

# Stockbridge

Where Community Connects

## STOCKBRIDGE CITY COUNCIL

Mayor At-Large

Jayden L. Williams

Mayor Pro Tem Elton Alexander

Council District 5

Councilmember LaKeisha Gantt

Council District 1

Councilmember Antwan Cloud

Council District 2

Councilmember Kyle D. Berry, Sr.

Council District 3

Councilmember Yolanda Barber

Council District 4

### CITY MANAGER

Shawn Edmondson

### INTERIM CITY CLERK

Cassandra Lester

### CITY TREASURER

Frank Milazi

### CITY ATTORNEY

Quinton G. Washington

## Work Session Meeting Agenda July 1, 2026 6:00 PM



**Stockbridge City Hall**

**4640 N. Henry Blvd.**

**Stockbridge, GA 30281**

**Website: [www.stockbridgega.org](http://www.stockbridgega.org)**

**Phone: 770-389-7900**

**Fax: 770-389-7912**

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# AGENDA WORK SESSION MEETING CITY OF STOCKBRIDGE

WEDNESDAY, JULY 1, 2026 6:00 PM

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## CALL TO ORDER

## INVOCATION

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## ADOPTION OF THE AGENDA

## REVIEW OF THE MINUTES

- 1 Review the June 8th City Council Summary Minutes

**PUBLIC COMMENTS - All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting. You must sign your name, address, and phone number. You will be able to address the Mayor and Council for three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated while meetings are in session.**

## PRESENTATION

- 2 COS TAD #1 : Seeking council approval for a resolution to submit application to the Henry County Board of Education for commitment to participate in the Tax Allocation District #1. - Presented by: William Smith

## CONSENT AGENDA

- 3 COS TAD Expansion Seeking council approval for a resolution to expand the TAD map to include large commercial parcels in the redevelopment areas that were not included in the Tax Allocation District #1. - Presented by: William Smith

## NEW BUSINESS

- 4 **TEXT AMENDMENT CASE #TX-2026-03. (Citywide)** Consideration of an ordinance to amend Title 9, Chapter 9.09 of the Stockbridge Municode to allow

various changes to be made for licensing and regulation. - Presented by: Ryan Anderson

5 Council Consideration of a Resolution Approving the Proposed FLOST Distribution Schedule and Authorizing Execution of an Intergovernmental Agreement with Henry County and the Municipalities Therein - Presented by: Shawn Edmondson, Megan McCulloch

6 First Reading of an Ordinance Establishing a Blight Tax - Presented by: Megan McCulloch

7 First Reading of an Ordinance Establishing Shopping Cart Containment and Retrieval Requirements - Presented by: Megan McCulloch

8 Consideration of a Resolution Approving a Master Intergovernmental MOU for Off-Duty Law Enforcement and Traffic Control Services at the VyStar Amphitheater at The Bridge and Authorizing Execution of Similar Agreements with Henry County Municipalities.

- Presented by: Megan McCulloch

### **MAYOR'S COMMENTS (Mayor Jayden Williams)**

### **EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)**

#### ANNOUNCEMENTS OF UPCOMING MEETINGS & EVENTS

**City Council Meetings are held on the second Monday of each month, and Work Sessions are held the last Tuesday of the month at the Stockbridge City Hall - City Council Chamber. Meeting times and dates may change. Please visit [www.stockbridgega.org](http://www.stockbridgega.org) for updates. The City of Stockbridge adheres to the Americans with Disabilities Act (ADA). If you need auxiliary services to participate in the meetings, please contact City Hall at 770-389-7900 in advance.**

### **ADJOURNMENT**



**CITY COUNCIL MEETING  
SUMMARY MINUTES  
MONDAY JUNE 8, 2026 6:00 P.M.**

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**Mayor & City Council**

Mayor Jayden L. Willams At-Large  
Mayor Pro Tem Elton Alexander – Council District 5  
Councilmember LaKeisha Gantt – Council District 1  
Councilmember Antwan Cloud – Council District 2  
Councilmember Kyle D. Berry, Sr. – Council District 3  
Councilmember Yolanda Barber – Council District 4

**Administration**

Shawn Edmondson – City Manager  
Frank Milazi – City Treasurer  
Cassandra Lester – Interim City Clerk  
Quinton Washington – City Attorney  
Megan McCullough – Associate Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

**CALL TO ORDER**

The City Council Meeting was called to order at 6:06 PM

**INVOCATION**

The invocation and The Pledge of Allegiance were led by Mayor Jayden L. Williams.

**ROLL CALL**

Roll was called and quorum was established. Councilmember Berry arrived at 6:15 pm.  
Councilmember Gantt arrived at 6:24 pm.

**ADOPTION OF THE AGENDA**

Motion to amend the agenda to add the approval of the renewals for Continued Participation In The Henry County Community Development Block Grant (CDBG) Program For Fiscal Years 2027-2029; to add Council consideration to approve a Resolution Encouraging Congressional Action On The 21st Century Road To Housing Act; and to adopt the agenda with the changes, was made by Mayor Pro Tem Alexander and seconded by Councilmember Cloud. The motion passed 3–0.

## **ADOPTION OF THE MINUTES**

Motion to approve the May 11, 2026 City Council Meeting Minutes and the May 26, 2026 Work Session Minutes made by Councilmember Cloud and seconded by Mayor Pro Tem Alexander. The motion passed 3-0.

## **PUBLIC COMMENTS**

Three people presented Public Comments: Valerie Lambert of 7920 Christian Court; Charlene Woodruff of 7914 Christian Court; and Kathy Walker of 200 Hunting Court. All spoke regarding their concerns about the Tranquil Trail residential development adjacent to the Spivey Cove and Spivey Ridge subdivisions in Clayton County.

## **CEREMONIAL REVIEW**

Mayor Jayden Williams provided a recap of the proclamations issued for the month of June, which included:

- Municipal Court Clerk Week: June 8–12, 2026
- World Blood Donor Day: Sunday, June 14, 2026
- Juneteenth: Friday, June 19, 2026
- Father's Day: Sunday, June 21, 2026
- Proclamation for the Steve and Marjorie Harvey Foundation
- Caribbean American Heritage Month
- Homeowners Month
- Pride Month

Mayor Williams also welcomed Stockbridge Municipal Court Judge Wanda Dallas, who took her oath of office prior to the council meeting.

## **OLD BUSINESS**

**Amphitheater Hours of Operation:** Council consideration of an ordinance establishing an inclement weather policy at the VyStar Amphitheater. Any such ordinance would be limited in scope to allow a concert to continue, if delayed due to inclement weather, until midnight. Such ordinance will require an amendment to the City Noise Ordinance (Code of Ordinances § 11.26, et seq.)

Motion to approve made by Mayor Pro Tem Alexander; Seconded by Councilmember Cloud. The motion passed 4-1-0. Councilmember Barber opposed

**Amphitheater Rental Policy:** Council consideration to approve the 2026 Amphitheater Rental Policy.

Motion to approve made by Mayor Pro Tem Alexander; Seconded by Councilmember Gantt. The motion passed 5-0.

## **Variance Case #VR-2026-01. (Council District 2)**

Consideration of a variance application for two setback variances on Parcel #S20-03003000 on Wilson Avenue to allow for the construction of a new single-family detached dwelling. Applicant: Jerry Robinson of BAC Construction. Zoned: SR. Property size: 0.613 +/- acres.

Variance Request #1--Reduce the front yard setback from the required 50 feet to 25 feet.  
Variance Request #2--Reduce the rear yard setback from the required 40 feet to 20 feet.

Conditional motion to approve made by Councilmember Cloud; seconded by Mayor Pro Tem Alexander. The motion passed 4-1-0. Councilmember Barber opposed. The conditional approval is based on the property owner's approval of the future easement for installment of 5ft sidewalks during the neighborhood project currently under planning by Falcon Design.

**Appeal Case #AP-2026-01. (Council District 4)**

Consideration of an appeal of the completed Zoning Verification Letter (ZVL) for two parcels at the southwest corner of East Atlanta Road and Stagecoach Road, including Parcel #047-01016001 with 2.64 acres and Parcel #028-02021005 with 10.88 acres. Applicant / Property Owner: Samir Patel. Agent: Newton Galloway, Attorney. The ZVL was completed on March 27, 2026, and the applicant filed the appeal on April 19, 2026.

Motion to approve staff and legal recommendation of denial made by Councilmember Berry; Seconded by Councilmember Gantt. The motion passed 3-0-2. Mayor Pro Tem Alexander and Councilmember Cloud abstained.

**NEW BUSINESS**

**City Of Stockbridge Bus Stop Location Map:** Henry County Transit Department is introducing public transit service along a fixed route from McDonough to Stockbridge with defined stops for passengers to load and unload and requires an executed Memorandum of Understanding.

Motion to approve made by Councilmember Gantt; Seconded by Councilmember Barber. The motion passed 5-0.

**Path Foundation Master Service Agreement with City of Stockbridge:** Council consideration to approve the Master Services Agreement (MSA) for coordination between PATH and the City of Stockbridge.

Motion to approve made by Councilmember Gantt; Seconded by Mayor Pro Tem Alexander. The motion passed 5-0.

**New Project Manager Classification:** Council consideration approving a new Project Manager classification within the City Manager's Office.

Motion to table for executive session due to personnel matters made by Councilmember Gantt; Seconded by Councilmember Barber. The motion passed 5-0.

**Receipt of Fiscal Year 2026 Grant Awards:** Council consideration to officially accept all grants awarded to the city in the 2026 fiscal year in order to be compliant with grant requirements.

Motion to approve made by Mayor Pro Tem Alexander; Seconded by Councilmember Berry. The motion passed 5-0.

**Council Consideration to Approve the Renewal for Continued Participation in the Henry County Community Development Block Grant (CDBG) Program for Fiscal Years 2027-2029**

Motion to approve made by Councilmember Gantt; Seconded by Councilmember Berry. The motion passed 5-0.

**Council Consideration to Approve a Resolution Encouraging Congressional Action on the 21st Century Road to Housing Act:**

Motion to approve made by Mayor Pro Tem Alexander; Seconded by Councilmember Cloud. The motion passed 5-0.

**EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Act)**

Motion to adjourn to executive session for the purposes of litigation, personnel, real estate, and cybersecurity was made by Councilmember Gantt and seconded by Mayor Pro Tem Alexander. The motion passed 5-0.

The council returned from executive session at approximately 10:03 PM. Motion to end the executive session and return to regular session was made by Councilmember Cloud; seconded by Councilmember Berry. The motion passed 5-0.

Upon returning from executive session, a motion to approve the new Project Manager classification was made by Mayor Pro Tem Alexander and seconded by Councilmember Gantt. The motion passed 4-1-0. Councilmember Barber opposed

**ADJOURNMENT**

Motion to adjourn made by Councilmember Cloud; Seconded by councilmember Gantt The motion passed 5-0. The meeting adjourned at 10:07 p.m.

Respectfully submitted by:

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Cassandra Lester, Interim City Clerk

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Jayden L. Williams, Mayor



# City of Stockbridge

## AGENDA ITEM

### MEETING DATE

July 1, 2026

### FUNDING SOURCE

- RESOLUTION
- ORDINANCE
- CONTRACT APPROVAL/RENEWAL
- PUBLIC HEARING
- PRESENTATION
- BID SELECTION/AWARD
- TASK ORDER
- CHANGE ORDER
- BUDGET AMENDMENT
- BUDGET TRANSFER
- PAYMENT APPROVAL
- OTHER

- GENERAL FUND
- FUND BALANCE
- SPLOST or TSPLOST
- ARPA
- GRANT
- HOTEL/MOTEL TOURISM
- COUNCIL INITIATIVE
- PARTNER/SPONSOR
- DEPARTMENT FUND BALANCE
- BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: William Smith

DEPARTMENT: Economic Development

### ITEM/PROJECT/EVENT:

Authorization to Submit Tax Allocation District No. 1 Participation Application to the Henry County Board of Education

### BACKGROUND INFORMATION:

Tax Allocation District (TAD) No. 1 was established to promote redevelopment, encourage private investment, and finance public infrastructure within designated redevelopment areas. Under Georgia's Redevelopment Powers Law, participation by overlapping taxing jurisdictions is voluntary and requires formal approval. Approval of this agenda item authorizes staff to submit the City's official application to the Henry County Board of Education requesting its participation in Tax Allocation District No. 1. If approved by the Board of Education, a portion of future incremental school property tax revenues generated by new development within the district would be available to finance eligible public improvements and redevelopment projects, while the existing tax base remains protected. Submission of the application represents the next step in the statutory approval process and does not obligate the Henry County Board of Education to participate until formal action is taken by the Board.

APPROVALS: CITY MANAGER \_\_\_\_\_

CITY TREASURER \_\_\_\_\_

CITY ATTORNEY \_\_\_\_\_

GRANTS ADMIN. \_\_\_\_\_

FINANCIAL IMPACT  N/A

AMOUNT \$

ATTACHMENTS:

**ITEM/PROJECT/EVENT:**

Authorization to Submit Tax Allocation District No. 1 Participation Application to the Henry County Board of Education

**BACKGROUND INFORMATION:**

**STAFF RECOMMENDATION:**

Staff recommends approval authorizing the submission of the official application to the Henry County Board of Education requesting its participation in Tax Allocation District (TAD) No. 1 in accordance with Georgia's Redevelopment Powers Law.

Staff Signature Jonathan W. Smith

# Tax Allocation District No. 2

Henry County Board of Education Application Overview



A coordinated infrastructure-led redevelopment strategy to revitalize commercial corridors, activate downtown Stockbridge, and expand the long-term tax digest through six catalyst sites.

**\$396.9M**

Total Redevelopment Portfolio

**445+**

Parcels in TAD Boundary

**\$43.5M**

Projected 20-Year HCS PILOT

**6 Sites**

Identified Redevelopment Projects

# Redevelopment Sites & Financial Summary

## 01 North Henry Blvd

4.2 ac · Mixed-use catalyst

Est. Cost: \$70–75M

## 02 East Atlanta Road

3.5 ac · Downtown anchor

Est. Cost: \$18–20M

## 03 Love Street

1.2 ac · Urban infill

Est. Cost: ~\$13M

## 04 Burke Street

0.7 ac · Placemaking infill

Est. Cost: ~\$30M

## 05 Old Conyers Rd

82 ac · Master-planned district

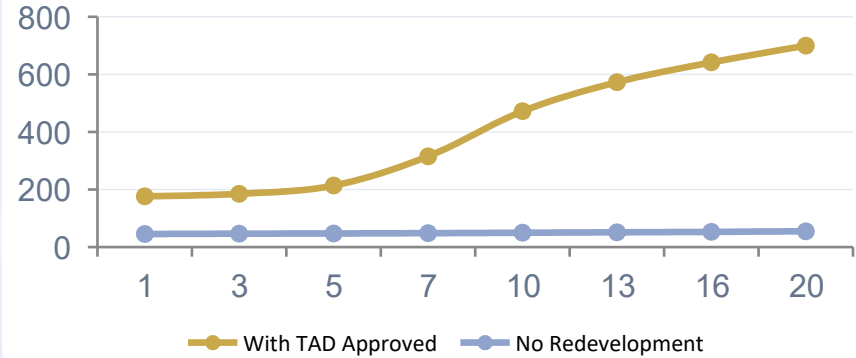
Est. Cost: ~\$220M

## 06 E. Atlanta / Old Conyers

120-unit mixed-use residential

Est. Cost: ~\$60M

### 20-Year TAD Assessed Value (\$M)



20-Yr HCS PILOT (37.5% returned)

Expanded TAD with added parcels

**\$43.5M**

Additional benefit vs. no expansion

Added parcels contribution

**+\$23.8M**

Post-TAD annual school tax (Yr 21)

Growing to \$16.3M by Year 30

**\$14.2M**

# Stockbridge



Where Community Connects

**Expansion of TAD #1**

# A Brief History

- In 2012, the City adopted the Livable Centers Initiative (LCI) 10-Year Update, which identified Downtown Stockbridge as a priority redevelopment area.
- In 2018, the City adopted the Stockbridge Renaissance Strategic Vision and Plan and updated Comprehensive Plan, which called for redevelopment of Downtown and portions of North Henry Boulevard
- Between approximately 2010 and 2022, the City invested more than \$100 million in public facilities and infrastructure, including:
  - City Hall
  - Municipal Court
  - Amphitheater
  - Conference Center
  - Public parks
  - New Police Department facilities



# A Brief History

Despite these investments, substantial private redevelopment failed to occur at the scale anticipated by the City's plans. The Redevelopment Plan specifically states that the purpose of TAD #1 was to help overcome market conditions that prevented private capital from following public investment.

In December 2021, the City adopted an Urban Redevelopment Plan covering approximately 23 acres and identifying Downtown Stockbridge as an Urban Redevelopment Area.





Where Community Connects

- TAD #1 was formally created effective **December 31, 2022**.
- Key characteristics at creation:

<b>Parcels</b>	<b>344</b>
Acres	Approximately 501
Base Digest	\$35,893,424
Fair Market Value	\$89.7 million
Share of City Digest	3.4%
Estimated Population	~7,700 residents



# Then &

Parcels	381
Base Digest	\$35,893,424
Share of City Digest	3.4%

# Now

Parcels	444
Base Digest	\$59,850,908
Share of City Digest	4.56%

**O.C.G.A. § 36-44-3 (13) states:**

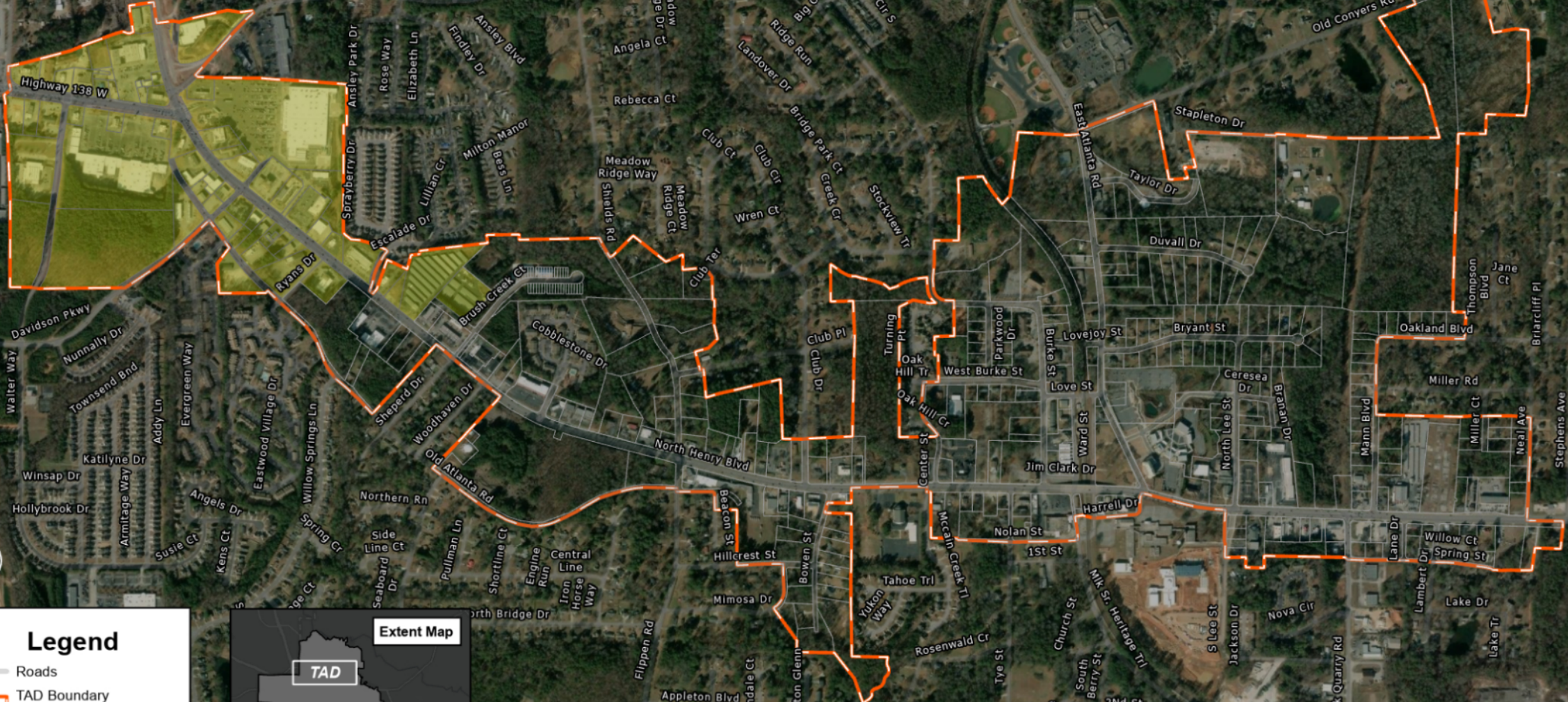
*Tax allocation district means a contiguous geographic area within a redevelopment area*

**O.C.G.A. § 36-44-17:**

*No political subdivision may create a tax allocation district when the total current taxable value of property subject to ad valorem property taxes within the proposed district plus the total current taxable value of property subject to ad valorem property taxes within all its existing tax allocation districts exceeds 10 percent of the total current taxable value of all taxable property located within the area of operation of the political*

# Proposed Tax Allocation District

City of Stockbridge, 2026



**Legend**

- Roads
- ▭ TAD Boundary (Proposed)
- ▭ TAD Parcels

**Extent Map**

Issue: The TAD does not generate enough increment to have a financial impact on development.

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Scenario	20-Year Revenue
Current TAD only	<b>\$19.7M</b>
Expanded TAD with added parcels	<b>\$41.6M</b>
Additional revenue from added parcels	<b>\$22.0M</b>

We are  
seeking the  
expansion of  
to increase  
the financial  
impact of TAD  
#1

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Parcel ID	Status	Fair Market Value (2025)
S03-05004000	Proposed	\$2,997,800
S03-05002000	Proposed	\$588,700
S03-05001000	Proposed	\$9,083,200
S03-04003000	Proposed	\$1,690,000
S03-04001000	Proposed	\$498,300
S02-06006000	Proposed	\$1,096,000
S02-06005000	Proposed	\$672,500
S02-06004000	Proposed	\$945,800
S02-06003000	Proposed	\$614,600
S02-06002000	Proposed	\$300,200
S02-06001000	Proposed	\$933,300
S02-02020000	Proposed	\$189,600
S02-02019000	Proposed	\$563,500
S02-02018001	Proposed	\$295,100
S02-02018000	Proposed	\$272,400
S02-02017000	Proposed	\$209,600
S02-02016000	Proposed	\$1,775,000
S02-02015000	Proposed	\$329,500
S02-02014012	Proposed	\$43,500
S02-02014011	Proposed	\$263,000
S02-02014001	Proposed	\$26,800
S02-02014000	Proposed	\$788,940
S02-02013000	Proposed	\$783,000
S02-02012000	Proposed	\$3,111,500
S02-02011000	Proposed	\$900,000
S02-02001001	Proposed	\$9,700
S02-02001000	Proposed	\$479,780
S02-05008000	Proposed	\$744,000
S02-05008000	Proposed	\$744,000
S07-04028002	Proposed	\$2,198,000
S07-04028001	Proposed	\$1,781,000
S03-03009000	Proposed	\$273,300
S03-03008000	Proposed	\$55,100
S03-03007000	Proposed	\$391,800
S03-03006000	Proposed	\$790,200
S03-03005000	Proposed	\$386,700
S03-03004000	Proposed	\$767,360
S03-03003004	Proposed	\$307,200
S03-03003001	Proposed	\$351,800
S03-03002000	Proposed	\$571,300
S03-03001000	Proposed	\$570,000
S03-02006001	Proposed	\$506,890
S03-02006000	Proposed	\$93,400
S03-02005000	Proposed	\$303,120
S03-02004000	Proposed	\$777,400

S03-02003000	Proposed	\$920,100
S03-02001000	Proposed	\$821,300
S07-01006004	Proposed	\$1,630,000
S07-01005000	Proposed	\$3,500,000
S07-01004000	Proposed	\$181,400
S07-01003000	Proposed	\$877,000
S07-01001005	Proposed	\$613,500
S07-01001000	Proposed	\$2,090,300
S06-01004002	Proposed	\$800,500
S06-01004001	Proposed	\$1,800,000
S06-01004000	Proposed	\$1,273,200
S03-01005002	Proposed	\$1,422,600
S03-01005001	Proposed	\$2,187,700
S03-01005000	Proposed	\$807,390
S03-01004000	Proposed	\$429,300
S03-01002000	Proposed	\$1,602,200
S02-05012001	Proposed	\$334,100
S02-05012000	Proposed	\$14,000,000
S33-01051000	Existing	\$215,100
S33-01050000	Existing	\$163,900
S33-01049000	Existing	\$368,860
S33-01027000	Existing	\$199,300
S33-01026005	Existing	\$166,500
S33-01026000	Existing	\$125,000
S33-01025000	Existing	\$112,340
S33-01024000	Existing	\$359,000
S33-01023000	Existing	\$179,800
S33-01022000	Existing	\$166,600
S33-01021000	Existing	\$224,150
S33-01020000	Existing	\$155,070
S33-01010002	Existing	\$61,700
S33-01010000	Existing	\$68,400
S33-01009002	Existing	\$837,700
S33-01009001	Existing	\$581,480
S33-01009000	Existing	\$802,500
S33-01008000	Existing	\$70,500
S33-01006000	Existing	\$90,300
S33-01005000	Existing	\$172,840
S33-01004000	Existing	\$203,400
S33-01003000	Existing	\$504,000
S32-03030000	Existing	\$2,150,000
S32-03029000	Existing	\$4,777,200
S32-03028000	Existing	\$188,900
S32-03027000	Existing	\$189,900
S32-03024000	Existing	\$272,500
S32-03015002	Existing	\$220,700

S32-03015000	Existing	\$35,000
S32-03014000	Existing	\$255,900
S32-03013000	Existing	\$234,700
S32-03012000	Existing	\$185,300
S32-03007000	Existing	\$35,000
S32-03006000	Existing	\$214,400
S32-03005000	Existing	\$213,400
S32-03004000	Existing	\$181,700
S32-03002000	Existing	\$151,300
S32-03001000	Existing	\$35,000
S32-01016000	Existing	\$200,310
S32-01015000	Existing	\$241,970
S32-01014000	Existing	\$35,000
S32-01009000	Existing	\$6,300
S32-01008000	Existing	\$226,110
S32-01007000	Existing	\$272,300
S32-01006000	Existing	\$207,800
S32-01005000	Existing	\$228,600
S32-01004000	Existing	\$35,000
S32-01003000	Existing	\$196,500
S32-01001000	Existing	\$35,000
S26-04019000	Existing	\$424,300
S26-04016001	Existing	\$132,000
S26-04016000	Existing	\$620,400
S26-04015003	Existing	\$460,000
S26-04015002	Existing	\$574,300
S26-04015001	Existing	\$659,460
S26-04015000	Existing	\$100,100
S26-04014000	Existing	\$1,602,000
S26-04013000	Existing	\$70,300
S26-04012000	Existing	\$12,000
S26-04011000	Existing	\$12,000
S26-04010000	Existing	\$12,000
S26-04005000	Existing	\$570,700
S26-04004000	Existing	\$497,700
S26-04002000	Existing	\$200,900
S26-03008000	Existing	\$392,500
S26-03005000	Existing	\$62,700
S26-03004002	Existing	\$27,900
S26-03004000	Existing	\$244,100
S26-02027000	Existing	\$6,717,100
S26-02023000	Existing	\$150,600
S26-02006000	Existing	\$18,000
S26-02004000	Existing	\$15,000
S26-02003000	Existing	\$15,000
S26-02002000	Existing	\$15,000

S26-02001001	Existing	\$2,523,900
S26-02001000	Existing	\$2,603,860
S26-01030000	Existing	\$168,300
S26-01027000	Existing	\$195,300
S26-01026000	Existing	\$204,400
S26-01025000	Existing	\$189,400
S26-01024000	Existing	\$181,200
S26-01023000	Existing	\$220,700
S26-01022000	Existing	\$219,700
S26-01021001	Existing	\$209,800
S26-01021000	Existing	\$228,900
S26-01020000	Existing	\$127,500
S26-01018000	Existing	\$115,000
S26-01017001	Existing	\$256,800
S26-01016000	Existing	\$1,950,000
S26-01015000	Existing	\$245,800
S26-01014000	Existing	\$902,700
S26-01013000	Existing	\$140,600
S26-01012000	Existing	\$201,400
S26-01011000	Existing	\$214,200
S26-01010000	Existing	\$187,900
S26-01009000	Existing	\$215,600
S26-01008000	Existing	\$190,100
S26-01007000	Existing	\$284,500
S26-01006000	Existing	\$35,000
S26-01005000	Existing	\$191,300
S26-01003000	Existing	\$240,080
S26-01002000	Existing	\$281,400
S26-01001000	Existing	\$178,600
S25-01061000	Existing	\$122,300
S25-01060000	Existing	\$159,870
S25-01059000	Existing	\$47,900
S25-01058000	Existing	\$84,400
S25-01057000	Existing	\$334,030
S25-01056000	Existing	\$187,100
S25-01055000	Existing	\$257,200
S25-01054000	Existing	\$211,200
S25-01053000	Existing	\$236,660
S25-01052000	Existing	\$237,400
S25-01051000	Existing	\$231,000
S25-01050000	Existing	\$173,500
S25-01049000	Existing	\$244,800
S25-01048000	Existing	
S25-01047000	Existing	\$30,000
S25-01045000	Existing	\$228,500
S25-01044000	Existing	\$226,100

S25-01043000	Existing	\$188,100
S25-01042000	Existing	\$203,300
S25-01041000	Existing	\$189,900
S25-01040000	Existing	\$204,000
S25-01039000	Existing	\$219,900
S25-01038000	Existing	\$246,800
S25-01037000	Existing	\$194,800
S25-01036000	Existing	\$232,400
S25-01035000	Existing	\$30,000
S25-01034000	Existing	\$268,900
S25-01033000	Existing	\$215,000
S25-01032000	Existing	\$197,900
S25-01031000	Existing	\$253,600
S25-01030000	Existing	\$192,800
S25-01029000	Existing	\$252,700
S25-01028000	Existing	\$177,700
S25-01027000	Existing	\$291,000
S25-01026000	Existing	\$267,000
S25-01025000	Existing	\$127,600
S25-01024000	Existing	\$157,600
S25-01023000	Existing	\$290,800
S25-01022000	Existing	\$186,300
S25-01021000	Existing	\$178,800
S25-01020000	Existing	\$145,700
S25-01019000	Existing	\$15,000
S25-01018000	Existing	\$207,500
S25-01017000	Existing	\$308,500
S25-01016000	Existing	\$198,800
S25-01015000	Existing	\$252,400
S25-01014000	Existing	\$248,000
S25-01013001	Existing	\$280,100
S25-01013000	Existing	\$345,900
S25-01012000	Existing	\$256,700
S25-01011000	Existing	\$264,100
S25-01010000	Existing	\$231,900
S25-01009000	Existing	\$350,400
S25-01008001	Existing	\$655,000
S25-01008000	Existing	\$268,600
S25-01007000	Existing	\$222,700
S25-01006000	Existing	\$293,400
S25-01005000	Existing	\$286,300
S25-01004005	Existing	\$35,000
S25-01004000	Existing	\$328,800
S25-01003000	Existing	\$295,400
S25-01002000	Existing	\$226,000
S25-01001061	Existing	\$49,900

S25-01001005	Existing	\$608,500
S25-01001004	Existing	\$396,700
S25-01001003	Existing	\$126,100
S25-01001001	Existing	\$545,800
S25-01001000	Existing	\$516,100
S24-01017000	Existing	\$123,700
S24-01015001	Existing	\$17,400
S19-02010001	Existing	\$336,500
S19-02009001	Existing	\$15,000
S19-02009000	Existing	\$89,000
S19-02004000	Existing	\$1,864,900
S19-02002000	Existing	\$70,500
S19-02001000	Existing	\$98,510
S19-01037000	Existing	\$464,400
S19-01036000	Existing	\$209,500
S19-01035000	Existing	\$262,800
S19-01034000	Existing	\$262,140
S19-01033000	Existing	\$145,600
S19-01032000	Existing	\$177,800
S19-01031000	Existing	\$266,200
S19-01028000	Existing	\$117,090
S19-01027000	Existing	\$72,050
S19-01021000	Existing	\$408,100
S19-01020000	Existing	\$300,000
S19-01019000	Existing	\$279,400
S19-01018000	Existing	\$258,500
S19-01017000	Existing	\$65,300
S19-01016000	Existing	\$230,500
S19-01015000	Existing	\$183,900
S18-06015000	Existing	\$292,300
S18-06013000	Existing	\$359,500
S18-06012000	Existing	\$494,700
S18-06011000	Existing	\$206,300
S18-06010008	Existing	\$242,100
S18-06010006	Existing	\$310,750
S18-06010004	Existing	\$201,250
S18-06010000	Existing	\$217,470
S18-06009000	Existing	\$198,500
S18-06008000	Existing	\$221,500
S18-06007000	Existing	\$303,600
S18-06006000	Existing	\$198,400
S18-06003000	Existing	\$272,880
S18-06002000	Existing	\$121,900
S18-06001000	Existing	\$526,000
S18-05007000	Existing	\$634,900
S18-05006000	Existing	\$56,100

S18-05004000	Existing	\$908,200
S18-05003000	Existing	\$192,900
S18-05002000	Existing	\$128,300
S18-05001000	Existing	\$133,000
S18-04009000	Existing	\$1,315,000
S18-04006000	Existing	\$299,800
S18-04005000	Existing	\$237,700
S18-04004000	Existing	\$305,800
S18-04003000	Existing	\$266,000
S18-04002000	Existing	\$227,210
S18-04001000	Existing	\$51,500
S18-03018000	Existing	\$12,900
S18-03017000	Existing	\$227,900
S18-03015000	Existing	\$18,000
S18-03014000	Existing	\$15,000
S18-03012000	Existing	\$765,100
S18-03010005	Existing	\$412,300
S18-03010000	Existing	\$632,400
S18-03009000	Existing	\$2,387,240
S18-03008000	Existing	\$241,200
S18-03006000	Existing	\$220,500
S18-03005000	Existing	\$850,800
S18-03004000	Existing	\$197,900
S18-03003000	Existing	\$209,300
S18-03002000	Existing	\$224,500
S18-03001000	Existing	\$206,500
S18-02033000	Existing	\$24,000
S18-02032000	Existing	\$247,000
S18-02031000	Existing	\$226,100
S18-02030000	Existing	\$284,000
S18-02028000	Existing	\$237,700
S18-02027000	Existing	\$245,800
S18-02026000	Existing	\$270,000
S18-02025000	Existing	\$1,600,000
S18-02024000	Existing	\$9,800
S18-02004004	Existing	\$52,500
S18-02004003	Existing	\$42,200
S18-02004002	Existing	\$42,200
S18-02004001	Existing	\$58,700
S18-02004000	Existing	\$97,800
S18-02002005	Existing	\$2,155,500
S18-02001001	Existing	\$523,300
S18-02001000	Existing	\$98,200
S18-01019000	Existing	\$777,800
S18-01018000	Existing	\$176,600
S18-01017000	Existing	\$318,900

S18-01016000	Existing	\$234,300
S17-02015000	Existing	\$438,400
S17-02014000	Existing	\$84,000
S17-02013000	Existing	\$114,800
S17-02012000	Existing	\$564,600
S17-02011000	Existing	\$466,700
S17-02009001	Existing	\$188,900
S17-02009000	Existing	\$1,021,500
S17-02008001	Existing	\$371,000
S17-02008000	Existing	\$164,200
S17-02007000	Existing	\$139,000
S13-01013000	Existing	\$219,900
S13-01012001	Existing	\$224,200
S13-01012000	Existing	\$231,000
S13-01011005	Existing	\$193,820
S13-01011000	Existing	\$220,800
S12-04001000	Existing	\$224,900
S12-03016000	Existing	\$227,200
S12-03015000	Existing	\$203,400
S12-03014000	Existing	\$200,600
S12-03005000	Existing	\$432,400
S12-03004001	Existing	\$696,290
S12-03004000	Existing	\$2,060,500
S12-03003000	Existing	\$220,110
S12-03002000	Existing	\$549,800
S12-03001000	Existing	\$638,600
S12-02028000	Existing	\$190,900
S12-02027000	Existing	\$176,300
S12-02026000	Existing	\$292,600
S12-02012000	Existing	\$473,150
S12-02011000	Existing	\$22,500
S12-02010000	Existing	\$1,028,500
S12-02008000	Existing	\$361,300
S12-02007000	Existing	\$415,090
S12-02006000	Existing	\$15,000
S12-02005000	Existing	\$492,800
S12-02004000	Existing	\$179,110
S12-02003000	Existing	\$24,000
S12-02002000	Existing	\$389,200
S12-02001000	Existing	\$258,300
S12-01012004	Existing	\$456,700
S12-01012003	Existing	\$588,200
S12-01012002	Existing	\$410,400
S12-01012001	Existing	\$2,126,100
S12-01012000	Existing	\$14,656,390
S12-01011000	Existing	\$278,300

S12-01010000	Existing	\$254,280
S12-01009000	Existing	\$215,400
S12-01008000	Existing	\$156,000
S12-01007000	Existing	\$179,900
S12-01006000	Existing	\$467,200
S12-01005000	Existing	\$457,100
S12-01004000	Existing	\$422,600
S12-01003000	Existing	\$60,100
S12-01002001	Existing	\$237,800
S12-01002000	Existing	\$706,200
S12-01001000 AT&T	Existing	
S11-05002000	Existing	\$426,600
S11-05001000	Existing	\$296,880
S11-04036000	Existing	
S11-04019000	Existing	\$306,800
S11-04018000	Existing	\$228,000
S11-04017000	Existing	\$20,000
S11-04016000	Existing	\$30,000
S11-04015000	Existing	\$307,100
S07A01100000	Existing	\$100
S07A01041000	Existing	\$30,000
S07A01040000	Existing	\$30,000
S07A01039000	Existing	\$30,000
S07A01038000	Existing	\$30,000
S07A01037000	Existing	\$30,000
S07A01036000	Existing	\$30,000
S07A01035000	Existing	\$30,000
S07A01034000	Existing	\$30,000
S07A01033000	Existing	\$30,000
S07A01032000	Existing	\$30,000
S07A01031000	Existing	\$30,000
S07A01030000	Existing	\$30,000
S07A01029000	Existing	\$30,000
S07A01028000	Existing	\$30,000
S07A01027000	Existing	\$30,000
S07A01026000	Existing	\$30,000
S07A01025000	Existing	\$30,000
S07A01024000	Existing	\$30,000
S07A01023000	Existing	\$30,000
S07A01022000	Existing	\$30,000
S07A01021000	Existing	\$30,000
S07A01020000	Existing	\$30,000
S07A01019000	Existing	\$30,000
S07A01018000	Existing	\$30,000
S07A01017000	Existing	\$30,000
S07A01016000	Existing	\$30,000

S07A01015000	Existing	\$30,000
S07A01014000	Existing	\$30,000
S07A01013000	Existing	\$30,000
S07A01012000	Existing	\$323,200
S07A01011000	Existing	\$291,600
S07A01010000	Existing	\$321,700
S07A01009000	Existing	\$323,200
S07A01008000	Existing	\$319,700
S07A01007000	Existing	\$321,000
S07A01006000	Existing	\$30,000
S07A01005000	Existing	\$30,000
S07A01004000	Existing	\$30,000
S07A01003000	Existing	\$30,000
S07A01002000	Existing	\$30,000
S07A01001000	Existing	\$30,000
S07-04028000	Existing	\$600,000
S07-04025000	Existing	\$2,786,070
S07-04024000	Existing	\$137,600
S07-04023000	Existing	\$315,240
S07-04022000	Existing	\$114,800
S07-04011000	Existing	\$166,300
S07-01008000	Existing	\$430,300
S07-01007000	Existing	\$523,900
S07-01006032	Existing	\$675,550
S07-01006031	Existing	\$183,300
S07-01006003	Existing	\$1,538,400
S07-01006002	Existing	\$803,870
S07-01006001	Existing	\$1,710,000
S07-01006000	Existing	\$126,500
048-02030000	Existing	\$586,400
048-02027000	Existing	\$58,800

\$216,464,110

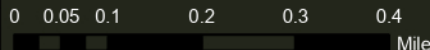
# Proposed Tax Allocation District

City of Stockbridge, 2026

### Legend

- Roads
- TAD Boundary (Proposed)
- TAD Parcels
  - Proposed
  - Existing

### Extent Map



Vantor, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Creator: Brennen Reilly, Date: 04/16/2026



# City of Stockbridge

## AGENDA ITEM

### MEETING DATE

July 1, 2026

### FUNDING SOURCE

- RESOLUTION
- ORDINANCE
- CONTRACT APPROVAL/RENEWAL
- PUBLIC HEARING
- PRESENTATION
- BID SELECTION/AWARD
- TASK ORDER
- CHANGE ORDER
- BUDGET AMENDMENT
- BUDGET TRANSFER
- PAYMENT APPROVAL
- OTHER

- GENERAL FUND
- FUND BALANCE
- SPLOST or TSPLOST
- ARPA
- GRANT
- HOTEL/MOTEL TOURISM
- COUNCIL INITIATIVE
- PARTNER/SPONSOR
- DEPARTMENT FUND BALANCE
- BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: William Smith

DEPARTMENT: Economic Development

ITEM/PROJECT/EVENT:

Request Council support for the expansion of existing Tax Allocation District (TAD) No. 1 to include additional commercial properties along the North Henry Boulevard corridor. The proposed expansion is intended to increase the district's redevelopment capacity, stimulate private investment, encourage commercial revitalization, and expand the future tax increment available to support eligible public infrastructure and economic development projects within the district.

BACKGROUND INFORMATION:

The proposed action seeks Council's support to expand the boundaries of the existing Tax Allocation District (TAD) No. 1 to incorporate additional commercially developed and commercially planned properties along the North Henry Boulevard corridor. Expanding the district will increase the future tax increment generated by redevelopment, strengthen the financial capacity of the TAD, and enhance the City's ability to fund public infrastructure, redevelopment incentives, land acquisition, and other eligible public improvements. The expansion supports the City's long-term economic development strategy by targeting strategic commercial corridors with redevelopment potential while leveraging future growth to finance public investments without increasing existing property tax rates.

APPROVALS: CITY MANAGER \_\_\_\_\_

CITY TREASURER \_\_\_\_\_

CITY ATTORNEY \_\_\_\_\_

GRANTS ADMIN. \_\_\_\_\_

FINANCIAL IMPACT  N/A

AMOUNT \$

ATTACHMENTS:

ITEM/PROJECT/EVENT:

BACKGROUND INFORMATION:

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed expansion of Tax Allocation District (TAD) No. 1 to include additional commercial parcels along North Henry Boulevard. The expansion will increase the district's redevelopment capacity, support future private investment, and provide additional tax increment to finance eligible public infrastructure and economic development projects.

Staff Signature \_\_\_\_\_ *Jonathan W. Smith*

# Stockbridge



Where Community Connects

**Expansion of TAD #1**

# A Brief History

- In 2012, the City adopted the Livable Centers Initiative (LCI) 10-Year Update, which identified Downtown Stockbridge as a priority redevelopment area.
- In 2018, the City adopted the Stockbridge Renaissance Strategic Vision and Plan and updated Comprehensive Plan, which called for redevelopment of Downtown and portions of North Henry Boulevard
- Between approximately 2010 and 2022, the City invested more than \$100 million in public facilities and infrastructure, including:
  - City Hall
  - Municipal Court
  - Amphitheater
  - Conference Center
  - Public parks
  - New Police Department facilities



# A Brief History

Despite these investments, substantial private redevelopment failed to occur at the scale anticipated by the City's plans. The Redevelopment Plan specifically states that the purpose of TAD #1 was to help overcome market conditions that prevented private capital from following public investment.

