the standards established by the chief of police, a certificate to that effect shall be issued, which certificate shall also state the authorized seating capacity of said vehicle. Such certificate may be withdrawn and the vehicle relating thereto suspended from operation at any time by the chief of police if such vehicle is found to be unsafe or not in compliance with any regulations promulgated by such officer or imposed by this section.

c. Periodic inspections of taxicabs shall be made at such intervals as shall be established by the chief of police to insure that such vehicles are kept in a condition of continued fitness for public use.

7. Taximeters. All taxicabs operating in this municipality shall be equipped with taximeters fastened in front of the passengers, visible to them at all times of day and night; and, after sundown, the face of the taximeter shall be illuminated. Said taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism and each shall be sealed at all points and connections with, if manipulated, would affect a correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The said taximeters shall be subject to inspection from time to time by the police department. Any inspector or other officer of said department is authorized either on complaint of any person, or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Thereupon said taxicab shall be kept off the public roads until the taximeter is repaired.

8. Receipts. The driver of any taxicab shall upon request by the passenger render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt, on which shall be the name of the owner, license number of motor number, amount of the meter reading or charges, and the date of the transaction.

9. Solicitation, acceptance, and discharge of passenger.

a. Solicitation of passengers by driver. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than 10 consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

b. Prohibited solicitation. No driver shall solicit patronage in a loud or annoying tone of voice, or by sign, or in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.

c. Receipt and discharge of passengers on sidewalk only. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

d. Cruising. No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the chief of police. Such areas and times shall only be designated when said officer finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

32-216 Taxicab. (continued)

e. Solicitation of other common carrier passengers prohibited. No driver, owner, or operator shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.

f. Additional passengers. No driver shall permit any other person to occupy or ride in said taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers. No charge shall be made for an additional passenger except when the said additional passenger rides beyond the previous passenger's destination and then only for the additional distance so traveled.

32-217 Eating establishments.

All restaurants and other places where food is served shall be inspected regularly as to sanitary conditions as prescribed by State, County and city health officials. The license fee for all restaurants shall be \$56.25.

32-218 Restricted hours of business.

All eating places, drive-ins, and places of amusement shall be closed between the hours of 12:00 p.m. to 5:00 a.m. Sunday through Thursday and 1:00 a.m. to 5:00 a.m. Friday through Saturday. All businesses shall be closed on Sundays except drug stores, which may open at 11:30 a.m. and restaurants which may open only for the purpose of preparing and serving meals to bona fide customers.

32-219 Licensing fees for other businesses.

Any person, firm, or corporation operating any of the following businesses or in any of the following professions, shall first obtain a license from the city clerk before doing business. The fee for licensing for each business shall be as follows:

Auto Dealers - New Cars (with repair garage)	\$112.50
Auto Dealers - New Cars (without repair garage)	\$90.00
Auto Repairs & Service . . . . .	.\$22.50
Auto Parts & Supplies (see Merchants, Section 32-203)	
Baker (wholesale/retail) truck delivery	\$37.50
Banking (100,000 or more capital stock) . . . . .	.\$100.00
Banking (stock less than 100,000)	\$80.00
Barber Shop/Beauty Shop Combination	\$40.00
plus \$5.00 for each additional chair after two.	
Barber Shop only . . . . .	.\$20.00
plus \$5.00 for each additional chair after two.	
Beauty Shop only . . . . .	.\$20.00
plus \$5.00 for each additional chair after one.	

32-219 Licensing fees for other businesses. (continued)

Bookkeeping (only)	\$37.50
Butane or Propane Gas Distributors	\$75.00
Building Materials (see Merchants, Section 32-203)	
Burial Vaults (see Merchants, Section 32-203)	
Candies, Crackers, etc. from tuck wholesale	\$37.50
Cement Mixing Plant	\$40.00
Cleaning and/or Janitorial Services	\$37.50
Credit Bureaus & Collection Agencies	\$37.50
Contractors (see Section 32-202)	
Cabinet Makers	\$37.50
Catalog Sales	\$75.00
Dairies, Creameries, & Ice Cream (truck delivery)	\$37.50
Dry Cleaning	\$37.50
Drugstores	\$37.50
Dyeing Plants - Industrial (existing)	\$175.00
Department Stores (see Merchants, Section 32-203)	
Electrical Contracting (see Section. 32-202)	
Exterminators or Pest Control	\$37.50
Farm Machinery, Lawn Equipment, etc. (see Merchants, Section 32-203)	
Filling Stations (doing only minor repairs)	\$45.00
Finance Companies	\$45.00
Furniture Dealers (see Merchants, Section 32-203)	
Florists (sea Merchants, Section. 32-203)	
Frozen Food Locker Plant & Slaughter House	\$45.00
Gift Shops	\$25.00
Grocery Stores (see Merchants, Section 32-203)	
Hardware Stores (see Merchants, Section 32-203)	
Jewelry Stores (see Merchants, Section 32-203)	
Laundry and/or Uniform Services	\$37.50
Laundromats	\$37.50
Clothing Manufacturers - existing	\$150.00
Newspaper and/or Job Printers	\$37.50
Nursing Homes	\$75.00
Oil Companies	\$75.00
Palm Readers	\$100.00
Pawn Shops	\$37.50
Public Accountants and/or Income Tax Counselors	\$37.50
Real Estate Broker & Agents - each firm	\$50.00
Radio and/or TV Sales & Service	\$37.50
Radio Broadcasting Stations	\$37.50
Rubber Products Manufacturers - existing	\$150.00

32-219 Licensing fees for other businesses. (continued)

Savings & Loan Associations . . . . .	.\$150.00
Shoe Manufacturers - existing . . . . .	.\$150.00
Snack Bars . . . . .	.\$45.00
Soft Drinks (wholesale) . . . . .	.\$112.50
Surveyor, Designs, Blue Prints, etc. . . . .	.\$37.50
Telephone Companies . . . . .	.\$150.00
Telegraph Companies	\$15.00
Theaters . . . . .	.\$37.50
Tire Dealers . . . . .	.\$37.50
Typewriter, Office Machines, Sales/Repairs . . . . .	.\$30.00
Tinker Shop, Repairing Appliances, Lawn Mowers . . . . .	.\$25.00
Tire Recapping & Sales . . . . .	.\$40.00
Undertakers	\$45.00
Upholstering, Carpeting, etc.	\$25.00
Variety Shops/Stores (see Merchants, Section 32-203)	
Welding Supplies . . . . .	.\$37.50
Wholesale Grocers	\$38.00

A RESOLUTION TO ADOPT AN ANNUAL LICENSE FEE FOR THE OPERATION OF COIN OPERATED
GAME MACHINES IN EXISTING BUSINESSES WITHIN THE CITY OF JASPER.

Be it resolved by the Mayor and Council of the City of Jasper, Georgia, and it is
resolved by authority of the same pursuant to the provisions of Chapter 32.
Article II, Section 32-204 of the 1979 Jasper Municipal Code as follows:

1. That the license fee for the operation of coin operated game machines in
an existing business within the City of Jasper shall be \$100.00 for the
first machine and \$25.00 for each additional machine for each year or
portion of a year the machines are in operation.

PASSED by the Mayor and Council of the City of Jasper, Georgia, this 8th day of
March, 1982.

Lee Newton
Mayor, City of Jasper

Ramona Roper
Attest: City Clerk

Alvin Young
Approved as to Form:
City Attorney