In December 2021, the City adopted an Urban Redevelopment Plan covering approximately 23 acres and identifying Downtown Stockbridge as an Urban Redevelopment Area.





Where Community Connects

- TAD #1 was formally created effective **December 31, 2022.**
- Key characteristics at creation:

<b>Parcels</b>	<b>344</b>
Acres	Approximately 501
Base Digest	\$35,893,424
Fair Market Value	\$89.7 million
Share of City Digest	3.4%
Estimated Population	~7,700 residents



# Then &

Parcels	381
Base Digest	\$35,893,424
Share of City Digest	3.4%

# Now

Parcels	444
Base Digest	\$59,850,908
Share of City Digest	4.56%

**O.C.G.A. § 36-44-3 (13) states:**

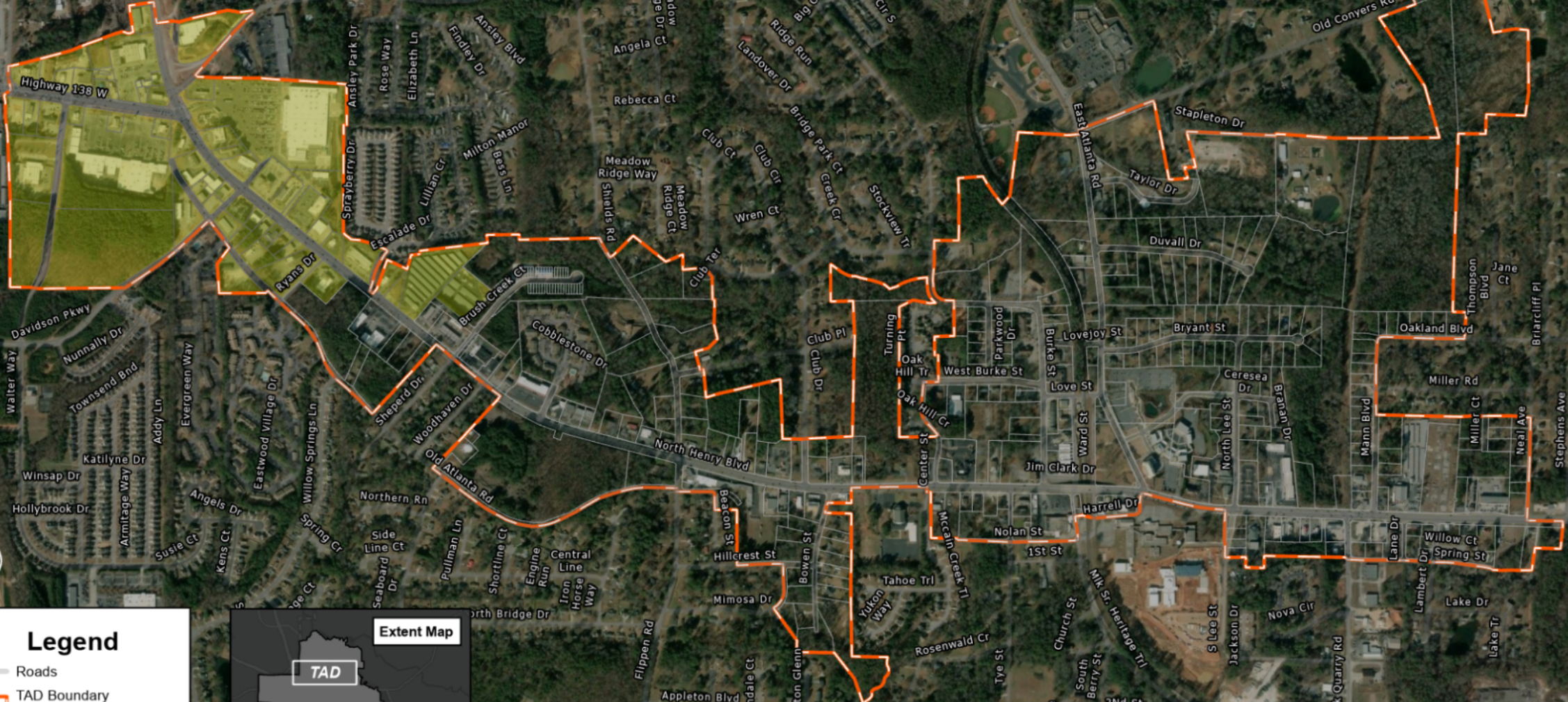
*Tax allocation district means a contiguous geographic area within a redevelopment area*

**O.C.G.A. § 36-44-17:**

*No political subdivision may create a tax allocation district when the total current taxable value of property subject to ad valorem property taxes within the proposed district plus the total current taxable value of property subject to ad valorem property taxes within all its existing tax allocation districts exceeds 10 percent of the total current taxable value of all taxable property located within the area of operation of the political*

# Proposed Tax Allocation District

City of Stockbridge, 2026



**Legend**

- Roads
- ▭ TAD Boundary (Proposed)
- ▭ TAD Parcels

**Extent Map**

Issue: The TAD does not generate enough increment to have a financial impact on development.

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Scenario	20-Year Revenue
Current TAD only	<b>\$19.7M</b>
Expanded TAD with added parcels	<b>\$41.6M</b>
Additional revenue from added parcels	<b>\$22.0M</b>

We are  
seeking the  
expansion of  
to increase  
the financial  
impact of TAD  
#1

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**STATE OF GEORGIA  
HENRY COUNTY  
CITY OF STOCKBRIDGE**

**ORDINANCE NO. TX-2026-03**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO TITLE 9 – LICENSING AND REGULATION, SPECIFICALLY CHAPTER 9.09, BY MAKING ADDITIONS AND CHANGES TO LICENSING, REGULATORY, OPERATIONAL, AND ENFORCEMENT PROVISIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Stockbridge desires to facilitate responsible community growth and economic vitality to meet the needs of residents; and

**WHEREAS**, Article IX, Section II, Paragraph IV of the Georgia Constitution empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning and regulation; and

**WHEREAS**, the City of Stockbridge is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the City Council has reviewed proposed amendments to Chapter 9.09 based on updates identified in the Title 9 Regulations attachment, including revisions to licensing standards, permitting requirements, fees, and enforcement provisions; and

**WHEREAS**, the City Council finds that the amendments to Chapter 9.09 will improve clarity, strengthen regulatory enforcement, and ensure consistency with current laws and administrative practices.

THEREFORE, IT IS NOW HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:

**Section 1. Approval to Amend Chapter 9.09.**

The Code of Ordinances, City of Stockbridge, Georgia, Title 9 – Licensing and Regulation, Chapter 9.09, is hereby amended to revise, update, and modify provisions as set forth in Exhibit A, attached hereto and incorporated herein by reference.

**Section 2. Scope of Amendments to Chapter 9.09.**

The amendments to Chapter 9.09 include, but are not limited to:

- Updating definitions and applicability provisions to ensure consistency with current regulatory language and state law.
- Revising licensing and permitting requirements, including application procedures, documentation, and eligibility standards.
- Modifying fee structures, including administrative fees, regulatory fees, and applicable penalties.
- Strengthening operational standards and compliance requirements for regulated activities under Chapter 9.09.
- Enhancing enforcement provisions, including violations, penalties, suspension, and revocation procedures.

**Section 3. Intention of the Governing Body.**

It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**Section 4. Severability.**

In the event that any section, subsection, sentence, clause, or phrase of this Ordinance is declared or adjudged to be invalid or unconstitutional, such adjudication shall in no manner affect the remaining portions of this Ordinance, which shall remain in full force and effect as if the invalid or unconstitutional section, subsection, sentence, clause, or phrase was not originally a part of this Ordinance.

**Section 5. Repealer.**

All ordinances or parts of ordinances that are in conflict with this Ordinance are hereby repealed.

**Section 6. Attestation.**

The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**Section 7. Authority to Amend.**

The City Attorney is granted the authority to amend or correct this ordinance, with the express consent of City Council, to reflect the intent of the Council and to ensure compliance with applicable laws.

**Section 8. Effective Date.**

This Ordinance shall become effective immediately upon its adoption by the City Council.

**Section 9. Adoption.**

SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2026.

Jayden Williams, Mayor

ATTEST:

Cassandra Lester, Interim City Clerk (SEAL)

APPROVED AS TO FORM:

QUINTON G. WASHINGTON, City Attorney

# Exhibit A

Title 9  
LICENSING AND REGULATION

Chapter 9.01 ADMINISTRATIVE FEES, REGULATORY FEES AND OCCUPATION TAXES

**9.01.010 Definitions.**

As used in this chapter the term:

"Administrative fee" means the component of an occupation tax which approximates the reasonable cost of handling and processing the registration of the business from whom the occupation tax is collected.

"Dominant line" means that type of business within a multiple service or product business from which the greatest amount of revenue is derived.

Gross Receipts.

1. "Gross receipts" means the total revenue of the business or practitioner for the period, including, without limitation, the following:
  - a. Total income without deduction for the cost of goods or expenses incurred;
  - b. Gain from trading in stocks, bonds, capital assets or instruments of indebtedness;
  - c. Proceeds from commissions on the sale of property, goods or services;
  - d. Proceeds from rent, interest, royalty or dividend income.
2. Gross receipts shall not include the following:
  - a. Sales, use or excise tax;
  - b. Sales returns, allowances and discounts;
  - c. Interorganizational sales or transfers between or among the units of a parent-subsidiary controlled group of corporations as defined by 26 U.S.C. Section 1563 (a)(2), or between or among wholly owned partnership or other wholly owned entities;
  - d. Payments made to subcontractor or an independent agent;
  - e. Governmental and foundation grants, charitable contributions, or the interest income derived from such funds received by nonprofit organizations which employs salaried practitioners otherwise covered by this chapter; and
  - f. Proceeds from sales to customers outside the state.

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"Location" or "office" means and includes any structure or vehicle where a business, profession or occupation is conducted but shall not include a temporary or construction work site which serves a single customer or project, or a vehicle used for sales or delivery by a business or practitioner of a profession.

"North American Industry Classification System (NAICS)" means those categories of occupations and industries established by and promulgated by the Office of Management and Budget of the United States of America and found in the North American Industry Classification System Manual.

"Occupation tax" means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue purposes.

"Occupation tax certificate" means a document issued by the city acknowledging payment of the occupation tax and administrative fee.

"Persons" shall include sole proprietors, practitioners of professions, corporations, partnerships, or any other form of organization.

"Practitioners of professions" are:

1. Lawyers;
2. Physicians licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated;
3. Osteopaths licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated;
4. Chiropractors;
5. Podiatrists;
6. Dentists;
7. Optometrists;
8. Psychologists;
9. Veterinarians;
10. Landscape architects;
11. Land surveyors;
12. Practitioners of physiotherapy;
13. Public accountants;
14. Embalmers;
15. Funeral directors;
16. Civil, mechanical, hydraulic or electrical engineers;
17. Architects; and
18. Marriage and family therapists, social workers and professional counselors.

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Such term shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

"Profitability class" means the category into which an occupation is placed for occupation tax purposes in accordance with this code.

"Regulatory fee" means the payment required by the city as an excise of its police power as part of or as an aid to regulation of an occupation, profession or business, the amount of which shall approximate the reasonable cost of the actual regulatory activity performed by the city. \*

"Regulatory fee certificate" means a document issued by the city acknowledging payment of regulatory fees.

(Ord. 99-9 § 1, 1999)

\* Regulatory fees do not include an administrative fee. Also, development impact fees or other costs imposed as conditions of zoning or land development are not regulatory fees for purposes of this ordinance. See Official Code of Georgia Annotated Section 48-13-5(6).

#### **9.01.020 Administrative fee.**

A non-prorated, nonrefundable administrative fee is charged. Those businesses in which an administrative fee is collected are incorporated herein and made a part hereof by reference. Unless an administrative fee is set by separate ordinance, no additional administrative fee will be collected on occupation tax accounts.

(Ord. 94-4 § 1 (part), 1994)

#### **9.01.030 Regulatory fee.**

- A. An annual regulatory fee in the amount shown in the approved fee schedule is imposed on persons engaged in businesses that are regulated by the city's definitions.
- B. If a person engages in an activity regulated by the city on or after July 1st in any year, the regulatory fee for the remaining portion of the year shall be fifty percent (50%) of the regulatory fee for the entire year.
- C. With the exception of those entities who are lawyers or attorneys engaged in the practice of law, every person subject to payment of a regulatory fee levied by this chapter shall display a current regulatory fee certificate in a conspicuous place at the location for which such certificate was issued. If a taxpayer does not have a permanent location with the city, the regulatory fee certificate shall be shown to any police officer (or any other person charged with enforcing this ordinance) upon request. However, for those entities who are lawyers or attorneys engaged in the practice of law, display of the certificate shall not be a precondition to the practice of law.

(Ord. 05-119 § 1, 2005; Ord. 94-4 § 1 (part), 1994)

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### **9.01.040 Occupation tax levied.**

- A. An occupation tax is levied upon those persons with one (1) or more locations or offices within the corporate limits of the city and, pursuant to O.C.G.A. § 48-13-7, upon out-of-state persons with no location or office in Georgia in accordance with the occupation tax classification and ranges listed on Appendix II.
- B. A person shall be placed in the profitability class based on the different line of businesses or services of the person and profitability ratios as measured by nationwide averages derived from statistics, classification, or other information published by the U.S. Office of Management and Budget, the U.S. Internal Revenue Service, or successor agencies of the United States shall be used to classify the business by tax class. Profitability classes by North American Industry Classification System (NAICS) code shall be listed as appendix II.
- C. Persons with no physical location in the State, but which perform services or sell products within the corporate limits of the city, shall be subject to the administrative fee and occupation tax if such person has more than nominal business activity within the city, including:
  - 1. One (1) or more employees who exert effort within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients; or
  - 2. Owns real or personal property which is located within the jurisdiction of the city, and which generates income or is used to generate income.
- D. Occupational taxes to be levied will be determined based on the start date of the executed lease.

(Ord. 01-15, 2001; Ord. 99-9 § 2, 1999; Ord. 94-4 § 1 (part), 1994)

(Ord. No. OR19-479, § 1, 2-11-2019)

### **9.01.050 Occupation tax limitations.**

- A. Persons from out of state with no office or location in Georgia subject to an occupation tax under this chapter shall be required to pay an occupation tax to only one (1) local government in Georgia. Such local government shall be the government of the municipal corporation or county in which the largest dollar volume of business is done, or services are performed by the person. Such persons submitting documentation to the city showing payment of a local business or occupation tax to another local government in Georgia shall be exempt from the occupation tax levied by this chapter.
- B. If a person commences business in the city on or after July 1st of any year, the occupation tax for the remaining portion of the year shall be fifty percent (50%) of the tax imposed for the entire year. The administrative fee shall not be reduced. Provided, however, that if a practitioner of a profession elects to be assessed a flat fee pursuant to Section 9.01.090 of this code and to pay that sum after commencing business on or after July 1st in any calendar year, no proration of the occupation tax shall be permitted under this subsection.

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- C. 1. Real estate brokers shall be subject to the occupation tax imposed by this chapter only if they maintain a principal or branch office in the city. \*
2. Real estate brokers whose offices are located outside the city and who sell property inside the city shall be subject to the occupation tax based upon the gross receipts from sales of property located within the city.
- D. 1. No person shall be required to pay more than one (1) occupation tax for each of its locations.
2. No occupation tax will be required upon more than one hundred percent (100%) of a business's gross receipts.
3. No occupation tax will be required on receipts on which such tax has been levied in other localities or states.
4. An occupation tax shall not be levied in any other manner except as described in this section.
5. Out-of-state businesses with no location in Georgia shall be assessed occupation taxes based on the gross receipts of the business as defined in Official Code of Georgia Annotated Section 14-13-7 which are reasonably attributed to sales or services in the state of Georgia.

(Ord. 01-17, 2001; Ord. 94-4 § 1 (part), 1994)

\* Licensing and taxation of insurers is governed by Official Code of Georgia Annotated Section 38-8-8 et seq. and should be covered by a separate ordinance. Likewise, alcoholic beverage businesses are subject to special provisions in Title 3 of the Georgia Code.

#### **9.01.060 Registration of line of business.**

The registration by each person shall identify all line(s) of business, profession, or occupation conducted.

(Ord. 94-4 § 1 (part), 1994)

#### **9.01.070 More than one location—Separate business.**

Wherever a business or occupation is conducted at more than one (1) location or place within the city, each such location shall be considered a separate business for the purpose of the occupation tax imposed by this chapter.

(Ord. 94-4 § 1 (part), 1994)

#### **9.01.080 Multiple locations.**

For those businesses that have multiple locations inside and outside of the city where the gross receipts can be allocated to each location, the gross receipts used to determine the occupation tax assessed will be those gross receipts generated by each city location. Where the dollar amount of gross receipts cannot be allocated among multiple locations, the total gross receipts will be divided by the total number of locations in the city and elsewhere and an equal

percentage of such gross receipts shall be allotted to each location. Upon request, the business or practitioner with a location or office situated in more than one (1) jurisdiction shall provide to the city the following:

- A. Financial information necessary to allocate the gross receipts of the business or practitioner; and
- B. Information relating to the allocation of the business's or practitioner's gross receipts by other local governments.

Where the business has locations outside of the city and taxation is levied for a criterion other than gross receipts in the other local governments, the city shall not assess more than the allotted share of gross receipts for the local operation.

(Ord. 94-4 § 1 (part), 1994)

**9.01.090 Taxation of professionals.**

- A. *Practitioners of professions, as defined in Section 9.01.010 of this chapter, shall elect for their occupation tax either:*
  - 1. The occupation tax as set forth in Section 9.01.040 of this chapter; or
  - 2. A tax of four hundred dollars (\$400.00) for each practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location.
- B. Election of the method of assessment shall be made on or before twelve (12:00) noon on the final renewal date of October 1<sup>st</sup>, prior to the actual assessment.
- C. In the event practitioners of professions are engaged in a firm or group of other practitioners of professions, the firm or group may choose to pay on behalf of the associated professionals pursuant to the code section set forth in Section 9.01.040 of this chapter, or as set forth in Subsection 9.01.090(A)(2).

**APPENDIX I  
OCCUPATION TAX  
2019 FEE SCHEDULE**

<b>Occupational Tax</b>	<b>Category</b>	<b>Fee—Year 2025</b>	<b>Fee—Year 2026</b>
03.16.040(A)	Business and O.T. Late Penalty	\$2.00 per day	\$3.00 per day
03.16.090(H)-3	Hotel/Motel Utilities and Fac. in ROW	0.03	0.05
03.16.120	Insurance and Agent Lic. Fee	\$100.00 per year	\$100.00 per year
03.16.130	Insurance and Agent Lic. Fee Add.	\$35.00 per year	\$35.00 per year
03.16.240	Hotel Motel Tax	(8.00%) of the gross rent for such occupancy	(8.00%) of the gross rent for such occupancy

03.16.303	Operator Fee	3% of amount due	3% of amount due
03.16.304	Hotel/Motel Penalties and Interest	5% or \$5.00 -> 30 days 25% or \$25.00	5% or \$5.00 -> 30 days 25% or \$25.00
03.16.305(C)	Hotel/Motel Add. Penalties and Interest	5% or \$5.00 -> 30 days 25% or \$25.00	5% or \$5.00 -> 30 days 25% or \$25.00
09.01.030(B)	Regulatory Fee (on or after July 1)	50% of regulatory fee, same for OT	50% of regulatory fee, same for OT
09.01.040	Occupation Tax Levy	See chart in 09.01.040	See chart in 09.01.040
09.01.090	Professional Tax	\$400.00	\$400.00
09.01.100	Professional Tax Delinquency Fee	See 09.01.100 (same as tax execution)	See 09.01.100 (same as tax execution)
09.01.180	Regulatory Fee Late Penalty	10% of fee +1.5% interest monthly	10% of fee +1.5% interest monthly
09.01.200	O.T. Records Deficiency Fee	10% of Deficiency +1% interest monthly	10% of deficiency +1.5% interest monthly
09.01.240	Public Hearing Before Future Tax Increases	Public hearing	Public hearing
09.01.250	Occupational Tax Administrative Fee	Due @ application—\$70.00, non-refundable	Due @ application—\$85.00, non-refundable
09.01.250	Non-Profit Administrative Fee	\$0.00	\$0.00
09.04.140(B)	Alcohol Application Investigation Fee	\$210.00 due @ application	\$300.00 due @ application
09.04.160(B)	Hotel/Motel/Restaurant/Club Multiple License	\$1,000.00 per additional location	\$1,000.00 per additional location
09.04.260(B)	Alcohol License Fee Schedule	See 9.04.260(B) chart	See 9.04.260(B) chart
09.04.270	Denial of State License	Refund, less \$50.00	Refund, less \$50.00
09.04.277	Ancillary Growler Malt Beverage Tasting License	To be set by council	To be set by council
09.04.290	Alcohol Bulk Package Sales Tax	See 09.04.240	See 09.04.240
09.04.680(C)	Alcohol Caterers (not located in city)	\$100.00 per event	\$100.00 per event

09.08.180(B)(1)— (3)	CPNC Vehicle for Hire Permit	State requirement	State requirement
09.12.090	Solicitation Permit	\$150.00 for 60 days (not including background check)	\$300.00 for 60 days (not including background check)
09.17.050	Precious Metal/Gem Dealer	\$350.00	\$475.00
09.20.070(A), (B)	Billiard/Pool Hall Fee Schedule	\$350.00	\$1000.00
09.28.010(B)(3)	Garage Sale (Commercial)	\$75.00	\$125.00
09.36.060	Display of Merchandise Permit	4 days a year	6 days a year
09.40.070(A), (B)	Massage Establishment	\$350.00	\$550.00
09.43.130(H)	Youth Activity Center (Event Relocation)		
09.43.230	Youth Activity Center Event Readmission		
09.43.250	Youth Activity Center License		
09.43.260	Youth Activity Center Prorated License		
09.48.040	Fortuneteller License Application Fee		
09.50.020(B)	Bingo Games (Non-profit organization)		
09.60.070(1)	Body Crafting Application Fee	\$250.00 yearly	\$250.00 yearly
09.60.080(B)	Body Crafting Individual Application Fee	\$250 yearly	\$450.00 yearly
09.60.090(C)	Body Crafting Health Fee	\$25 per year	\$25 per year
	OT License Reprint	\$30.00	\$35.00
09.78.010(H)(1)	Film Processing Fee	\$150.00 per day	\$175.00 per day
09.78.010(K)	Filming at City Facilities	See attached chart	See attached chart

**APPENDIX II**  
**2026 Occupational Tax Fee Schedule—Non-Regulatory**

**CLASS 1**

**CLASS 2**

Highest of the Range	Cost at .000366	Highest of the Range	Cost at .000403
\$0 to \$200,000	\$73.20	\$0 to \$200,000	\$80.60
\$200,001 to \$500,000	\$183.00	\$200,001 to \$500,000	\$201.50
\$500,001 to \$1,000,000	\$366.00	\$500,001 to \$1,000,000	\$403.00
\$1,000,001 to \$1,500,000	\$549.00	\$1,000,001 to \$1,500,000	\$604.50
\$1,500,001 to \$2,000,000	\$732.00	\$1,500,001 to \$2,000,000	\$806.00
\$2,000,001 to \$5,000,000	\$1,830.00	\$2,000,001 to \$5,000,000	\$2,015.00
\$5,000,001 to \$7,000,000	\$2,562.00	\$5,000,001 to \$7,000,000	\$2,821.00
\$7,000,001 to \$10,000,000	\$3,660.00	\$7,000,001 to \$10,000,000	\$4,030.00
\$10,000,001 to \$15,000,000	\$5,490.00	\$10,000,001 to \$15,000,000	\$6,045.00
\$15,000,001 to \$30,000,000	\$10,980.00	\$15,000,001 to \$30,000,000	\$12,090.00
\$30,000,001 to \$60,000,000	\$21,960.00	\$30,000,001 to \$60,000,000	\$24,180.00
\$60,000,001 to \$99,000,000	\$36,234.00	\$60,000,001 to \$99,000,000	\$39,897.00
\$99,000,001 and up	\$46,234.00	\$99,000,001 and up	\$49,897.00

**CLASS 3**

**CLASS 4**

Highest of the Range	Cost at .0004433	Highest of the Range	Cost at .000488
\$0 to \$200,000	\$88.66	\$0 to \$200,000	\$97.60
\$200,001 to \$500,000	\$221.65	\$200,001 to \$500,000	\$244.00
\$500,001 to \$1,000,000	\$443.30	\$500,001 to \$1,000,000	\$488.00
\$1,000,001 to \$1,500,000	\$664.95	\$1,000,001 to \$1,500,000	\$732.00
\$1,500,001 to \$2,000,000	\$886.60	\$1,500,001 to \$2,000,000	\$976.00
\$2,000,001 to \$5,000,000	\$2,216.50	\$2,000,001 to \$5,000,000	\$2,440.00
\$5,000,001 to \$7,000,000	\$3,103.10	\$5,000,001 to \$7,000,000	\$3,416.00
\$7,000,001 to \$10,000,000	\$4,433.00	\$7,000,001 to \$10,000,000	\$4,880.00
\$10,000,001 to \$15,000,000	\$6,495.00	\$10,000,001 to \$15,000,000	\$7,320.00
\$15,000,001 to \$30,000,000	\$13,299.00	\$15,000,001 to \$30,000,000	\$14,640.00
\$30,000,001 to \$60,000,000	\$26,598.00	\$30,000,001 to \$60,000,000	\$29,280.00

\$60,000,001 to \$99,000,000	\$43,886.70	\$60,000,001 to \$99,000,000	\$48,312.00
\$99,000,001 and up	\$53,886.70	\$99,000,001 and up	\$58,312.00
<b>CLASS 5</b>		<b>CLASS 6</b>	
Highest of the Range	Cost at .000537	Highest of the Range	Cost at .000591
\$0 to \$200,000	\$107.40	\$0 to \$200,000	\$118.20
\$200,001 to \$500,000	\$268.50	\$200,001 to \$500,000	\$295.50
\$500,001 to \$1,000,000	\$537.00	\$500,001 to \$1,000,000	\$591.00
\$1,000,001 to \$1,500,000	\$805.50	\$1,000,001 to \$1,500,000	\$886.50
\$1,500,001 to \$2,000,000	\$1,074.00	\$1,500,001 to \$2,000,000	\$1,182.00
\$2,000,001 to \$5,000,000	\$2,685.00	\$2,000,001 to \$5,000,000	\$2,955.00
\$5,000,001 to \$7,000,000	\$3,759.00	\$5,000,001 to \$7,000,000	\$4,137.00
\$7,000,001 to \$10,000,000	\$5,370.00	\$7,000,001 to \$10,000,000	\$5,910.00
\$10,000,001 to \$15,000,000	\$8,055.00	\$10,000,001 to \$15,000,000	\$8,865.00
\$15,000,001 to \$30,000,000	\$16,110.00	\$15,000,001 to \$30,000,000	\$17,730.00
\$30,000,001 to \$60,000,000	\$32,220.00	\$30,000,001 to \$60,000,000	\$35,460.00
\$60,000,001 to \$99,000,000	\$53,163.00	\$60,000,001 to \$99,000,000	\$58,509.00
\$99,000,001 and up	\$63,163.00	\$99,000,001 and up	\$68,509.00

<b>CLASS 1</b>		<b>CLASS 2</b>	
Highest of the Range	Cost at 0.000333	Highest of the Range	Cost at 0.000366
\$0.00 to \$200,000.00	\$66.60	\$0.00 to \$200,000.00	\$73.20
\$200,001.00 to \$500,000.00	\$166.50	\$200,001.00 to \$500,000.00	\$183.00
\$500,001.00 to \$1,000,000.00	\$333.00	\$500,001.00 to \$1,000,000.00	\$366.00
\$1,000,001.00 to \$1,500,000.00	\$499.50	\$1,000,001.00 to \$1,500,000.00	\$549.00
\$1,500,001.00 to \$2,000,000.00	\$666.00	\$1,500,001.00 to \$2,000,000.00	\$732.00
\$2,000,001.00 to \$5,000,000.00	\$1,665.00	\$2,000,001.00 to \$5,000,000.00	\$1,830.00
\$5,000,001.00 to \$7,000,000.00	\$2,331.00	\$5,000,001.00 to \$7,000,000.00	\$2,562.00
\$7,000,001.00 to \$10,000,000.00	\$3,330.00	\$7,000,001.00 to \$10,000,000.00	\$3,660.00

\$10,000,001.00 to \$15,000,000.00	\$4,995.00		\$10,000,001.00 to \$15,000,000.00	\$5,490.00
\$15,000,001.00 to \$30,000,000.00	\$9,990.00		\$15,000,001.00 to \$30,000,000.00	\$10,980.00
\$30,000,001.00 to \$60,000,000.00	\$19,980.00		\$30,000,001.00 to \$60,000,000.00	\$21,960.00
\$60,000,001.00 to \$99,000,000.00	\$32,967.00		\$60,000,001.00 to \$99,000,000.00	\$36,234.00
\$100,000,000.00 and above	\$33,300.00		\$100,000,000.00 and above	\$36,600.00

<b>CLASS 3</b>		<b>CLASS 4</b>
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Highest of the Range	Cost at 0.000403		Highest of the Range	Cost at 0.0004433
\$0.00 to \$200,000.00	\$80.60		\$0.00 to \$200,000.00	\$88.66
\$200,001.00 to \$500,000.00	\$201.50		\$200,001.00 to \$500,000.00	\$221.65
\$500,001.00 to \$1,000,000.00	\$403.00		\$500,001.00 to \$1,000,000.00	\$443.30
\$1,000,001.00 to \$1,500,000.00	\$604.50		\$1,000,001.00 to \$1,500,000.00	\$664.95
\$1,500,001.00 to \$2,000,000.00	\$806.00		\$1,500,001.00 to \$2,000,000.00	\$886.60
\$2,000,001.00 to \$5,000,000.00	\$2,015.00		\$2,000,001.00 to \$5,000,000.00	\$2,216.50
\$5,000,001.00 to \$7,000,000.00	\$2,821.00		\$5,000,001.00 to \$7,000,000.00	\$3,103.10
\$7,000,001.00 to \$10,000,000.00	\$4,030.00		\$7,000,001.00 to \$10,000,000.00	\$4,433.00
\$10,000,001.00 to \$15,000,000.00	\$6,045.00		\$10,000,001.00 to \$15,000,000.00	\$6,495.00
\$15,000,001.00 to \$30,000,000.00	\$12,090.00		\$15,000,001.00 to \$30,000,000.00	\$13,299.00
\$30,000,001.00 to \$60,000,000.00	\$24,180.00		\$30,000,001.00 to \$60,000,000.00	\$26,598.00
\$60,000,001.00 to \$99,000,000.00	\$39,897.00		\$60,000,001.00 to \$99,000,000.00	\$43,886.70
\$100,000,000.00 and above	\$40,300.00		\$100,000,000.00 and above	\$44,330.00

<b>CLASS 5</b>		<b>CLASS 6</b>
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Highest of the Range	Cost at 0.000488		Highest of the Range	Cost at 0.000537
\$0.00 to \$200,000.00	\$97.60		\$0.00 to \$200,000.00	\$107.40

\$200,001.00 to \$500,000.00	\$244.00		\$200,001.00 to \$500,000.00	\$268.50
\$500,001.00 to \$1,000,000.00	\$488.00		\$500,001.00 to \$1,000,000.00	\$537.00
\$1,000,001.00 to \$1,500,000.00	\$732.00		\$1,000,001.00 to \$1,500,000.00	\$805.50
\$1,500,001.00 to \$2,000,000.00	\$976.00		\$1,500,001.00 to \$2,000,000.00	\$1,074.00
\$2,000,001.00 to \$5,000,000.00	\$2,440.00		\$2,000,001.00 to \$5,000,000.00	\$2,685.00
\$5,000,001.00 to \$7,000,000.00	\$3,416.00		\$5,000,001.00 to \$7,000,000.00	\$3,759.00
\$7,000,001.00 to \$10,000,000.00	\$4,880.00		\$7,000,001.00 to \$10,000,000.00	\$5,370.00
\$10,000,001.00 to \$15,000,000.00	\$7,320.00		\$10,000,001.00 to \$15,000,000.00	\$8,055.00
\$15,000,001.00 to \$30,000,000.00	\$14,640.00		\$15,000,001.00 to \$30,000,000.00	\$16,110.00
\$30,000,001.00 to \$60,000,000.00	\$29,280.00		\$30,000,001.00 to \$60,000,000.00	\$32,220.00
\$60,000,001.00 to \$99,000,000.00	\$48,312.00		\$60,000,001.00 to \$99,000,000.00	\$53,163.00
\$100,000,000.00 and above	\$48,800.00		\$100,000,000.00 and above	\$53,700.00

(Ord. 06-163 § 3, 2006)

(Ord. No. OR16-413, § 2, 8-30-2016; Ord. No. OR19-479, § 2, 2-11-2019)

**9.01.100 Fees payable when.**

With the exception of those entities who are lawyers or attorneys engaged in the practice of law, each administrative fee, regulatory fee and occupation tax, as applicable, shall be for the calendar year. Any administrative fee, regulatory fee or occupation tax shall be payable January 1st of each year and shall be delinquent if not paid by January 15th each year. Any amounts owed which are not paid by January 15th shall be subject to the penalties for delinquency as described in this chapter. With the exception of those entities who are lawyers or attorneys engaged in the practice of law, any new profession, occupation or business begun in the city after January 1st of any year the administrative fee, regulatory fee and occupation tax, as applicable, shall be obtained immediately upon beginning business, and if not so obtained shall be delinquent. A regulatory fee certificate and an occupation tax certificate indicating that the profession, occupation or business has paid the fees and taxes owed shall be issued by the business services manager. With the exception of lawyers and attorneys engaged in the practice of law, any person practicing a profession, occupation or business without having valid

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certificates issued to him or her shall, upon conviction, be punished as provided in Section 9.01.190 of this chapter. In addition to the above remedies, the business services manager may proceed to collect the delinquencies in the same manner as provided by law for tax executions.

(Ord. 06-163 § 1, 2006)

### **9.01.110 Occupation tax certificate.**

Every person subject to payment of the occupation tax amended by this chapter shall display a current occupation tax certificate in a conspicuous place at the location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the occupation tax certificate shall be shown to any police officer, fire marshal, business compliance officer, or any other person charged with enforcing this chapter upon request. Display of a current occupation tax certificate is not a pre-condition to the practice of the occupation.

(Ord. 98-5 § 1 (part), 1998)

### **9.01.120 Exemptions.**

A. No occupation tax shall be levied upon the following:

1. Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, or instrumentality of the United States, of the state or a municipality or county of the state;
2. Those businesses regulated by the Georgia Public Service Commission;
3. Those electrical service businesses organized under Chapter 3 of Title 46 of the Official Code of Georgia Annotated;
4. Any farm operation for the production from or on the land of agricultural products, but not including any agribusiness;
5. Nonprofit agricultural product cooperative marketing associations pursuant to Official Code of Georgia Annotated Section 2-10-105;
6. Motor common carriers pursuant to Official Code of Georgia Annotated Section 46-7-15;
7. Persons purchasing guano, meats, meal, flour, bran, cotton seed or cotton seed meal or hulls in carload lots for distribution among the purchasers for use and not sale pursuant to Official Code of Georgia Annotated Section 48-5-355;
8. Persons selling or introducing into the city agricultural products or livestock, including animal products, raised in the state when the sale and introduction are made by the producer of the product and the sale is made within ninety (90) days of the introduction of the product into the city;\*
9. Depository institutions pursuant to Official Code of Georgia Annotated Section 48-6-93;\*\* or

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10. Any business where the levy of such occupation tax is prohibited by the laws of the state of Georgia or the United States.
  - B. The exemptions and limitations contained in this chapter shall not be construed to repeal or otherwise affect in any way franchise fees, business taxes or other fees or taxes otherwise permitted by law.
  - C. The following classes of persons may conduct business or practice the professions and semi-professions in the city without paying an occupation tax, administrative fee or regulatory fee for the privilege of so doing, provided such person receives a certificate of exemption issued by Henry County Probate Court and has filled out the paperwork required by the city:
    1. Any disabled veteran of any war or armed conflict in which any branch of the armed forces of the United States engaged, whether under United States command or otherwise;
    2. Any blind person; or
    3. Any veteran of peace-time service in the United States armed forces who has a physical disability incurred during the period of such service.

An applicant shall comply with all of the provisions of Title 43, Chapter 12 of the Official Code of Georgia Annotated, specifically including O.C.G.A. § 43-12-2, § 43-12-8 and § 43-12-9. In addition, each applicant shall deliver to the City the certificate of the Probate Court of Henry County pursuant to O.C.G.A. § 43-12-3.

(Ord. No. 94-4 § 1 (part), 1994; Ord. No. 13-308, § 1, 4-8-2013; Ord. No. 18-466, § 1, 6-11-2018)

\* See Official Code of Georgia Annotated Section 48-5-356.

\*\* See this statute regarding the collection on occupation tax from banks and other financial institutions.

\*\*\* The city may wish to provide an exemption from the occupation tax, administrative fee and/or regulatory fee for charitable organizations. If so, the ordinance provisions providing an exemption should recite that the exemption is part of a plan by the city to encourage such business, pursuant to Official Code of Georgia Annotated Section 48-13(e) and should be narrowly defined to allow only true charitable organizations to take advantage of the provision.

#### **9.01.130 Occupation taxes levied on business to be transacted during current calendar year—Filing of returns showing gross receipts during preceding calendar year.**

- A. With the exception of those entities who are lawyers or attorneys engaged in the practice of law, all occupation taxes levied under this chapter are levied on the amount of business to be transacted during the current calendar year. However, for convenience of both city and the taxpayer, each business subject to the occupation tax shall, on or before the dates hereinafter set forth file with the city the return hereinafter specifically provided for, showing the gross receipts of that business during the preceding calendar year. This return

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shall be used as the basis for making estimated payments on the occupation tax for the current calendar year. The actual and final amount of tax levied for business transacted in the current calendar year shall be paid in accordance with a final return to be made after the end of the year, in accordance with the procedure set forth here.

- B. The person subject to said occupation tax of the current calendar year (or persons subject to occupation tax for the previous calendar year as set forth in subsection D below) shall receive notification by the city and shall complete the forms within thirty (60) days of receipt, a signed return setting forth the amount of gross receipts of such business for the entire preceding calendar year. This return will be used to determine the final tax for the calendar year just completed and as an estimate of the gross receipts and occupation tax for the current calendar year. Businesses that do not submit the renewal application will be automatically renewed by the business services division with a 10% non-filing fee based on the previous year gross receipts with a review process that can increase based on the number of years the business did not submit a renewal application.
- C. Where a business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the amount of gross receipts for such part shall be reported in said return. Said return shall also show a figure putting the receipts for such part of a year on an annual basis with the part-year receipts bearing the same ratio to the whole-year gross receipts as the part year bears to the whole year. Said figure shall be used as the estimate of the gross receipts of the business for the current calendar year in establishing the business tax liability.
- D. For those practitioners of professions who are lawyers or attorneys engaged in the practice of law, and who elect to pay the occupation tax as set forth in Section 9.01.030 as opposed to the method set forth in Section 9.01.090(A)(2), all occupation taxes levied under this article are levied on the amount of business which was transacted during the previous calendar year. Each person subject to the occupation tax levied in this chapter shall file with the business services division the returns specifically provided for in this section, showing the gross receipts of that business during the preceding calendar year. This return shall be used as a basis for making payment of the occupation tax for the previous calendar year. Occupation taxes shall be calculated for the year ending December 31st and shall be due no later than January 15th of the following year. (Ord 05-119 § 3, 2005)

(Ord. 94-4 § 1 (part), 1994)

### **9.01.150 Confidentiality.**

Information provided by a person to the city for the purposes of determining the applicability and the amount of the occupation tax or the levy or collection of the occupation tax levied pursuant to this chapter is confidential and exempt from disclosure.\* Such information may be provided to the governing authority of another local government for occupation tax purposes or pursuant to court order or for the purpose of collecting occupation tax or prosecution for failure or refusal to pay an occupation tax.

(Ord. 94-4 § 1 (part), 1994)

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\* See Official Code of Georgia Annotated Section 48-13-15 which exempts such information from discovery under the Georgia Open Records Statute.

**9.01.160 Evidence of state registration—Other qualifications.**

- A. Each person who is licensed under Title 43 of the Official Code of Georgia Annotated by the examining boards of the Secretary of State's Office shall provide evidence of proper and current state licensure before any city occupational tax, regulatory, or alcohol license fee certificate may be issued.
- B. Any person required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a city registration, show evidence of such qualification.
- C. Any person required to submit an annual application for continuance of that business shall do so before the registration is issued.

(Ord. 94-4 § 1 (part), 1994)

**9.01.170 Liability of officers and agents—Registration required—Failure to obtain.**

All persons subject to the occupation tax required in this chapter shall be required to take out the necessary registration for said business prescribed in this chapter. With the exception of those entities who are lawyers or attorneys engaged in the practice of law, in default thereof the officer or agents soliciting for or obtaining business shall be subject to the same penalty as other persons who fail to obtain a certificate. Each person commencing business in the city after January 1st of each year shall likewise obtain the registration provided herein before commencing such business. With the exception of those entities who are lawyers or attorneys engaged in the practice of law, any person transacting or offering to transact in the city any of the kinds of business, profession or occupation without having first obtained such registration shall be subject to the penalties provided herein and upon conviction shall be punished as provided in Section 9.01.220.

(Ord. 05-119 § 5, 2005)

**9.01.180 Due date—Court penalty and interest.**

A penalty is imposed on each business and practitioner of an occupation that or who fails to apply for and obtain the appropriate registration and to pay any and all regulatory and administrative fees and occupation taxes required by this chapter prior to January 15th of each year. Such penalty shall be in the amount of ten percent (10%) of the regulatory and administrative fee and occupation tax determined to be due and owing under the provisions of this chapter. Such delinquency shall also bear interest at the rate of one and one-half percent (1.5%) for each month or partial month of such delinquency. Penalties provided herein shall be in addition to any other civil fines which may be applicable.

The business has until March 31<sup>st</sup> to pay for all occupational tax fees plus late fees. Starting April 1<sup>st</sup>, the business will have a fee of \$300 added for court fees from the business compliance officer. All businesses that pay the court fees at least two business days before the court date do

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not have to appear but must provide proof to the business services division of payment. If the business does not appear in court on the date that someone is to appear; then an additional fee of \$150 will be added. If the business has a history of serious delinquency for three consecutive years whereas the business has received a citation, therefore the business shall be demanded to appear in front of council to determine if the business shall remain open.

(Ord. 05-119 § 5, 2005)

#### **9.01.190 Criminal penalty for violation of this chapter.**

Any person violating any provision of this chapter shall upon conviction be punished by a fine of one hundred dollars (\$100.00) per month not to exceed one thousand dollars (\$1,000.00) per year and/or one hundred twenty (120) days in the common jail of Henry County; provided, however, practitioners of professions and any other persons whose qualification to practice their profession is determined by the general laws of the state of Georgia and who fails to pay an occupation tax as provided in this chapter shall be subject only to the civil penalty and interest provisions as provided in Section 9.01.220.

(Ord. 94-4 § 1 (part), 1994)

#### **9.01.200 Inspection of records.**

The city, through its employees, officers or agents, may inspect the books of any person subject to an occupation tax to determine the accuracy of the documents and information submitted by a business or practitioner to the city. With the exception of lawyers and attorneys engaged in the practice of law, failure to submit such books or records within thirty (30) days shall be grounds for revocation of the regulatory fee certificate and right to do business in the city. Adequate records shall be kept in the city or made available in the city for examination by the designated city agents. If, after examination of the books or records it is determined that a deficiency exists as a result of improper designation of a dominant line of a business, profession or occupation, a penalty of ten percent (20%) of the deficiency and an additional interest of one percent (1%) per month of the amount of the deficiency shall be assessed.

(Ord. 06-163 § 2, 2006)

#### **9.01.210 Revocation.**

With the exception of those entities who are lawyers or attorneys engaged in the practice of law, failure of any person to pay an applicable administrative fee, regulatory fee or occupation tax or any part thereof before it becomes delinquent or upon failure to permit inspection of books as required, shall result in any occupational tax certificate or regulatory fee certificate granted by the city under this chapter permitting such person to do business in the city for the current year being automatically revoked without any further action required of the city. No new occupation tax certificate or regulatory fee certificate shall be granted by the city for the operation of a business for which any part of the occupation tax or fees herein required are unpaid nor shall such certificates be issued to a person who has failed to submit adequate records for inspection as required by Section 9.01.160. The business compliance officer will be the person that has the ability to revoke the occupational tax

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(Ord. 05-119 § 6, 2005)

**9.01.220 Execution—Liens.**

- A. The business services manager, or his or her designee, upon any tax or installment of any tax become a delinquent and remaining unpaid, shall issue an execution for the amount of said tax against the person liable for said tax, including interest at the rate of one percent (1.5%) per month accruing thereon. The lien shall cover the property of the person liable for said tax as provided by the Code of Ordinances, Charter of the city and the laws of Georgia. The lien for said occupation tax shall become fixed on and date from the time that such tax or installment thereof becomes delinquent. The execution shall be levied by the appropriate city agent upon the property of the person liable for said tax and sufficient property shall be advertised and sold to pay the amount of said execution, with interest and cost allowed by law. All other proceedings in relation thereto shall be as provided by the code and Charter of the city and the laws of Georgia. The defendants at execution shall have the rights of defense, by affidavit of illegality of the tax or otherwise as provided by the Charter of the city and the laws of Georgia in regard to tax executions.
- B. When a nulla bona entry has been entered by the proper authority upon execution issued by the city against any person defaulting on an occupation tax, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of the nulla bona has been made, the person against whom the execution pays the tax in full, together with all interest penalties and costs accrued on the tax, the person may collect any fees and charges for services and goods due the person as though the person had never defaulted in the payment of the taxes.

(Ord. 94-4 § 1 (part), 1994)

**9.01.230 Application to prior delinquencies.**

This chapter does not repeal or affect the enforcement of any ordinance or part of any ordinance heretofore passed for fees and taxes levied when such fees and taxes have not been paid in full. Such ordinances and parts of ordinances heretofore passed providing for the issuing and enforcing execution for taxes or assessments required by such ordinances or that imposed fines or penalties for non-payment of such tax, or for failure to pay regulatory fees pursuant to such ordinances, or failure to comply with the other provisions thereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

(Ord. 94-4 § 1 (part), 1994)

**9.01.240 Public hearing before future tax increases.**

Prior to adopting any ordinance, subsequent to January 1, 1996, which increases the occupation tax as set forth in this chapter, the mayor and council shall conduct at least one (1) public hearing.

(Ord. 94-4 § 1 (part), 1994)

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**9.01.250 Administrative fee collected.**

An administrative fee is assessed on each account based on the approved fee schedule and will be collected on occupational tax accounts pursuant to Official Code of Georgia Annotated Section 48-13-10.

(Ord. 06-160.1 § 1, 2006)

**9.01.260 Unified Development Code.**

The Unified Development Code (UDC) is the zoning regulations for the city. The approved document from mayor and council will be used in addition to this title. The approval will be based on the most recent UDC.

**9.01.270 Businesses Working with the City of Stockbridge.**

All businesses that provide services to any department of the City of Stockbridge shall comply with all applicable local, state, and federal requirements and shall provide documentation demonstrating such compliance. At a minimum, each business must maintain a current occupational tax certificate with zero balance and shall provide proof of the certificate upon request.

Chapter 9.02 REPORTING OF SALES AND USE TAXES

**9.02.010 Reporting of sales and use taxes.**

Commencing March 1, 1999, and upon each subsequent filing date thereafter, each person, firm, corporation, partnership, limited liability company and any other entity that holds a business license in the city, and is required to pay sales and use tax under the laws of the state of Georgia, or is required to file sales and use tax reporting forms (State Form ST-3 and ST-3PD) with the state of Georgia, shall file with the city a copy of each sales and use tax return or report filed with the state of Georgia, together with a copy of their sales and use tax certificate. Said documents shall be filed with the city on or before the date that same is due to be filed with the Department of Revenue of the state of Georgia.

(Ord. 98-22 § 1 (part), 1998)

**9.02.020 Violation—Penalty.**

Any person, firm, corporation, partnership, limited liability company failing to file copy of sales and use tax return or form with the city as provided in Section 9.02.010 above shall be fined a sum not to exceed five hundred dollars (\$500.00) for each violation. Penalties provided in this section shall be in addition to any other penalties, civil or criminal, which may be applicable.

(Ord. 98-22 § 1 (part), 1998)

Chapter 9.03 SOUND PRODUCTION PERMITS

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**9.03.010 Purpose and intent.**

The purpose of this ordinance is to prescribe a method by which the city can regulate sound produced at subject establishments to prevent disturbances of the public peace in nearby residential areas. Although the city zoning ordinance allows and encourages many for-profit or not-for-profit businesses, offices, organizations or institutions to conduct their operations near residential areas and the city wishes to continue to permit such uses proximate to residential areas, some of these uses have generated sound at levels beyond those tolerable to the average residents of the city. These disturbances have generated numerous complaints and forced the city to bring legal actions against offensive businesses. Therefore, it is the city's intent to regulate the time, place and manner of sound produced at or by subject establishments as defined herein through the issuance and enforcement of sound production permits. Said permits are intended to protect the public safety and welfare as well as nearby residential property values from the adverse impacts of intolerable sound emanating from subject establishments.

(Ord. 03-71 § 1 (part), 2003)

**9.03.020 Definitions.**

Unless otherwise provided, the terms of this chapter shall retain their common meaning. The following terms, however, are terms of art specific to this chapter and shall be afforded the meaning prescribed.

"Amplified sound producing device" (or "ASPD") is any sound producing device which when operated, played or performed at its highest sound producing level registers at levels above fifty decibels (50db) on the A-weighted scale or the designated hertz levels at a distance of one hundred feet (100') from the exterior of the building or structure in which said device is located or, if located outside, one hundred feet (100') from the sound source.

"Applicant" means the owner or operator of an establishment or subject establishment who completes an application for a sound production permit.

"Background noise" means audible noises other than those emanating from the building or sound source of an establishment or subject establishment including but not limited to trains, horns or whistles blowing, and dogs barking, that interferes with sound measurements.

"City" means the city of Stockbridge, Georgia.

"Designated hertz level" means any of those hertz levels set forth in Appendix A.

**APPENDIX "A"**

Octave Band Center Frequency (cps)	Maximum Octave Band Sound Pressure in db re .022 dyne/cm <sup>2</sup>
63	63
125	58
250	53
500	48
1,000	43

2,000	38
4,000	33
8,000	28

"Establishment" means any new or existing for-profit or not-for-profit business, office, organization, or institution which operates or allows to be operated a sound producing device, remains open or opens after nine (9:00) p.m. and is located within five hundred feet (500') of a residence, residential area or hospital as measured by a straight line from the property boundary of said establishment to the property boundary of said residence, residential area or hospital. Such measurement should be taken and certified by a registered surveyor in the state of Georgia.

"Heated space" means that enclosed space of a building heated by such building's primary heating system, designated as heated space in building plans submitted to and approved by the Henry County Building Department and which was actually constructed in accordance with said plans. It shall not include porches, covered decks, tents, or the like, even if such area is heated.

"Maximum permitted sound level" is maximum level of sound a subject establishment may produce under this chapter. A maximum permitted sound level shall be set for sound measured using the A-weighted scale and for each designated hertz level.

"Measurement marker" is a marker on the property of a subject establishment indicating the location most directly in line with the most proximate residence, residential area or hospital at which the on-site tester measured the sound emanating from a sound source of an ASPD. A measurement marker must be made in such a way as to be readily identifiable by enforcement personnel for a period of at least one year.

"Off-site tester" is a tester who assists with determination of whether an establishment qualifies as a subject establishment or establishment of maximum permitted sound levels by measuring audible sound emanating from subject establishments while standing at a location designated by this chapter.

"On-site tester" is a tester who assists with determination of whether an establishment qualifies as a subject establishment or establishment of maximum permitted sound levels by adjusting and measuring the sound levels of sound production devices at establishments or ASPDs at subject establishments as required by this chapter.

"Sound measuring device" means the CESVA model SC-30 integrating sound level meter with real time frequency analyzer.

"Sound producing device" is any device, system or instrument, electrically powered or not, including but not limited to musical instruments, stereos, karaoke machines, jukeboxes, speakers, disc-jockey arrangements, live entertainment and the like, used by an establishment or located on the property of an establishment and, when operated, played, or performed, produces sound at a level greater than fifty decibel (50db) on an A-weighted scale or the designated hertz levels.

"Sound source" means any part of a sound producing device or ASPD from which sound can be made to emanates at a level greater than fifty decibel (50 db) on an A-weighted scale or any designated hertz level when measured within twenty feet (20') of said part.

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"Subject establishment" means any establishment that operates or allows to be operated an ASPD and is thus subject to the permitting requirements of this chapter.

"Sound production permit" is a permit issued under this chapter for the purpose of regulating sound emanating from subject establishments.

"Tester" is a city approved, individual, company or partnership of good repute located in the state of Georgia who or which specializes in acoustical testing and is employed by the applicant or by the city to assist with a sound production test required by this chapter.

(Ord. 03-71 § 1 (part), 2003)

### **9.03.030 Testing and sound production permit required.**

- A. As a condition to the issuance of an occupational tax certificate (commonly known as a business license) under Chapter 9.01 of this code, the owners or operators of establishments shall test for whether the sound production devices located on the property of the establishment qualify as ASPDs. Such test shall be done in accordance with subsections A and B of Section 9.02.050.
- B. Owners or operators of subject establishments are required to apply for, obtain and comply with their sound production permits as issued and enforced by the city in accordance with this chapter.
- C. For all subject establishments, no ASPD shall be allowed or sound production permit issued for use or operation of ASPDs outside the heated space of a building.

(Ord. 03-71 § 1 (part), 2003)

### **9.03.040 Administration, fees, permit applications and permits.**

- A. The business services division business services manager shall be responsible for the administration of this chapter. Such administration shall include review of sound production permit applications, arrangement of sound production tests and the issuance of sound production permits. In addition, the business services division business services manager shall be responsible for collection of any and all fees as prescribed by the city council associated with the issuance of sound production permits and administration of this chapter.
- B. Fees for sound production permit applications, permits and associated regulatory or administrative fees shall be prescribed by the city council by resolution.
- C. Owners or operators of subject establishments shall apply for sound production permits. Such application shall include the following information:
  - 1. The subject establishment's name, address and telephone number or numbers;
  - 2. The applicant's name, address, and telephone number or numbers;
  - 3. A description of what activities or uses will or are likely to occur at the subject establishment that will or would require use of an ASPD;

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4. The days and hours of operation for the subject establishment;
  5. Proof that the applicant is the owner or operator of the subject establishment;
  6. The certificate number given to any and all occupational tax certificates for the subject establishment and those held by the applicant, unless not applicable;
  7. The certificate or license number given to any other certificates or licenses issued by the city for the subject establishment and those held by the applicant;
  8. A statement that the subject establishment and the applicant are in compliance with requirements of this code;
  9. A certified statement by a registered surveyor in the state of Georgia of the distance, as measured pursuant to this chapter for subject establishments, from the property boundary of the subject establishment to the property boundary of the nearest residence, residential area or hospital;
  10. A statement that the applicant has caused to be performed a sound production test as prescribed under this chapter to determine the maximum permitted sound levels;
  11. The name, address and telephone number of the tester or testers who performed the sound production test as prescribed under Section 9.03.050;
  12. The maximum permitted sound levels as determined by a sound production test, the description and map or the enforcement point, the original affidavit of the tester or testers and the record of measurements taken as prescribed under Section 9.03.050;
  13. A statement that the subject establishment and the applicant will comply with the provisions of this chapter and the sound production permit issued by the city for the subject establishment;
  14. A statement that by signing the application, the applicant indicates that he or she is authorized to provide the information contained in this application and is authorized to and does freely consent to the city or its designee entering upon the property of the subject establishment to conduct sound production tests and enforce this chapter;
  15. A statement that by signing the application, the applicant swears or affirms that the information contained herein is true and accurate to the best of the applicant's knowledge and that providing false or misleading information in this application shall result in revocation of any sound production permit issued pursuant to this application; and
  16. Applicant's signature and date of signature.
- B. If the applicant fails to provide the information required or provides false or misleading information, the business services manager shall determine the application incomplete and not issue a sound production permit. If the applicant or the subject establishment is not in compliance with all city ordinances applicable to the subject establishment, the business services manager shall find the application incomplete and not issue a sound production permit, until the applicant or subject establishment comes into compliance with the ordinances of the city.

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- C. The business services manager shall have ten (10) business days to make a determination of completeness. If complete, the business services manager shall issue a sound production permit to the applicant. If incomplete, the business services manager shall notify the applicant in writing that the application is incomplete and set forth the information needed to overcome the deficiency. Failure to make a completeness determination within ten (10) days of an application's submission shall result in the automatic conversion of the application into an enforceable temporary sound production permit valid until the issuance of a sound production permit or a written determination of the business services manager that said application is incomplete. Under no circumstances shall a temporary sound production permit created under this subsection be valid for longer than the remaining calendar days of the year in which the completeness determination was due.
- D. An applicant may, in writing, appeal the determination of the business services manager to the city council within thirty (30) days of that determination. Within sixty (60) days of receipt of such an appeal, the city council shall hear the appeal at a regularly scheduled meeting. At least five (5) days prior to said hearing, the business services manager shall provide the appealing applicant with written notice of the time, date and location of said hearing.
- E. At any time, the city council, by its own adopted motion, may review an application or an issued sound production permit. Should the city council desire to take action on an application or issued sound production permit, it shall do so only by majority vote at a public hearing after providing the applicant with written notice ten (10) days in advance of said hearing and the action that may be taken. The applicant may retain and be represented by legal counsel at said hearing. At such a hearing, the city council may revoke an issued sound production permit if it finds that the applicant provided false or misleading information in his or her application or add conditions to an issued sound production permit provided such conditions are consistent with the purposes of this chapter. An applicant or permit holder may appeal any revocation or condition imposed under this paragraph in accordance with the form of appeal provided under Section 9.03.090.
- F. Sound production permits shall contain the information provided in subsections (C)(1) and (C)(2) of this section, the maximum permitted sound levels, a permit number assigned by the business services manager, and the signature of the business services manager or his or her designee.
- G. Sound production permits must be displayed in a public area of the subject establishment and presented to law or code enforcement personnel upon request.
- H. Sound production permits are not transferable and shall expire at eleven fifty-nine (11:59) p.m. on December 31 of the year in which they were issued. Any time a sound production permit expires without renewal, the owner or operator of a subject establishment shall reapply and conduct a new sound production test to determine the maximum permitted sound level.
- I. Any permit holder seeking to renew an existing sound production permit shall submit to the business services manager a letter requesting renewal and containing any information necessary to update the original application and a new maximum permitted sound level.

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Hence, the owner or operator shall conduct a new sound production test to determine the maximum permitted sound level for the renewed permit. Renewal letters are due to the business services manager by December 1 of the year in which said permit was issued. The procedures and rules for determinations of completeness and issuance of sound production permits shall apply to renewals. In addition, the authority of the renewing applicant, consent given by the renewing applicant, and oaths or affirmations made by the renewing applicant in his or her original application shall likewise be renewed and continue to apply. If the renewing applicant differs from the original applicant for the same subject establishment, however, the said renewing applicant may not renew but shall submit a new application.

(Ord. 03-71 § 1 (part), 2003)

### **9.03.050 Sound production test.**

- A. The maximum permitted sound levels shall be established using the following sound production test.
1. For this test, the on-site tester shall cause to be used music that produces sound that will register on both an A-weighted scale and at each designated hertz level (i.e., both treble and base sound). Also, during this test, doors and windows of the subject establishment shall be closed.
  2. Initially, each sound producing device of an establishment must be tested to determine whether it qualifies as an ASPD. To make such a determination, an on-site tester will cause said device to be operated, played, or performed at its highest sound producing level. If the sound produced by said device is detected above fifty decibels (50 db) on an A-weighted scale or above any of the designated hertz levels by an off-site tester using a sound measurement device at a distance of one hundred feet (100') from the sound source, if outside, or from the exterior of the building or structure in which a sound source is located, then it shall be deemed an amplified sound production device.
  3. For each ASPD, an off-site tester shall stand outside of the nearest residence or hospital within ten feet (10') of the exterior side which most directly faces the subject establishment while an on-site tester causes the volume of each ASPD to be increased to the point where the sound emanating from the ASPD is detectable at levels above fifty decibels (50 db) on the A-weighted scale and each of the designated hertz levels by the off-site tester.
  4. At that level of volume, the on-site tester causes the volume of the ASPD to be decreased to a level where the sound is no longer detected above fifty decibels (50 db) on an A-weighted scale or any of the designated hertz levels by the off-site tester. At that level using a sound measuring device, the on-site tester shall take and record a measurement of the A-weighted scale and each designated hertz level while standing as directly in line with the off-site tester's location as is reasonably possible and twenty feet (20') from the exterior side of the building from which the sound is emanating. If an approximate in-line location is twenty feet (20') from the exterior side of the building is not possible and easily accessible for enforcement purposes, then the on-site

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- tester shall record a measurement at some other location easily identifiable for enforcement purposes and as close as possible to the above prescribed location. For the said location, the tester shall cause a measurement marker to be created and a description of and map indicating the location of the measurement marker shall be provided in the application for a sound production permit.
5. Thereafter, the on-site tester shall take and record the same types of measurements twenty feet (20') from each of the exterior sides of the building from which the sound is emanating.
  6. Each measurement shall be taken for a period of one minute and during the absence of background noise.
  7. A general description of each ASPD, the time, date and location of each recorded measurement along with the name and signature of the recorder shall be recorded and said record shall be attached to the affidavit described in subsection (A)(9) of this section.
  8. Of all the measurements taken and recorded for each ASPD on the premises of the subject establishment, the lowest of the A-weighted scale measurements and the lowest measurement for each designated hertz level shall be the maximum permitted sound levels for the subject establishment when measured at the measurement marker.
  9. The off-site and on-site testers shall execute an affidavit stating their company or partnership name; individual names, initials, titles, if any, and contact information; the maximum permitted sound level determined; the serial number, maker, name and type of sound measurement device used; a statement that the sound measurement device was properly calibrated immediately prior to conducting this test and the time and date of said calibration; and a statement certifying that the recorded measurements are accurate and the same as those detected when the testers conducted the sound production test.
- B. The maximum permitted sound levels shall then be included in the application for a sound production permit and the permit itself.
  - C. The sound measurement device shall be provided by the city and shall be used, properly calibrated and maintained by the city in accordance with the manufacturer's instructions. A tester using a city owned sound measurement device shall not in any way alter or tamper with the device. Doing so will be a violation of this chapter and grounds for revocation of any permit issued based on a sound production test using an altered or tampered device.
  - D. Except where provided in this subsection or in subsection E of this section, applicants shall bear the cost of conducting a sound production tests and use testers as defined herein. As an alternative, applicants may allow the city to use its own testers provided applicants commit in writing to cover the costs incurred by the city to conduct sound production tests.
  - E. If the city or its designee's determines, through its own sound production test, that the results of the sound production test performed on behalf of the establishment or subject establishment is erroneous or inaccurate, the city council may take those actions permitted under subsection E of Section 9.03.040 provided it complies with the procedures set forth

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therein. Moreover, if the test reveals that the test results were inaccurate or erroneous, the applicant shall be liable to the city for the costs of such tests.

(Ord. 03-71 § 1 (part), 2003)

**9.03.060 Violation and enforcement.**

- A. Owners or operators of establishments who fail to test their sound production devices shall be in violation of this chapter and shall be subject to the penalties provided herein.
- B. Owners or operators of subject establishments who fail to obtain sound production permits or operate without such permit shall be in violation of this chapter and shall be subject to the penalties set forth herein.
- C. Permit holders or owners or operators of a permitted subject establishment who exceed or allow or tolerate an exceedance of any maximum permitted sound level specified in their sound production permit shall be in violation of this chapter and shall be subject to the penalties set forth herein.
- D. Owners or operators of subject establishments who allow or tolerate the use or operation of any ASPD outside the heated space of the building shall be in violation of this chapter and subject to the penalties set forth herein.
- E. For enforcement purposes, the sound measurement device shall be provided by the city, and the city or those identified above who have been authorized to enforce this chapter shall use, properly calibrate, and maintain said device in accordance with the manufacturer's instructions.
- F. The owner or operator of an establishment shall allow the city, its employees, agents, representatives, and designees to enter upon the premises of an establishment at an appropriate hour to conduct an initial test, in accordance with subsections (A)(1) and (A)(2) of Section 9.03.050, to determine if sound producing devices then located at the establishment rise to the level of an ASPD.
- G. The owner or operator of a subject establishment shall allow the city, its employees, agents, representatives, and designees as well as the Stockbridge Police Department, Henry County Police Department and Henry County Sheriff's Department the right to, at any time, enter upon the premises of the subject establishment for the purpose of measuring sound levels at the measurement marker and enforcement of this chapter and/or the terms of any sound production permit for the subject establishment. Any measurement taken for enforcement purposes shall be taken for a period of one (1) minute and during the absence of background noise.

(Ord. 03-71 § 1 (part), 2003)

(Ord. No. 22-499, § 4(Exh. C), 5-31-2022)

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### 9.03.070 Penalties.

- A. Unless otherwise provided in this chapter, a violation of this chapter shall result in issuance of a citation and summons to appear in Municipal Court of the city. Any owner or operator of an establishment or subject establishment issued a citation for violation of this chapter shall immediately cease all operation of sound producing devices or ASPDs for the remainder of said establishment's business hours for the date cited or, if business hours extend to the next day, the date cited and the hours that extend into the next day.
- B. Unless otherwise provided in this chapter, the Municipal Court of the city shall impose the following penalties after it finds the cited person or persons guilty or said person or persons enter a plea of guilty or nolo contendere for any violation of this chapter.
1. For first-time violators of this chapter, the Municipal Court shall impose a fine not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) per violation.
  2. For second-time violators of this chapter, the Municipal Court shall impose the same penalty for first time violators and shall temporarily suspend the sound production permit, if a valid permit has been issued, for the subject establishment for up to ten (10) consecutive business days.
  3. For third-time violators of this chapter, the Municipal Court shall impose the same penalty for first-time and shall temporarily suspend the sound production permit, if a valid permit has been issued, for the subject establishment for up to thirty (30) consecutive business days.
  4. For fourth-time violators of this chapter, the Municipal Court shall impose the same penalty for first-time violators, suspend the sound production permit, if a valid permit has been issued, for remainder of the calendar year, and shall sentence the violator to a no more than three (3) days incarceration.
  5. For fifth-time violators of this chapter, the Municipal Court shall impose the same penalty for first-time violators suspend the sound production permit, if a valid permit has been issued, for remainder of the calendar year, and shall sentence the violator to no less than five (5) days, but not to exceed sixty (60) days incarceration.
  6. Upon determination of a third-, fourth- and fifth-time violation of this chapter, the Municipal Court shall notify the business services manager in writing of these violations. The business services manager shall not renew or issue a sound production permit for any fifth-time violator or the subject establishment where such violation occurred for a period of twelve (12) months after the expiration date of the violator's or subject establishment's sound production permit which ever has been violated for the fifth time.
- C. For the limited purpose of determining the number of fines under this section and where not otherwise provided in this chapter, any of the violations described in subsections A, B, or C of Section 9.03.060 shall constitute separate and distinct violation of this chapter. Likewise, for the same limited purpose, each day of an ongoing violation shall constitute a single and

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separate violation of this chapter. The Municipal Court for the city shall not use the designation of violations under this subsection as a basis for a determination that the violator is a repeat violator of this chapter.

- D. On production of the affidavit described in subsection (A)(9) of Section 9.03.050, as a matter of law the Municipal Court of the city shall afford the city the rebuttable presumption that the maximum permitted sound limit was properly determined, the measurements as recorded are accurate and the measuring device was properly calibrated, functioning and free of any known defects at the time of measurement. Said affidavit shall be exempt from the rule against hearsay.

(Ord. 03-71 § 1 (part), 2003)

### **9.03.090 Appeals.**

- A. Unless otherwise provided in this chapter, any finding of or penalty imposed by the Municipal Court of the city may be appealed by writ of certiorari to Superior Court of Henry County, Georgia, in accordance with the laws of the State of Georgia.
- B. On production of the affidavit described in subsection (A)(9) of Section 9.03.050, as a matter of law the court on appeal shall afford the city the rebuttable presumption that the maximum permitted sound limit was properly determined, the measurements as recorded are accurate and the measuring device was properly calibrated, functioning and free of any known defects at the time of measurement. Said affidavit shall be exempt from the rule against hearsay.

(Ord. 03-71 § 1 (part), 2003)

## Chapter 9.04 ALCOHOLIC BEVERAGES

### Article I. General Provisions

#### **9.04.010 Purpose of provisions—Authority.**

This chapter has been enacted following the approval of the sale of alcoholic beverages for consumption on the premises in a referendum held September 17, 1991, the approval of the sale of alcoholic beverages on Sundays for consumption on the premises in a referendum held on September 17, 1996, and the approval of the sale of distilled spirits by the package in a referendum held March 17, 1998, and in accordance with a plan designed for the purposes, among others, of promoting the health, safety and general welfare of the citizens of the city:

- A. To establish reasonable standards for the regulation and control of the licensing and sale of alcoholic beverages;
- B. To protect and preserve schools, churches, and similar places of public assembly; and

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- C. To preserve residential areas regarding, among other things, the character of the areas, their suitability for particular uses and the congestion in the surrounding roads and streets, with a general view of promoting desirable living conditions, and sustaining the stability of neighborhood and property values.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.020 Definitions.**

As used in this chapter, the following definitions shall apply to the terms defined in this section:

"Alcohol" means ethyl alcohol, hydrated oxide of the ethyl, or spirits of wine, from whatever source or by whatever process produced.

"Alcoholic beverages" means any alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

"Applicant" means a person applying for any license authorized by this chapter.

"Application" means a form supplied by the city for the purpose of applying for any license authorized by this chapter. See Exhibit "A" (six pages) attached to the ordinance codified in this chapter and made a part hereof.

"Brewpub" means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in Official Code of Georgia Annotated Section 3-5-36 for retail consumption on the premises and solely in draft form. As used in this article, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least fifty-one percent (51%) of its total annual gross food and beverage sales from the sale of prepared meals or food.

"Broker" means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

"Church" means a permanent building where people regularly assemble for religious worship.

"Distilled spirits" means any alcoholic beverage obtained by distillation or containing more than twenty-one percent (21%) alcohol by volume, including, but not limited to whiskey, rum, gin, brandy, vodka, tequila, and fortified wines.

"Family" means any person related to a licensee within the first degree of consanguinity or affinity as determined according to civil law.

"Fire department" means the agency designated by the mayor and council, by contract or otherwise, to provide fire protection services to city residents.

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"Fortified wine" means any alcoholic beverage containing more than twenty-one percent (21%) alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added, including but not limited to, brandy.

"Hotel" means any building or structure kept, used, maintained, advertised and held out to the public as a place where either: (1) a minimum of sixty (60) rooms are offered for adequate pay to travelers and guests, or (2) sleeping accommodations are offered for adequate pay to no less than twenty (20) travelers and guests and food is actually served and consumed in one (1) or more dining rooms, having an adequate and sanitary kitchen and minimum seating capacity of twenty (20); said sleeping accommodations and dining rooms being conducted on the same premises. A hotel meeting the standards set out in either (1) or (2) of this paragraph may maintain mini bars in rooms offered to travelers and guests under a lounge or restaurant license. In addition, a hotel meeting the room standards of (1) of this paragraph may maintain a lounge on the premises regardless of whether or not a restaurant is available; provided the lounge is in the same building as guest rooms and registration.

"Importer" means any person who imports an alcoholic beverage into the state of Georgia from a foreign country or other territory of the United States and sells the alcoholic beverage to another importer, broker or wholesaler and who maintains a stock of the alcoholic beverage.

"Interest in license" means an interest held by an owner or co-owner of a license; a partner of a partnership which owns or co-owns a license; a stockholder in any corporation who owns ten percent (10%) or more of the stock in a corporation which owns or co-owns a license; or anyone sharing in the income or corpus of any trust or estate having such an interest.

"License" means authorization granted by the city to operate as a retail consumption dealer, retail dealer or wholesale dealer.

"License department" means the business services manager, or in her absence, the community development director.

"Licensee" means a person holding a license.

"Lounge" means a separate room physically connected with, a part of an adjacent to a restaurant or located in a hotel or motel or within the confines of a private club or private recreational club. Lounges which are located in or adjacent to restaurants and under the same ownership as the restaurant shall require no additional license. Lounges located inside hotels and motels containing sixty (60) or more rooms offered for adequate pay to travelers or guests or in private clubs or private recreational clubs may be licensed independently, whether or not a restaurant exists on the premises, provided such hotels, motels, private clubs and private recreational clubs and otherwise meet the standards for such establishments as provided in this chapter.

"Malt beverage" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than fourteen percent (14%) alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer, but not including sake.

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"Manufacturer" means any maker, producer, or bottler of malt beverage or wine. In the case of malt beverage, the term "manufacturer" also means any brewer. In the case of win, the term manufacturer also means any "vintner."

"Motel" means any building or structure kept, used, maintained, advertised and held out to the public as a place where either: (1) a minimum of sixty (60) rooms are offered for adequate pay to travelers and guests, or (2) sleeping accommodations are offered for adequate pay to no less than twenty (20) travelers and guests and food is actually served and consumed in one (1) or more dining rooms, having an adequate and sanitary kitchen and minimum seating capacity of twenty (20); said sleeping accommodations and dining rooms being conducted on the same premises. A motel meeting the standards set out in either (1) or (2) of this paragraph may maintain mini bars in rooms offered to travelers and guests under a lounge or restaurant license. In addition, a motel meeting the room standards of (1) of this paragraph may maintain a lounge on the premises regardless of whether or not a restaurant is available; provided the lounge is located in the same building as guest rooms and registration.

"Natural person" means a human being.

"Package" means a bottle, can, keg, barrel or other original consumer container.

"Person" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic or political subdivision, whether public, private or quasi-public.

"Police department" means the agency designated by the mayor and council, by contract or otherwise, to provide law enforcement services to city residents.

"Poolhall" means a commercial establishment licensed by the city for the playing of "pool" or "billiards" and containing a minimum of four (4) pool or billiard tables, kitchen facilities for the preparation of food for patrons and guests, and seating for no less than twenty (20) patrons and guests, in an area designated for food consumption.

"Premises" means the definite closed or partitioned-in locality, whether a room, shop or building.

"Private club" means any nonprofit association organized under the laws of this state which:

1. Has been in existence at least one (1) year prior to the filing of its application for a license to be issued pursuant to this chapter;
2. Has at least two hundred (200) regular dues-paying members;
3. Owns, hires or leases land, a building or space within a building for the reasonable use of its members, which land, building or space:
  - a. Has suitable kitchen and dining room space and equipment; and
  - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests a minimum of two (2) meals per day, five (5) days per week; and

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4. Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

"Private recreational club" means any for-profit corporation organized under the laws of this state which:

1. Has at least two hundred (200) regular dues-paying members;
2. Owns, hires or leases land, a building or space within a building for the reasonable use of its members, which land, building or space:
  - a. Has suitable kitchen and dining room space and equipment; and
  - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests a minimum of two (2) meals per day, five (5) days per week; and
3. Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

"Proper identification" means a document issued by a governmental agency containing a description of the person and the person's photograph and the person's date of birth. For purposes of this chapter, "proper identification" shall include, but not be limited to, the following: A driver's license; a passport; and/or an identification card authorized under Official Code of Georgia Annotated Section 40-5-100 requiring the Georgia Department of Public Safety to issue identification cards to handicapped or disabled persons who do not have a motor vehicle driver's license. However, for the purposes of this chapter, "proper identification" shall not include a birth certificate.

"Restaurant" means:

1. Any public place kept, used, maintained, advertised and held out to the public as a place where at least one (1) meal per day is served five (5) days a week, excluding periods for holidays, vacations, and redecorating;
2. Having adequate and sanitary kitchen and dining room equipment and a minimum seating capacity of twenty (20); and
3. Wherein the principal business is the serving of such meals which, excluding the sale of alcoholic beverages, account for at least fifty-one percent (51%) of the gross revenue of the business.

"Retail consumption dealer" means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

"Retail dealer" means any person who sells unbroken packages, at retail, only to consumers and not for resale.

"Seating capacity" means the amount of individual seating which is located at tables for the purpose of serving the dining public, members and guests, but not including any seating located in a lounge, bar, or other area designated primarily for the serving of alcoholic beverages.

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"Wholesale dealer" means any person who sells alcoholic beverages to retail consumption dealers, retail dealers or other wholesale dealers for resale.

"Wine" means any alcoholic beverage containing not more than twenty-one percent (21%) alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added, including, but not limited to, sparkling wine, champagne, combinations of such beverages, vermouth, special natural wine, rectified wine and like products, but not including cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

"Winery" means a manufacturer of wine.

(Ord. 08-195 § 1, 2008; Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 1, 7-12-2010; Ord. No. OR 13-295, § 1, 2-11-2013)

#### **9.04.030 Construction of definitions.**

Words and terms not explicitly defined in this chapter shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's New Collegiate Dictionary.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.040 License—Required.**

Any person desiring to operate in the city as a manufacturer, retail consumption dealer or retail dealer or to maintain a fixed location in the city as a wholesale dealer shall apply for and obtain a license from the city prior to commencing operations.

##### **A. General Requirements.**

1. No malt beverages, wines, distilled spirits or any other alcoholic beverage shall be stored, delivered, sold or manufactured in the city except under a license issued pursuant to this chapter and then only for the specific beverage and manner of sale provided in the license.
2. The requirements of this chapter shall be in addition to any other requirements for business licenses under this code and if other provisions of this code conflict with this chapter, then this chapter shall be controlled.
3. All licenses issued under this chapter shall be a mere grant of privilege to carry on the described business during the term of the license and shall be subject to all terms, conditions and regulations imposed by the city as well as the state and federal governments.
4. Any holder of a license pursuant to this chapter shall be required to apply for and obtain all applicable licenses and permits from the state and federal governments before any sales commence.

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5. A person doing business at more than one place shall take out and pay for a separate license for each place of business. Licenses may be renewed as provided in O.C.G.A. § 3-3-1 et seq.
- B. Types of Licenses. Licenses which may be issued under this chapter include:
1. Manufacturer:
    - a. Malt beverages.
    - b. Wine.
  2. Wholesale:
    - a. Malt beverages.
    - b. Wine.
    - c. Distilled spirits.
  3. Retail:
    - a. Malt beverages.
    - b. Wine.
    - c. Distilled spirits.
  4. Retail consumption on the premises:
    - a. Malt beverages.
    - b. Wine.
    - c. Distilled spirits.
  5. Ancillary tasting room for wine or malt beverages.
  6. Any combination of the above at the same location provided no retail or wholesale dealer licensee shall hold any consumption on the premises license (other than an ancillary tasting room license) for the same location.

(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 2, 7-12-2010)

#### **9.04.050 License for consumption—Eligibility.**

No retail consumption license shall be issued to any applicant whose establishment does not meet the requirements of a restaurant, hotel, motel, private club, private recreational club, lounge, or poolhall as defined by this chapter.

(Ord. 98-21 § 1 (part), 1998)

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**9.04.060 License—Issuance restrictions.**

The following restrictions shall apply to persons seeking a license under this chapter:

- A. No person shall hold a license to operate as a retail consumption dealer or retail dealer who also has an interest in a license to operate as a wholesale dealer.
- B. No person shall have an interest in more than two (2) licenses for the package sale of distilled spirits issued by the city.

(Ord. 98-21 § 1 (part), 1998)

**9.04.070 License—Distance restrictions.**

- A. Licenses shall not be issued to authorize the sale of alcoholic beverages at any location which does not meet or exceed the following minimum distance separation requirements from the following establishments:
  - 1. For distilled spirits dealers, the licensee's premises cannot be within one hundred (100) yards of any church building, or within two hundred (200) yards of any school building, educational building, school grounds, or college campus.
  - 2. For wine or malt beverage dealers, the licensee's premises cannot be within one hundred (100) yards of any church building, school building, school grounds, educational building, or college campus.
  - 3. No person shall sell distilled spirits, wine or malt beverages within one hundred (100) yards of any alcohol treatment center owned and operated by the state or any county or municipal government therein.
  - 4. For distilled spirits package sales, the licensee's premises cannot be within five hundred (500) yards of any other business licensed to sell distilled spirits by the package.
  - 5. For manufacturers holding a license pursuant to this chapter, the manufacturer's premises cannot be within one hundred (100) yards of any church building, school building, school grounds, educational building or college campus. The foregoing distance requirements shall not apply to a manufacturer who manufactures wine or malt beverage in their residence and otherwise comply with the household production exemptions codified in O.C.G.A. §§ 3-5-4 and 3-6-3.
- B. As used in this section, the terms "school building," "educational building" or "college campus" shall apply only to state, county, city or church school buildings at which are taught such subjects commonly taught in the common schools and colleges of the state.
- C. For the purposes of this section, distances from the proposed licensed establishment to church building, school building, school grounds, college campus and alcohol treatment centers shall be measured in the following manner:

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1. From the front door of the structure or partial building unit from which the alcoholic beverages are sold or offered for sale; thence
  2. In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway; thence
  3. Along such public sidewalk, walkway, street, road or highway by the nearest route; thence
  4. In a straight line to the front door of the building, or to the nearest portion of the grounds, whichever is applicable.
- D. None of the provisions of this section shall serve to prevent licensed establishments in operation prior to the existence of a church building, school building, or educational building within these distances, from continuing to operate under its license.

(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 3, 7-12-2010)

**9.04.080 Premises—Commercial or industrial location required.**

- A. For retail consumption licenses and malt beverage and wine retail licenses, no license to engage in the sale of alcoholic beverages shall be issued unless the location has been zoned commercial or industrial under the zoning laws of the city.
- B. For retail licenses for distilled spirits, no license to engage in retail package sale shall be issued unless the location has been zoned commercial.

(Ord. 98-21 § 1 (part), 1998)

**9.04.090 Premises—Additional restrictions for distilled spirits retail licenses.**

- A. No retail license for the sale of distilled spirits shall be issued unless the location is located within five hundred (500) feet of the streets or roads designated in the following five (5) areas and has direct access onto such streets or roads:

- Area 1: Those portions of Mount Zion Parkway and Highway 138 lying west of 1-75;
- Area 2: Those portions of Highway 138 and North Henry Boulevard lying east of 1-75;
- Area 3: Those portions of Eagles Landing Parkway/Hudson Bridge Road from their intersection with west right-of-way line of Highway 42 to the west city limits line;
- Area 4: Those portions of Rock Quarry Road lying east of 1-75;
- Area 5: Those portions of Jodeco Road that are at least the distance restrictions of a church and/or school buildings.

- B. Premises licensed for package sales of distilled spirits located on a corner lot at the intersection of two (2) allowed streets, shall count against the allowance for the street on which the store fronts.

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(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 12-280, § 1, 8-13-2012; Ord. No. OR24-566, § 1, 7-30-2024)

**9.04.100 Premises—Entrance visibility conditions.**

The front entrance of all licensed premises shall be clearly visible from a public street; provided, however, that this restriction shall not apply where the premises are in a hotel, motel, restaurant, private club, shopping center or multiple-story business building.

(Ord. 98-21 § 1 (part), 1998)

**9.04.110 Premises outside city limits—Effect of annexation.**

All manufacturers, retail consumption dealers, retail dealers and wholesale dealers operating lawfully at a location outside the corporate limits of the city and thereafter annexed in the city may continue in operation subject to this chapter, provided they meet all standards of this chapter other than location, and further provided they were in compliance with all state laws at the time of annexation.

(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 4, 7-12-2010)

**9.04.120 License issuance—Retail dealer inventory requirements.**

- A. No retail dealer license for malt beverages and wine shall be issued to any applicant whose business does not have at least a fifteen thousand dollar (\$15,000.00) inventory of food, tobacco products, household supplies and periodicals, the values of such items being the same as those indicated in the applicant's annual returns to the Henry County tax commissioner for ad valorem tax purposes. In any event, the values so indicated shall be the cost of such items to the applicant and not the price which the applicant charges in retail stores. However, automotive supplies specifically shall not be considered in determining said inventory. Provided that the inventory of non-alcohol products shall not pertain to a retail dealer licensed for the sale of malt beverage and wine in conjunction with a retail license for the sale of distilled spirits.
- B. No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted does not include a showroom with a minimum of five thousand (5,000) square feet and an additional storage area of at least five hundred (500) square feet. For distilled spirits retail dealers desiring to sell malt beverages and wine in addition to distilled spirits, at least an additional five hundred (500) square feet of showroom, and at least an additional five hundred (500) square feet of storage area is required over and above the minimum square feet for the establishment set forth above. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least three hundred thousand dollars (\$300,000.00) in

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distilled spirits available for sale. Retail dealers selling beer and wine in addition to distilled spirits shall maintain a minimum of fifteen-thousand-dollar (\$15,000.00) inventory in malt beverages and wine.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.130 Maximum number of distilled spirits retail licenses permitted.**

A. Licenses Available. The number of licenses available for the sale of distilled spirits by the package shall be determined based on the most recent United States Census data. The city council may authorize additional licenses if deemed necessary to meet the economic development goals of the city.

Whenever it shall be recognized by the community development director that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional licenses, and it is determined by the community development director that one (1) or more additional licenses are available, the city shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication. If, during this period, applications are received which exceed the number of newly available licenses, there shall be held a lottery, administered by the community development director, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of licenses up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

B. Liquor Store Requirements. For the issuance of licenses to liquor stores, the following requirements shall be met:

1. Minimum store size: Each liquor store must occupy a physical space of at least six thousand (6,000) square feet.
2. Mixed-used development: Liquor stores are permitted within mixed-used developments, subject to amendment of this Code to allow for such inclusion.
3. Special use permit: Applicants must file for and receive approval of a special use permit by the city council.
4. Compliance with the unified development code (UDC): All applicants must meet the requirements specified in the city's unified development code.

(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 12-280, § 2, 8-13-2012; Ord. No. OR 13-304, § 1, 4-8-2013; Ord. No. OR24-560, § 1, 3-26-2024)

## Article II. License Procedures

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#### **9.04.140 Application—Required—Fee.**

- A. Every person desiring to operate within the city as a manufacturer, retail consumption dealer or retail dealer, wholesaler, or brewpub operator shall make an application, therefore. Forms necessary for the application shall be furnished by the city.
- B. Each application shall be accompanied by a non-refundable investigation fee of two hundred ten dollars (\$210.00). In addition to such an investigation fee, the applicant shall pay the actual cost of fingerprinting and a criminal background investigation check to the city's designated law enforcement agency.

(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 5, 7-12-2010; Ord. No. OR 13-295, § 1, 2-11-2013)

#### **9.04.150 Applicant qualifications.**

- A. The applicant shall be the owner of the proposed business if the business is solely owned or the co-owner if a partnership or firm. If a proposed licensee is a corporation, the applicant may be an officer of the corporation or the corporation's general manager at the particular business location. If the corporation is a publicly held corporation, the application may be made in the corporate name, but the licensee shall be an owner, officer, or general manager identified in accordance with this chapter.
- B. In cases where an alcoholic beverage license is issued in the name of a corporation and: (i) an owner, officer, or general manager has been identified as the applicant or licensee; and (ii) that individual is replaced during the initial or renewal term of a license, the corporation shall notify the city within thirty (30) days of the change and provide the city with fingerprints, a criminal background check conducted by law enforcement authorities, and any other information requested by the city to demonstrate that the new individual designated to serve as the applicant or licensee is qualified under state law and this chapter to hold an alcoholic beverage license.

(Ord. 01-29 § 1, 2001; Ord. 98-21 § 1 (part), 1998)

#### **9.04.160 Hotels, motels, restaurants and private clubs.**

- A. Hotel and motel corporations and their franchise restaurant corporations, private operating as contemplated in this chapter are authorized to apply for and to hold a retail consumption license in their corporate names. They shall name on such application one or more agents and/or managers actively employed in the operation of the hotel, motel, their franchise restaurant, the private club or private recreational club, who shall be responsible for operation under each license and who shall qualify in all respects under this chapter. Should the manager and/or agent leave the employment of the hotel or motel corporation or its franchise restaurant, any private club or private recreational club licensed under this provision, a new agent and/or manager shall be named by the licensee within ten (10) days thereafter.

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- B. Hotels, motels, private clubs and private recreational clubs may maintain multiple licenses. The first such license issued shall be for the license fee set out for hotels, motels, private clubs or private recreational club in Section 9.04.260 and shall include therein the authority to provide alcoholic beverages to private parties located on the premises of the hotel, motel, private club or private recreational club, to provide in-room sales for travelers and paying guests of hotels and motels and to provide mini-bars within hotel and motel rooms. Any second or subsequent location in a hotel, motel, private club or private recreational club requiring a separate license under state law shall be issued a separate city license for a license fee of one thousand dollars (\$1,000.00) for each additional location on the premises so licensed.

(Ord. 98-21 § 1 (part), 1998)

**9.04.170 Application—Information required.**

- A. The application shall be listed and, if issued, the license shall indicate the following as licenses:
1. The name under which the business shall be operated;
  2. The owner of the business is solely owned;
  3. Each co-owner if the business is a partnership or firm;
  4. Each officer, each director and each shareholder owning more than ten percent (10%) of the corporate stock if the business is a corporation;
  5. Corporate name if a corporate entity;
  6. Names of members if an LLC; and
  7. The general manager of the particular business location.
- B. Each licensee who is a natural person shall be a citizen of the United States or a permanent resident alien as defined by the immigration and nationality laws of the United States.
- C. Each licensee shall have been and continue to be a resident of the state of Georgia for the period of one (1) year immediately preceding the date of application. Corporations, however, must either be incorporated in the state of Georgia or must have registered to do business in this state.
- D. Each licensee who is a natural person shall be at least twenty-one (21) years of age.
- E. No licensee shall have been convicted of, have entered a plea of guilty or nolo contendere to, or been adjudicated as guilty or liable or entered a first offender plea, within the ten (10) years immediately preceding the date of application for any felony, misdemeanor or violation of regulations of the state of Georgia or other state involving gambling, possession or sale of controlled substances, or the purchase, possession, sale, manufacture, distribution, handling or dealing in alcoholic beverages. In those instances, involving corporations, this prohibition shall also apply to the corporation's president, vice-president, secretary, treasurer and all stockholders owning ten percent (10%) or more of the corporation's stock.

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(Ord. 98-21 § 1 (part), 1998)

**9.04.180 License—Application contents.**

The application shall be submitted utilizing the city application form and shall contain, under oath, the following information and additional documents:

- A. Name and address of each applicant and each person who would have an interest in the license, however including only those stockholders owning ten percent (10%) or more of the corporation's stock and all members of LLC;
- B. Name and address for the past ten (10) years of each individual licensee, including registered agent where necessary;
- C. The name, address and date of birth of each employee working at the business location;
- D. Description of the business operation, its location and facilities;
- E. Blueprint or scale drawing of the business facilities, including the boundaries or limits of any parking assigned to or under the control of the business;
- F. Survey indicating the location of the business and the distance to the nearest school, church, alcoholic treatment center; and closest distilled spirits retail dealer;
- G. The license fee required by this chapter, in the form of cash or a bank-certified check;
- H. The non-refundable investigative fee, in the form of cash or a bank-certified check;
- I. Financial statements for each person identified in Section 9.04.170; and
- J. Such other information and documents as may be required by the license department.

(Ord. 98-21 § 1 (part), 1998)

**9.04.190 Procedure for license application review.**

In determining whether any application shall be granted and a license issued, the city shall consider all mandated standards of this chapter and the following information in the public interest and welfare:

- A. If the applicant and/or any licensee as defined in Section 9.04.170 has ever violated any federal, state, county or municipal law or administrative regulation regarding alcoholic beverages, their possession, sale, manufacture, distribution, handling, or dealing therein;
- B. The manner in which the applicant and/or any licensee as defined in Section 9.04.170 has conducted any business within the city as to necessity for unusual police observation and inspection in order to prevent the violation of any federal, state, county or municipal law, administrative regulation or ordinance or as to the necessity for city action to compel the applicant's and/or licensee's adherence to any federal, state, county or city law, administrative regulation or ordinance;

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- C. The location for which the license is sought as to traffic congestion, public safety, and general character of the neighborhood;
  - D. Whether the applicant and/or any licensee as defined in Section 9.04.170 has ever had any alcoholic beverage or business license suspended or revoked by any state or any political subdivision thereof, or whether any alcoholic beverage business with which the applicant and/or any licensee has been associated has been cited for a violation of the laws or regulations of any state or any local ordinance pertaining to alcoholic beverages, and the outcome of such proceedings; and
  - E. Whether the location for which license is sought has had a history of violations of laws, ordinances or administrative regulations regulating alcoholic beverages, disorderly or lewd conduct, or illegal conduct involving drugs, sufficient to warrant concern that the premises proposed for licensing are unsuitable for alcoholic beverage sales. For purposes of this subsection, "premises are unsuitable for alcoholic beverage sales" if the premises have been the situs for four (4) or more violations of any named categories of offense in the five (5) year period preceding the current license application, regardless of license holder. In the event the city decides that premises are unsuitable for alcoholic beverage sales, no alcoholic beverage license shall issue for that location for two (2) years from the Council determination.

(Ord. 01-2 § 1, 2001; Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 6, 7-12-2010)

#### **9.04.200 License department authority.**

All applicants for alcoholic beverage licenses shall fill out and sign a notarized application form approved by the city which shall contain all necessary information for a determination of the qualifications of the applicants, and which shall contain the names of the owners of the businesses for which licenses are proposed. The license department have authority to prescribe such forms as it deems necessary for the proper administration of this chapter.

- B. The Business Services department (which is defined in this chapter as Business Services business services manager or in the business services manager Business Services absence, the Community Development Director) shall review all applications for alcoholic beverage licenses for compliance with this chapter. All applicants shall furnish upon request all additional data, information, and records necessary for a complete investigation. Failure to furnish such additional documentation upon request shall be grounded for denial of a license.
- C. The license department shall examine the qualifications of an applicant for any type of alcoholic beverage license and the qualifications of the owner of the business and shall then forward the application to respective law enforcement agencies or departments for the purpose of conducting an investigation of the police record of the applicant and owner.
- D. The license department is authorized by the city to screen, verify, investigate, review, and recommend the granting or denial of applications for licenses to sell alcoholic beverages

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within the city. The license department shall verify in writing that each application is complete or that the applicant has failed or refused to supply additional information following the license department's request for the same. Upon determination that an applicant has complied with all requirements under this chapter, including payment of all fees, the license department shall be authorized to issue the corresponding license(s).

- E. The license department shall submit to the council a monthly report of those applicants who received any alcoholic beverage licenses in the preceding month. The name and address of each applicant along with the location of the establishment and the type of alcoholic beverage license shall be included. Upon receipt of this report, the council shall by resolution receive and approve the same.
- F. The license department shall also submit a monthly report of those applicants who did not meet the criteria established for the licenses for which they applied. The license department shall also submit the reason or reasons why each of these applicants did not qualify for an alcoholic beverage license.
- G. Upon receipt of this report, the council shall by resolution receive and approve the same unless any applicant has requested in writing a public hearing before the council to show that the applicant does meet the criteria established within this chapter for the particular category of license sought. Such applicant shall be heard by the council, but no license shall be approved after the license department has denied a license unless there has been a mistake of fact concerning the ability of an applicant to meet the criteria established which can be shown to the satisfaction of a majority of the members of council.
- H. Reports generated pursuant to this section shall be available for public examination in the office of the business services manager.
- I. In 2026, Georgia does not issue a single statewide “Pouring Permit” for bartenders/servers. Instead, employee pouring/server permits (if required) are typically created and enforced by the city or county where the establishment is located. Local requirements commonly include an application, background check and/or fingerprinting, and a fee. For Stockbridge-area guidance and forms, refer to the local pages linked here: [City alcohol license information](#) and the alcohol pouring application.

Key Details for Obtaining a Pouring Permit:

- Application: Complete the local Employee/Server Alcoholic Beverage Permit (pouring permit) application with personal and employment details; some jurisdictions require notarization.
- Background check/fingerprints: Many jurisdictions run a criminal history check and may require fingerprinting as part of the application.
- ID and supporting documents: Provide a valid government-issued photo ID and any other documents your jurisdiction requires. If you are also applying for a state alcohol permit for a business, see the Georgia DOR alcohol permit page.
- Fees: Pay the required local application fee (typically non-refundable).

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- Training (if required): Some jurisdictions require approved alcohol server training (for example, TIPS/RAMP-equivalent). Check the local ordinance or licensing office for accepted programs.

(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 7, 7-12-2010)

**9.04.210 Misleading omitted or obsolete information—Report—Penalties.**

- A. Any untrue or misleading information contained in or material omission left out of an original or renewal application for an alcoholic beverage license shall cause sufficient for the denial thereof.
- B. Any information which changes or otherwise becomes obsolete shall be reported immediately.
- C. When any license is issued based on an application containing misleading or untrue information or omitted or unreported changed material information, such circumstances shall be caused for revocation of the same.
- D. In the event a licensee receives notice of violation of any federal or state law or administrative regulation, such licensee shall, within ten (10) days of receipt of such notice, provide a copy of the notice to the city by certified mail. The licensee shall keep the city informed as to the progress of the matter for which notice of violation was issued and shall promptly communicate the outcome of all proceedings to the city.

(Ord. 98-21 § 1 (part), 1998)

**9.04.220 Grant of application—Notice of denial.**

- A. All applications for alcoholic beverage licenses meeting this chapter shall be granted by the city for a period of up to one (1) year, expiring on the last day of December in each year, unless some specific cause regarding location, traffic conditions, environmental conditions or the specific causes set out in Section 9.04.190 justifies a refusal. In addition to the causes, a license may be denied on the following grounds:
  - 1. Failure to meet state requirements for state license.
  - 2. Failure to pay required fees and taxes.
  - 3. Failure to provide required information and documentation.
  - 4. False information in the application or supporting documents.
  - 5. Failure to pass background checks conducted by law enforcement.
  - 6. Improper residency of the applicant, owner, or agents.
  - 7. Prior convictions as described in this chapter.
  - 8. Failure to meet any other requirement in this chapter for the class of license applied.

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- B. Should the maximum number of licenses for the package sale of distilled spirits exist, no new license for a package dealer in distilled spirits be issued until an existing license is forfeited, nonrenewed, disqualified, or otherwise ceases to exist. In the event of a denial for location, traffic conditions or environmental conditions, the applicant shall be entitled to file a new application of like kind for a different location without the loss of any part of the application fee.
  - C. In the event the city denies an application for a license, the applicant shall be provided notice in writing of the denial, and a listing of the reasons therefor. The applicant shall have the right to appeal that denial to the mayor and council in writing no more than ten (10) days following receipt of the denial notice. A hearing shall be held in less than thirty (30) days from the date of the written notice of appeal. At the hearing, the applicant and the city may each present evidence and call witnesses relate to the grounds of denial. The applicant may be represented by counsel at such hearing or may appear on applicant's own behalf Within thirty (30) days from the date of the conclusion of the hearing, the mayor and council shall notify the applicant, in writing, of its decisions and its reasons, therefore.

(Ord. 01-2 § 2, 2001)

(Ord. No. 10-224, § 8, 7-12-2010)

#### **9.04.230 License issued for calendar year—Renewal—Application deadlines.**

- A. All licenses shall issue for the calendar-year period, or the remainder thereof. Fees shall be prorated on a semiannual basis on initial licenses issued for less than one (1) full year. No license shall extend from one calendar year to the next.
- B. All licenses desiring to operate during the following year shall make application for renewal, with all enclosed documents and fees, on or before January first of that year.
- C. Applicants seeking a license for the first time under this chapter shall submit their applications to the license department. The license department shall conduct a proper investigation and, within thirty (30) days of receipt of a complete application, forward the application and a report and recommendation to the mayor and city council for consideration at the next regularly scheduled meeting or, if appropriate, any called meeting scheduled to take place prior to the next regular meeting.
- D. Applicants seeking renewal of a license under this chapter without interruption shall submit their applications to the license department prior to December 1st of the year, in which their license shall expire. The license department shall conduct a proper investigation and, upon receipt of a complete application, forward the application and a report and recommendation to the mayor and city council for consideration at the regular December meeting or, if appropriate, any called meeting scheduled to take place prior to January 1st of the following year. Failure of an applicant submitting an application to the business service department prior to December 1st shall permit the license department and mayor and council to consider the application in the same manner as one submitted by a first-time applicant.

(Ord. 01-2 § 3, 2001; Ord. 98-21 § 1 (part), 1998)

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**9.04.240 License renewal conditions.**

- A. The renewal of an existing alcoholic beverage license at the expiration of the term of the license shall be dependent upon proof that the licensee meets all requirements for a license under laws, ordinances, and regulations in effect at the time of renewal.
- B. Licensees must provide at the time of application for renewal of license an affidavit substantiating their continued compliance with the requirements set forth in this chapter.

(Ord. 98-21 § 1 (part), 1998)

**9.04.250 Transfers of license—Limitations.**

- A. Licenses granted under this chapter shall not be transferable, either by location or among persons, except as hereinafter provided.
- B. In the case of death of any person having an interest in a license, the license may be transferred to the estate of the deceased person; however, an individual shall be named as responsible for such interest, and the individual shall be subject to the qualifications of an applicant and licensee.
- C. One (1) or more partners in a partnership holding a license may withdraw in favor of one (1) or more of the existing partners. In addition, a licensee may take in partners or additional stockholders where it is determined that the additional capital furnished is to be used exclusively for additional inventory or for the expansion of facilities and that the licensee himself is receiving none of the additional capital invested. All such additional partners or new principal stockholders must be approved by the city. Otherwise, no new ownership may be allowed an interest in a license.
- D. The mayor and city council reserves the right to authorize the transfer of a license by owner to another location. The owner of a license may apply to the mayor and council for permission to transfer the license to another location. The mayor and council may approve the transfer of the license to another location if the location meets all other requirements of this chapter.
- E. After July 1, 2000, an owner of a license issued hereunder may apply to the mayor and council for permission to transfer the license to another person. The mayor and council may approve the transfer of the license if the person meets all other requirements of this chapter.

(Ord. 98-21 § 1 (part), 1998)

**9.04.260 Classes of licenses—Fee schedule.**

- A. Licenses shall be issued only to those establishments and only for those beverages permitted by the fee schedule of subsection B of this section.
- B. The fee schedule for all alcoholic beverage licenses shall be as follows:

1.	Manufacturer:
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	a.	Malt beverages	\$1,500.00
	b.	Wine	1,500.00
2.	Wholesale dealers, importer, and/or brokers maintaining a fixed location within the city:		
	a.	Malt beverages	\$1,500.00
	b.	Wine	1,500.00
	c.	Distilled spirits	5,000.00
3.	Retail dealer for off-premises consumption:		
	a.	Malt beverages package sales	\$850.00
	b.	Wine package sales	\$850.00
	c.	Distilled spirits package sales	5,000.00
4.	Retail dealer for on-premises consumption; restaurants, hotels and motels:		
	a.	Malt beverages (including brewpubs)	\$850.00
	b.	Wine	\$ 850.00
	c.	Distilled spirits	5,000.00
5.	Retail dealer for on-premises consumption; private clubs and private recreational clubs:		
	a.	Malt beverages (including brewpubs)	- \$850.00
	b.	Wine	\$850.00
	c.	Distilled spirits	5,000.00
6.	Retail dealer for on-premises consumption; lounges (if licensed independently from restaurant as provided in Section 9.04.020 of this Chapter):		
	a.	Malt beverages (including brewpubs)	\$850.00
	b.	Wine	\$850.00
	c.	Distilled spirits	5,000.00
7.	Tasting room for retail dealers where alcoholic beverage is to be consumed on premises:		
	a.	Malt beverages	\$2,500.00
	b.	Wine	2,500.00
8	Poolhalls:		
	a.	Malt beverages	\$850.00
9.	Additional licenses for hotels, motels, private clubs and private recreational clubs pursuant to Section 9.04.160:		\$1,000.00

C. All license fees shall be paid on or before January 1st of each calendar year or within ten (10) days of the grant of an application for a license.

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- D. The fee for any licensee obtaining an initial license for less than a full license year shall be prorated on a semiannual basis. No proration or refund shall be made for licenses issued after the initial license period.
  - E. Lounge licenses are issued subject to the following additional restrictions:
    - 1. Lounge licenses shall be issued only for those hotels, motels, private clubs and private recreational clubs which meet the standards of this chapter; provided, that restaurants licensed for the sale of alcoholic beverages may include a bar area or room within or immediately adjacent to and connected with their premises which meets the definition of lounge without obtaining a separate license therefor;
    - 2. No lounge included under a restaurant license shall remain open at any time unless the restaurant within the building is open to the public and fully staffed.
  - F. Pool halls meeting the definition of "poolhall" in Section 9.04.020 may be licensed only for the sale of malt beverages. Establishment of a pool hall in conjunction with a restaurant licensed for the sale of distilled spirits is prohibited.

(Ord. 08-195 § 2, 2008; Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 9, 7-12-2010)

#### **9.04.270 Effect of denial of state license.**

In the event an applicant is denied a license by the state, upon proof of such refusal, the applicant shall be entitled to a refund of the license fee less than fifty dollars (\$50.00) for clerical costs regarding the granting of the license. Such refund may be made by business services manager without the necessity of any action by the mayor and council.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.273 Ancillary wine tasting license.**

- A. The holder of a wine license shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in this section.
- B. Wine sampling shall be on limited occasions when a customer requests a sample of wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.
- C. Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten (10) percent of the entire floor area of the premises.
- D. Wine sampling for customers shall be limited to no more than one (1) time per day for a period of not to exceed two (2) consecutive hours. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period.
- E. Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.

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- F. No open containers of wine shall be removed from the licensed premises.
  - G. Not more than two (2) times per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.
  - H. Holders of ancillary wine tasting licenses shall not charge for samples or tastings but may accept donations for a charitable organization located in the City of Stockbridge.
  - I. Wine sampling and tasting is only permitted within the enclosed portion of the premises.
  - J. The annual fee for an ancillary wine tasting license shall be set, and may be revised, by resolution of the city council.

(Ord. No. OR 13-295, § 1, 2-11-2013)

Editor's note(s) Ord. No. OR 13-295, § 1, adopted February 11, 2013, amended by the Code by adding provisions designated as § 9.04.280. To avoid conflicts in section numbering, the editor has renumbered these added provisions as § 9.04.273.

#### **9.04.277 Ancillary growler malt beverage tasting license.**

- A. The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the conditions set forth in this section.
- B. Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler malt beverage appreciation and education.
- C. Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten (10) percent of the entire floor area of the premises.
- D. Growler malt beverage sampling for customers shall be limited to no more than one (1) time per day per customer. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period. Notwithstanding anything herein to the contrary, the holder of an ancillary growler malt beverage tasting license may sell up to two (2) twelve (12) ounce beverages per day to any customer.
- E. Only the licensee or an employee shall open, handle, and serve growler malt beverages, and samples shall only be poured by the licensee and/or an employee.
- F. No open growler containers shall be removed from the licensed premises.
- G. Not more than two (2) times per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth

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in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.

- H. Holders of ancillary growler malt beverage tasting licenses shall not charge for samples or tastings but may accept donations for a charitable organization located in the City of Stockbridge.
- I. Growler malt beverage sampling and tasting is only permitted within the enclosed interior portion of the premises.
- J. The annual fee for an ancillary growler malt beverage tasting license shall be set, and may be revised, by resolution of the city council.

(Ord. No. OR 13-295, § 1, 2-11-2013; Ord. No. 15-377, § 1, 10-12-2015)

Editor's note(s)—Ord. No. OR 13-295, § 1, adopted February 11, 2013, amended by the Code by adding provisions designated as § 9.04.290. In order to avoid conflicts in section numbering, the editor has renumbered these added provisions as § 9.04.277.

### Article III. Taxes

#### **9.04.280 Taxes imposed.**

In addition to the license fees required in this chapter and in addition to the excise taxes levied by the state, all licensees hereunder shall pay to the city the taxes imposed in this article.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.290 Package sales—Amount and payment of the tax.**

- A. There is imposed an excise tax on alcoholic beverages in the following amounts:
  - 1. Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of six dollars (\$6.00) on each container sold containing not more than fifteen and one-half (15-½) gallons and a proportionate tax at the same rate on all fractional parts of fifteen and one-half (15-½) gallons;
  - 2. Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of five cents (\$0.05) per twelve (12) ounces and a proportionate tax on all fractional parts of twelve (12) ounces;
  - 3. On the first sale or use of wine, a tax of twenty-two cents (\$0.22) per liter and a proportionate tax at the same rate on all fractional parts of a liter;
  - 4. On the package sale of distilled spirits and on the sale of distilled spirits to hotels, motels, restaurants, private clubs, private recreational clubs, eating establishments, lounges, brewpubs, pool halls, billiard rooms, and retail consumption dealers, a tax of twenty-two cents (\$ 0.22) per liter and a proportionate tax at the same rate on all fractional parts of a liter.

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- B. The excise taxes provided in subsection A of this section shall be imposed upon and shall be paid by the licensed wholesale dealer.
  - C. Each licensee responsible for the payment of the excise tax shall file a report with the city itemizing for the preceding calendar month the exact quantities of alcoholic beverages, by size and type of container, sold during the preceding month in the city.
  - D. The wholesale dealer shall remit the tax imposed herein to the city on the tenth day of the month following the calendar month in which the alcoholic beverages are sold or dispensed.
  - E. Licensees shall purchase alcoholic beverages only from wholesalers or distributors licensed by the State of Georgia. All sales must be to the establishment designated on the license. No transfers, borrowing or internal sales or transfers from one licensed retailer to another shall be permitted.
  - F. All manufacturers licensed under this Chapter shall be subject to an excise tax in the amounts stated above for wine and malt beverages, as permitted by state and federal law.

(Ord. 99-8 § 1, 1999; Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 10, 7-12-2010)

#### **9.04.300 Distilled spirits for consumption on premises.**

- A. There is a sales tax imposed on the sale of distilled spirits by the drink, which tax shall be three percent (3%) of the charge to the public, members, or guests for the beverages. This tax does not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage, nor to wines for which an excise tax has already been paid under Section 9.04.290. Each retail consumption licensee shall collect, report, and remit the tax in the manner described in Sections 9.04.310 through 9.04.330.
- B. Licensees shall purchase alcoholic beverages only from wholesalers or distributors licensed by the state of Georgia. All sales must be to the establishment designated on the license. No transfers, borrowing or internal sales or transfers from one licensed retailer to another shall be permitted.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.310 Distilled spirits for consumption on premises—Itemized billing by licensee— Liability for payment of tax.**

Every licensee shall, at the time of collection food and drinks served, give the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit or deferred payment, the payment of the tax to the licensee may be deferred in like manner, however, the licensee shall be liable therefore at the time and to the extent that such credits are incurred.

(Ord. 98-21 § 1 (part), 1998)

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**9.04.320 Distilled spirits for consumption on premises—Collection of tax by licensee.**

Every licensee or agent is authorized and directed to collect the tax herein imposed from purchasers of distilled spirits by the drink sold within its licensed premises. Such licensee or agent shall furnish such information as may be requested by the license department to facilitate the collection of this tax.

(Ord. 98-21 § 1 (part), 1998)

**9.04.330 Distilled spirits for consumption on premises—Tax payment and collection procedures.**

- A. Due Date of Taxes. All taxes collected by any licensee or agent hereunder shall be due and payable to the city on or before the tenth day of every month, next succeeding each respective calendar month, as set forth herein.
- B. Return—Time of Filing—Persons Required to File—Execution. On or before the tenth day of the month, a return for the preceding calendar month shall be filed with the license department in such form as the license department may prescribe by every licensee or agent liable for the payment of tax hereunder.
- C. Contents of Return. All returns shall show the gross receipts from the sale of distilled spirits by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the license department.
- D. Delivery of Return and Remittance. The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to the Business Services department.
- E. Collection Fee Allowed Licensees. Licenses collecting the tax shall be allowed to have a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state sales tax under the Georgia Retailers' and Consumers' Sales and Use Tax Act, approved February 20, 1951 (Georgia Laws 1951, p. 360), as now or hereafter amended.

(Ord. 98-21 § 1 (part), 1998)

**9.04.340 Determinations of deficiencies or in absence of return—Overpayments—Delinquency and fraud.**

- A. Re-computation of Tax—Authority to Make—Basis of Re-computation. If the license department is not satisfied with the return or returns of the tax or the amount of the tax or the amount of the tax required to be paid to the city by any person, it may compute and determine the amount required to be paid upon the basis of any information within its

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possession or that may be made of the amount due for one (1) or more than one (1) calendar month.

- B. Estimate of Gross Receipts in Absence of Return. If any licensee fails to make a return, the license department shall make an estimate of the gross receipts of the licensee, or, of the amount of the total sales in the city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the license department. Upon the basis of this estimate, the license department shall compute and determine the amount required to be paid to the city. One (1) or more determinations may be made for one (1) or for more than one (1) period.
- C. Offsetting of Overpayments. In making a determination, the license department may offset overpayments, for a period or periods, against underpayments, for another period or periods, against penalties, and against the interest on underpayments. The interest in overpayments shall be computed in the manner set forth in Section 9.04.370.
- D. Time Within Which Notice of Deficiency Determination to be Mailed. Promptly after making its determination the license department shall give to the person written notice to be served personally or by mail in the manner prescribed for service of notices in Section 9.04.730. Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three (3) years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.

(Ord. 98-21 § 1 (part), 1998)

**9.04.350 Delinquent tax collection—Duty of assignees to withhold taxes—Liability—  
Offsetting of erroneous collections.**

- A. Action for Tax—Time Therefor. At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable, and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the city may bring an action in the courts of the state, or of the United States, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorneys' fees, costs of collection and other legal fees incident thereto.
- B. Duty of Successors or Assignees of Operator to Withhold Tax from Purchase Money. If any licensee liable for any amount under this article sells out his business or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the license department showing that he has been paid, or a certificate stating that no amount is due.
- C. Liability for Failure to Withhold—Certificate of Notice of Amount Due—Time to Enforce Successor's Liability. If the purchaser of a business fails to withhold the necessary amount from the purchase price as heretofore required, the purchaser becomes personally liable for the payment of the amount required to be withheld by it to the extent of the purchase price

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valued in money. Within thirty (30) days after receiving a written request from the purchaser for a certificate, the license department shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the city of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall begin at the time the licensee sells his business or at the time that the determination against the licensee becomes final, whichever event occurs later.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.360 Tax credit penalty or interest paid more than once or illegally collected.**

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the city under this article, it may be offset as provided in Section 9.04.340(C) of this chapter. If the licensee determines that it has been overpaid or paid more than once, which fact has not been determined by the license department, it will have three (3) years from the date of payment to file a claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved by the city, the excess amount paid by the city may be credited on amounts then due and payable from the licensee by whom it was paid or its administrators or executors.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.370 Failure to pay tax—Penalties and interest.**

All alcohol tax payments are due by the **10th of each month; Business Services** allows a courtesy 5-day grace period. All reports/payments must be post marked and received in this office no later than the 15<sup>th</sup>. Businesses who wish to take advantage of the 3% less: vendor's compensation must submit report and payment on or before the 10<sup>th</sup>. Payments made after the 10<sup>th</sup> must pay the **total** liquor sales tax due. All businesses who serve alcohol must have 51% of food sales.

Records shall be audited according to the City of Stockbridge ordinance regarding the inspection of business Occupational Tax accounts for the current year occupational tax certificate. Effective September 1, 2025, all businesses are hereby required to submit the business monthly tax report for alcohol beverage sales as well as your **GA Sales Tax Form** (Georgia Department of Revenue-Form ST-3).

- A. **Delinquent Penalty.** Any person who fails to pay the tax herein imposed to the city, or fails to pay any amount of such tax required to be collected and paid to the city, within the time required, shall pay a civil penalty of fifteen percent (15%) of the tax, or amount of the tax, in addition to the tax or the amount of the tax, plus interest on the unpaid tax or any portion thereof as set forth in subsection B of this section.
- B. **Interest on Amount Found Due.** The amount of determination, exclusive of penalties, shall bear interest at the rate of one percent (1%) per month, or fraction thereof, from the

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twentieth day after the close of the monthly period for which the amount or any portion thereof should have been returned, until the date of payment.

- C. Penalty—Negligence or Disregard of Rules and Regulations. If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, a penalty of fifteen percent (15%) of the amount of such deficiency shall be added thereto in addition to the fifteen percent (15%) prescribed by subsection A of this section.
- D. Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination has been made is due to fraud or an intent to evade any provision of this chapter or other authorized rules and regulations, a penalty of twenty-five percent (25%) of the deficiency shall be added thereto in addition to the fifteen percent (15%) prescribed by subsection A of this chapter.

(Ord. 98-21 § 1 (part), 1998)

**9.04.380 Administration and enforcement authority—Recordkeeping—Confidentiality of reports.**

- A. Authority of the License Department. The license department shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.
- B. Rules and Regulations. The license department shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the state, or the Constitution of the state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes hereunder.
- C. Records Required from Licensee—Form. Every licensee for the sale of alcoholic beverages in the city shall keep such records, receipts, invoices and other pertinent papers in such form as the license department may require.
- D. Authority to Require Reports—Contents. In the administration of the provisions of this article, the license department may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the license department and shall set forth the price charged for each sale, the date or dates of sales, and such other information as the license department may require.

(Ord. 98-21 § 1 (part), 1998)

**9.04.390 Examination of records—Audits.**

The license department or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. In the event a city audit discloses a

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deficiency of more than three percent (3%) over what has been returned and remitted, the licensee shall reimburse the city for all costs of the audit, including but not limited to, accountant's fees and out-of-pocket expenses, the value of time expended by city employees in the investigation, including reasonable cost of overhead, and all attorney's fees and costs of collection if action must be instituted by the city.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.400 Violations—Penalty.**

Any person found guilty of or entering a plea of guilty or nolo contendere to the offense of failing to pay the tax due, either in whole or in part, shall, upon conviction thereof shall be assessed a fine not to exceed one thousand dollars (\$1,000.00) for each such offense. Each such person shall be guilty of a separate offense for each day during which any portion of the amount due remains unpaid. Any person found guilty of or entering a plea to violating any other provision of this article shall be deemed guilty of an offense and shall be subject to the penalties prescribed in Section 9.04.780.

(Ord. 98-21 § 1 (part), 1998)

### Article IV. Operating Regulations

#### **9.04.410 Commencement of business—Time limit.**

- A. Following issuance of a license, the licensee must open for business upon the premises referred to in the license and begin sale of the product or products authorized by the license within the following period:
1. Where upon the date of license issuance the premises referred to in the license is an existing structure: not later than sixty (60) days after issuance of the license;
  2. Where upon the date of license issuance the premises referred to in the license is an existing structure, but require renovation in order to be used to sell the product or products authorized by the license: not later than one hundred eighty (180) days after issuance of the license;
  3. Where a license is issued prior to February 1, 1999, and the premises referred to in the license is a structure under construction or is to be constructed: not later than December 1, 1999.
  4. Where a license is issued on or after February 1, 1999, and the premises referred to in the license is a structure under construction or is to be constructed: not later than three hundred (300) days after issuance of the license.
- B. A licensee who desires a variance from the time periods referenced in subsection A of this section to commence operation may request a hearing before the mayor and city council. A request for variance will be considered by the mayor and city council on a case-by-case basis based on the specific facts and circumstances necessary for the variance.

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(Ord. 99-3 § 1, 1999)

**9.04.420 Discontinuation of business—License forfeiture.**

Any licensee who shall begin the operation of the business and sale of the product or products as authorized in a license, but who shall, for a period of one hundred eighty (180) consecutive days thereafter, cease to operate the business and sale of the product or products authorized by the license, shall upon completion of the one hundred eighty (180) day period automatically forfeit its license, and no refund of license fees shall be made to the licensee.

(Ord. 98-21 § 1 (part), 1998)

**9.04.430 Sale hours—Hours of operation.**

A. Package sales of alcoholic beverages shall be prohibited between the hours of twelve midnight (12:00 a.m.) Saturday and twelve-thirty p.m. (12:30 p.m.) Sunday and between eleven-thirty p.m. (11:30 p.m.) Sunday and eight a.m. (8:00 a.m.) Monday. Notwithstanding the aforementioned hours set forth herein, package sales of alcoholic beverages shall be prohibited on Christmas Day.

B. Except as provided in this section, retail consumption dealers shall only be permitted to engage in the sale of alcoholic beverages between the following hours:

11:00 a.m. Sunday	—2:00 a.m. Monday
8:00 a.m. Monday	—2:00 a.m. Tuesday
8:00 a.m. Tuesday	—2:00 a.m. Wednesday
8:00 a.m. Wednesday	—2:00 a.m. Thursday
8:00 a.m. Thursday	—2:00 a.m. Friday
8:00 a.m. Friday	—2:00 a.m. Saturday
8:00 a.m. Saturday	—2:00 a.m. Sunday

C. Notwithstanding the provisions set forth in subsection B of this section, a retail consumption dealer at a licensed establishment which derives at least fifty percent (50%) of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least fifty percent (50%) of its total annual gross income from the rental of rooms for overnight lodging, shall be permitted to sell alcoholic beverages for consumption on the premises on Sundays from eleven a.m. (11:00 a.m.) until twelve midnight (12:00 a.m.).

D. Each retail consumption dealer shall remove from its service areas within normal access to the public, members and guests, all cans, bottles, glasses, mugs, pitchers, cups or other containers for alcoholic beverages on its premises after two a.m. (2:00 a.m.) on any day.

E. Notwithstanding the provisions set forth in subsections B, C and D of this section, retail consumption dealers shall be permitted to sell alcoholic beverages for consumption on the

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premises on New Year's Day between the hours of twelve midnight (12:00 a.m.) and two a.m. (2:00 a.m.). Each retail consumption dealer shall remove from its service area within normal access to the public, members, and guests, all cans, bottles, glasses, mugs, pitchers, cups, or other containers for alcoholic beverages on its premises after two a.m. (2:00 a.m.) on New Year's Day.

F. It is lawful for all licensees to sell alcoholic beverages on all election days, not otherwise prohibited by state law.

G. The hours of operation for wholesalers operating within the city shall be from eight a.m. (8:00 a.m.) to six p.m. (6:00 p.m.) Monday through Saturday.

(Ord. 03-56 §§ 1—3, 2003; Ord. 01-11 § 1, 2001; Ord. 01-1, 2001; Ord. 98-21 § 1 (part), 1998)

(Ord. No. 11-269, § 1, 12-12-11; Ord. No. 19-501, § 1(Exh. A), 11-26-2019)

#### **9.04.440 Alcoholic beverage purchases—License restrictions.**

A. Licenses for consumption on the premises may purchase from wholesalers, licensed by the city and/or state, distilled spirits, designated by their license, in one-fifth of a gallon, liter or larger containers unless a particular brand is not packaged in these sizes, and then the licensee may purchase the brand in the nearest size to those specified containers.

B. Licensees for package sales may purchase from wholesalers, licensed by the city and/or state, distilled spirits in pints and half pints, in addition to those sizes specified in subsection A of this section.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.450 Delivery of alcoholic beverages.**

No deliveries of alcoholic beverages shall be made except on the premises for which such beverages are sold.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.460 Premises—Sanitation requirements.**

All premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for storage and sale of food for human consumption.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.470 Premises—Sign restrictions.**

All licensed premises shall be subject to the sign ordinance of the city in terms of the size and number of signs permitted.

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(Ord. 98-21 § 1 (part), 1998)

**9.04.480 Disturbances, obscenities prohibited.**

It is unlawful for any licensee to permit any disturbance of the peace, obscenity or public indecency on its premises.

(Ord. 98-21 § 1 (part), 1998)

**9.04.490 Leaving premises without paying prohibited.**

No person shall leave the premises of the licensee without paying his or her charges for the sale of alcoholic beverages.

(Ord. 98-21 § 1 (part), 1998)

**9.04.500 Premises—Interior visibility requirements.**

No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors of any retail dealer's store; and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

(Ord. 98-21 § 1 (part), 1998)

**9.04.510 Signs and notices on purchase and consumption restrictions.**

- A. The licensee shall post in a conspicuous place where the actual transaction takes place within the licensed premises a sign stating that no alcoholic beverages shall be sold to or purchased by any person under twenty-one (21) years of age and that it shall be unlawful for any minor to falsely misrepresent his or her age in any manner whatsoever to a licensee. Such sign shall be printed in uniform letters not less than one inch (1") in height.
- B. The retail dealer licensee shall display at any entrances or exits to the licensed premises a sign which shall state that it is unlawful to consume any alcoholic beverages or to open any container of alcoholic beverages on the licensed premises or any parking area adjacent thereto. Further, such sign or signs which are necessary shall also be placed in such a manner as to be visible from any parking area adjacent to the licensed premises.
- C. It is unlawful for any retail dealer to permit, allow or acquiesce in the consumption of any alcoholic beverages or the opening of any container of alcoholic beverages on the licensed premises or any parking area adjacent thereto.
- D. All signs required by this section shall be clearly visible and lettering shall be dark and unfaded.

(Ord. 98-21 § 1 (part), 1998)

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#### **9.04.520 Alcoholic beverages with broken seals prohibited.**

It is unlawful for any person to carry into or have in his possession on those premises any alcoholic beverages in the original package, the seal of which has been broken or the original package opened; provided that the licensee, his manager or agent in charge of the premises may carry damaged or spoiled containers to a secure storage area pending pick-up by the wholesaler.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.530 Minors—Unlawful activities.**

It is unlawful for any minor to purchase alcoholic beverages or to intentionally misrepresent his age in the sale of any alcoholic beverages.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.540 Sales outside business prohibited Exception.**

It is unlawful for any sales to be made outside of the place of business licensed for such sale except as otherwise permitted in this chapter. The use of drive-in windows by retail package dealers is specifically permitted.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.550 Employment of certain persons is prohibited.**

- A. It is unlawful in any premises licensed for the sale of alcoholic beverages to employ any person in any capacity whatsoever, including performers, entertainers and musicians, who have been convicted of, or plead guilty or nolo contendere to, or been adjudicated as guilty or liable or entered a first offender plea, within the past ten (10) years, in this or any other state or the United States, to any felony, misdemeanor or violations of regulations of the state of Georgia or other state involving gambling, possession or sale of controlled substances, or the manufacture, distribution, sale, handling, dealing in or possession of alcoholic beverages. In those instances, involving corporations, this prohibition shall also apply to the corporation's president, vice president, secretary and treasurer and all stockholders owning ten percent (10%) or more of the corporation's stock. In those instances, involving LLCs, this prohibition shall also apply to any member.
- B. No license shall allow or require persons who are employed in restaurants, brew pubs or breweries and under eighteen (18) years of age to dispense, serve, sell, or take orders for any alcoholic beverages for consumption on the premises. No licensee shall allow or require persons who are employed in supermarkets, convenience stores, or drugstores and are under sixteen (16) years of age to dispense, sell, or handle alcoholic beverages for consumption off the premises. No individual regardless of age shall knowingly, directly or through another person, furnish, cause to be furnished, or permit any person in such person's employ

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to furnish any alcoholic beverage to any person under twenty-one (21) years of age, except as otherwise permitted by law.

(Ord. 01-18, 2001)

**9.04.560 Bottles— Misrepresentation of contents.**

It is illegal for the licensee hereunder to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality, or brand name of any alcoholic beverage.

(Ord. 98-21 § 1 (part), 1998)

**9.04.570 Copy of regulations maintained on premises.**

It is the duty of the management of the premises licensed hereunder to maintain a copy of this chapter on such premises and to instruct each employee of the terms thereof. Each person employed by a licensee under this chapter shall be required at the time of employment to sign a statement verifying that the employee has read the regulations governing the use and sale of alcoholic beverages and understands and will comply with same.

(Ord. 98-21 § 1 (part), 1998)

**9.04.580 Verification of age.**

- A. It is a violation of this code for any agent, officer or employee of a licensee to fail to properly check the identification of any patron, member or guest, when selling or otherwise providing any alcoholic beverages, which failure results in an underage person being sold or served, or to have in his possession while on the licensee's premises, any alcoholic beverage.
- B. Any person violating the provisions of this section shall be punished as provided by Section 9.04.780 of this chapter.
- C. Notwithstanding any criminal prosecution which may result from a violation of this section, any licensee employing any officer, agent or employee that fails to comply with the provisions of subsection (A) of this section, which failure results in an underage person being sold or served, or to have in his possession while on the licensee's premises an alcoholic beverage, may have its license revoked.

(Ord. 98-21 § 1 (part), 1998)

**9.04.590 Brown-bagging—Defined—Prohibited.**

- A. For the purposes of this section:
  - 1. "Brown-bagging" means bringing, taking or carrying of any alcoholic beverage into a business lawfully operating within the city, but not licensed for the consumption of

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alcoholic beverages on the premises, provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy shall not fall within this definition.

2. "Brown-bagging" shall include the following prohibited acts:
  - a. Any person who brown bags;
  - b. Any person participating in consumption of any alcoholic beverage being brown-bagged.
  - c. Any person who consumes an alcoholic beverage on any premises lawfully operating in the city, except for those premises licensed for on-premises consumption of alcoholic beverages or otherwise exempted from the definition of brown-bagging by virtue of the private residential character of the occupancy.
  - d. Any employee of the business establishment in whose presence brown-bagging knowingly or with reckless indifference occurs.

B. Brown-bagging is prohibited within the city.

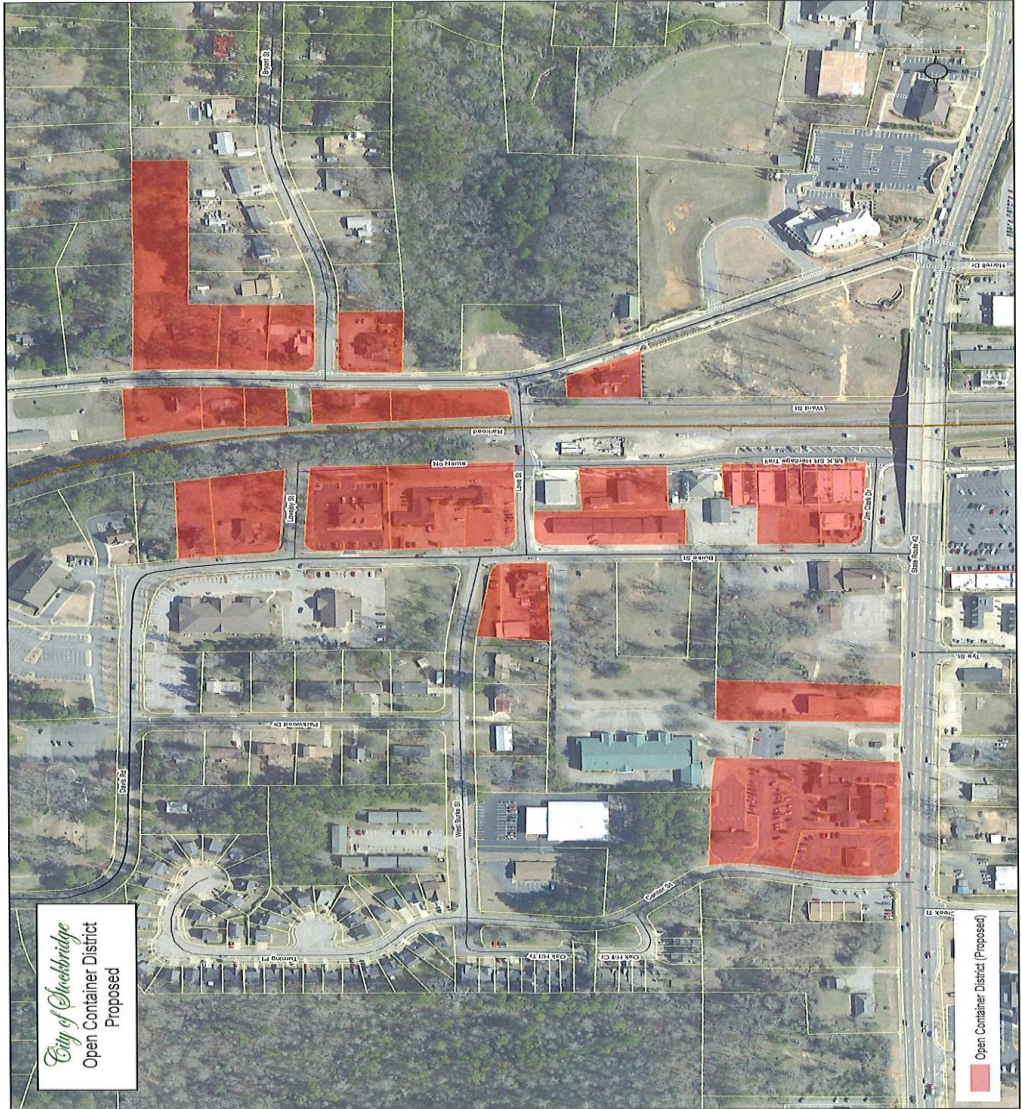
(Ord. 98-21 § 1 (part), 1998)

#### **9.04.595 Open Container District.**

- A. For the purposes of this section, the Open Container District is defined as the map shown following this section, which district may be changed from time to time by resolution of the mayor and council.
- B. One Drink Per Person On-Street Limit. Within the Open Container District, any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container that is not a can, bottle, or glass, for removal from the premises; provided, however, that no person shall remove more than one (1) such alcoholic beverage per person from the licensed premises at a time.
- C. Size Limited to a Maximum of Sixteen Ounces. Within the Open Container District, no container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the streets and sidewalks, or in other public places within the Open Container District any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.
- D. Drinking from Can, Bottle, or Glass Prohibited. It shall be unlawful within the Open Container District for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private.
- E. Purchase from Licensed Premises Within the Open Container District. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed premise within the Open Container District.

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- F. Consumption Limited to Certain Areas in the Open Container District. No alcoholic beverage purchased pursuant to this provision may be consumed outside of the Open Container District. It shall be unlawful to consume any alcoholic beverage within a parking lot, whether public or private. Nothing in this section or any resolution enacting the Open Container District shall be construed as to allow the possession or consumption of alcoholic beverages in city parks or inside public buildings unless specifically authorized by the mayor and council.
- G. Consumption Limited to Lawful Hours of Operation. Unless authorized by mayor and council in the resolution creating the Open Container District, no alcoholic beverage purchased within the Open Container District pursuant to this provision shall be consumed within the Open Container District on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private, prior to 11:00 a.m. or later than 12:00 a.m.
- (Ord. No. 18-473, § 1, 9-10-2018)

## **OPEN CONTAINER DISTRICT MAP**



Article V. Additional Provisions for Retail Consumption on Premises

**9.04.600 Fire regulations applicable—Inspection.**

Where a minimum sleeping or seating capacity is prescribed, the same shall be judged by reasonable standards. The fire department shall, upon the request of the license department, inspect such premises and report its findings. All premises licensed hereunder shall always conform with the fire regulations established by the city.

(Ord. 98-21 § 1 (part), 1998)

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**9.04.610 Service—On trains and planes.**

Nothing herein shall prohibit the serving of alcoholic beverages for consumption on dining or club cars of trains or on airplanes in transit on regular schedules.

(Ord. 98-21 § 1 (part), 1998)

**9.04.620 Service—By employees only.**

Drinks hereunder shall only be served by employees of the licensee.

(Ord. 98-21 § 1 (part), 1998)

**9.04.630 Service—Backrooms—When prohibited.**

The sale of alcoholic beverages for consumption by persons in any back room which is not normally open to the general use of the public, members or guests, is prohibited, except that private parties or conventions, which have been scheduled in advance may be served in public or private dining rooms or meeting rooms in restaurants, hotels, motels, private clubs and private recreational clubs, and, provided further, that this prohibition shall not apply to the sale of alcoholic beverages for consumption hereunder to the registered guests of any hotel or motel in their designated rooms.

(Ord. 98-21 § 1 (part), 1998)

**9.04.640 Nudity on premises.**

A. For purpose of this section:

1. "Alcoholic beverage establishment" means any restaurant, lounge, private club, private recreational club or poolhall holding a license under this chapter for the sale of alcoholic beverages for consumption on the premises.
2. "Substantially nude" means dressed or undressed in a manner to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breast below the top of the areola.

B. 1. No person shall appear substantially nude in any alcoholic beverage establishment, and no owner or manager of an alcoholic beverage establishment shall permit any person to appear substantially nude on the licensed premises.

2. No owner or manager of an alcoholic beverage establishment shall permit any person to perform acts of, or acts which constitute or simulate:
  - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or any sexual acts which are prohibited by law.
  - b. The touching, caressing or fondling of the breast, buttocks, anus or genitals; provided, that random acts of patrons or employees, whose actions do not

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constitute actions taken pursuant to encouragement or acquiescence of the management of its establishment and are not for the purposes of entertainment, promotion, publicity, or notoriety shall not constitute violations of this section by the licensee.

- C. The restrictions of subsection B of this section shall apply only to natural persons physically present on the licensed premises regardless of whether such persons are categorized as owners, agents, employees, patrons, independent contractors or otherwise.
- D. In addition to prosecution of any person for violation of this section, the alcoholic beverage license of any premises upon which a violation of this section occurs shall be subject to suspension or revocation. This chapter shall follow the procedures outlined in Section 9.04.760. Any conviction or plea of guilty or nolo contendere in the municipal court to a charge of violating this section shall be admissible in a license suspension or revocation proceeding.
- E. Should any provision of this section be found to be unconstitutional or otherwise illegal and unenforceable, it is the intent and desire of the mayor and council that such portion be stricken from this code and that the remaining portions remain in full force and effect and enforceable as otherwise allowed by law.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.650 Pricing, delivery and consumption requirements.**

- A. Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The schedule shall be effective for not less than one (1) calendar week.
- B. No licensee or employee or agent of a licensee shall:
  - 1. Offer or deliver any free alcoholic beverage to any person or group of persons.
  - 2. Deliver more than two (2) alcoholic beverages to one (1) person at a time.
  - 3. Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except at private functions not open to the public.
  - 4. Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period for a fixed price, except at private functions not open to the public.
  - 5. Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons at anyone (1) day at prices less than those charged by the general public on that day, except at private functions not open to the public.
  - 6. Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, by the pitcher, except to two (2) or more persons at anyone (1) or time.

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7. Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week.
  8. Allow or permit on the licensed premises any game or contest which encourages, by the contest rules, the intoxication of contestants, spectators, or other persons present, or which involves the awarding of one (1) or more alcoholic beverages as prizes.
- C. No licensee shall advertise or promote in any way, whether within or without the licensee's premises, or any of the practices prohibited under subsection B of this section.
  - D. No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, provided all patrons, members and guests are allowed equal access to such free food, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one (1) person, or to prohibit any hotel or motel from offering room service to registered guests. Otherwise, no food or alcoholic beverage package may be offered by any licensee.

(Ord. No. 13-327, § 1, 8-12-2013; Ord. 03-74 § 1, 2003; Ord. 98-21 § 1 (part), 1998)

#### **9.04.660 Brewpubs.**

- A. Brew pubs shall be allowed to operate in the city provided they are licensed by the state of Georgia, obtain the applicable local license for malt beverages and comply with all state statutes, rules and regulations.
- B. Brew pubs, which sell distilled spirits or wine, must obtain retail consumption licenses for such beverages as a precondition to sales of distilled spirits or wine.
- C. Malt beverage excise taxes shall be imposed on the licensee for all malt beverages produced by brewpubs. Such licensees shall provide such reports and remit taxes due as required by malt beverage wholesalers.
- D. A brewpub license does not authorize the holder of such license to sell alcoholic beverages by package for consumption off premises.

(Ord. No. 10-224, § 11, 7-12-2010; Ord. 98-21 § 1 (part), 1998)

#### **9.04.670 Private clubs and private recreational clubs.**

Private clubs and private recreational clubs meeting the standards of this chapter may sell alcoholic beverages at any location on premises under their control and may include multiple points of sale under one (1) license, provided such sales are otherwise lawful under state law. In those instances where state law requires more than one (1) license, a second or subsequent city license shall be obtained and the fee therefore paid as provided in Section 9.04.160. In any event, all sales shall be reported for tax purposes, and all management and sales personnel shall meet the standards of this chapter.

(Ord. 98-21 § 1 (part), 1998)

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#### **9.04.680 Alcoholic beverage caterers.**

- A. For the purpose of this section the following definitions shall apply:
1. "Food caterer" means any person who, for consideration, prepares food for consumption off the premises.
  2. "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.
  3. "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.
- B. Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held. Such licenses shall be annual licenses and may be obtained only by those persons, firms or corporations already licensed by the city for the sale of alcoholic beverages at retail or by the drink. The procedures for securing such licenses and the terms thereof, including license fees, shall be as provided in Articles I and II of this chapter.
- C. Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catering function, such caterer shall obtain a permit. The application for permits shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event. No permit fee shall be charged for the alcoholic beverage caterers licensed by the city. For caterers licensed by jurisdictions other than the city, a fee of fifty dollars (\$50.00) per event permit shall be charged. 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 in 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.
- D. Caterers licensed by a jurisdiction other than the city 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 Article III of this chapter. 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 the caterer for similar events.
- E. 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.
- F. No alcoholic beverages shall be transported, distributed, or sold to other than licensed locations in the city, except to authorized catered functions, unless otherwise authorized by this chapter or by state law.

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- G. The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as provided for sale by the drink.
  - H. No licensed alcoholic beverage caterer shall employ any person under twenty-one (21) years of age to dispense, serve, sell or handle alcoholic beverages at authorized catering functions.
  - I. As a condition of permit issuance, alcoholic beverage caterers licensed by jurisdictions other than the city shall be provided a copy of the city's alcoholic beverages ordinances, and shall indicate, by signature, that they have received such ordinances and acknowledge the applicability of such ordinances to their operations.

(Ord. 98-21 § 1 (part), 1998)

## Article VI. Wholesale License

### **9.04.690 License provisions applicable.**

All provisions pertaining to application for licenses as described in Article II of this chapter shall apply with equal force to wholesale licenses except as modified herein.

(Ord. 98-21 § 1 (part), 1998)

### **9.04.700 License—State license prerequisite.**

Any wholesaler in alcoholic beverages who are licensed by the state and maintains a fixed location in the city, shall be granted a license to distribute such beverages at wholesale in the city upon application for a license. The application shall be accompanied by the presentation of satisfactory evidence that the wholesaler, or agent of the wholesaler, understands and agrees to comply with the provisions of this article.

(Ord. 98-21 § 1 (part), 1998)

### **9.04.710 License—Fee.**

- A. The license fee for each wholesale dealer shall be as described in Section 9.04.260 of this chapter.
- B. All license fees shall be paid on or before January 1st of each calendar year or within ten (10) days of the grant of an application for a license.
- C. All license fees shall be paid in full regardless of when a license is granted.

(Ord. 08-195 § 3, 2008; Ord. 98-21 § 1 (part), 1998)

## Article VII. Violations and Revocations

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#### **9.04.720 Periodic inspection for compliance.**

Certified officers of the police department shall have the authority to inspect establishments licensed here under during the hours in which the premises are open for business. The inspections shall be made for the purpose of verifying compliance with the requirements of this chapter.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.730 Notice of license department determinations—Service thereof.**

Service of any notice required to be given by this chapter may be made on any person identified as a licensee in Section 9.04.170. Notice shall be in writing. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at its address as it appears in the records of the license department. The burden shall be on the licensee to provide notice, in writing, of any change of address for service of notices and processes. In the case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States Postal Service.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.740 Licenses—Automatic revocation conditions.**

Whenever the state shall revoke any permit or license to manufacture, distribute or sell alcoholic beverages, the city license to deal in such products, issued pursuant to this chapter, shall thereupon be automatically revoked without any action by the mayor and council or any other city officer being necessary.

(Ord. 98-21 § 1 (part), 1998)

(Ord. No. 10-224, § 12, 7-12-2010)

#### **9.04.750 Emergency suspension.**

- A. The mayor, or his designee, has the authority to suspend a license for a short-term period not to exceed ten (10) days. The mayor's decision shall be in writing, with the term of the suspension and the reasons therefor stated and shall be mailed or delivered to the licensee. It is not necessary that the mayor consults or obtains the approval of the council prior to said suspension.
- B. A short-term suspension by the mayor must be for an emergency cause.
- C. "Emergency cause" for the short-term suspension of a license shall consist of a second or subsequent violation by the same licensee on the same premises within a two (2) year period of any state or federal laws, administrative regulations of the state or city ordinances regulating such business holding a license, including those prohibiting gambling, regulating the sale, manufacture, distribution, handling, dealing in, and possession of alcoholic

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beverages, including the sale or transfer of alcoholic beverages to minors in an unlawful manner, and the manufacture, sale, or distribution of any controlled substance which puts the city and the health and safety of its citizens at such a risk that an immediate suspension is necessary until a hearing as provided for in Section 9.04.760 can be held.

(Ord. 98-21 § 1 (part), 1998)

**9.04.760 License—Suspension and revocation.**

- A. Except as provided in Sections 9.04.740 and 9.04.750 no license which has been issued or which may hereafter be issued pursuant to this chapter shall be suspended or revoked, except for due cause as hereinafter defined, and after a hearing and upon the prior three (3) day written notice to the holder of the license of the time, place and purpose of the hearing and a statement of the charges upon which the hearing shall be held.
- B. "Due cause" for the suspension or revocation of such license shall consist of the violation of any federal or state law, administrative regulation or city ordinances regulating such business (including but not limited to any violation of this chapter), or the violation of any federal or state law, state administrative regulation or city ordinance prohibiting gambling, or regulating the sale, manufacture, distribution, handling, dealing in, and possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in any unlawful manner, or the violation of any federal or state law, state administrative regulation or city ordinance relating to the manufacture, sale or distribution of any controlled substance.
- C. The hearing will be conducted by the mayor and council or by a hearing officer appointed by the mayor. The hearing officer shall be an attorney licensed to practice in the state of Georgia.
- D. At the hearing the licensee shall have the right to represent itself or be represented by counsel, may cross-examine all witnesses offered by the city, and may present evidence in its own behalf. Formal rules of evidence shall not apply to hearings under this section, although the hearing officer shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation. Both the city and the licensee shall have the right to subpoena witnesses.
- E. For hearings conducted by a hearing officer, the hearing officer shall issue a report to the mayor and council within ten (10) days of the completion of the hearing. The report shall contain the hearing officer's finding(s) and recommendations. Such recommendation(s) shall take into consideration the nature of the violations(s), preventive efforts of the licensee, corrective action taken by the licensee, and the licensee's prior history. Such recommendation may include one (1) or more of the following: suspension of the license for no more than twelve (12) months; revocation of the license; imposition of a probationary period not to exceed twelve (12) months; and/or a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation of this chapter.
- F. The hearing officer's report shall be transmitted to the mayor and council, along with a complete transcript of the hearing. A hearing will be scheduled before the mayor and

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council. At that hearing the hearing officer may outline the evidence heard and the basis for his or her recommendation(s). The licensee or its representative may make a statement to the mayor and council on their behalf. Neither side shall introduce any new evidence.

G. For purposes of this section, the following shall apply:

1. The mayor and council shall determine the penalty or penalties imposed by majority vote of those present and voting. Such penalty may include one (1) or more of the following: suspension for no more than twelve (12) months, probation for no more than twelve (12) months, provided that a licensee currently on probation may have its probation extended for an additional twelve (12) months to begin at the end of the current probationary period; revocation; and/or a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation of this chapter.
2. Except as otherwise provided for in this chapter, the mayor and council shall consult the Civil Administrative Penalty Guidelines before determining the specific punishment of any license holder found to have violated this article. A copy of the Guidelines, as amended, shall be maintained by business services business services manager and be available for public inspection during normal business hours.

H. The decision of the mayor and council shall be in writing, with the reasons therefore stated, and shall be mailed or delivered to the licensee within ten (10) days of the hearing date.

I. A total of three (3) separate and unrelated violations within twenty-four (24) months, whether within the probationary period, shall constitute grounds for permanent revocation.

(Ord. 01-27 § 1, 2001; Ord. 01-14 §§ 1, 2, 2001; Ord. 01-10 §§ 1, 2, 2001; Ord. 98-21 § 1 (part), 1998)

#### **9.04.770 No refunds following suspension or revocation.**

In the event a license issued hereunder is suspended or revoked, the licensee shall not be entitled to a refund of any portion of the application or license fees previously remitted.

(Ord. 98-21 § 1 (part), 1998)

#### **9.04.780 Violation—Penalty.**

In addition to the other remedies outlined in this article, any person convicted of a violation of any provision of this chapter (except failure to pay taxes due under Article III), or entering of a plea of guilty or nolo contendere thereto, shall be punished by a fine not to exceed one thousand (\$1,000.00) dollars, by twelve (12) months' imprisonment, or by both such fine and imprisonment.

(Ord. 98-21 § 1 (part), 1998)

Chapter 9.08 VEHICLES FOR HIRE\*

Article I. General Provisions

**9.08.010 Applicability of chapter.**

This chapter shall apply to all vehicles for hire for which a CPNC has been issued under this chapter, whether or not such vehicle is operated exclusively within the geographical legal limits of the city, as well as to vehicles for hire which operate in and out of the geographical legal limits of the city to locations not more than ten (10) miles from the geographical legal limits of the city. The business must follow all guidelines from the Georgia Department of Transportation Regulations O.C.G. A Title 40 – Motor Vehicles and Traffic.

(Ord. 07-188 § 2 (part), 2007)

**9.08.015 Regulatory purpose of chapter.**

The city council and mayor of the city of Stockbridge are concerned with the qualifications and records of drivers of vehicles for hire operating within the city; with the location, accessibility, and insured state of the companies; and with the safety and comfort of vehicles.

(Ord. 07-188 § 2 (part), 2007)

**9.08.020 Regulations subject to change.**

All licenses or permits granted under this chapter shall be subject on the part of the city to make or adopt any further ordinances, resolutions and regulations further regulating and governing the operation of vehicles for hire, or prescribing additional and other regulations, or changing, modifying or withdrawing, in whole or in part, the approval of any right for the operation of such vehicles, as may, in the judgment of the mayor and council, be consistent and in the best interest of the public welfare.

(Ord. 07-188 § 2 (part), 2007)

**9.08.030 Definitions.**

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

"Certificate of public necessity and convenience (CPNC)" means a license permitting a person, firm, corporation, or legal entity to operate a vehicle for hire upon the streets of the city.

"City" means the city of Stockbridge, Georgia.

"Business services manager" means the business services manager of the city of Stockbridge, Georgia.

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"Driver" means any person in charge of or operating a vehicle for hire, as herein defined, whether as owner, agent, employee or otherwise.

"Street" means public ways intended for motor vehicular travel.

"Vehicle for hire" means a motor vehicle with seating capacity not less than five (5) passengers and not more than seven (7) passengers, including the driver.

(Ord. 07-188 § 2 (part), 2007)

#### **9.08.040 Business license—Required.**

It is unlawful for any person, firm, corporation, or legal entity to engage in the business of operating vehicles for hire on the streets of the city until the person, firm, corporation, or legal entity has obtained a business license from the city.

(Ord. 07-188 § 2 (part), 2007)

#### **9.08.050 Compliance prerequisite to doing business—Violation and penalty.**

- A. It is unlawful for any person, firm, corporation, or legal entity to engage in the business of operating vehicles for hire on the streets of the city until the person, firm, corporation, or legal entity has complied with the provisions of this chapter.
- B. Any person, firm, corporation, or legal entity who violates this chapter shall be guilty of a misdemeanor. Any person, firm, corporation, or legal entity who is found guilty of a violation of this chapter shall be punished as provided in Section 1.04.080 of this code. Each day that the person, firm, corporation or legal entity violates this chapter shall constitute a separate offense.
- C. Any person, firm, corporation, or legal entity convicted of a violation under this chapter, and who has previously been issued a CPNC by the city, shall face the possible suspension or revocation of that CPNC as provided elsewhere in this chapter.

(Ord. 07-188 § 2 (part), 2007)

#### **9.08.060 Liability insurance.**

- A.
- B. By granting this license, the license holder shall provide the city with a certificate of insurance which shall require the surety or insurance company to notify the business services manager or his or her designee in writing should the insurance policy be canceled. Moreover, the business services manager shall have permission from the license holder to communicate with the license holder's insurance provider to ensure that the required policy is being maintained.

(Ord. 07-188 § 2 (part), 2007)

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**9.08.070 Safe condition of vehicles—Responsibility.**

The license holder of any vehicle for hire operating within the city shall ensure that the vehicle is maintained in a safe operating condition for the transportation of passengers at all times.

(Ord. 07-188 § 2 (part), 2007)

**9.08.080 Safe and legal operation.**

Every driver of a vehicle for hire shall operate his or her vehicle in accordance with the laws of the state and the city, and with due regard for the safety, convenience, and comfort of passengers and the general public.

(Ord. 07-188 § 2 (part), 2007)

**9.08.090 Maintenance inspection of vehicles.**

A.

(Ord. 07-188 § 2 (part), 2007)

**9.08.100 Suspension of unsafe vehicles from operation.**

(Ord. 07-188 § 2 (part), 2007)

**9.08.110 Duty to inspect vehicle.**

(Ord. 07-188 § 2 (part), 2007)

**9.08.120 Vehicle markings to be displayed on vehicles for hire.**

A.

(Ord. 07-188 § 2 (part), 2007)

**9.08.130 Additional passengers—Passenger consent required.**

No driver of a vehicle for hire shall carry any passenger other than the passenger first employing the vehicle for hire without the consent of the first passenger.

(Ord. 07-188 § 2 (part), 2007)

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**9.08.140 Storage or transport of hazardous materials.**

The storage or transport of hazardous material in the exterior, interior compartment or trunk of a vehicle for hire is prohibited.

(Ord. 07-188 § 2 (part), 2007)

**9.08.150 Service rates.**

A.

(Ord. 07-188 § 2 (part), 2007)

**9.08.160 Authority to regulate fares and business generally—Rate schedule to be posted.**

A.

(Ord. 07-188 § 2 (part), 2007)

**9.08.170 Driver qualifications.**

(Ord. 07-188 § 2 (part), 2007)

(Ord. No. 09-2009, § 1, 10-12-2009)

Article II. Permits

**9.08.180 Application—Information required—Vehicle ownership required.**

A.

(Ord. 07-188 § 2 (part), 2007)

**9.08.200 Approval conditions—Issuance and display of card.**

(Ord. 07-188 § 2 (part), 2007)

**9.08.210 Suspension or revocation conditions.**

The mayor and council may, at any time, after notice and opportunity to be heard, suspend or revoke any vehicle for hire CPNC and/or any driver permit issued under this chapter upon a finding that any provision of this Chapter 9.08 has been violated; that the applicant has submitted false or misleading information to the city; the applicant has omitted information which if known by the city would have been grounds for denial; or that the person or business holding the CNPC or permit no longer meets the standards required for the issuance of same. . The business must

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follow all guidelines from the Georgia Department of Transportation Regulations O.C.G. A Title 40 – Motor Vehicles and Traffic

(Ord. 07-188 § 2 (part), 2007)

(Ord. No. 09-209, § 2, 10-12-2009)

**9.08.220 Suspension and revocation of vehicle for hire driver permits.**

- A. The mayor and council shall have the right to suspend for a given number of days, or to revoke entirely, following ten (10) days' notice and opportunity to be heard, any CPNC issued under this article when, in the opinion of the mayor and council, such suspension or revocation is needed to protect the health and welfare of persons and property. Sufficient reasons for suspension or revocation shall include, but not be limited to, the giving of false information on the application to obtain the CPNC, or a renewal thereof; a failure to comply with the Code of Ordinances of the city; or a failure to maintain a record of safe and lawful driving.
- B. In addition to all penalties provided for in this chapter, the mayor and council shall have the right to issue a civil fine not to exceed one thousand dollars (\$1,000.00) per violation, and to place license holder under a term of probation that is prescribed by the mayor and council.
- C. Also, in addition to other penalties provided in this chapter, the city code of ordinances, and laws of the state, the judge of the municipal court shall have the authority to revoke a vehicle for hire driver's CPNC when the holder thereof is convicted of a violation of the Code of Ordinances of the city.
- D. The police department or other authorities as designated by the city of Stockbridge shall enforce this chapter.
- E. The business must follow all guidelines from the Georgia Department of Transportation Regulations O.C.G. A Title 40 – Motor Vehicles and Traffic

(Ord. 07-188 § 2 (part), 2007)

(Ord. No. 22-499, § 5(Exh. D), 5-31-2022)

Chapter 9.12 SOLICITATION AND DOOR-TO-DOOR SALES<sup>1</sup>

**9.12.010 Definitions; permit required.**

- A. For the purposes of this article, "solicitation" shall mean the act of going door-to-door or house-to-house in the residential areas of the city and engaging in any type of selling, seeking donations, or any other business, occupation or vocation which involves any

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<sup>1</sup>Editor's note(s)—Ord. No. 18-465, § 1, adopted June 11, 2018, repealed former Ch. 9.12, §§ 9.12.010—9.12.140, in its entirety and enacted a new Ch. 9.12 as herein set out. Former Ch. 9.12 pertained to similar subject matter and derived from Ord. No. 13-307, § 1, adopted Apr. 8, 2013.

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attempt to obtain money, orders, donations, subscriptions or the like; whether such activity be on a temporary or permanent basis, and whether or not it be for any charitable, non-profit or profit-making organization or enterprise. The business or organization must provide a letter from a verified business on letterhead to sell or seek donations for the timeframe of the permit.

- B. "Solicitor" shall mean any person engaging in solicitation.
- C. "Solicitation permit" shall mean a permit to be issued to authorized solicitors by the city.
- D. Any person engaged in or desiring to engage in any type of solicitation shall first register with the business services department by completing a personal information questionnaire, submitting to a background check (from Stockbridge Police Department or Henry County Sheriff Office, and then obtaining a solicitation permit in accordance with the procedure described in Section 9.12.090.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.020 Announced purpose of call.**

At each dwelling, whether it be an apartment unit or private residence, every solicitor shall inform the occupant in unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game, or other competitive endeavor, or that he is offering the occupant an opportunity to participate in any such contest, game, or competitive endeavor.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.030 Decorum required.**

No solicitor shall use vulgar, insulting, or threatening language which by its very utterance tends to incite the immediate breach of the peace in the course of any solicitation, nor shall he remain upon the premises after the occupant of the premises has verbally indicated that he does not wish to make a purchase or donation. For the purpose of this article, a solicitation shall be deemed to continue until the solicitor has left the premises.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.040 Posted property.**

No solicitor shall enter a dwelling except at the express invitation of the occupant. No solicitation shall be made at any dwelling or in any group of apartments where a conspicuous "No Soliciting," "No Solicitation," "No Peddlers," or other similar sign is displayed at or near the main entrance or driveway of the premises.

(Ord. No. 18-465, § 1, 6-11-2018)

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### 9.12.050 Prohibited acts.

It shall be a violation of this article:

1. For any person, business, partnership, corporation, association, organization, or a group of persons to engage in any solicitation without first obtaining a permit or, if exempted pursuant to Section 9.12.070, a confirmation letter;
2. For any person to violate any of the provisions of this article or to violate any other city ordinance while engaging in any solicitation;
3. For any person to violate any criminal law of this state or to violate any state or federal consumer protection law while engaging in any solicitation. For purposes of this section, "consumer protection law" includes, but is not limited to, the Georgia Fair Business Practices Act (O.C.G.A. § 10-1-390 et seq.), the Georgia Home Solicitation Sales Act (O.C.G.A. § 10-1-1) (O.C.G.A. § 43-17-1) (dealing with professional fund raising), and the Federal Consumer Credit Protection Act (truth-in-lending and truth-in-leasing);
4. For any person to lend, rent, or sell his permit to another;
5. For any person to engage in any solicitation between the hours of 9:00 p.m. and 9:00 a.m., according to the standard time in effect at the time the violation is alleged to have occurred;
6. For any person to engage in any solicitation during a period in which his permit is in suspension or after his permit has been revoked;
7. For more than two (2) individuals to engage in solicitation upon any premises at the same time for the same goods or services; each individual member of a group engaged in solicitation in violation of this subsection shall be deemed to have violated this subsection;
8. For any person to make more than one (1) solicitation visit at the same premises for identical goods or services within any consecutive two-week period without receiving a prior invitation therefor from the occupant of any such premises; this provision shall be construed to include solicitation upon the same premises by employees, agents, or representatives of any person more than once during the aforesaid period without a prior invitation as provided in this subsection;
9. For any person with a criminal record as described in Section 9.12.120, whether or not otherwise eligible for an exemption under Section 9.12.070, to engage in any solicitation;
10. For any person, at the time of initial contact with a prospective customer, to fail to verbally identify himself and the organization, company and product line he represents for the purpose of the solicitation;
11. For any person engaged in solicitation to misrepresent the purpose of his solicitation or use any false or deceptive statement or misrepresentation to induce a sale or

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contribution, or use any plan, scheme, or ruse which misrepresents the status or purpose of the person making the call; or

12. For any person to solicit or attempt to solicit at a place of residence at any entrance or part of the building other than the main entrance to the residence.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.060 Penalty for violation of article.**

Any person charged with a violation of this article shall be apprehended by the police department or summoned to appear in the municipal court and, if found guilty, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisoned for a period not to exceed sixty (60) days for each offense.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.070 Exemptions.**

- A. Persons, businesses and organizations engaging in religious, non-profit, charitable or political activities not involving solicitation, or who are otherwise exempted from local regulation by operation of state or federal law, or by the Constitution of the United States, or of the state, are exempt from the requirements of this article.
- B. Representatives or agents of charitable or non-profit organizations, or non-profit corporations registered with the secretary of state, or tax-exempt organizations which have been recognized as such by the Internal Revenue Service of the U.S. Treasury Department, which intend to engage in solicitation, shall be treated as exempt from the provisions of Sections 9.12.010, 9.12.080, 9.12.090, 9.12.100, and 9.12.110, provided that the organization first supplies proof of the recognized status to the community development director and has received from the city written confirmation of its exempt status. The organization shall furnish each of its agents or representatives with a copy of the confirmation letter and furnish the city with a list of such agents or representatives to include name, date of birth, race, gender, and Social Security number. The organization shall promptly notify the city of changes in the list.
- C. Any person who calls upon prospective customers at their prior invitation shall be treated as exempt from the provisions of Sections 9.12.010, 9.12.080, 9.12.090, 9.12.100, and 9.12.110.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.080 Permit application.**

- A. The business services division shall prepare a questionnaire for the purpose of obtaining pertinent information regarding the physical description, identity, and background of each applicant for a permit. The questionnaire shall include the following:

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1. Name, local address, and telephone number;
  2. Date and place of birth;
  3. Driver's license number and issuing state;
  4. Social Security number;
  5. Race and gender;
  6. Height and weight;
  7. Eye color and hair color;
  8. Name, address and telephone number of the organization represented;
  9. Name and telephone number of immediate supervisor;
  10. Product or service; and
  11. A list of all criminal charges, convictions, and the disposition of each charge, other than minor traffic violations.
- B. The questionnaire form shall also bear the following statement: "O.C.G.A. § 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement."
- C. The city shall review the application and cause to be performed a background check on the applicant for the purpose of ascertaining whether the applicant has pled to or has been convicted of a felony, or a misdemeanor involving violence or moral turpitude. After ascertaining that the questionnaire has been properly completed, the community development director shall approve the application subject to the payment of a permit fee as provided in Section 9.12.080.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.090 Fee; issuance.**

Upon payment of the required permit fee (see schedule of fees) to the business services division, the applicant shall receive a copy of his permit approval if said application is approved. The applicant shall then be photographed and provided with a solicitation permit badge which shall bear the applicant's photograph, name, and organization and which shall identify the applicant as a solicitor.

(Ord. No. 18-465, § 1, 6-11-2018)

#### **9.12.100 Permit expiration and reapplication.**

- A. All permits expire sixty (60) days from the date of issuance.
- B. Each permit shall indicate thereon the expiration date.

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- C. Any solicitor desiring to continue solicitation within the city after the expiration of his permit must apply for a new permit pursuant to Sections 9.12.080 and 9.12.090.

(Ord. No. 18-465, § 1, 6-11-2018)

**9.12.110 Display of permit.**

Each permit holder will be given solicitation permit . No solicitor shall engage in any solicitation without having a copy of the solicitation permit.

(Ord. No. 18-465, § 1, 6-11-2018)

**9.12.120 Denial or revocation.**

- A. No solicitor's permit shall be issued to any person who has been found guilty of any misdemeanor involving violence or moral turpitude any time within five (5) years prior to the date of application; nor shall a permit be issued to any person convicted of a felony, except that a permit may be issued to a convicted felon if it appears that he either has been pardoned or that he has been free from any legal restriction for a period of five (5) or more years prior to the date of the application. For the purposes of this article, the terms "conviction" and "found guilty" shall be deemed to include verdicts or pleas of guilty or nolo contendere, except those that cannot be considered by law (such as first offender acts), entered by a court of this state, a court of any sister state, or any federal district court. Any permit issued as the result of willful false statements or omissions in the solicitor's application for the permit shall be deemed null and void from the time of its issue.
- B. The permit of any solicitor, who is convicted of a felony, or of a misdemeanor involving moral turpitude or violence, shall be deemed revoked from the time of the conviction. The permit of any solicitor convicted of having violated any provision of this article after issuance of the permit shall be deemed revoked from the time of the conviction.
- C. Any revocation occurring pursuant to the provisions of this article shall be effective by operation of law, whether or not any formal notification to the solicitor is given or received.

(Ord. No. 18-465, § 1, 6-11-2018)

**9.12.130 Surrender of permit.**

- A. Any permit issued pursuant to the provisions of this article for the use of any person is, and shall remain, the property of the city. Each permit holder shall surrender his solicitation permit to the business services office no later than three (3) business days following the expiration or revocation of the permit.
- B. Should any permit holder be arrested and charged with violating any law while engaging in solicitation, either within the city or in any other jurisdiction, then the city (or county as applicable) police chief or his designee shall be authorized to demand the immediate surrender of such permit holder's solicitation permit badge.

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- C. Any permit holder who is forced to surrender his permit pursuant to subsection (b) of this section shall be entitled to appeal such decision pursuant to Section 9.12.140.

(Ord. No. 18-465, § 1, 6-11-2018)

**9.12.140 Appeal upon denial, surrender or revocation.**

- A. In any case in which it appears to the community development director that the solicitor's permit should not be issued to an applicant, the community development director shall so inform the applicant and, upon the applicant's request, shall furnish the applicant with a reasonably detailed written statement of the reasons why the permit will not be issued.
- B. If the community development director refuses to authorize the issuance of a permit, or in the event that a permit is surrendered pursuant to the provisions of Section 9.12.130, the applicant or permit holder shall have the right to review thereof by appeal to the governing body.
- C. Such appeal shall be by written petition filed in the office of the business services manager within fifteen (15) days after notification of the action of the community development director.
- D. A hearing shall be conducted on each appeal within sixty (60) days of the date of filing with the business services manager.
- E. The decision of the governing body shall be final unless appealed within thirty (30) days of the date of such decision by certiorari to the superior court of Henry County.

(Ord. No. 18-465, § 1, 6-11-2018)

Chapter 9.13 NONPROFIT ACTIVITIES

**9.13.010 Registration; permit required.**

Any person desiring to conduct nonprofit activities in the city shall register with and obtain a written permit to conduct nonprofit activities from the business services manager for solicitation or garage sales.

(Ord. No. 16-418, § 1(Exh. A), 11-14-2016)

**9.13.020 Permit application.**

Any person desiring a permit to conduct nonprofit activities in the city shall file, on a form to be supplied by the business services manager, an application containing the following:

- (1) Name of the applicant;
- (2) Permanent home address of the applicant;
- (3) Name and address of nonprofit organization or organizations to be represented;

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- (4) Names and addresses of any persons conducting or assisting in the conduct of nonprofit activities on behalf of applicant;
  - (5) Nature of any merchandise, wares, goods or any similar items to be sold or offered for sale or given away in conjunction with the nonprofit activities;
  - (6) Proof of tax-exempt status;
  - (7) Location or locations where nonprofit activities will be conducted.

(Ord. No. 16-418, § 1(Exh. A), 11-14-2016)

### **9.13.030 Permit issuance.**

Upon proper registration with the business services manager, a written permit shall be issued to be valid for a period of sixty (60) days from the date of issuance; provided however that no permit for the conduct of non-profit activities on within fifteen (15) feet of any public right-of-way for a period greater than seven (7) days from the date of issuance. In addition, identity cards shall be issued which must be carried by all persons while engaged in nonprofit activities.

(Ord. No. 16-418, § 1(Exh. A), 11-14-2016)

### **9.13.040 Regulated activities.**

Nonprofit activities shall be subject to the following regulations:

- (1) They shall only occur between 7:00 a.m. and 7:00 p.m.
- (2) Immediately prior to soliciting any person within the city, each representative shall present his or her identity card, issued by the business services manager, to each person solicited. Further, each representative must inform each person solicited as to any minimum donation required for the acceptance of any merchandise, wares, goods, or any similar items given by each representative prior to such acceptance by each person solicited.
- (3) The business services manager shall not issue a written permit to the same applicant for the conduct of nonprofit activities on or within fifteen (15) feet of any public right-of-way more than five (5) times in any calendar year.
- (4) The business services manager shall not issue a written permit for the conduct of nonprofit activities to any person who is not at least eighteen (18) years of age. Persons who are not at least eighteen (18) years of age may participate in nonprofit activities provided there is at least one (1) person permitted under this chapter for every four (4) persons who are not at least eighteen (18) years of age.
- (5) The business services manager shall not issue permits for the conduct of nonprofit activities on or within fifteen (15) feet of any public right-of-way to more than five (5) applicants from the same nonprofit organization at any given time for the same location or locations where such nonprofit activities will be conducted.

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- (6) Only one (1) nonprofit organization may conduct nonprofit activities at the same location or locations at the same time.

(Ord. No. 16-418, § 1(Exh. A), 11-14-2016)

### **9.13.050 Prohibited acts.**

It shall be unlawful for a representative of a nonprofit organization to:

- (1) Falsely represent, directly or by implication, that funds are being solicited on behalf of any nonprofit organization other than the one registered with the business services manager.
- (2) Without the express prior permission of any occupant or property owner, solicit at any residence, apartment complex, or shopping mall, other than areas open to public parking, where there is posted any sign forbidding any solicitation.
- (3) Remain on private premises after being asked to leave the premises or continue solicitation after being refused upon the public streets, areas or parks; such action shall constitute harassment.
- (4) Solicit at any residence where there is posted in plain view a sign reading as follows: "No Solicitors" or "No Peddlers."
- (5) With respect to any person conducting nonprofit activities on or within fifteen (15) feet of any public right-of-way, to conduct its business in such a manner that the flow of vehicular traffic is impeded. Specifically, conduct of nonprofit activities from travel lanes shall not be permitted; provided however, that walking alongside a line of cars may only be permitted if the person conducting nonprofit activities stays out of the travel lanes. No sales or gifts to vehicle occupants shall be permitted. Additionally, no persons under the age of eighteen (18) may be permitted to participate in nonprofit activities on or within fifteen (15) feet of any public right-of-way.

(Ord. No. 16-418, § 1(Exh. A), 11-14-2016)

### **9.13.060 Violations.**

Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to punishment as provided in section 1.04.080 of this Code for each offense.

(Ord. No. 16-418, § 1(Exh. A), 11-14-2016)

## **Chapter 9.16 PAWNSHOPS AND SECONDHAND DEALERS<sup>2</sup>**

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<sup>2</sup>Editor's note(s)—Ord. No. 12-282, § 1, adopted Aug. 13, 2012, repealed former Ch. 9.16, §§ 9.16.010—9.16.210, in its entirety and enacted new provisions as herein set out. Former Ch. 9.16 pertained to pawnshops and derived from Ord. No. 97-5, 1997; Ord. No. 01-04, § 1, 2001; Ord. No. 01-34, § 1, 2001.

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### **9.16.010 Short title.**

This chapter shall be known as the Stockbridge Pawnbroker and Secondhand Dealer Ordinance.

(Ord. No. 12-282, § 1, 8-13-2012)

### **9.16.020 Findings and intent.**

This chapter is adopted to address the interest of public safety, health, and welfare of the community, to aid and assist in the recovery of stolen property, and to aid and assist local law enforcement in fulfilling their public safety functions.

(Ord. No. 12-282, § 1, 8-13-2012)

### **9.16.030 Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section or shall have the same meaning as set forth in the O.C.G.A. § 44-12-130, should those definitions differ.

"Automated reporting system" means the computer-based system that is specified by the chief of police or his designee that is designed to record and transmit data and information electronically.

"Employee" means any person who works in a pawnshop, whether on a part-time or full-time basis, regardless of whether remuneration is received or not.

"Month" means that period of time from one (1) date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month.

"Pawn or pledge" means a bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the implied power of sale on default.

"Pawn customer" means an individual who pledges, pawns, exchanges, or sells property to a pawnbroker.

"Pawnbroker" means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph.

"Pawnshop" means any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn or exchange, any goods, wares, merchandise or any kind of personal property as security for the repayment of money lent thereon.

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"Pawn transaction" means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledge goods may be redeemed or repurchased by the pledger or seller for a fixed price within a fixed period of time.

"Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

"Pledged goods" means tangible personal property, including, without limitation, all types of motor vehicles or any motor vehicle certificate of title, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction. However, for purposes of this Code section, possession of any motor vehicle certificate of title which has come into the possession of a pawnbroker through a pawn transaction made in accordance with law shall be conclusively deemed to be possession of the motor vehicle, and the pawnbroker shall retain physical possession of the motor vehicle certificate of title for the entire length of the pawn transaction but shall not be required in any way to retain physical possession of the motor vehicle at any time. "Pledged goods" shall not include choses in action, securities, or printed evidence of indebtedness.

(Ord. No. 12-282, § 1, 8-13-2012; Ord. No. 22-503, § 1(Exh. B), 6-29-2022)

#### **9.16.040 Enforcement.**

The business services division along with the business compliance officer shall see that the provisions of this chapter are observed and enforced.

(Ord. No. 12-282, § 1, 8-13-2012)

#### **9.16.050 Employees.**

No person shall be an employee of a pawnshop in any capacity until such person has been fingerprinted by the Stockbridge Police Department or Henry County Sheriff Office and has been issued an annual permit authorizing such person to be employed by a pawnshop. It shall be the duty of the pawnbroker to assure that there is compliance with the provisions of this section. It shall be the duty of the licensee to ensure the provisions of this section are strictly followed.

(Ord. No. 12-282, § 1, 8-13-2012; Ord. No. 22-503, § 1(Exh. B), 6-29-2022)

#### **9.16.060 General policies and purposes.**

- A. Pawnbrokers may operate only after the issuance of a license for such operation by the City of Stockbridge and only in the manner permitted by such license. Pawn transactions may only occur through a licensee who complies with the rules and regulations of this chapter and with the licensing, regulatory and revenue requirements of the State of Georgia.
- B. All licenses are a mere grant or privilege subject to all terms and conditions imposed by this chapter and state law and subject to being revoked by the City of Stockbridge.

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- C. Each licensee of the city shall display the license issued under this chapter prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale, and a separate application must be made for each outlet.

(Ord. No. 12-282, § 1, 8-13-2012)

**9.16.070 Qualifications for issuance of license.**

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the majority stockholder and each principal officer of the corporation must meet the qualifications as part of the applications process.

- A. No owner, employee, pawnbroker or any person connected with a pawnshop for which a license or permit is sought shall have been convicted of a crime involving "moral turpitude" or shall have been convicted of any crime involving felony theft, burglary, robbery or a violation of the "Family Violence Act."
- B. No license shall be granted to an applicant who is under the age of eighteen (18) years of age;
- C. All persons filing an application for a pawnshop license will be required to complete a waiver in order for the applicant's criminal history to be obtained.
- D. No license shall be granted where the applicant has had any pawnshop license issued by any county, municipality or other governmental subdivision suspended or revoked.
- E. No license shall be granted for a location that is not in compliance with any federal, state or local regulation including, but not limited to, a state certificate of occupancy, a City of Stockbridge certificate of occupancy.
- F. No license shall be issued where the applicant has supplied false information in a license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to other departments of the City of Stockbridge.

(Ord. No. 12-282, § 1, 8-13-2012)

**9.16.080 Annual payment.**

Before operating a pawnshop or becoming an employee of a pawnshop, any person must first file an application with the municipal/county police department for a regulatory license to operate or be employed in the pawnshop, pursuant to the following:

- A. The application shall be made on an annual basis;

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- B. No permit shall be issued until a fee in an amount established by action of the city council, a copy of which is on file in the office of the business services manager, is paid to the city;
  - C. The application shall state the physical address of the pawnshop;
  - D. The application shall contain the full name, street address, mailing address, phone number, facsimile number, e-mail address, Social Security number and date of birth of any employee, owner, or pawnbroker.
  - E. The chief of police or any other office of the city/county designated by the city council shall investigate each applicant for such license and shall report to the city council whether such applicant is a person of good character and has not been convicted of a criminal offense as indicated in this chapter.

(Ord. No. 12-282, § 1, 8-13-2012)

**9.16.090 Application.**

- A. All applications required in Sec. 9.16.080, Annual permit, shall be in writing and on forms provided by the municipal/county police department.
- B. All applications shall be completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other office authorized to administer oaths.
- C. All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information and records within thirty (30) days from the date of such request shall automatically serve as grounds to deny the application. An applicant, by filing an application, agrees to produce for questioning any person(s) who are considered relevant to the ascertainment of facts relative to such license, as may be requested by the city council, the municipal/county police department, or other official designated by the city council. Failure to produce such persons within thirty (30) days after being requested to do so may result in denial of the application.
- D. No pawnshop shall be operated at the same location or in the same premises with the sale, dealing in, exchange, or handling of other than new goods, ware or merchandise. No license for the sale, dealing in, exchange or handling of other than new goods, wares, or merchandise shall be issued for a location licensed as a pawnshop.
- E. Each applicant shall certify on the application that they have read this chapter and, if the license is granted, each licensee shall maintain a copy of this chapter on the premises.
- F. Once an application, accompanying documents, and the required investigative and license fees are filed with the municipal/county police department, the police department shall conduct a criminal investigation of the applicant and prepare a written criminal investigation report detailing all information relating to fingerprinting, criminal history, arrest data, and other matters pertinent to law enforcement. Upon completion of the criminal investigation report, the municipal/county police department shall assemble the tendered application forms and accompanying documents relating to investigation and processing of the application and deliver such documents to the city administrator/business services

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manager. If the criminal investigation report shows that the applicant meets the requirements set by this chapter and all other requirements of this chapter are satisfied then the city administrator/business services manager shall schedule the application for hearing at the next regularly scheduled public hearing calendar before the city council and shall so inform the applicant of this fact before such meeting. If the criminal investigation report shows that the applicant fails to meet the requirements set by this chapter, or if the applicant fails to meet all other requirements outlined by this chapter, then the city administrator/business services manager shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be before the city council in accordance with Section 9.16.190, Appeal procedure, of this chapter. If an applicant desires to appeal a denial, the applicant must file a written request for an appeal with the city administrator/business services manager within ten (10) business days of the date of the written notice informing the applicant of the denial of this license.

- G. Any application that the city administrator/business services manager determines to satisfy all the requirements outlined in this chapter, including character requirements as contained in the criminal investigation report of the municipal/county police department, shall be scheduled for review at the next regularly scheduled public meeting of the city council. At that meeting, the applicant and any person opposed to such application has the right to present to the city council any information that the city council determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the city council shall look to the qualifications set forth in this chapter and consider the public interest and welfare of the citizens of the city. The city council shall have the discretion to grant or deny the application based on the information presented. A decision by the city council shall be made within thirty (30) days from the date of the public hearing, unless the decision is postponed for purposes of obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the city council shall be mailed to the applicant. If the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be taken solely in accord with Section 9.16.190, Appeal procedure, of this chapter.
- H. In all instances in which an application is denied, the applicant may not reapply for the same type of license for at least one year from the date of denial.
- I. Upon the issuance of a license, the licenses must have and continuously maintain in the city a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter may be served. This person must be an individual and must be a resident of the city. The license shall submit the name of such agent, along with the written consent of such agent, to the city administrator/business services manager. The identity of the agent may also be submitted contemporaneous to filing the license application.
- J. Upon approval by the city council of the application for a license, the city administrator/business services manager shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the applicant is a corporation, the license shall be issued in the

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name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. If the applicant is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be one-half the annual license fee. License fees are not refundable once the license is granted by the city.

(Ord. No. 12-282, § 1, 8-13-2012)

#### **9.16.100 Commencement and forfeiture.**

- A. All holders of licenses under this chapter must, within six months after the issuance of the license, open for business the establishment referred to in the license, unless such period is extended by the city administrator/business services manager. Failure to open the licensed establishment as referred to in this subsection within the six-month period shall serve as an automatic forfeiture and cancellation of the license, and no refund of license fees shall be made to the license holder.
- B. Any holders of a license under this chapter who shall begin the operation of the business as authorized in the license, but who shall for a period of three consecutive months thereafter cease to operate the business as authorized in the license, shall automatically forfeit his license, which license shall, by virtue of such failure to operate, be canceled without the necessity for any further action by the city administrator/business services manager or the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

#### **9.16.110 Renewals and transfers.**

Any license holder subject to this chapter shall apply for renewal of any existing license and shall pay the annual license fee no later than February 15th of each calendar year in which it does business.

- B. No license granted for a pawnshop shall be transferable except on application to the municipal/county police department in the same form and manner, and subject to the same requirements with respect to the transferee as are applicable in an original application. Any such license may be transferred only to another applicant doing the same business at the same place as the license holder to whom the license was originally issued. When permission for transfer has been granted, the original licensee or transferee shall cause the license to be delivered to the city administrator/business services manager, who shall record such transfer, and the transferee shall pay a fee therefore as a condition precedent to engaging in operations under the license. The fee for such transfer shall be established from time to time by the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

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### **9.16.120 Disposal of articles.**

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods or buys pledged goods on the condition that the seller may repurchase said goods, shall hold said goods for at least thirty (30) days before disposing of them by sale, transfer, shipment or otherwise. Non-pledged goods bought under this section shall be held for at least seven (7) calendar days before disposing of them by sale, transfer, shipment or otherwise.

(Ord. No. 12-282, § 1, 8-13-2012)

### **9.16.130 Minors.**

It shall be unlawful for any pawnbroker or employee of a pawnshop to receive goods in pawn, trade, purchase or sale from a person under eighteen (18) years of age.

(Ord. No. 12-282, § 1, 8-13-2012)

### **9.16.140 Hours of operation.**

All holders of licenses under this division shall operate only during the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday.

(Ord. No. 12-282, § 1, 8-13-2012)

### **9.16.150 Lost or stolen items.**

- A. It shall be the duty of every person operating or employed by a pawnbroker's license or permit, to report to the chief of police or his duly authorized agent any article or goods sold or pawned to him if he shall have a reason to believe that the article or goods was stolen or lost when presented by seller or customer.
- B. With respect to any items which would normally have a serial number or other means of identification, if any pawnbroker or employee of a pawnshop becomes aware that such items have had the identification removed, defaced or destroyed, such fact shall be immediately reported to the chief of police or his duly authorized agents.
- C. If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the chief of police or his duly authorized agent shall be done upon demand.

(Ord. No. 12-282, § 1, 8-13-2012)

### **9.16.160 Suspension and revocation of license.**

Immediate suspension, revocation, or forfeiture of an issued license by the city council shall occur only after notice and opportunity for a hearing before the city council consistent with the

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procedures set forth in Section 9.16.190, Appeal procedure, and only upon the following occurrences:

- A. Any license issued under this chapter for the operation of a pawnshop shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the licensed outlet or property therein.
- B. Except as provided in Section 9.16.110, Renewals and transfers, any change in the ownership of an entity owning a licensed outlet shall be grounds for the city council to revoke any license issued under this chapter.
- C. A license shall be immediately suspended or revoked by the city council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this chapter.
- D. The city council shall immediately suspend or revoke the license of any licensee who does not meet the qualifications set forth in this chapter at any time such information becomes known to the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

**9.16.170 Records and documentation; identification; digital images, submission of reports, fingerprints and photographs; reporting.**

- A. Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the municipal/county police department via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnshop and shall be made at the time of each transaction. This description shall include, to the extent possible, the name of the maker of the article, any identifying mark and/or number and a statement of the kind of material of which it is made. In these records there shall be entered also the full name, address, telephone number, race, sex, height, weight, driver's license or ID number, and date of birth of the person by whom the article was deposited or sold, and the time when it was done. In addition to the aforesaid, provided the following information is shall be included:
  - 1. The date and time of the purchase, pawn, or sale of the property.
  - 2. The full name, street address, and telephone number of the customer making the pledge, trade, or sale.
  - 3. A description of the person selling or pawning, including their name, address, date of birth, race, sex, weight and height, and the distinctive number from each pawn customer's driver's license or other government-issued identification containing a photo of the customer.
  - 4. A full description of property pledged, traded, pawned, exchanged, or sold, including kind, manufacturer, model, serial number, style, material, color, design; kind and

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- number of stones in jewelry, caliber and finish of firearms, and any other identifying names, marks and numbers.
5. The number of the receipt or pawn transaction issued for the property pawned or bought.
  6. The price paid or the amount loaned.
  7. The maturity date of the transaction, if a pawn.
  8. A photograph of the customer and the item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction.
  9. The signature of the customer.
  10. The fingerprint of the right hand index finger of the customer, unless such finger is missing, in which even the print of the next finger in existence on the right hand of the person pawning the articles shall be obtained with the notation as to the exact finger printed.
  11. A well-focused, properly exposed color photograph or photographs with a digital camera or web camera, of the items being pledged, traded, or sold, including serial numbers or identifying marks.
  12. A well-focused, properly exposed digital photograph or scanned image of any bill of sale, receipt or other document tending to show the seller's ownership of the items purchased by the dealer, if any such documents exist.
- B. Every pawnshop shall enter each transaction as it occurs into the electronic reporting system or may elect to upload electronically via the internet a batch file of all transactions for each business day to the administrator of the electronic automated reporting system immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the municipal/county police department.
- C. Every pawnshop shall enter each transaction as it occurs into the electronic automated reporting system via the internet to the administrator of the electronic automated reporting system. The administrator of the electronic automated reporting system will electronically transmit all transactions to the police department.
- D. In the event the electronic automated reporting system becomes temporarily or permanently disabled, pawnshops and pawnbrokers will be notified as soon as possible by the police department. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting should notify the police department forthwith with the reason of the failure. In this event, the pawnbrokers will be required to make records of transactions in paper forms prescribed by the police department. Such paper forms must include all information as enumerated in subsection B. above. Pawnbrokers shall be responsible for maintaining an adequate inventory of these forms. A digital camera will be used to collect the required pictures and transferred to a USB for submittal. On a daily basis, all transactions not reported in electronic automated reporting

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system, will be delivered to the police department by the pawnshop before noon on the following business day for every day until the event has been corrected.

- E. Any duly authorized law enforcement officer may, during the ordinary hours of business or any other reasonable time, inspect any pawnbroker's electronic records at the pawnbroker's place of business to ensure compliance with this section.
- F. The pawnbroker shall assign a pawnshop transaction number documenting each transaction, and ensure each item received is tagged with the pawnshop transaction number. Transaction numbers must be consecutive with no skipped numbers.
- G. The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means. This paragraph does not apply to the purchase of property from licensed wholesale or distributor businesses for the purpose of retail sales; however, the pawnbroker shall be required to maintain all purchasing records for property exempted from this paragraph.
- H. The pawnbroker shall require all persons pledging, trading, pawning, exchanging, or selling property to show proper identification prior to conducting a pawnshop transaction. Proper identification is defined as a government-issued photo identification card such as a driver's license, military identification card, passport, or other similar document approved by the chief of police.
- I. The pawnbroker shall photograph with a digital camera or web camera, the pawn customer along with a pawnbroker's ticket showing a transaction number. The pawnbroker shall also photograph the pawned merchandise, including any serial numbers or identifying marks. The pawnbroker shall obtain a fingerprint of the pawn customer's right index finger provided it has not been amputated; if so, a print of the next adjoining finger shall be acceptable. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review.
- J. The pawnbroker shall store the above records, digital images, and fingerprints for a period of four (4) years and make them available to law enforcement personnel upon request.
- K. Insufficient reports, photographs, and fingerprints shall be rejected, and any pawnbroker making them shall be deemed guilty of an offense.
- L. The municipal/county police department has the authority to place property that is the subject of police investigation on "police hold." In that event, the municipal/county police department shall notify the pawnbroker of the need for a police officer hold and identify all property subject to the police hold. The pawnbroker shall physically check to ensure the subject property is in the pawnshop and has not been redeemed, sold, transferred, melted down, or otherwise disposed of. When the pawnbroker has confirmed to the police department that the property is in the shop, it shall be the responsibility of the pawnbroker to maintain the subject property until such time as the property is released from police hold status or the property is confiscated as evidence.
- M. The chief of police or his designee shall select and designate the required automated reporting system.

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(Ord. No. 12-282, § 1, 8-13-2012; Ord. No. 22-503, § 1(Exh. B), 6-29-2022)

Editor's note(s)—Ord. No. 22-503, § 1(Exh. B), adopted June 29, 2022, amended the title of § 9.16.170 to read as herein set out. The former § 9/16/170 title pertained to record of transactions.

**9.16.180 Violations.**

- A. It shall be unlawful for any pawnbroker or employee of a pawn shop to violate any of the provisions of this chapter, whether or not such person or employee is the holder of a current valid permit issued according to the terms of this chapter. Further, any person failing to comply with any provision of this chapter or other rules, ordinances and regulations as may be passed by the city council for conduct of the business of a pawnbroker, shall upon conviction, have the license to conduct business revoked.
- B. It shall be unlawful for any pawnbroker or employee of a pawnshop to:
  - 1. Make any false statement in an application for any permit provided for in this chapter.
  - 2. Make any false entry in any record book, ledger or form required by the terms of this chapter.
  - 3. Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.
- C. Persons who violate this chapter shall be guilty of a misdemeanor.

(Ord. No. 12-282, § 1, 8-13-2012)

**9.16.190 Appeal procedure.**

- A. Upon receipt of a timely appeal of an administrative denial, or upon alleged violation of those items in Section 9.16.160, Suspension and revocation of license, the city administrator/business services manager shall schedule a hearing before the city council and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The city administrator/business services manager shall also state in the written notice the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the city attorney and the adverse party and/or counsel for the adverse party.
- B. The city council shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence, and a determination will be made on the basis of the evidence presented at the hearing.
- C. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defenses he has. The adverse party shall have the right to be represented

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by an attorney at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses. An opportunity for rebuttal shall be provided.

- D. At the conclusion of the hearing, the findings and conclusions of the city council shall be forwarded to the city administrator/business services manager, and it shall be the duty of the city administrator/business services manager to provide written notification via certified mail to the adverse party of the decision of the city council.
- E. The decision of the city council shall be final unless appealed to the Superior Court of Henry County within thirty (30) days of receipt of the city administrator/business services manager's written notification to the adverse party of the city council's decision.

(Ord. No. 12-282, § 1, 8-13-2012)

### **9.16.200 License limitation.**

- A. Licenses Available. The number of licenses available for pawnbrokers shall be determined based on the most recent United States Census data. The city council may authorize additional licenses if deemed necessary to meet the economic development goals of the city.
- B. Whenever it shall be recognized by the community development director that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional licenses, and it is determined by the community development director that one (1) or more additional licenses are available, the city shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication.
- C. If, during this period, applications are received which exceed the number of newly available licenses, there shall be held a lottery, administered by the community development director, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of licenses up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed.
- D. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

(Ord. No. 12-282, § 1, 8-13-2012; Ord. No. OR 13-305, § 1, 4-8-2013; Ord. No. OR24-560, § 1, 3-26-2024)

## Chapter 9.17 DEALERS IN PRECIOUS METALS AND GEMS

### **9.17.010 Definitions.**

- A. "City" means the City of Stockbridge, Georgia.
- B. "Business services manager" means the business services manager of the city of Stockbridge, Georgia.

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- C. "Person" means any individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.
  - D. "Dealer in precious metals or gems" means:
    - 1. Any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems; or
    - 2. A person engaged in any other business if, in conjunction with such business, precious metals or gems or goods made from precious metals or gems are purchased from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems where such purchase is for resale in its original form or as changed by remounting, melting, remolding, or recasting or for resale as scrap or in bulk.
  - E. "Gems" means any precious or semiprecious stone which is cut and polished.
  - F. "Numismatic coins" means coins whose value as collectors' items exceeds the value of the content of the precious metals in the coins.
  - G. "Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.
  - H. "Precious metals" means gold, silver, or platinum or any alloy containing gold, silver, or platinum.

(Ord. No. 11-253, § 1, 6-13-2011)

#### **9.17.020 License required.**

No person shall conduct business as a dealer in precious metals or gems or maintain an establishment for the purposes of conducting business as a dealer in precious metals or gems, until a business license has been obtained from the business services manager. Such license application shall be made to the business services manager and license issued upon approval of the mayor and city council.

(Ord. No. 11-253, § 1, 6-13-2011)

#### **9.17.030 Limitation on issuance.**

##### **A. Preliminary Findings.**

- 1. As a municipality located within the Atlanta Standard Metropolitan Statistical Area which is experiencing rapid growth and change due to urbanization of our county and being familiar with the experiences of other urban and suburban counties and municipalities including, but not limited to, Atlanta, Dekalb County, and Fulton County, Georgia, which experiences are relevant to the problems faced by the city, the mayor and council take note of the well-known and self-evident conditions attendant to

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- the operation of businesses by dealer in precious metals or gems, which do not vary greatly among generally comparable communities within our country.
2. Moreover, it is the finding of the mayor and council that operation of businesses by dealers in precious metals or gems under certain circumstances leads to an increase in the surrounding area of criminal behavior and creates undesirable community conditions.
  3. Among the acts of criminal behavior identified with the operation of businesses by dealers in precious metals or gems, are theft, burglary, drug trafficking, drug use and corruption of minors. Among the undesirable community conditions identified with such businesses, are actual or perceived depression of property values or acceleration of community blight in the surrounding neighborhood, increased allocation in expenditures for law enforcement personnel to preserve law and order, and an increased burden on the judicial system as a consequence of the criminal behavior described in this section.
  4. Accordingly, it is in the best interest of the health, welfare, safety and morals of the community to reduce the adverse impact of businesses operated by dealers in precious metals or gems by limiting the number of such uses, so as to reduce the negative impacts of such businesses upon other business uses, neighborhood property values, residential areas and public and semipublic uses; to ensure that businesses operated by dealers in precious metals or gems do not impede development, redevelopment and neighborhood revitalization efforts.
  5. Therefore, the numerical limitation of businesses operated by dealers in precious metals or gems is in the public welfare and is a matter of governmental interest and concern to minimize the occurrence of criminal behavior and undesirable community conditions normally associated with such activities. To that end, the ordinance codified in this section is adopted.
- B. No precious metal or gems dealer's license shall be issued to any person or to any dealer in precious metals or gems who has been convicted of any crime involving as an element thereof the theft of property.
  - C. Licenses Available. The number of licenses available for dealers in precious metals or gems shall be determined based on the most recent United States Census data. The city council may authorize additional licenses if deemed necessary to meet the economic development goals of the city.
  - D. Whenever it shall be recognized by the community development director that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional licenses, and it is determined by the community development director that one (1) or more additional licenses are available, the city shall publish a notice, one time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication. If, during this period, applications are received which exceed the number of newly available licenses, there shall be held a lottery, administered by the community development director, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order

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reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of licenses up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

(Ord. No. 11-253, § 1, 6-13-2011; Ord. No. 12-284, § 2, 8-13-2012; Ord. No. OR 13-302, 4-8-2013; Ord. No. OR24-560, § 1, 3-26-2024)

#### **9.17.040 Application for business license.**

An application for business license for dealers in precious metals or gems shall be filed with the business services manager. The clerk shall furnish a copy of the application to the chief of police of the Stockbridge Police Department. The application shall be on forms furnished by the business services manager and shall contain the following information:

- A. The name and address of the applicant;
- B. At least three (3) persons of good character that may be used as character references for the applicant;
- C. The name of one (1) person not living at the same address of the applicant who will always know where the applicant is living if the applicant has moved;
- D. The places of residence of the applicant for the last two (2) years;
- E. Information as to whether the applicant has ever been convicted of a felony;
- F. If the applicant is a partnership, corporation, or limited liability company, the information required by subsections A through E of this section shall be furnished as to each partner, officer and director of the entity;
- G. Any other information the business services manager may need in order to properly evaluate the application.

(Ord. No. 11-253, § 1, 6-13-2011; Ord. No. 22-499, § 6(Exh. E), 5-31-2022)

#### **9.17.050 Fees—Application fee, occupation tax and regulatory fee.**

Pursuant to Chapter 9.01 of this code, the following fees will be imposed on each dealer in precious metals or gems doing business within the city, or for each individual establishment maintained for the purpose of doing business as a dealer in precious metals or gems within the city:

- A. Application Fee. One time non-refundable fee—Two hundred ten dollars (\$210.00).
- B. Annual occupation tax—Based on gross receipts.
- C. Annual regulatory fee—One thousand two hundred dollars (\$1,200.00).

(Ord. No. 11-253, § 1, 6-13-2011)

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### **9.17.060 Revocation and suspension of licenses.**

- A. Revocation and Suspension of Licenses. Licenses issued under Chapter 9.17 of this code may be revoked or suspended upon the following:
1. A conviction of the licensee or an employee of the licensee or plea of guilty or nolo contendere by the licensee or an employee of the licensee in any municipal court, state court or federal court of any offense involving theft-related offenses;
  2. A showing of evidence to the mayor and city council that a violation of any of the provisions of this chapter has occurred or that provisions of this chapter have not been complied with by the licensee or any employee, officer or agent of the licensee.
- B. Procedures for Revocation and Suspension of License. The following procedures shall be followed in the revocation or suspension of licenses under Chapter 9.16 of this code:
1. Notice shall be sent by the business services manager to the holder of a license at least fourteen (14) days in advance so that the mayor and council of the city will hear a recommendation that the license be revoked and/or suspended. Said notice shall:
    - a. Notify the license holder and the chief of police of the Stockbridge Police Department as to the time and place that a recommendation for revocation will be heard; and
    - b. Include the grounds on which this recommendation to council will be made, including provisions of the code which have been violated;
  2. The city council of the city shall hear a recommendation for revocation and/or suspension at one (1) of its meetings, at which time the holder of a license and any other interested parties will be heard;
  3. No license shall be revoked or suspended until a majority of the city council so decide at the time of or subsequent to the hearing on the recommendation for revocation or suspension.

(Ord. No. 11-253, § 1, 6-13-2011; Ord. No. 22-499, § 6(Exh. E), 5-31-2022)

### **9.17.070 Transfer of licenses.**

Licenses issued pursuant to this chapter shall not be transferable to any other person, except by a majority vote of the city council, and upon the filing and approval of an application as provided in Section 9.17.040. It is unlawful for any person to do business, or attempt to do business, under a license transferred to him without such approval of the city council.

(Ord. No. 11-253, § 1, 6-13-2011)

### **9.17.080 Business hours.**

No dealer in precious metals or gems shall open his place of business or conduct any business therein between the hours of nine o'clock (9:00) p.m. and eight o'clock (8:00) a.m.;

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provided, however, that such a place of business may remain open until ten o'clock (10:00) p.m. on Friday and until eleven o'clock (11:00) p.m. on Saturdays. No dealer in precious metals or gems shall open his place of business or conduct any business therein on Sunday.

(Ord. No. 11-253, § 1, 6-13-2011)

**9.17.090 Articles with no serial number or with number removed shall not be accepted.**

- A. No dealer in precious metals or gems, or employee, officer or agent of a dealer in precious metals or gems, or person holding a license under this chapter, shall accept any of the following precious metals or gems:
1. Those precious metals or gems which have had the serial or identification number removed; or
  2. Those precious metals or gems which bear no serial or identification number and the dealer in precious metals or gems knows should have a serial or identification number upon it.

(Ord. No. 11-253, § 1, 6-13-2011)

**9.17.100 Dealing with minors.**

It is unlawful for any dealer in precious metals or gems, his officers, agents or employees, to receive from persons under the age of seventeen (17) or receive from minors precious metals or gems. Any dealer in precious metals or gems, his officers, agents or employees, accepting articles or precious metals or gems pursuant to this chapter, shall obtain sufficient identification from the customer in order to verify the customer's name, address and date of birth. Such documentation must include a photo identification of the customer.

(Ord. No. 11-253, § 1, 6-13-2011)

**9.17.120 Acceptance of articles—Compliance with Section 9.17.140 required.**

No dealer in precious metals or gems, his officers, agents or employees, shall take precious metals or gems without entering such items on his books as provided in Section 9.17.140. Any violation of this section shall be punished as for a misdemeanor and/or revocation or suspension of the dealer in precious metals or gems license.

(Ord. No. 11-253, § 1, 6-13-2011)

**9.17.130 Fingerprint required.**

All dealers in precious metals or gems, his officers, agents or employees, will require any person from whom they accept precious metals or gems to place the fingerprint of his right index finger on both hands in ink on the back of the copy of the sales ticket which is to be sent to the Stockbridge Police Department. Fingerprints must be clear, without smears. Any violation of this

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section shall be punished as for a misdemeanor and/or revocation or suspension of the dealer in precious metals or gems license.

(Ord. No. 11-253, § 1, 6-13-2011; Ord. No. 22-499, § 6(Exh. E), 5-31-2022)

**9.17.140 Recordkeeping requirements—Police inspection authority.**

- A. Every dealer in precious metals or gems shall maintain a book, in permanent form, in which shall be entered at the time of each purchase of precious metals or gems or goods made from precious metals or gems the following:
  - 1. The date and time of the purchase;
  - 2. The name of the person making the purchase from the seller;
  - 3. The name, age, and address of the seller of the items purchased and the distinctive number from such seller's driver's license or other similar identification card containing a photo of the seller;
  - 4. A clear and accurate identification and description of the purchased goods, including the serial, model, or other number, and all identifying marks inscribed thereon;
  - 5. The price paid for the goods purchased;
  - 6. The number of the check issued for the purchase price, if payment is made by check; and
  - 7. The signature of the seller.
- B. The permanent record book required by this Code section shall be in legible English. Entries shall appear in chronological order. No blank lines may be left between entries. No obliterations, alterations, or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The book shall be maintained for each purchase of precious metals or gems or goods made from precious metals or gems for at least two years. The book shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.
- C. Dealers exclusively engaged in buying or exchanging for merchandise scrap dental gold and silver from licensed dentists by registered or certified mail or statutory overnight delivery may record the post office record of the mailed parcel in lieu of the seller's age and driver's license number as required in paragraph 3 of subsection A of this Code section and in lieu of the seller's signature as required in paragraph 7 of subsection A of this Code section.

(Ord. No. 11-253, § 1, 6-13-2011)

**9.17.150 Records maintained for four years.**

The record of each precious metals or gems purchase transaction as herein provided shall be maintained for a period of not less than four (4) years.

(Ord. No. 11-253, § 1, 6-13-2011)

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### **9.17.160 Daily report to police—Contents.**

- A. Every dealer in precious metals or gems shall make a daily report to the appropriate city or county law enforcement officer in the manner, form, and format designated by said law enforcement officer, of all transactions involving precious metals, gems, or goods made from precious metals or gems, that occurred during the previous twenty-four (24) hours to the date of the report. The report shall contain the information specified in paragraphs 1 through 5 of subsection A of Code Section 9.17.140 and shall be in legible English in an electronic or written format designated by the city's law enforcement representative and mailed or electronically delivered to the appropriate law enforcement officer of the county or city within twenty-four (24) hours after the day on which the transactions occurred.
- B. All reports shall be maintained in a locked storage facility under the direct supervision of the appropriate law enforcement officer of the county or the city and shall be available for inspection only for law enforcement purposes, or as otherwise required by Georgia law.
- C. The appropriate law enforcement officer of the county or the city may, in his discretion, authorize any person to inspect the reports solely in an effort to locate stolen property, if that person demonstrates to the law enforcement officer that a theft of precious metals or gems has occurred by presenting an incident report or other similar document.

(Ord. No. 11-253, § 1, 6-13-2011; Ord. No. 12-284, § 1, 8-13-2012)

### **9.17.170 Unlawful acts.**

- A. It shall be unlawful for any dealer in precious metals or gems or any agent or employee of a dealer in precious metals or gems who makes purchases of precious metals or gems or of goods made from precious metals or gems to:
  - 1. Fail to register as required by state law;
  - 2. Fail to obtain a business license as required by this chapter;
  - 3. Fail to maintain and make entries in the permanent record book as required by this chapter;
  - 4. Make any false entry in such permanent record book;
  - 5. Falsify, obliterate, destroy, or remove from the place of business such permanent record book;
  - 6. Refuse to allow any duly authorized law enforcement officer to inspect such permanent record book, or any precious metals or gems or goods made from precious metals or gems in his possession, during the ordinary hours of business or at any reasonable time;
  - 7. Sell, exchange, or remove from the legal possession of the buyer, or to alter the form of, any precious metals or gems or goods made from precious metals or gems purchased by remounting, melting, cutting up, or otherwise altering the original form

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- until at least seven calendar days have elapsed from the time of purchase or acquisition;
8. Fail to make the written report to law enforcement personnel as required by this Chapter; or
  9. Purchase any precious metals or gems from any person under 17 years of age.
- B. It shall be unlawful for any person to advertise or transact business as a dealer in precious metals or gems without first registering pursuant to state law and securing a business license required by this chapter.
- C. It shall be unlawful for any dealer in precious metals or gems to purchase precious metals in a melted or smelted state unless the purchase is from a registered dealer in precious metals or gems.
- D. If the appropriate law enforcement officer of the county or municipality has probable cause to believe that precious metals or gems have been stolen, he may give notice in writing to the dealer to retain the precious metals or gems for an additional fifteen (15) days; and it shall be unlawful for the dealer to dispose of the property unless the notice is revoked in writing within the fifteen-day period.
- E. Any person who violates this Code section shall be guilty of a misdemeanor.
- (Ord. No. 11-253, § 1, 6-13-2011)

**9.17.180 Violations—Punishment revocation and/or suspension of license.**

Any person found guilty of violating this chapter shall be guilty of a misdemeanor and subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense, or confinement in the common jail of Henry County for a period not to exceed sixty (60) days for each offense, or any combination of both.

- B. Any person convicted of a violation of this chapter shall result in an application for revocation and/or suspension of license being filed with the mayor and city council.
- C. Any person found by the mayor and city council to have violated any provision of this chapter can result in:
1. The mayor and city council assessing a civil fine not to exceed one thousand dollars (\$1,000.00) per violation;
  2. Placing licensee on probation for a definite period of time not to exceed two (2) years on each violation;
  3. Suspending the license for a period of time not to exceed one (1) year for each violation;
  4. Revocation of license;
  5. And such other punishment that the mayor and city council deem to be appropriate based upon the facts and circumstances of each individual case.

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(Ord. No. 11-253, § 1, 6-13-2011)

Chapter 9.20 BILLIARD ROOMS AND POOLHALLS

**9.20.010 Definitions.**

As used herein, the following terms shall have the respective meaning ascribed to them:

- A. "Billiard room/poolhall" means a commercial establishment licensed by the city for the playing of "billiards" or "pool" and containing a minimum of four (4) pool or billiard tables, kitchen facilities for the preparation of food for patrons and guests, and seating for no less than twenty (20) patrons and guests, in an area designated for food consumption.
- B. "Billiards" means any of the several games played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue and shall include all forms of games known as "pool," "carom billiards," "pocket billiards," and "English billiards."

(Ord. 03-58 § 1, 2003; § 1 of Ord. dated 10/8/90)

**9.20.020 License—Compliance with state law.**

Every applicant for a license for operation of a billiard table or billiard room must first show proof of compliance with state requirements precedent to granting of such license by the city.

(§ 2 of Ord. dated 10/8/90)

**9.20.030 License—Required.**

No person shall operate, maintain or keep a billiard or pool table, or any other table of like character within the city for use by the public without first having obtained a license therefor as herein required.

(§ 3 of Ord. dated 10/8/90)

**9.20.040 Application for license—Contents—Execution.**

- A. Every applicant shall attach a copy of the licenses issued by the county to the application.
- B. Every applicant for license under the provisions hereof shall file written application with the business services manager, giving the full name and address, and the full names and addresses of all parties interested shall be given if more than one (1). If the applicant is a corporation, the application shall contain the names and addresses of all officers as well as the state where organized, besides designation of manager or managers. The application shall further state the exact address where the room is to be conducted; the number of tables; the age of the applicant, or manager if a corporation; whether a citizen of the United States; when, where and how long the applicant previously operated a billiard room; and the

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name and address of the owner of the property where the room is to be opened. The application must be signed by the applicant, or if a corporation by the manager.

- C. Every application for a license shall be accompanied by the affidavit of the applicant, sworn to before an officer authorized by law to administer oaths, stating that the applicant is a citizen of the United States; that he has not been convicted of a felony; that he will not permit vagrants or persons under the influence of intoxicating liquors to enter or play in his place; that the applicant will have personal charge and management of the business; that he will not permit gambling nor permit the billiard tables to be used in any manner other than as provided by law.

(§ 4 of Ord. dated 10/8/90)

**9.20.050 Application for license—Investigation—Issuance conditions.**

The occupational tax clerk shall provide a copy of the application and all pertinent information to the business services manager who shall complete a complete investigation.

(§ 5 of Ord. dated 10/8/90)

**9.20.060 Application for license—Rejection conditions.**

Every application for a license to operate a billiard room shall be rejected where the applicant is not of good character or has suffered a revocation of a previous license, or if any other regulations have been violated.

(§ 6 of Ord. dated 10/8/90)

**9.20.070 License—Fee schedule.**

- A. An application fee of two hundred ten dollars (\$210.00) shall be paid to the city at the time of filing of each application. The application fee is to reimburse the city the anticipated cost incurred in performing the investigations required for the issuance of such license. The application fee shall be a one (1) time fee.
- B. Each billiard room/poolhall shall pay an annual regulatory fee of three hundred and fifty dollars (\$350.00). If the license is purchased after July first, the license fee and regulatory fee will be prorated and reduced to an amount equal to one-half ( $\frac{1}{2}$ ) of the normal annual fee.

(Ord. 03-58 § 2, 2003: § 7 of Ord. dated 10/8/90)

**9.20.080 Opening and closing hours.**

It is unlawful to operate any billiard room from twelve (12:00) midnight to six (6:00) a.m. on any day of the week, during which hours only regular employees performing necessary work shall be therein.

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q during 1991 codification; § 8 of Ord. dated 10/8/90)

**9.20.090 Location of billiard room.**

(§ 9 of Ord. dated 10/8/90)

**9.20.100 Premises—Sanitation requirements.**

All public billiard rooms shall be kept in a clean, sanitary condition and shall comply with all sanitary rules and regulations.

(§ 10 of Ord. dated 10/8/90)

**9.20.110 Admission restrictions for people under twenty-one (21) years of age.**

A. It is unlawful for any person under the age of twenty-one (21) years to play billiards in, or for any other purpose, to enter or remain in, a billiard room in which beer, wine or distilled spirits alcoholic beverages are offered for sale.

B.

(§ 11 of Ord. dated 10/8/90)

**9.20.120 Premises—Clear view of interior required.**

No person who operates a billiard room shall permit any screens, curtains, blinds, partitions or other obstructions to be used to prevent a clear view of the interior, which clear view must be maintained at all times. No partitions forming rooms, stalls or other enclosures shall be permitted. However, this provision shall not be construed to prohibit the maintenance of washrooms and toilet rooms for proper purposes, nor the maintenance of closets for storage purposes exclusively.

(§ 12 of Ord. dated 10/8/90)

**9.20.130 Gambling and posting of sporting results prohibited.**

No dice, cards, dominoes, or other games of chance shall be permitted, nor any form of gambling allowed, in any billiard room or in any other business place operated in connection therewith; and such games as Kelly pool, keno, pigeon pool, Parker pool, star pool, scrub, and similar gambling devices are prohibited. No racing or other betting pool shall be exhibited or sold in such places of business. The use of baseball tickers and the posting of results of sporting events is expressly prohibited in billiard rooms or in any place operated in connection therewith.

(§ 13 of Ord. dated 10/8/90)

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**9.20.140 Alcoholic beverage sale and use prohibited Exception.**

No alcoholic beverages shall be sold, served, or allowed to be used in or on the premises of billiard rooms or any place operated in connection therewith, except that this prohibition shall not apply if such premises or establishment is an establishment which is authorized to sell alcoholic beverages and derives at least fifty percent (51%) of its total annual gross revenues from the sale of food.

(§ 14 of Ord. dated 10/8/90)

**9.20.150 Violation—Penalty.**

A. Every person, firm, or corporation operating a billiard room within a municipality without having applied for a license shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than three hundred dollars (\$300.00) nor more than thousand dollars (\$1,000.00); and each day that the billiard room is operated without a license shall be a separate offense.

B.

C. Any licensee who shall knowingly violate this chapter shall be guilty of a misdemeanor. Each violation thereof shall constitute a separate offense and shall be punishable as such.

(§ 15 of Ord. dated 10/8/90)

Chapter 9.24 FLEA MARKETS AND RETAIL BOOTHS

Article I. In General

**9.24.010 Title for citation.**

This chapter shall be known and cited as the "Flea Market Ordinance for Stockbridge, Georgia."

(§ 1 of Ord. dated 3/13/88)

**9.24.020 Purpose of provisions.**

A. This chapter is adopted in order to promote the health, safety, morals and general welfare of the inhabitants of Stockbridge, Georgia, by regulating the location, design and maintenance of flea markets.

B. This chapter establishes minimum standards for flea markets.

(Art. 1 § 2 of Ord. dated 3/13/88)

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### **9.24.030 Definitions and interpretation of language.**

- A. Unless the context of this chapter requires, the following definitions shall be used in the interpretation and administration of the chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not optional.
- A. "Booth" means a designated space or a structure constructed for the purpose of displaying and selling merchandise within a flea market.
  - B. "Flea market" means interchangeable with and applicable to "swap meet," "indoor swap meet," or other similar terms regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

(Art. I § 3 of Ord. dated 3/13/88)

### **9.24.040 Variances from chapter requirements.**

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the mayor and city council may authorize a variance if such variance can be made without destroying the intent of these regulations. In granting variances, the mayor and city council may impose such conditions as will, in its judgment, secure substantially the objective of the standards of requirements so varied.

(Art. I § 4 of Ord. dated 3/13/88)

### **9.24.050 Conflict of regulations.**

In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the municipality, the provision which establishes the higher standard shall prevail.

(Art. I § 5 of Ord. dated 3/13/88)

### **9.24.060 Violation—Penalty.**

Any person who violates any provisions of this chapter shall, upon conviction, be punished by a fine of not more than two hundred fifty dollars (\$250.00) nor more than ninety (90) days in prison; and each day's failure of compliance with any such provisions shall constitute a separate violation.

(Art. 1 § 6 of Ord. dated 3/13/88)

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**9.24.070 Exemptions from chapter regulations.**

All temporary fundraising events which involve the sale of merchandise by school, church or nonprofit organizations shall be exempt from the coverage of this chapter.

(Art. I § 7 of Ord. dated 3/13/88)

Article II. Permit

**9.24.080 Permit—Required—Time limit for construction.**

It is unlawful for any person to locate a flea market or to construct, alter or extend any flea market within the limits of the city, unless a valid permit is issued by the city council of the city. Construction, if necessary, must begin within one hundred eighty (180) days after issuance of the permit.

(Art. II § 1 of Ord. dated 3/13/88)

**9.24.090 Application requirements.**

- A. All applications for permits for flea markets shall be submitted to the business services manager, which said application shall be in a form prescribed by the city. The application shall include, but not be limited to, the following:
1. Name and address of the applicant; if the applicant is a partnership, the names and addresses of the partners; if the applicant is a corporation, the names and addresses of the officers and directors;
  2. Name and address of the owner of the land upon which the flea market is to be located. In the event that the applicant intends to locate and/or operate a flea market on leased property, a copy of the lease shall be submitted with the application. If, however, the property is owned by the applicant, said applicant shall attach to the application a copy of the deed conveying title into the applicant;
  3. Telephone number of the applicant;
  4. A list of references, including banking institutions and character references;
  5. Social security number of the applicant;
  6. Date of birth and identification (i.e., driver's license) of the applicant;
  7. Fingerprints of applicant;
  8. The location and legal description of the flea market;
  9. A drawing or sketch showing the location of the flea market and the design of parking spaces.

(Art. II § 2 of Ord. dated 3/13/88)

Article III. License

**9.24.100 Business license—Required.**

- A. Any person, firm, organization or corporation conducting a flea market on property located within the city shall obtain a business license for such flea market and shall pay a yearly business license fee of five hundred dollars (\$500.00).
- B. Any person, firm, organization or corporation operating a booth within a flea market located within the city shall obtain a business license for such booth and shall pay a yearly business license fee of two hundred fifty dollars (\$250.00).

(Art. III § 1 of Ord. dated 3/13/88)

**9.24.110 Application requirements.**

- A. All applications for a business license to operate a flea market or a booth within a flea market shall be submitted to the business services manager, which application shall be in a form prescribed by the city. The application shall include, but not be limited to, the following:
  - 1. Name and address of the applicant; if the applicant is a partnership, the names and addresses of the partners; if the applicant is a corporation, the names and addresses of the officers and directors;
  - 2. Name and address of the flea market within which the booth will be located;
  - 3. Telephone number of the applicant;
  - 4. A list of references, including banking institutions and character references;
  - 5. Social security number of the applicant;
  - 6. Date of birth and identification (i.e., driver's license) of the applicant;
  - 7. Fingerprints of the applicant.

(Art III § 2 of Ord. dated 3/13/88)

Article IV. Inspection and Revocation Conditions for Permits and Licenses

**9.24.120 Inspections for compliance.**

- A. The police and/or city manager are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.

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- B. The police and/or city manager shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to enforcement of this chapter.
  - C. The police and/or city manager may request inspections by and verifications of compliance from the Department of Public Health relating to any of the rules and regulations of state and/or local health departments. Representatives of the Department of Public Health shall have the same powers of entry and inspection as provided for the police and/or city manager.
  - D. Upon enactment of the ordinance codified in this chapter, all existing flea markets shall be inspected by the police and/or city manager to determine compliance or noncompliance with the terms as set forth within.

(Art IV § 1 of Ord. dated 3/13/88)

#### **9.24.130 Revocation conditions and procedures.**

- A. Any permit or license to operate a flea market may be revoked when it is found to be in violation of this chapter.
- B. Should the city council find that conditions exist which are in violation of any provision of this chapter, it shall give notice to the permittee, licensee or owner that unless such conditions or practices are corrected within thirty (30) days, the permit and license will be revoked. Notice shall be served either personally or by certified mail, return receipt requested.
- C. If at the end of the thirty (30) days, a further inspection reveals that the conditions or practices have not been corrected, the city council/mayor shall then revoke the permit and license and give notice of such suspension in writing to permittee, licensee or owner. Upon notice of revocation, the permittee, licensee or owner shall cease operation and/or construction of the flea market.

(Art. IV § 2 of Ord. dated 3/13/88)

### Article V. Technical Standards

#### **9.24.140 Minimum size of booths.**

The minimum size of a booth within a flea market shall be ten feet by ten feet (10' × 10').

(Art. V § 1 of Ord. dated 3/13/88)

#### **9.24.150 Structural requirements.**

All flea markets shall be within a permanent structure which meets the minimum standards of the city building code. Move-in buildings or temporary structures of any type are prohibited.

(Art. V § 2 of Ord. dated 3/13/88)

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### **9.24.160 Site requirements.**

- A. Generally. Conditions of soil, groundwater level and drainage in topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectional smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazard.
- B. Soil and Ground Cover. Exposed ground surfaces and all parts of every flea market shall be paved, or covered with stone, screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust and/or mud.
- C. Site Drainage Requirements. The ground surface and all parts of every flea market shall be graded and equipped to drain off surface water in a safe, efficient manner in order to eliminate water pockets, low areas or bogs.
- D. Street System. All flea markets shall be provided with safe and convenient vehicular access from abutting public streets, roads or highways. Access to flea markets shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.
- E. Parking. Off-street parking areas shall be provided in all flea markets. Such areas shall be furnished at the rate of five and one half (5 ½) spaces per one thousand (1,000) square feet of gross sales area.
- F. Zoning. All flea markets must be located with a commercially zoned area.
- G. Signs. All signs located at a flea market site shall be in compliance with the City Sign Ordinance, as now and hereafter amended.

(Art. V § 3 of Ord. dated 3/13/88)

### **9.24.170 Water supply requirements.**

An accessible, adequate, safe and potable supply of water shall be provided in each flea market. Each flea market shall be connected to city water.

(Art. V § 4 of Ord. dated 3/13/88)

### **9.24.180 Restrooms and sewage disposal.**

- A. There shall be a minimum of one (1) central restroom facility located on the premises. Within that central restroom, there shall be separate facilities for men and women.
- B. Hot and cold water shall be furnished to every lavatory and sink; cold water shall be furnished to every water closet and urinal. C. All flea markets shall be accessed to the public sewerage system for conveying and disposing of all sewage.

(Art. V § 5 of Ord. dated 3/13/88)

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### **9.24.190 Refuse handling.**

The storage, collection and disposal of refuse in the flea markets shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(Art. V § 6 of Ord. dated 3/13/88)

### **9.24.200 No displays outside of structure.**

There shall be no displays of merchandise permitted on or around the outside of the structure which houses a flea market, except to the extent permitted by Section 9.36.030 and in accordance with procedures set forth in Chapter 9.36 generally.

(Ord. 01-20 § 2, 2001)

## Chapter 9.28 MISCELLANEOUS PROVISIONS

### **9.28.010 Garage sales.**

A. Definitions. As used in this section:

"Commercial permits" is meant to include sales conducted at a commercial property but not associated with the business conducted on the commercial property or conducted for profit for the business on the commercial property.

"Garage sales" means and includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal merchandise which is advertised by any means whereby the public at large is or can be made aware of said sale.

"Merchandise" is meant to include any goods, wares, clothing, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

"Person" means and includes individuals, partnerships, corporations, and nonprofit organizations. Nonprofit organizations shall include but not be limited to fraternal organizations, hobby societies, educational societies, historical societies, museums, hospital auxiliary groups, churches, church auxiliary organizations, student groups and parent-teacher organizations.

B. Fees will be assessed as follows:

1. There will be no charge for residential permits.
2. There will be no charge for civic, church, or nonprofit organization permits.
3. There will be a one hundred dollar (\$100.00) charge per day for all commercial permits.

Only two (2) yard and/or garage sale permits per location for any residential, commercial, civic, church, or nonprofit organization will be granted per year.

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C. Licensing.

1. Such license shall be issued for the same location only two (2) times within a twelve (12) month period and no such license shall be issued for more than two (2) consecutive calendar days.
2. Each license issued under this section must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

D. Information to be Filed. The information to be filed with the business services manager, pursuant to this section, shall be as follows:

1. Name of person conducting said sale;
2. Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than the owner;
3. Location at which sale is to be conducted;
4. Number of days of sale;
5. Date of last sale, if any;
6. Relationship or connection applicant may have had with any other person, firm, group, organization, association, or corporation conducting said sale and the date or dates of such sale;
7. Whether or not applicant has been issued any other vendor's license by any local, state or federal agency;
8. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.

E. General Provisions.

1. The individual in charge of the premises upon which the sale is conducted shall control the parking of vehicles of patrons so as to avoid congestion and hazardous conditions. Failure to do so shall be sufficient cause for the sale to be immediately terminated by the city manager or police officials.
2. Garage sales shall be conducted between eight (8:00) a.m. and six (6:00) p.m. Monday through Saturday. Sunday sales are prohibited.
3. All merchandise, wares and/or goods presented for sale must be displayed on tables. Secondhand clothing must be neat and clean and must be displayed by either hanging on a rack or neatly folded on a table. Large items of merchandise may be displayed on the ground.
4. This section shall apply to residential, commercial and industrial zoned areas.

F. Person and Sale Excepted. The provisions of this section shall not apply to or affect the following persons or sales:

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1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
  2. Persons acting in accordance with their powers and duties as public officials;
  3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed three (3) in number.
- G. Penalty. Any person, association or corporation conducting any such sale without being properly licensed therefor or who shall violate any of the other terms and regulations of this section shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or be imprisoned for a period not to exceed ten (10) days for each violation.
- (Ord. 07-178 §§ 1, 3, 2007; Ord. 95-18 §§ 1—7, 1995)

### **9.28.020 Parades and demonstrations.**

- A. A parade means any organized parade, march, ceremony, demonstration, or procession of any kind with multiple persons participating and which occurs in or upon any street, park, or public place within the city.
- B. Except as allowed herein, no person or entity shall engage in, participate in, aid, form, or start any parade unless a parade permit is first obtained from the city manager.
- C. A parade permit is not required for funeral processions; governmental agencies acting within the scope of their functions; or students going to and from school classes or participating in educational activities, provided that their conduct is supervised by proper school authorities.
- D. Any person seeking a parade permit from the city shall file a permit application at least seventy-two (72) hours in advance of the beginning of the parade event. The application shall be in letter form, or on a form created by the city, and shall be presented to the business services manager or city manager.
- E. All parade permit applications shall contain the name of the sponsor(s) of the parade event, the name of the organizer(s) of the event, the exact time and place of the event, the approximate number of persons and vehicles involved in the parade event, the origination point, the route which the event will follow, and its concluding location.
- F. The city manager shall determine whether the parade permit should be granted by considering the hours of the parade event, the traffic conditions prevailing in the city at that time, the safety of the parade participants and citizens of the city, the movement of public safety vehicles in the vicinity of the parade, and the potential for littering or other detrimental effects to city property. The city manager may work constructively with parade sponsors and organizers to identify a time and place for a parade that does not adversely affect the factors listed above.
- G. The city manager shall grant or deny the permit at least twenty-four (24) hours before the parade event, but in no instance more than fourteen (14) days after the filing of the permit

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application. If the permit is granted, the city manager will immediately notify the mayor, all public safety personnel, and the department head of any city department likely to be affected by the parade.

- H. Each permit shall state the starting time, minimum and maximum speed, ending time, and the maximum length of the parade. The city manager may impose any additional restrictions necessary on the parade permit in order to ameliorate any of the potential adverse factors listed in subsection F.
- I. Permit holders are required to comply with all permit restrictions and directions and abide by all laws and ordinances.
- J. The permit holder and parade leader shall carry the parade permit upon their person during the conduct of the parade.

(Ord. No. 13-320, § 1, 7-8-2013; Code 1971, §§ 13-9—13-11)

#### **9.28.030 Filling swimming pools prohibited during certain hours.**

- A. It shall be unlawful for a resident to fill an empty swimming pool except between the hours of twelve (12:00) a.m. and six (6:00) a.m., and only after notification has been given to the business services manager during normal business hours. For purposes of this section, the term "swimming pool" shall be deemed to include any recreational improvement or facility which contains more than fifteen thousand (15,000) gallons of water ("capacity"). The term "empty swimming pool" means any swimming pool with no water, or with water which occupies less than fifty percent (50%) of the pool's capacity, by volume.
- B. Residents shall also comply with the applicable water use restrictions, if any, imposed by state, regional, county, or local authorities.

(Ord. 01-26, 2001)

(Ord. No. 14-345, § 18, 5-12-2014)

#### **9.28.040 Outdoor festivals.**

- A. An outdoor festival is an outdoor public celebration or gathering which lasts for greater than one (1) hour and that occurs on a one (1) day basis (or on two (2) or more consecutive days), which is temporary in nature, and which is reasonably expected to have more than twenty-five (25) people gather or congregate in a public park, street, or right of way, or is reasonably expected to have more than two hundred fifty (250) people gather on privately owned property. Outdoor festivals falling outside of this definition may be treated by the city as separate outdoor festivals and regulated under this ordinance or may be treated as parades or demonstrations under city code Section 9.28.020 as the facts dictate and as determined by the city manager. Properly permitted outdoor festivals can be held on a temporary basis, in whole or in part, on public property such as streets, sidewalks, and parks, provided that all applicable ordinances are followed.

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- B. It is unlawful for any person or entity to use the city streets or sidewalks, or any real property belonging to the city for the purpose of an outdoor festival without having first obtained a written permit from the city to do so. All such permits are to be obtained from the city council upon recommendation of the city manager. In determining whether to grant a permit, the city may consider the outdoor festival hours, the noise generated by the outdoor festival, the size of the outdoor festival, the traffic conditions prevailing in the city at the time, and the likely hazards and inconvenience to citizens and traffic as a result of the proposed outdoor festival. Outdoor festivals held or officially sponsored by the city are exempted from the permit requirement.
- C. Persons desiring to hold an outdoor festival must apply to the city for an outdoor festival permit at least sixty (60) days prior to the first date of the outdoor festival for which a permit is sought. The application shall be made on a form provided by the city, which shall specify the name, address, telephone number, and electronic mail address of all of the festival organizers and sponsors; describe the nature and purpose of the festival; describe in detail the festival gathering area (including all areas reasonably anticipated to be impacted by the festival itself and parking, traffic, and noise therefrom); provide the date(s) and time(s) for the festival; describe and identify in detail the festival production area, vending area, parking area, and gathering area for attendees; and describe in detail any and all reasons why the festival permit should be granted.
- D. Any person submitting an application for an outdoor festival permit shall pay an outdoor festival permit fee, in an amount determined by the city to reasonably approximate the cost to the city of processing the application and providing all necessary services to the festival (including police and emergency services and trash pickup) if the permit is granted. The fee amount shall be determined by the city manager and published in a fee schedule available to applicants.
- E. Outdoor festivals that are properly permitted by the city shall be permitted to allow vending of food and beverages within a defined portion of the festival gathering area (which should be identified in detail on the outdoor festival permit application if food and/or beverages are to be sold), provided that all laws of the State of Georgia pertaining to health and safety are observed.
- F. In addition, alcoholic beverages may be sold during outdoor festivals in the food and beverage vending portion of the festival gathering area during the festival, provided that any vendor selling alcoholic beverages must be previously licensed by the State of Georgia and a local government in Georgia for retail sales of alcoholic beverages of the type to be sold during the festival. Each such vendor of alcoholic beverages must also obtain a permit for outdoor festival alcoholic beverage sales from the city, and it shall be unlawful to sell alcoholic beverages at an outdoor festival in the city without such a permit. The permit application shall be on a form prescribed by the city, which shall be submitted to the city at least forty-five (45) days in advance of the planned first date of the outdoor festival. The application shall request identifying information from the vendor and shall require that the vendor submit proof of its license from the State of Georgia and a local government for the retail sale of alcoholic beverages of the type planned to be sold by that vendor. The city may charge a festival alcohol vendor's fee in an amount to be determined by the city to

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reasonably approximate the cost to the city of processing the alcohol vendor application and providing all necessary services to the festival that result from the consumption of alcoholic beverages sold by that vendor. Vendors of alcoholic beverages at outdoor festivals held or officially sponsored by the city are not exempted from obtaining an alcoholic beverage vending permit.

- G. To the extent that subsection F above conflicts with any of the provisions of Title 9, Chapter 9.04 of the city code relating to alcoholic beverages, subsection F shall control. However, nothing herein shall otherwise exempt a vendor of alcoholic beverages from abiding by Title 9, Chapter 9.04 of the city code or Georgia law relating to the retail sale of alcoholic beverages.
- H. The city shall require that a uniformed on-duty police officer provide safety and security at all outdoor festivals at which alcohol is served, and at any outdoor festival which is reasonably expected to attract more than two hundred fifty (250) persons at any one time during the festival.

(Ord. No. 13-319, § 1, 7-8-2013; Ord. No. 13-312, § 1, 5-13-2013)

## Chapter 9.32 FOOD SERVICE ESTABLISHMENTS

### **9.32.010 Food service establishment defined.**

"Food service establishment" means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes restaurants; coffee shops; cafeterias; short-order cafes; luncheonettes; taverns; lunchrooms; places which manufacture, wholesale or retail sandwiches or salads; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith, and similar facilities by whatever name called.

(§ 1 of Ord. dated 3/11/91)

### **9.32.020 Application of chapter provisions.**

This chapter shall apply to all food service establishments (as defined herein) within the city which are required to obtain a food service permit from the Georgia Department of Human Resources or the county board of health acting as its agent.

(§ 2 of Ord. dated 3/11/91)

### **9.32.025 Definitions.**

The definitions contained in the rules and regulations for food service as contained in the September 10, 1986 Edition of Rules of Department of Human Resources, Public Health, Chapter 290-5-14 entitled "Food Services" approved and adopted by the Henry County, Georgia

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board of health on October 9, 1990, as thereafter amended, are incorporated herein and made a part hereof.

(Ord. 95-20 § 1, 1995)

### **9.32.030 Rules and regulations.**

Statutory Provisions Adopted.

- A. The rules and regulations for food service as contained in the September 10, 1986 Edition of Rules of Department Of Human Resources, Public Health, Chapter 290-5-14 entitled "Food Services" approved and adopted by the Henry County, Georgia board of health on October 9, 1990, and as thereafter may be amended, are incorporated by reference and made the food service rules and regulations for the city.
- B. The business services manager shall maintain a true and correct copy of the above-referenced rules and regulations for food service, September 10, 1986 Edition, as part of the records of the city and as a part of this chapter.

(Ord. 95-20 § 2, 1995)

### **9.32.040 Enforcement—Penalties for violations.**

- A. The city court shall have jurisdiction to hear all cases involving an alleged violation of this chapter.
- B. In addition to those penalties and sanctions that may be imposed by the State Department of Human Resources and/or the county board of health acting as its agent, the judge of the city court is authorized to impose the following penalties, fines and sanctions upon conviction of a violation of this chapter:
  - 1. Upon conviction for a first offense, a fine of up to five hundred dollars (\$500) per violation may be imposed;
  - 2. Upon conviction of a second offense occurring at a date and time subsequent to a prior offense, a fine of up to seven hundred fifty dollars (\$750) per violation may be imposed;
  - 3. Upon conviction of a third offense occurring at a date and time subsequent to prior offenses, a fine of up to one thousand dollars (\$1,000) per violation may be imposed;
  - 4. The city court judge shall have the discretion to impose an appropriate penalty within the limitations set forth in this section, to be determined upon consideration of the evidence presented.

(Ord. 95-20 § 3, 1995; § 4 of Ord. dated 3/11/91)

## **Chapter 9.36 DISPLAY OF MERCHANDISE, INVENTORY AND GOODS**

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### **9.36.010 Purpose of provisions.**

Pursuant to the power and authority vested in the official governing body and to promote the general health and welfare, and in order to improve the aesthetic appearance of streets and roadways within the city, it is necessary to regulate and control the display of merchandise, inventory and goods of like kind on the streets of the city.

(Ord. 92-2 § 1, 1992: § 1 of Ord. dated 10/14/91)

### **9.36.020 Definitions.**

For purpose of this chapter:

"Merchant" means any person, partnership or corporation licensed to conduct business within the corporate limits of this municipality, except for those licensed to sell automobiles, trucks, boats, recreational vehicles or trailers, and who are permitted to use the property for that purpose under applicable zoning regulations.

"Sidewalk sale" means any offer of goods for sale or gift to the buying public held outside of the established business premises, which offering exceeds the restrictions of outdoor displays of merchandise as provided by Section 9.36.030.

(Ord. 02-39 § 1, 2001; Ord. 92-2 § 2, 1992: § 2 of Ord. dated 10/14/91)

### **9.36.030 Outdoor displays of merchandise.**

All merchants shall have the express right and privilege to display and hold out goods for sale outside the building licensed for business use, provided each and every one of the following conditions is met:

- A. All outdoor displays shall be situated on private property under the direct control of the business license holder. "Direct control" means the license holder either owns the land utilized for the display or holds a lease entitling the license holder to exclusive use of the property.
- B. Only the parcel of real estate on which the licensed business is conducted may be used for outdoor displays of goods. No remote locations or adjacent parcels may be utilized.
- C. The goods displayed are limited to goods manufactured, designed or made to be used outdoors.
- D. The minimum number of parking spaces for the business under the city zoning ordinance shall be maintained for parking, and no encroachment onto a parking area for the outdoor display of goods shall be permitted, which results in the zoning standard not being met.
- E. No more than five percent (5%) of the lot on which the business is situated, exclusive of all buildings, sidewalks and easements shall be utilized for the outdoor display of goods.

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- F. All outdoor displays of goods shall be maintained in a neat, orderly manner at all times.

(Ord. 92-2 § 3, 1992: § 3 of Ord. dated 10/14/91)

**9.36.040 Sidewalk sales.**

Conducting a sidewalk sale is expressly prohibited under the provisions of this chapter, provided that merchants may use sidewalks and portions of parking lots located exclusively on private property for two (2) sales or gifts only each year. Any merchant desiring to conduct a sidewalk sale pursuant to the exception provided in this section shall secure a permit under Section 9.36.060 no later than ten (10) days in advance of the proposed sale.

(Ord. 92-2 § 4, 1992: § 4 of Ord. dated 10/14/91)

**9.36.050 Access for fire and safety personnel required.**

No merchant, firm, corporation or individual who has been duly licensed by the city in order to conduct business herein shall at any time display, exhibit or hold out goods which are for sale or gift to the general public on the outside of any building in which he carries on his regular trade in such a manner as to impede or hamper the access, approach or view of fire personnel or safety officials to any part of the outside of the structure.

(Ord. 92-2 § 5, 1992: § 5 of Ord. dated 10/14/91)

**9.36.060 Permit required—Application, fee and term.**

- A. In order to encourage and promote industry and trade, and to generate revenue, upon application by a business, firm, organization or corporation licensed to engage in business in the city, the city shall issue a permit in order to enable those businesses, firms, organizations and corporations to conduct sidewalk sales.
- B. Application shall be submitted to the business services manager on such forms as the city shall require. Such applications shall set forth the location of the business, the dates of the sale, and the hours during which the sale is to be conducted.
- C. In no event shall a permit be issued for a period of time in excess of one (1) day, and no permits shall be granted more than twice during any twelve (12) month period. A minimum of thirty (30) days must expire between the issuance of each permit.
- D. The cost of the application and each permit shall be seventy-five dollars (\$75.00).

(Ord. 92-2 § 6, 1992: § 6 of Ord. dated 10/14/91)

**9.36.070 Enforcement.**

It is the responsibility of the city manager to inspect all such licensed businesses in order to make a determination of compliance with Section 9.36.020 of this chapter. Any merchant found

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to permit such a condition to exist on his premises shall be advised of such condition and be allowed five (5) days in order to rectify this condition. In the event that the merchant fails to comply, a citation for violating the terms of this chapter shall be issued.

(Ord. 92-2 § 7, 1992: § 7 of Ord. dated 10/14/91)

**9.36.080 Violation—Penalty.**

Any party found to be in violation of this chapter shall be punished as follows:

- A. First Offense. A warning citation shall be issued;
- B. Second Offense. A fine not to exceed one hundred dollars (\$100.00) shall be assessed;
- C. Third Offense. A fine not to exceed five hundred dollars (\$500.00) shall be assessed;
- D. Fourth Offense. A fine not to exceed one thousand dollars (\$1,000.00) shall be assessed;
- E. Fifth Offense. The business license shall be revoked for a period of twelve (12) months.

(Ord. 92-2 § 8, 1992: § 8 of Ord. dated 10/14/91)

Chapter 9.40 MASSAGE ESTABLISHMENTS

**9.40.010 License required to operate a massage establishment.**

It is unlawful to operate a massage establishment within the city limits without a license issued by the city.

(Ord. 07-186 § 1 (part), 2007)

**9.40.020 License required to administer massage.**

It is unlawful to administer massage or massage therapy, as hereafter defined, within the city limits without compliance to Title 43, Chapter 24A and Chapter 36-60 of the Official Code of Georgia and all rules and regulations promulgated by the Georgia board of massage therapy in relation thereto.

(Ord. 07-186 § 1 (part), 2007)

**9.40.030 Definitions.**

As used in this chapter, the following definitions shall apply:

"Disinfecting" means the process of applying professional cleaning substances so as to eliminate bacteria and germs from a treated surface. Approved disinfectants shall include cleaning mechanisms or agents with significant antibacterial effect, including triclosan, bleach, ammonia, or similar acidic or antibacterial ingredients. Products with minimal antibacterial

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properties, including isopropyl alcohol, "rubbing alcohol," "witch hazel," and over-the-counter hydrogen peroxide solutions, shall not be used for disinfecting under this chapter.

Identification Documents. For the purpose of this chapter, the term "identification" means any document issued by any governmental agency, containing a description of the person so identified, such person's photograph, and such person's date of birth. The term "identification" includes, without being limited to, a passport, a military identification card, a driver's license or State Department of Driver Services identification card.

"Massage" means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body which the primary intent is to enhance or restore health and wellbeing. Such term includes complementary methods, including without limitation cupping therapy, taping techniques, the external application of water, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands; the term also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Such term shall not include the use of ultrasound, fluid therapy, laser, and other methods of deep thermal modalities. {O.C.G.A § 43-24A-3(9)}

"Massage apparatus" means any manual, mechanical, hydraulic, hydrokinetic, electric or electronic device or instrument operated by manual, mechanical, hydraulic, hydrokinetic or electric power, which is utilized by a massage therapist, as defined in this section, for the purpose of administering massage therapy.

"Massage therapy business" means any business which:

1. Proffers massage or massage therapy for consideration;
2. Employs one (1) or more persons to administer massage or massage therapy; or
3. Owns, operates or maintains a massage apparatus.

"Massage therapist" means any person who administers massage or massage therapy for compensation.

"Massage therapy" means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body which the primary intent is to enhance or restore health and wellbeing. Such term includes complementary methods, including without limitation cupping therapy, taping techniques, the external application of water, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands; the term also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Such term shall not include the use of ultrasound, fluid therapy, laser, and other methods of deep thermal modalities. {O.C.G.A § 43-24A-3(9)}

"Sexual or genital area" means the genitals, pubic area, anus or perineum of any person, or the breasts of a female.

(Ord. 07-186 § 1 (part), 2007)

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#### **9.40.040 Requirements for licensure of a massage establishment.**

- A. No license for the operation of a massage establishment shall be issued except by application. The application shall be submitted to business services upon reception of forms provided by the city. All supporting documentation shall be filed at the same time in conjunction with the application.
  - 1. The owner must have a massage therapy state license with a 2X2 photograph of themselves that has been taken within the last two years.
  - 2. Each massage therapist must have a state license with a 2X2 photograph of themselves that has been taken within the last two years.
  - 3. a picture attached.
- B. Falsification of any information contained within the application, or material omission, shall be grounds for denial of licensure under this chapter.
- C. A corporate applicant must be chartered under the laws of Georgia or authorized by the Secretary of State to conduct business within Georgia.
- D. Prior to issuance of a license for the operation of a massage establishment, the premises of the establishment shall be inspected and shall comply with each of the following requirements:
  - 1. A sign bearing letters not less than one inch (1") in size shall be posted at the main entrance of the premises identifying it as a massage establishment and announcing the hours of operation. All establishments licensed under this chapter shall close by nine (9:00) p.m.
  - 2. The premises shall be in compliance with all applicable building, fire electrical, plumbing, public health and safety and zoning laws.
  - 3. Adequate equipment for disinfecting and sterilizing any instrument used for massage or massage therapy shall be provided.
  - 4. In addition to the minimum lighting required by the applicable building code, at least one (1) artificial light of not less than sixty (60) watts shall be provided in each enclosed room or booth of the massage establishment and shall be lit during the administration of massage or massage therapy.
  - 5. Hot and cold running water shall be available on the premises.
  - 6. Closed cabinets shall be utilized for the storage of clean linens.
  - 7. Dressing and toilet facilities shall be available for customers.
  - 8. All walls, ceilings, floors, steam or vapor rooms and other physical facilities for the massage establishment shall be kept in good repair and maintained in a clean and sanitary condition.

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9. Sanitary towels and linens shall be provided for customers receiving massage or massage therapy services and shall be laundered following use by each individual customer.
  10. Two (2) way or reversible mirrors are expressly prohibited.
  11. All individual rooms or booths shall have a window of such dimensions that will allow for observation of the rooms and their contents with the lowest portion of the window being no less and no more than five feet (5') from the floor. The dimensions of the window shall be such that when looking through the window at an angle the maximum area that may be blocked from sight shall not exceed that area between the window and any given point on the side walls, floor or ceiling no more than one foot (1') from the wall containing the window. The intended effect should allow a person to draw a hypothetical line on the side walls, floor and the ceiling parallel to and a distance of one foot (1') away from the wall containing the window so that an observer looking through the window could see the room and its contents from at least that line forward into the room. The window may be covered from the outside with a curtain, blind or unlocked sliding door. Inside the room, the window may not be covered or altered in any way to obstruct the police officer, code enforcement personnel or designee's view into the room. Police officers, code enforcement personnel or persons designated by the city to inspect the massage establishment may open the curtain, blind or sliding door to view inside the room to ensure full compliance with the terms and conditions of this chapter and all amendments thereto. Whether the view of the police officer, code enforcement personnel or designee is obstructed or not, the person may knock once and enter the room to inspect for compliance with this chapter and all amendments hereto as well as all other applicable, city, state and federal law. The doors to rooms shall not be locked or barricaded during any sessions. All current and future license holders shall be in compliance with the requirements of this subsection prior to the renewal of a business license or issuance of a new business license for massage establishments as regulated by this chapter.
- E. No application for licensure for the operation of a massage establishment shall be acted upon until such time as all required information and exhibits have been submitted and until an investigative fee has been paid. Upon submission of a complete application and payment of the application fee, an investigation shall be conducted to determine the applicant's compliance with this chapter.
  - F. If such application is submitted in proper form including all information and exhibits required in this chapter and accompanied by the correct fees, an investigation shall be conducted by the city. If all requirements of this chapter and applicable state law are met, the license shall be issued by the business services manager.
  - G. Licenses issued pursuant to this section shall be valid for a period of one (1) year.

(Ord. 07-186 § 1 (part), 2007)

#### **9.40.050 Reserved.**

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#### **9.40.060 Dress code for massage therapists.**

All massage therapists licensed under this chapter and applicable state law to administer massage or massage therapy shall be completely clothed during all times when administering massage or massage therapy. For the purposes of this chapter, "completely clothed" means having on the upper portion of the body appropriate undergarments and either blouse or shirt which shall cover all of the upper body save the arms and head and means having on the lower body appropriate undergarments plus either pants or skirt, and such pants or skirt must cover from the waist down to a point no higher than two inches (2") above the knee.

(Ord. 07-186 § 1 (part), 2007)

#### **9.40.070 Fees.**

- A. An application fee of three hundred dollars (\$300.00) shall be paid to the city at the time of the filing of each application for a license to operate a massage establishment. The purpose of the application fee is to reimburse the city for the anticipated cost incurred in performing the investigation required for the issuance of each license. The application fee shall be a one (1) time fee.
- B. Each massage establishment shall pay an annual regulatory license fee and see the approved fee schedule along with an occupational tax certificate. If the occupational tax certificate is applied after July 1st, the certificate fee shall be prorated and reduced to an amount equal to one-half (½) of the normal annual fee.
- C. All license fees shall be nonrefundable.

(Ord. 07-186 § 1 (part), 2007)

#### **9.40.080 Use and possession of alcohol and illegal drugs.**

- A. No massage therapist shall administer massage or massage therapy pursuant to this chapter while under the influence of alcohol or illegal drugs.
- B. No alcoholic beverage may be maintained, possessed, sold or consumed on the premises where the massage establishment is located.

(Ord. 07-186 § 1 (part), 2007)

#### **9.40.090 Appeal of license denial.**

- A. Upon denial of a license to operate a massage establishment pursuant to this chapter, the applicant may appeal in writing to the mayor and city council within thirty (30) days of denial.
- B. The city council shall hear such appeal within sixty (60) days of the date of receipt of the written appeal.

(Ord. 07-186 § 1 (part), 2007)

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**9.40.100 Transferability and display of license; inspection of premises.**

- A. Licenses issued pursuant to this chapter are nontransferable.
- B. The licensee shall display the license in a prominent place upon the premises of the massage establishment.
- C. As a condition of licensure, the operator of a massage establishment shall permit inspection of the premises for the purpose of determining compliance with this chapter. The inspection may be made without additional notice. Inspections must be permitted at the time of arrival by a duly authorized city or state official or their designate.

(Ord. 07-186 § 1 (part), 2007)

**9.40.110 Minors upon the premises.**

- A. It is unlawful for any person under the age of eighteen (18) years to be present upon the premises of a massage establishment except as provided in subsection B of this section.
- B. It is unlawful for any person to administer massage or massage therapy to a minor under the age of eighteen (18) years without the written consent of the minor's parent or legal guardian. If consent is given by a parent or legal guardian, such consent must be signed in the presence of the massage therapist or the massage establishment operator.
- C. It is the duty of the operator of such massage establishment to determine the age of the person patronizing such massage establishment. Age may be determined by proper review of valid identification document(s). Failure to do so shall constitute grounds for revocation of the license to operate a massage establishment.

(Ord. 07-186 § 1 (part), 2007)

**9.40.120 Restricted massage areas.**

- A. Sexual or genital areas of all persons upon the premises of a massage establishment shall be covered.
- B. It is unlawful for any person to touch the sexual or genital area of any person in a massage establishment, or to perform, offer to perform or agree to perform any act which would require the touching of the sexual or genital area of any person.

(Ord. 07-186 § 1 (part), 2007)

**9.40.130 Records to be kept by licensee.**

It shall be the duty of any person granted a license under this chapter to maintain correct and accurate records of the names and addresses of the persons receiving treatment at such massage establishment, the type of treatment administered, and the name of the massage therapist administering such treatment. Such records shall remain on the premises of the massage

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establishment and shall be subject to immediate inspection upon request by any law enforcement officer enforcing the ordinances of this city, the city manager and the business services manager.  
(Ord. 07-186 § 1 (part), 2007)

**9.40.140 Revocation of license.**

- A. The license of a massage establishment may be revoked upon the following grounds:
  - 1. Failure of the licensee to maintain those standards required for the initial issuance of the license;
  - 2. Employment of any person who is not properly licensed as a massage therapist under applicable state law upon the premises of a licensed massage establishment;
  - 3. Conviction of a violation of federal, state, county or municipal law designed for the maintenance of the public health and safety;
  - 4. The application for licensure or renewal thereof contains materially false information or material omissions;
  - 5. Engaging in the operation of a massage establishment under a false or assumed name, or impersonating another practitioner or massage establishment operator of like or different name;
  - 6. Violation of any of the provisions of this chapter.
- B. Reserved.
- C. Following revocation of a license pursuant to this chapter, the licensee shall not be issued a license pursuant to this chapter for a period of twelve (12) months following revocation.
- D. Notice and an opportunity for hearing shall be provided prior to license revocation. This hearing shall be held before the mayor and city council. Notice of such hearing shall be given in writing ten (10) days prior to the date of the hearing. The notice shall state the basis of revocation and shall designate the date, time and place where such hearing shall be held. Such notice shall be served upon the licensee by personal service or United States mail addressed to the business premises of the massage establishment as set forth in the application for licensure.

(Ord. 07-186 § 1 (part), 2007)

**9.40.150 Reapplication waiting period.**

Any massage establishment operator whose license has been revoked pursuant to this chapter shall be disqualified from reapplying for such license for twelve (12) months immediately following the revocation.

(Ord. 07-186 § 1 (part), 2007)

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#### **9.40.160 Penalty for violations.**

Violation of any of the provisions of this chapter shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the city jail for a period not to exceed six (6) months.

(Ord. 07-186 § 1 (part), 2007)

#### **9.40.170 Applicability of chapter—Exceptions.**

The provisions of this chapter shall not apply to impatient facilities licensed by the state, to persons administering massage under the direct supervision of and upon the business premises of a physician or chiropractor licensed to practice in Georgia, or as otherwise exempted by Title 43, Chapter 24A of the Official Code of Georgia.

(Ord. 07-186 § 1 (part), 2007)

#### **9.40.180 Enforcement and jurisdiction.**

- A. Enforcement. The city or its designee shall have the right to enforce any provision contained in this chapter by initiating a civil proceeding or issuing a criminal citation against any party, including but not limited to license holders, for violations of this chapter.
- B. Jurisdiction. The municipal court of the city of Stockbridge shall have jurisdiction over civil and criminal actions brought by the city or its designee pursuant to any sections contained in this chapter. Provided, however, that jurisdiction shall extend only to the extent permitted by state law.

(Ord. 07-186 § 1 (part), 2007)

### **Chapter 9.41 GAME ROOMS, ARCADES AND BUSINESSES WITH COIN-OPERATED AMUSEMENT MACHINES**

#### **9.41.010 Definitions.**

A As used in this chapter, the term:

"Applicant" means a person applying for any license authorized by this chapter.

"Application" means a form supplied by the city for the purpose of applying for any license authorized by this chapter.

"Business consisting mostly of coin-operated amusement machines" means any business location at which more than five (5) bona fide coin-operated amusement machines are located, regardless of how the business is identified for marketing purposes. Provided, however, that no business which is licensed as a restaurant and satisfies all applicable health department criteria to serve food shall be included in this definition.

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"Coin" means any form of hard currency issued by a government, including a coin, bill legal tender, negotiable instrument, or other form of money; any token, ticket, or similar object issued in exchange for payment of a coin or currency; or monetary credit associated with a credit card, debit card, bank card, electronic wire transfer, or similar device or method of payment.

"Coin-operated amusement machine" means:

1. Any machine or device of any kind or character designed to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player pursuant to O.C.G.A. § 16-12-35, and which can be legally shipped interstate according to federal law. Examples of coin operated amusement machines include, but are expressly not limited to, the following:
  - i. Pinball machines;
  - ii. Console machines;
  - iii. Video games;
  - iv. Crane machines;
  - v. Claw machines;
  - vi. Pusher machines;
  - vii. Bowling machines;
  - viii. Novelty arcade games;
  - ix. Football or table soccer machines;
  - x. Miniature racetrack, football, or golf machines;
  - xi. Target or shooting gallery machines;
  - xii. Basketball machines;
  - xiii. Shuffleboard games;
  - xiv. Kiddy ride games;
  - xv. Skee ball machines;
  - xvi. Air hockey machines;
  - xvii. Roll down machines;
  - xviii. Coin-operated pool tables or coin-operated billiard tables as defined in O.C.G.A. § 43-8-1;
  - xix. Foosball machines;
  - xx. Dart boards with electric or electronic features;
  - xxi. Any other similar amusement machine which can be operated in Georgia;

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2. Every machine of any kind or character used to provide music whose operation requires the payment of or the insertion of a coin such as jukeboxes or other similar types of music machines.

The term "coin-operated amusement machine" does not include the following:

- i. Coin-operated washing machines or dryers;
- ii. Vending machines which for payment of money dispense products or services;
- iii. Gas and electric meters;
- iv. Pay telephones;
- v. Pay toilets;
- vi. Cigarette vending machines;
- vii. Coin-operated scales;
- viii. Coin-operated gumball machines;
- ix. Coin-operated parking meters;
- x. Coin-operated television sets which provide cable, network, or satellite programming;
- xi. Coin-operated massage beds; and
- xii. Machines which are not legally permitted to be operated in Georgia.

Provided, however, that each player station of a multi-player coin-operated amusement machine shall be considered a separate machine for purposes of this chapter.

"Business Services" means the business services manager.

"County" means Henry County, Georgia.

"Family" means any person related to a licensee within the first degree of consanguinity or affinity as determined according to civil law.

"Game room" means any business location at which more than five (5) coin-operated amusement machines are located, regardless of whether the business calls itself an arcade, casino, game room, or by similar nomenclature for marketing purposes, and regardless of whether the business is open to the public or is limited to only private members. Provided, however, that no business which is licensed as a restaurant and satisfies all applicable health department criteria to serve food shall be included in this definition.

"Interest in license" means an interest held by an owner or co-owner of a license; a partner of a partnership which owns or co-owns a license; a stockholder in any corporation who owns ten percent (10%) or more of the stock in a corporation which owns or co-owns a license; or anyone sharing in the income or corpus of any trust or estate having such an interest.

"License" means authorization granted by the city to operate as a license holder under this chapter.

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"License department" means the business services manager, or in her absence, the community development director.

"Licensee" means a person holding a license and any person, including a staff member, employee, or agent, acting on behalf of a person holding a license.

"Machine" means a "coin-operated amusement machine" as defined in this chapter.

"Natural person" means a human being.

"Person" means any individual, firm, partnership, cooperative, non-profit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic or political subdivision, whether public, private or quasi-public.

"Premises" means the property owned or occupied by a licensee or otherwise used for operation of a game room, including the improvements, appurtenances, and curtilage associated with the business.

B. Words and terms not explicitly defined in this chapter shall have meaning given by common and ordinary use as defined in the latest edition of Webster's New Collegiate Dictionary.  
(Ord. 02-40 § 1, 2002; Ord. 93-10 (part), 1993)

#### **9.41.020 License—Compliance with state law—Required.**

- A. Every applicant for a license for operation of a game room, or any other business operated in conjunction with a game room, must first show proof of compliance with state requirements precedent to granting of such license by the city.
- B. No person shall operate, maintain or keep a game room, or any other business operated in conjunction with a game room within the city without first having obtained a license therefore as herein required.
- C. No person may operate a game room or business in conjunction with a game room in the city unless it is permitted by state law and this chapter.

(Ord. 02-40 § 2, 2002; Ord. 93-10 (part), 1993)

#### **9.41.030 Application for license—Contents—Execution.**

- A. Every applicant shall attach a copy of the licenses issued by the county, if one is required by the county, to the application.
- B. Every applicant for license under the provisions hereof shall file written application with the business services manager, giving the full name and address, and the full names and addresses of all parties interested shall be given if more than one (1). If the applicant is a corporation, the application shall contain the names and addresses of all officers as well as the state where organized, besides designation of manager or managers. The application shall further state the exact address where the room or business is to be conducted; the number of games or coin-operated amusement machines; the age of the applicant or

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manager if a corporation; whether a citizen of the United States; when, where and how long the applicant previously operated a game room; and the name and address of the owner of the property where the room or business is to be opened. The application must be signed by the applicant, or if a corporation by the manager.

- C. Every application for a license shall be accompanied by the affidavit of the applicant, sworn to before an officer authorized by law to administer oaths, stating that the applicant is a citizen of the United States; that he has not been convicted of a felony; that he will not permit vagrants or persons under the influence of beer, wine or intoxicating liquors to enter or play in his place; that the applicant will have personal charge in management of the business; and that he will not permit gambling nor permit the games or coin operated amusement machines to be used in any manner other than as provided by law.

(Ord. 93-10 (part), 1993)

#### **9.41.040 Application for license—Investigation—Issuance conditions.**

The business services manager shall cause a complete investigation to be made into all of the above particulars and provide a copy of the application and all pertinent information to the mayor and city council. After review of the information presented, the mayor and council shall determine whether or not the license shall be issued.

(Ord. 93-10 (part), 1993)

#### **9.41.050 Application for license—Rejection conditions—Notice of denial.**

All applications for a license to operate a game room, or any other business operated in conjunction with a game room, shall be granted by the license department for a period of up to one year, expiring on the last day of December in each year, unless the applicant has suffered a revocation of a previous license, or has violated any laws, ordinances, or regulations relating to alcoholic beverages, game rooms, businesses operated in conjunction with a game room, coin-operated amusement machines, gambling, or the provisions of this chapter.

(Ord. 02-40 § 3, 2002; Ord. 93-10 (part), 1993)

#### **9.41.055 License issued for calendar year—Renewal—License renewal conditions.**

- a. All licenses shall issue for the calendar year, or the remainder thereof. Fees shall be prorated on a semi-annual basis or on initial licenses issued for less than one (1) full year. No license shall extend from one calendar year to the next.
- b. All licenses designed to operate during the following year shall make application for renewal, with all accompanying documents and fees, on or before January 1<sup>st</sup> of that year.
- c. The renewal of an existing license for a game room, or any other business operated in conjunction with a game room, at the expiration of the term of the license shall be dependent upon proof that the licensee meets all requirements for a license under laws, ordinances and regulations in effect at the time of renewal.

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- d. Licensees must provide at the time of application for renewal of license an affidavit or report under oath substantiating their continued compliance with the requirements set forth in this chapter.

(Ord. 02-40 § 4, 2002)

**9.41.060 License—Fee based on gross receipts.**

The annual business license fee for each game room, or any other business operated in conjunction with a game room, shall be determined based upon the gross receipts of the business, as provided in Chapter 9.01 of the city code.

(Ord. 02-40 § 5, 2002; Ord. 93-10 (part), 1993)

**9.41.070 Location of game room.**

- A. Game rooms, or any other business operated in conjunction with a game room, shall be located in the properly zoned commercial area. No game room may be opened in the city on any level other than the ground floor or first floor of a building.
- B. A license for a game room, or any other business operated in conjunction with a game room shall not be issued where the place of business of the applicant is within three hundred (300) yards of any public school or public school grounds.

(Ord. 03-72 § 1, 2003)

**9.41.080 Premises—Sanitation requirements.**

All public game rooms, or any other business operated in conjunction with a game room, shall be kept in a clean, sanitary condition and shall comply with all sanitary rules and regulations of the state of Georgia, Henry County and the city.

(Ord. 93-10 (part), 1993)

**9.41.090 Premises—Clear view of interior required.**

No person who operates a game room, or any other business operated in conjunction with a game room, shall permit any screens, curtains, blinds, partitions, or other obstructions to be used to prevent a clear view of the interior, which clear view must be maintained at all times. No partitions forming rooms, stalls, or other enclosures shall be permitted. However, this subsection shall not be construed to prohibit the maintenance of washrooms and toilet rooms for proper purposes nor the maintenance of closets for storage purposes exclusively.

(Ord. 93-10 (part), 1993)

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#### **9.41.100 Operating hours.**

The operating hours of all game rooms shall be from nine (9:00) a.m. until midnight (12:00), Monday through Saturday, and from one (1:00) p.m. until six (6:00) p.m. on Sundays. It is unlawful to operate a game room during any other time, unless regular employees only are performing necessary work therein. If another business is operated in conjunction with a game room, it shall be the owner's or license holder's responsibility to cease the operation of all games during the prohibited hours. No child of school age shall be allowed on the premises of a game room during school hours while school is in session. Any game room found not in compliance with this subsection is subject to the provisions of Section 9.41.150.

(Ord. 03-72 § 2, 2003)

#### **9.41.110 Gambling, posting of sporting results, and gambling devices prohibited.**

- A. No dice, cards, dominoes, or other games of chance shall be permitted, nor any form of gambling, commercial gambling, or gambling device allowed, in any game room except to the extent allowed by state law. No racing or other betting pool shall be exhibited or sold in such places or business. The use of baseball tickers and the posting of results of sporting events is expressly prohibited in game rooms.
- B. For purposes of this chapter, "gambling," "commercial gambling," and "gambling device" shall be defined in the manner provided for in Article 2, Chapter 12 of Title 16 of the official code of the state of Georgia, as amended.

(Ord. 01-36 § 1, 2001; Ord. 93-10 (part), 1993)

#### **9.41.120 Alcoholic beverage sale, possession, and use prohibited Enforcement of tobacco, gaming, and gambling regulations required.**

- A. No intoxicating liquors, distilled spirits, wine or beer shall be sold, served, possessed, used, or allowed to be used in or on the premises of any game room, or any business operated in connection therewith.
- B. Any licensee who personally sells tobacco products, including cigarettes and cigars, to customers shall comply with all applicable state laws and shall ask each patron for a legal form of identification establishing that they may lawfully purchase such products prior to closing a sale.
- C. Licensees shall be responsible for complying with all state laws and regulations governing gaming, gambling, and redemption of credits, tokens, points, tickets, or vouchers for non-cash merchandise. Provided, however, no intoxicating liquors, distilled spirits, wine or beer shall be provided to a customer in redemption of any credits, tokens, points, tickets, or vouchers.
- D. Any person who shall knowingly violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in this chapter.

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(Ord. 02-40 § 6, 2002; Ord. 93-10 (part), 1993)

**9.41.130 Compliance with Section 11.04.060—Curfew for minors.**

All owners, operators, managers and proprietors of a game room and all persons holding a license for the operation of a game room are placed on notice that the city has enacted Section 11.04.060, which sets forth a curfew for minors after the hour of twelve midnight. No such owner, operator, manager, proprietor or license holder shall take any action which would cause or otherwise encourage a minor to be in violation of the Section 11.04.060.

(Ord. 93-10 (part), 1993)

**9.41.140 Limitation on percent of annual income derived from machines—Revocation or suspension of license for violation.**

- A. No person operating a game room, or a business in conjunction with a game room, shall derive more than fifty percent (50%) of such person's annual income from the business location in which the coin operated amusement machines are situated from those machines. Each person shall submit a report, acceptable as to form to the city, which demonstrates compliance with this section. Such reports shall be submitted on a monthly basis on or before the tenth (10<sup>th</sup>) day of the following month.
- B. In accordance with this chapter, the license department may refuse to issue or renew a license or may revoke or suspend a license for violation of this section.

(Ord. 02-40 § 7, 2002; Ord. 93-10 (part), 1993)

**9.41.150 Violation—Penalty.**

- A. Every person, firm or corporation operating a game room within the city without a license shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than fifty dollars (\$50.00) or no more than five hundred dollars (\$500.00); and each day that the game room is operated without a license, shall be a separate offense and shall be punishable as such.
- B. Any licensee who knowingly violates this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment not to exceed 180 days, work on the public streets or public works of the city for a term not to exceed six (6) months, or a combination thereof. Each violation thereof, shall constitute a separate offense and shall be punishable as such. A knowing violation of this chapter by any licensee shall be grounds for license suspension, revocation or refusal to issue a renewal license.

(Ord. 02-40 § 8, 2002)

**Chapter 9.43 YOUTH ACTIVITY CENTERS**

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#### **9.43.010 Definitions.**

For the purposes of this chapter, words and terms shall have the following meanings:

"Alcoholic beverages" shall have the same meaning as defined in Chapter 9.04. "Applicant" means the person applying for a license authorized by this chapter.

"Owner", as used in this chapter, (except when specific reference is made to the owner of the physical location or premises), shall include the owner, operator, manager or other person having supervision over a youth activity center as defined herein.

"Person" means any individual, receiver, assignee, firm, co-partnership, joint venture, corporation, company, joint stock company, association, society, or any group or individuals, acting as a unit, body politic or political subdivision, whether mutual, cooperative, fraternal, nonprofit or otherwise.

"Private party" as used in this chapter means any event that is not readily accessible to the public and which is not held and conducted for a profit, either directly or indirectly, and which requires no monetary payment or contribution from any of the persons admitted.

"Promoter" means a person or the legal entity who assumes the financial responsibilities of a youth activity center, including but not limited to, contracting with the principals, renting the site and collecting the gate revenues.

"Teen event" means any dance or other reason for gathering twenty-five (25) or more teenagers between the ages of fourteen (14) and eighteen (18) years of age that is readily accessible to the public.

"Youth activity center" means any place where a "teen event" is conducted, operated or maintained and/or coin operated amusement machines are located or serves as a general public gathering facility for teens and includes but is not limited to all parking areas, hallways, bathrooms and all adjoining areas on the premises accessible to the public.

"Teens" means those persons between the ages of fourteen (14) and eighteen (18) years of age.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.020 Duty of operator or manager to enforce chapter.**

The applicant is considered, for purposes of this chapter, the owner, operator or manager of a youth activity center. The applicant shall assure that the sections of this chapter are carried out. If the applicant fails to do so, either intentionally or by inadvertence, the applicant shall be deemed guilty of an offense for each such violation.

(Ord. 03-73 § 2 (part), 2003)

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**9.43.030 Youth activity center license.**

No person shall conduct or operate a youth activity center unless a youth activity center license is obtained in accordance with the provisions of this chapter. The license required by this section shall be in addition to any other license required by law, and the operation of such a place as herein described shall not be construed to be incidental to some other business.

(Ord. 03-73 § 2 (part), 2003)

**9.43.040 Multiple licenses allowed.**

All youth activity center license holders shall have a youth activity center license as provided herein and a game room, or any other business operated in conjunction with a game room license as provided in Chapter 9.41.

(Ord. 03-73 § 2 (part), 2003)

**9.43.050 Chaperones.**

Any person desiring to operate a teen event, whether or not an admission fee is charged, must have at least two (2) adults for the first fifty (50) persons at all times as chaperones when the event is in progress, and a minimum of one (1) chaperone for every additional fifty (50) persons present at the event. The chaperones must be over the age of twenty-one (21). Security or law enforcement personnel cannot be counted as chaperones.

(Ord. 03-73 § 2 (part), 2003)

**9.43.060 Operating hours.**

The operating hours of all youth activity centers shall be from nine (9:00) a.m. until midnight (12:00), Monday through Saturday, and from one (1:00) p.m. until six (6:00) p.m. on Sunday.

(Ord. 03-73 § 2 (part), 2003)

**9.43.070 No alcoholic beverages allowed.**

- A. No alcoholic beverages shall be allowed on the premises where the youth activity center is operated.
- B. No person under the influence of intoxicating liquor shall be admitted or allowed to remain on the premises of any youth activity center.

(Ord. 03-73 § 2 (part), 2003)

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#### **9.43.080 Participants.**

Participants in attendance at the youth activity center shall be limited to teenagers between the ages of fourteen (14) and eighteen (18) years of age.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.090 Exceptions.**

- A. The requirements of this chapter shall not apply if the teen event is limited to fewer than fifty (50) persons and occurs only once a year.
- B. The requirements of this chapter shall not apply if a teen event is sponsored, produced, or conducted under the auspices of an educational institution or by a nonprofit educational facility defined as a public or private academic institution, operated for nonprofit and accredited by the state of Georgia that offers a program or series of programs of academic study.
- C. Nothing in this section shall apply to events conducted by or under the auspices of the city or by any club or organization specifically authorized by the city council.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.100 Additional prohibitions.**

- A. All owners, operators, managers and proprietors of a youth activity center and all persons holding a license for the operation of a youth activity center are placed on notice that the city has enacted Section 11.04.060, which sets forth a curfew for minors after the hour of twelve midnight (12:00). No such owner, operator, manager, proprietor or license holder shall take any action which would cause or otherwise encourage a minor to be in violation of Section 11.04.060.
- B. No permit for a youth activity center shall be issued where the place of business of the applicant is within three hundred (300) yards of any public school or public school grounds.
- C. No child of school age shall be allowed on the premises of a youth activity center during school hours while school is in session. Any youth activity center found not in compliance with this subsection is subject to the provisions of Section 9.43.160.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.110 Dancing for hire.**

- A. No person conducting, maintaining or carrying on a teen event or youth activity center shall permit any instructor who is under twenty-one (21) years of age to give instructions in dancing to persons in any private room, booth, alcove or enclosure. For the purpose of this section the terms "private room, booth, alcove or enclosure" shall include any area within

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the youth activity center which is not clearly visible at all times from the main floor located in such youth activity center.

- B. Nothing contained in this section shall be deemed or construed as applying to any place where dancing instruction by certified instructors is the principal activity of the business.

(Ord. 03-73 § 2 (part), 2003)

**9.43.120 Age restrictions—Identification requirements—Penalty.**

- A. No person conducting or operating a teen event or youth activity center shall permit, either by act or omission, any person under the age of fourteen (14) years to enter or remain on the premises without a parent or legal guardian present.
- B. No person conducting or operating a teen event or youth activity center shall permit, either by act or omission, any person over the age of eighteen (18) years, who is not a chaperone, parent, legal guardian or a bona fide employee of the person operating the youth activity center to enter or remain upon the premises.
- C. The person operating a youth activity center shall require each person seeking admission to provide identification showing his or her age.
- D. Any person who, by affirmative misrepresentation of age, obtains admission to or permission to remain in any teen event or youth activity center in violation of this chapter, shall be guilty of a misdemeanor.
- E. Any person who permits a person to enter or remain in any teen event or teen event hall in violation of this chapter shall be guilty of a misdemeanor.

(Ord. 03-73 § 2 (part), 2003)

**9.43.130 Application.**

- A. The person desiring to conduct and/or operate a youth activity center shall be responsible for obtaining a youth activity center license. Each location of a youth activity center must be approved by the police department and must comply with all city laws, including, but not limited to, building, zoning, sound production and fire codes. The applicant must demonstrate compliance by providing proof of compliance with these codes.
- B. All persons desiring to obtain a license required under this chapter shall make written application to the business services manager. The application shall be sworn to by the applicant or agent thereof and shall state the following:
1. The name, address, and phone number of the applicant;
  2. If the applicant is a partnership or corporation, the name(s), address(es) and telephone number(s) of the partner(s) or officers;
  3. If the applicant is an unincorporated association, corporation or partnership, the name of the unincorporated association, corporation or partnership, and the names and addresses of the limited partners, partners, officers and directors thereof;

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4. The youth activity center operator's home and business address;
  5. The names, addresses, and phone numbers of the operator(s), manager(s), and employee(s) of the youth activity center, as well as any other person whose duties may require that such person have contact with the public during operating hours;
  6. The name, address, and phone number of the owner(s) of the premises where the youth activity center is located;
  7. The location(s) of the youth activity center(s);
  8. The planned date(s) of each of the teen event(s);
  9. Such other information reasonably related to the operation of the youth activity center as may be required by the city.
- C. A statement of any and all measures to be used to insure that adequate traffic control and crowd protection within the youth activity center, will be maintained and the measure to be taken to estimate crowd numbers to assure consistent compliance with the fire code.
- D. The applicant must provide proof that the premises is in compliance with all city laws including, but not limited to, building, zoning, sound production and fire codes.
- E. A statement that the applicant will, in the conduct and operation of the youth activity center, comply with all city laws.
- F. A statement from the owner or lessor of each planned location that the owner or lessor will appear before the city council if specifically requested by the business services manager in a proceeding where a fine, suspension or revocation is being considered with respect to the applicant. Once requested in writing at least ten (10) days in advance of a scheduled hearing by the business services manager, any failure by the owner or lessor to appear before the city council may be considered a violation of this chapter in any subsequent applications or renewals for any license or permit issued by the city.
- G. The application shall be accompanied with a signed statement by three (3) citizens of the city, certifying to the character of the applicant.
- H. Each time the location or dates of any teen event changes, as set forth in the applicant's original application, the applicant shall be required, on a form to be provided by the business services manager, to notify and obtain written approval from the business services manager of the new location and/or dates of the event(s) at least fifteen (15) days prior to the event. The applicant shall be required to pay an administrative fee of ten dollars (\$10.00) each time they file an updated form requesting a change of location. The business services manager shall not unnecessarily delay issuance of written approval for modification to applications as described under this paragraph.

(Ord. 03-73 § 2 (part), 2003; Ord. No. 22-499, § 7(Exh. F), 5-31-2022)

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#### **9.43.140 Appearance before the city council.**

- A. All applicants shall furnish all data, information and records requested of them by the city council and failure to furnish this data, information and records within thirty (30) days from the date of the request shall be grounds for denial of the application. Applicants, by filing an application, agree to produce for oral interrogation any person listed in the application requested by the city council to respond to questions reasonably related to the license and/or the operation of the business. The failure to produce the person within thirty (30) days after being requested to do so shall result in the automatic dismissal of the application.
- B. All applicants shall be scheduled to appear before the city council within thirty (30) days of the completion of an investigation of their application.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.150 Grounds for denial or nonrenewal of a license.**

In addition to all other grounds for denial stated in this chapter, no original, renewal or amendment to any application for any license under this chapter shall be granted if the application or the evidence produced during a hearing before the city council shows:

- A. The applicant is of bad moral character, has a bad reputation in the community, or does not have sufficient mental capacity to conduct the business for which an application is made.
- B. The applicant has had any license issued under the powers of any local government previously suspended or revoked; provided, however, the city council may waive this subsection if two (2) years have passed since any prior revocation or suspension of any license held by the applicant.
- C. The applicant, as a previous holder of any similar license or alcoholic beverage license, has violated any law, regulation or ordinance relating to that business within a five-year period immediately preceding the date the application is heard by the city council.
- D. The business services manager was unable to verify any statement of information required to be disclosed on forms furnished by the business services manager or to be able to adequately conduct a full investigation of an applicant or a place of business for any reason beyond the business services manager's control. Once a license has been granted, information revealed that is contrary to representations made by the applicant on the application or any subsequent amendment thereto, shall be cause for denial or revocation of a license.
- E. The applicant provided an application that contains a material omission, untrue or misleading information. If any license has previously been granted, these circumstances shall constitute cause for revocation.

(Ord. 03-73 § 2 (part), 2003)

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### **9.43.160 Revocation.**

Any youth activity center license granted shall be subject to revocation for due cause. Whenever in the opinion of the business services manager there is cause to revoke the license, a written notice of intention to revoke shall be furnished to the holder thereof ten (10) days before a regular or called meeting of the city council, at which time the holder of the license may make such showing that the licensee may deem proper. The business services manager can recommend a fine, suspension, or revocation the license. The mayor and city council, upon receipt of the recommendation may fine, suspend or revoke the license or take any or no action in the mayor and city council's discretion is to the best interest of the peace and good order of the city.

(Ord. 03-73 § 2 (part), 2003)

### **9.43.170 Due cause.**

As used in this section, the term "due cause," for the denial of an application for a youth activity center license or for transfer of location or transfer of ownership or for revocation, suspension or refusal to renew a youth activity center license includes but is not limited to the following:

- A. The conviction of any felony reasonably related to the ability of the licensee to operate and maintain the premises in a proper manner;
- B. Permitting the solicitation of patrons on the licensed premises for prostitution or any other unlawful act where the licensee or the licensee's employee or agent knew or should have known of such conduct;
- C. The failure to furnish any and all data, information and records related to the operation of licensed establishments, when such has been requested by the business services manager or the city council;
- D. The failure to maintain any and all of the general qualifications applicable to the initial issuance of a license as set forth in this chapter;
- E. The failure to obtain prior approval of the business services manager before operating a youth activity center teen event;
- F. Failure by the licensee to adequately supervise and monitor the conduct of the employees, patrons and others on the licensed premises or on any property owned or leased by the licensee, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of a licensed establishment, in order to protect the safety and well-being of the general public and of those utilizing the premises;
- G. The violation of any law, ordinance or regulation governing the operation of youth activity centers or which are reasonably related to the operation of such establishments.
- H. The failure of the licensee whose licensed premises directly abuts a public street to maintain all property outside the lot and property line and inside the curb line upon the

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public street, including any sidewalk. Said duty to maintain the above-designated property must be accomplished within reasonable time after the close of business each day. "Maintain" as used in this section shall mean keeping the specified area free of bottles, cups, trash and other debris. "Within a reasonable time" as used in this subsection shall mean within four (4) hours of the close of business.

- I. The violation by either the owner, the licensee, the management, an employee, an independent contractor, or anyone acting as an agent for or on behalf of any establishment of the city's noise ordinance and/or sound production permit ordinance if such violation is reasonably related to the operation of a youth activity center and the owner or licensee knew or should have known of the violation of these ordinances.
- J. Upon a finding of due cause, the mayor and city council shall have the authority to deny applications for new licenses or for transfer of location or transfer of ownership and to revoke, suspend or refuse to renew any license issued by the business services manager to any licensee under this chapter.
- K. No application for a new license or for a transfer of location or transfer of ownership shall be denied and no license issued by the business services manager or any license under this chapter shall be revoked, suspended or refused renewal except upon a finding of due cause and after a hearing and upon a ten-day written notice to the licensee, stating the place, date, time and purpose of such hearing and setting forth the charge upon which the hearing shall be conducted.
- L. The business services manager, or his designee, shall also notify the mayor and city council regarding the adverse action. Such notice shall provide the date, time and place of any hearing regarding the adverse action.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.180 Appearance before the city council.**

- A. The city council may consider, in addition to all other lawful grounds, when deciding whether to grant, deny, or revoke a new or renewal license, whether the applicant:
  - 1. Owned or managed an establishment where a crime involving prostitution, lewd conduct, or assault on a juvenile occurred in or upon the youth activity center premises;
  - 2. Owned or managed an establishment where any act of or solicitation for sexual intercourse, sodomy, oral copulation or masturbation was committed;
  - 3. Was convicted for the possession of any weapon, or the possession or consumption of alcohol and/or marijuana, cocaine or any other controlled substance;
  - 4. Or any employee, agent, promoter, partner, director, officer or manager thereof violated any of the provisions of this chapter or committed any act which is a ground for denial of a license issued pursuant to this chapter; or
  - 5. Provides information on the planned sites of the youth activity center where the building, structure, equipment or location of the business does not comply with the

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requirements or fails to meet the standards of the applicable health, zoning, building, or fire and safety laws of the State of Georgia and the city, or the requirements of this chapter.

- B. All grounds for consideration by the city council contained in this section shall independently or in conjunction with other laws or ordinances, be grounds to deny or revoke a new or renewal license.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.190 Issuance to persons with prior convictions.**

No original license for the operation of a youth activity center shall be issued to any person, partnership or corporation for pecuniary gain if any individual having an interest, either as owner, partner or principal stockholder, directly or indirectly beneficial or absolute, or the individual's spouse shall have been convicted or shall have taken a plea of nolo contendere, within ten (10) years immediately prior to the filing of the application, for any felony or misdemeanor of any state or of the United States or any municipal ordinance, except traffic violations. The term "conviction" includes an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime; if the violation is for a misdemeanor or municipal ordinance, the city council may, after investigation, recommend waiver of that disqualification.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.200 Security personnel.**

- A. It shall be the obligation of every person licensed under this chapter to ensure that an adequate number of qualified security personnel are employed and are on the premises of the youth activity center during a teen dance as is necessary to maintain order and ensure compliance with the laws of the State of Georgia and ordinances of the city.
- B. An "adequate number of security personnel" shall include at least two (2) persons trained as law enforcement personnel, which may include off-duty police officers.
- C. At no time shall fewer than twenty-five percent (25%) of the security personnel in attendance at youth activity center have training as law enforcement personnel. Those security personnel not having law enforcement training must have received formal training in crowd control.
- D. During teen events, there must be at least one (1) police officer or security officer for every two (2) established entrances or exits on the premises.
- E. It shall be the further obligation of every person licensed under this chapter to employ during and following each teen event, at least one (1) security officer to patrol the sidewalks and public areas, including but not limited to, adjacent parking lots within four hundred (400) feet used by the patrons and any areas abutting the youth activity center.

(Ord. 03-73 § 2 (part), 2003)

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#### **9.43.210 Police supervision.**

The presence of any policeman at any youth activity center shall not relieve the proprietor thereof, or any of his employees, from the responsibility of the provisions of this chapter or for violations of any law or ordinance or lawful rule of the chief of police or from responsibility for maintaining decency and order in said public youth activity center.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.220 Right of entry for purpose of inspection.**

Youth activity centers shall at all times be open to the public authorities for entrance and inspection. All peace officers shall have free access to youth activity centers for the purpose of inspection and to enforce compliance with the provisions of this chapter.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.230 Readmission fee.**

No person conducting or operating a youth activity center or teen event shall permit any person, other than an employee, to leave the event and return unless that person pays a readmission fee equal to, or greater than, one-half the original price of admission.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.240 Computer use regulations.**

Youth activity centers with possession of a computer which has internet access shall install, maintain and update on a daily basis an internet filtering solution to ensure that web sites containing inappropriate contents are not viewed by users. Such inappropriate contents include, adult content, pornography, drugs, alcohol, auctions, gambling, chat rooms, hate/discrimination, nudity, personal advertisements, tobacco, violence, personal information for malicious purposes and internet loopholes that provide access to such information.

(Ord. 03-73 § 2 (part), 2003)

#### **9.43.250 Fees.**

The annual fee for a youth activity center license shall be five hundred dollars (\$500.00). Such license shall be valid only for the calendar year issued, unless the city otherwise specifies on the license.

(Ord. 03-73 § 2 (part), 2003)

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**9.43.260 Date for payment of license fees—Prorated fees.**

All annual license fees under this chapter shall be paid in advance on or before January 1 of each year. Any person granted a new or renewal license under this chapter during a calendar year shall pay the full license fee without proration, except that the fee for a new or renewal license granted after June 30 in any calendar year shall be fifty percent (50%) of the annual license fees for the remainder of that calendar year.

(Ord. 03-73 § 2 (part), 2003)

**9.43.270 Operating without a license—Penalty.**

Any person who shall conduct or operate a youth activity center or teen event without a valid license issued pursuant to this chapter shall be guilty of a misdemeanor.

(Ord. 03-73 § 2 (part), 2003)

**9.43.280 Violations.**

Any person violating the terms of this chapter shall be punished in municipal court as provided for in Section 1.04.080. Each violation of this chapter and each day the violation continues shall be considered a separate offense.

(Ord. 03-73 § 2 (part), 2003)

(Ord. No. 14-345, § 19, 5-12-2014)

**9.43.290 Action by the city council.**

If by action of the police department, a cause for imposition of penalty, fine, suspension or revocation is forwarded to the city council (for a first violation or any subsequent violations) for review, the applicant shall provide a written statement from the owner or lessor of the location verifying that the applicant has notified the owner/lessor that a violation of this chapter by the applicant occurred at the owner/lessor's location upon appearance before the city council.

(Ord. 03-73 § 2 (part), 2003)

**Chapter 9.44 ADULT ENTERTAINMENT ESTABLISHMENTS**

**9.44.010 Adult entertainment establishments—Findings—Public purpose.**

- A. As a municipality located within the Atlanta Standard Metropolitan Statistical Area which is experiencing rapid growth and change due to urbanization of our county and being familiar with the experiences of other urban and suburban counties and municipalities including, but not limited to, Atlanta, DeKalb County and Fulton County, Georgia; Austin, Texas; Phoenix, Arizona; Oklahoma City, Los Angeles, California; Oklahoma; Cleveland, Ohio

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and Indianapolis, Indiana, which experiences are relevant to the problems faced by the city of Stockbridge, Georgia, the mayor and council take note of the well-known and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country. The mayor and council also take note of studies concerning such conditions in many of the aforementioned municipalities.

- B. Moreover, it is the finding of the mayor and council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment," leads to an increase in the surrounding area of criminal behavior and creates undesirable community conditions, blight and diminution in property values.
- C. Among the acts of criminal behavior identified with the commercial combination of live nudity and alcohol, and live commercial nudity in general, are disorderly conduct, prostitution, solicitation, drug trafficking, drug use and corruption of public officials. Among the undesirable community conditions identified with the commercial combination of live nudity and alcohol, and commercial nudity in general, are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior hereinabove described.
- D. Accordingly, it is in the best interest of the health, welfare, safety and morals of the community to reduce the adverse impact of adult entertainment establishments by limiting the number of such uses, so as to reduce the negative impacts of adult entertainment establishments upon other business uses, neighborhood property values, residential areas and public and semipublic uses; to insure that adult entertainment establishments do not impede development, redevelopment and neighborhood revitalization efforts; and so as to avoid allowing adult entertainment establishments in heavily used public pedestrian areas.
- E. Therefore, the limitation of adult entertainment to certain prescribed areas of the city is in the public welfare and it is a matter of governmental interest and concern to minimize the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which provide or establish adult entertainment. To that end, the ordinance codified in this chapter is adopted.

(Ord. 04-90 § 1, 2004; Ord. 03-80 § 1, 2003; Ord. 93-9 § 1, 1993)

#### **9.44.020 Definitions.**

The following terms used in this chapter defining adult entertainment establishments shall have the meanings indicated below:

"Adult bookstore" means an establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or

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specified anatomical areas or an establishment with a segment or section, comprising five percent (5%) of its total floor space, devoted to the sale or display of such materials or five percent (5%) of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

"Adult entertainment establishments" means and includes adult dancing establishments, exotic dance establishments, adult bookstores, adult motion picture theaters, adult motion picture arcades and adult video stores.

"Adult dancing establishment" means a business that features live dancers on the premises engaged in displaying or exposing specified anatomical areas.

"Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

"Adult motion picture theater" means an enclosed building used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

"Adult video store" means an establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent (5%) of its total floor space, devoted to the sale or display of such material or which derives more than five percent (5%) of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities and specified anatomical areas.

"Exotic dance establishment" means a nightclub, theater or other establishment which features live performances on the premises by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

"Specified sexual activities" means and shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty;
2. Clearly depicted human genitals, in a state of sexual stimulation, arousal or tumescence;

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3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
  4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
  5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
  6. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being;
  7. Human excretion, urination, menstruation, vaginal or anal irrigation.

"Specified anatomical areas" means and includes any of the following: pubic hair, anus, vulva or genitals of either males or females, or any portion of the areola of the female breast.

(Ord. 93-9 § 2, 1993)

#### **9.44.030 Permitted locations.**

Adult entertainment establishments shall be allowed only in commercial areas zoned General Commercial District (C-2) or Heavy Commercial District (C-3) under the city's zoning ordinance with at least sixty feet (60') of road frontage on the southeastern right-of-way of Georgia Highway 42 and between the eastern right-of-way of Rock Quarry Road and the western right-of-way of Georgia Highway 42 where it intersects with Georgia Highway 138. Within the area, adult entertainment establishments shall be prohibited within one thousand feet (1,000') of another adult entertainment establishment, school buildings, school grounds, college campuses, public places of worship, public parks or areas zoned primarily for residential purposes as measured from property boundary to property boundary along a straight line. Furthermore, no more than one (1) adult entertainment establishment may be located in the same building..

(Ord. 04-113 § 1, 2004; Ord. 04-99 § 2, 2004; Ord. 03-80 § 2, 2003; Ord. 93-9 § 3, 1993)

#### **9.44.040 Other locational requirements.**

Adult entertainment establishments shall be subject to the provisions of the zoning ordinance, this chapter and the following standards of use:

- A. The minimum lot area for an adult entertainment establishment shall be two (2) acres.
- B. In addition to zoning development standards governing commercial zoning districts, buildings and structures established in connection with an adult entertainment establishment shall be separated at least forty feet (40') from any other business establishment and the minimum rear yard shall be seventy-five feet (75').
- C. In addition to the development standards of the zoning ordinance, adult entertainment establishments shall be separated at least two hundred feet (200') from any parcel either used or zoned for residential purposes.
- D. In addition to all of the above stated separation requirements under this section, such areas of separation shall have a dense vegetation buffer a minimum of twenty feet (20') in width from the property line. The vegetative buffer shall visually screen the establishment from all adjacent properties.

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(Ord. 04-90 § 3, 2004; Ord. 03-80 § 3, 2003; Ord. 93-9 § 4, 1993)

**9.44.050 Licensing.**

- A. Any person, firm, partnership or corporation which owns or operates an adult entertainment establishment shall be required to obtain a license under this chapter. No person, firm, partnership or corporation shall be permitted to operate an adult entertainment establishment unless and until such a license is obtained.
- B. To obtain an adult entertainment establishment license, the applicant must:
1. Complete the application. Any untrue or misleading information contained in or material omission left out of an original or renewal application for a license hereunder shall be cause for the denial thereof, and, if any license has been granted under these circumstances, same shall be cause for revocation.
  2. Provide documentation to prove that the applicant meets or exceeds the conditions of zoning pertaining to the property to be licensed; and provide an "as built" survey prepared and certified by a registered land surveyor or professional engineer depicting the location of the structure which will operate as the adult entertainment establishment. Prior to the issuance of such license, the "as built" survey shall be submitted to the building inspector for a determination as to whether the proposed site meets the standards set forth in the conditions of zoning and this chapter.
  3. Furnish a complete set of fingerprints for all owners of sole proprietorships, all officers and owners of ten percent (10%) or more shares of any corporation and all partners of any partnership.
  4. Prior to submitting such application, a nonrefundable fee, established by the mayor and council, shall be paid to the business services manager to defray, in part, the cost of investigation and report required by this chapter. The business services manager shall issue a receipt showing that such application fee has been paid.
  5. The application for license does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.
- C. The city shall have thirty (30) days to investigate the application and the background of the applicant. Upon completion of the investigation, the mayor and council may grant the license if it finds:
1. The required fee has been paid;
  2. The application, applicant and proposed operation conform in all respects to the provisions of this chapter;
  3. The applicant has not knowingly made a material misrepresentation in the application;
  4. The applicant has fully cooperated in the investigation of his application;

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5. The applicant has not had an adult entertainment establishment license or other similar license or permit denied or revoked for cause by this city or any other city located in or out of this state prior to the date of application;
  6. That on the date of the business for which a license is required herein commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open;
  7. That the grant of such license will not cause a violation of this chapter or any other ordinance or regulation of the city, state of Georgia or the United States;
  8. Any other inquiry deemed necessary or desirable by the city to insure the health, safety and welfare of the citizens of the city or the preservation of its neighborhoods.
- D. If the mayor and council have not approved or disapproved an application for a license under this chapter within forty-five (45) days from the date such application was received by the city, then on the expiration of the forty-fifth (45th) day:
1. The application shall be approved, and the business services manager shall immediately issue a license for which application was made; and
  2. The applicant shall have the right to begin operating in a manner allowed by the license for which the application was made.
- E. If the mayor and council have not approved or disapproved an application for a license under this chapter within forty-five (45) days from the date such application was received by the city, then on the expiration of the forty-fifth (45th) day:
1. The application shall be approved, and the business services manager shall immediately issue a license for which application was made; and
  2. The applicant shall have the right to begin operating in a manner allowed by the license for which the application was made.
- F. No person, partnership, business, firm or corporation shall be granted a license if the person, or any partner, officer or owner of ten percent (10%) or more of the shares of or any interest in any such business, firm, partnership or corporation has been convicted of or has pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, lottery, gambling, illegal possession or sale of any narcotics, drugs or chemicals for which the sale thereof is controlled or prohibited by law, the control of the sale or distribution of alcoholic beverages, prostitution, solicitation, or the possession or receiving of stolen property, within a period of fifteen (15) years immediately prior to the filing of the application. Should any such person, partner, officer or shareholder of a corporation, after a license has been granted, be convicted of or plead guilty or nolo contendere to any such crime, the license shall be subject to suspension and revocation. Withdrawal of an owner, officer or partner or enumerated shareholder, after pleading guilty or nolo contendere to the above enumerated crimes, shall not necessarily mitigate against the penalty imposed hereby.
- G. Upon payment of the full license fee, the city shall issue a license authorized as provided in this section; provided that payment of the entire license fee shall be required within fifteen (15) days of approval of the license application. Failure to pay such fee within the fifteen

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(15) day period shall result in approval being withdrawn by the city without the necessity of any further action on the part of the city.

- H. Licenses issued under this chapter shall be renewed annually. The fee for an adult entertainment license shall be as set from time to time by the mayor and council.
- I. Issuance of a license under this chapter shall not in any way be deemed to condone or make legal any act prohibited by state or federal law or local ordinance.
- J. No adult entertainment establishment license may be sold, transferred or assigned by a licensee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall thereafter be null and void; provided, however, that if the licensee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such license, and in such case the license, upon notification to the city, shall be placed in the name of the surviving partner. An adult entertainment establishment license issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit or any stock authorized but not issued at the time of the granting of a license thereafter issued is sold, transferred or assigned.

(Ord. 04-90 § 4, 2004; Ord. 03-80 § 4, 2003; Ord. 93-9 § 5, 1993)

**9.44.060 Change of location or name.**

- A. No adult entertainment establishment shall move from the location specified on its license until a change of location fee, established by resolution of the mayor and council, has been deposited with the city and approval has been obtained from the city building inspector. Such approval shall not be given unless all requirements and regulations as contained in the city code and Zoning Ordinance have been met.
- B. No licensee shall operate, conduct, manage, engage in or carry on an adult entertainment establishment under any name other than his name and the name of the business as specified on his license.
- C. Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require inspection and shall comply with the provisions and regulations of this chapter.

(Ord. 93-9 § 6, 1993)

**9.44.070 Appeal—Procedure.**

- A. The applicant or a licensee shall, within ten (10) days after he has been notified of an adverse determination, submit a notice of appeal to the business services manager.

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- B. The notice of appeal shall be addressed to the mayor and council and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the council and the name and address of the applicant.
  - C. The business services manager shall place the appeal on the agenda of the next regular council meeting occurring not less than five (5) nor more than thirty (30) days after receipt of the application for council action.

(Ord. 93-9 § 7, 1993)

**9.44.080 Change of location or name—Council determines procedure.**

- A. When an appeal is placed on the council agenda, the mayor and council may take either of the following actions:
  - 1. Set a hearing date and instruct the business services manager to give such notice of hearing as may be required by law;
  - 2. Appoint a hearing officer and fix the time and place for hearing. The hearing officer may or may not be a city employee and may be appointed for an extended period of time.
- B. The business services manager shall assume responsibility for such publication of notice of the hearing as may be required by law. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this chapter.

(Ord. 93-9 § 8, 1993)

**9.44.090 City council hearing.**

Whenever the business services manager has scheduled an appeal before the mayor and council, at the time and date set therefor, the council shall receive all relevant testimony and evidence from the applicant or licensee, from interested parties and from city staff. The mayor and council may sustain, overrule or modify the action complained of. The action of the mayor and council shall be final.

(Ord. 93-9 § 9, 1993)

**9.44.100 Power of hearing officer.**

The hearing officer appointed pursuant to the procedure outlined in this chapter may receive and rule on admissibility of evidence and hear testimony under oath and call witnesses as he may deem advisable with respect to the conduct of the hearing.

(Ord. 93-9 § 10, 1993)

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#### **9.44.110 Rules of evidence inapplicable.**

The mayor and council and the hearing officer shall not be bound by the traditional rules of evidence in hearings conducted under this chapter. Rules of evidence as applied in an administrative hearing shall apply.

(Ord. 93-9 § 11, 1993)

#### **9.44.120 Hearing officer—Report.**

- A. The hearing officer shall, within a reasonable time not to exceed thirty (30) days from the date such hearing is terminated, submit a written report to the council. Such report shall contain a brief summary of the evidence considered and state findings and conclusions and recommendations. All such reports shall be filed with the business services manager and shall be considered public records. A copy of such report shall be forwarded by certified mail to the licensee or appellant the same day it is filed with the business services manager, with additional copies furnished to the chief of police.
- B. The business services manager shall place the hearing officer's report on the agenda of the next regular council meeting occurring not less than ten (10) days after the report is filed and shall notify the licensee/appellant of the date of such meeting at least ten (10) days prior to the meeting unless the licensee/appellant stipulates to a shorter notice period.

(Ord. 93-9 § 12, 1993)

#### **9.44.130 Hearing officer—Action of council.**

The mayor and council may adopt or reject the hearing officer's decision in its entirety or may modify the proposed recommendation. If the council does not adopt the hearing officer's recommendation, it may decide the case upon a review of the entire record before the hearing officer with or without taking additional evidence.

(Ord. 93-9 § 13, 1993)

#### **9.44.140 Clearance of employees and contractors.**

- A. No person may be employed or allowed to work as an independent contractor by an establishment holding a license hereunder until such person has been fingerprinted by the police department and has been issued a letter of clearance by the police department indicating the person has not, within the preceding five (5) years been convicted of or pled guilty or nolo contendere to any law catalogued by Section 9.44.050(D) of this chapter. A letter of compliance shall be issued by the police department indicating the person is eligible for such employment. This letter must be kept on file at the licensed establishment where such person may be working or performing. This section shall apply to all performers, entertainers, musicians and persons engaged in temporary work or independent contracting, as well as regular employees.

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- B. The police department shall have a search made relative to any police record of the person fingerprinted. In the event there is a violation of laws as catalogued in Section 9.44.050(D) of this chapter, the police department shall issue a letter to the person fingerprinted stating that the person is ineligible for employment. This determination may be appealed to the mayor and council.
  - C. Any letter of eligibility for employment issued hereunder shall expire twelve (12) months from the date of issue. The mayor and council may prescribe reasonable fees for certifying the eligibility of employment.

(Ord. 93-9 § 14, 1993)

**9.44.150 Regulations pertaining to adult dancing establishments and exotic dance establishments.**

- A. Any person, firm, business, partnership or corporation licensed as an adult dancing establishment or an exotic dance establishment shall comply with the following rules and regulations pertaining to the operation of their facility:
  - 1. No licensee shall offer adult entertainment between the hours of two a.m. and twelve p.m.
  - 2. No person under the age of eighteen (18) shall be permitted on the premises.
  - 3. No patron shall be permitted to touch, fondle or caress any performer, nor shall any performer be permitted to touch, fondle or caress a patron. No employee shall be permitted to fondle or caress any patron, nor shall any patron be permitted to fondle or caress any employee.
  - 4. No tips for performers or employees shall be placed by a patron on the person of the performer or employee.
  - 5. All live performers shall be restricted to fixed stages, and no patron shall be permitted on such stages for any purpose. "Fixed stage" shall be defined as a raised floor area or stage at least four (4) feet high and designed exclusively for, and used only by, performers. Tables used for seating and service to customers do not meet these standards and shall not be used for performing purposes.
  - 6. No dancing shall occur closer than ten (10) feet to any patron.
  - 7. The license shall be displayed in a prominent place on the premises at all times.
  - 8. No licensee shall permit any alcoholic beverages to be served, offered or consumed on the licensed premises or in any parking area dedicated to the use of the licensed premises.
  - 9. All areas of an establishment licensed hereunder shall be fully lighted at all times when patrons are present. Full lighting shall mean illumination equal to three and five tenths (3.5) foot candles per square foot.

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10. An adult dancing establishment and exotic dance establishment licensee shall maintain and retain for a period of two (2) years the names, addresses and ages of all persons employed as dancers.
  11. No adult entertainment establishment licensee shall employ or contract with as a dancer a person under the age of eighteen (18) years or a person not licensed pursuant to this chapter.
  12. No person physically present on the premises, other than a live performer performing in accordance with the standards of this section, shall publicly display, expose, or permit the public display or exposure of any specified anatomical area.
- B. No person, firm, business, partnership or corporation shall advertise or cause to be advertised an adult dancing establishment or an exotic dance establishment without a valid adult entertainment establishment license issued pursuant to this chapter.

(Ord. 93-9 § 15, 1993)

#### **9.44.160 Admission of minors.**

No adult entertainment licensee shall permit the admission of persons under the age of eighteen (18) onto the licensed premises.

(Ord. 93-9 § 16, 1993)

#### **9.44.170 Sales to minors.**

No person shall sell, display, barter or give, or offer to sell, display, barter or give to any person under the age of eighteen (18) any service, material, device or thing sold or offered for sale by an adult entertainment establishment.

(Ord. 93-9 § 17, 1993)

#### **9.44.180 Certain activities prohibited.**

No person physically present on the premises of an adult bookstore, adult motion picture arcade, adult motion picture theater or adult video store shall publicly display, expose, or permit the public display or exposure of any specified anatomical area. No person physically present on the premises of any adult entertainment establishment shall engage in any lewd or obscene behavior constituting a violation of the laws of the state of Georgia.

(Ord. 93-9 § 18, 1993)

#### **9.44.190 Unlawful operation declared nuisance.**

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action here under, commence an

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action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this chapter. In addition, violation of the provisions of this chapter shall be per se grounds for suspension or revocation of a license granted hereunder.

(Ord. 93-9 § 20, 1993)

#### **9.44.200 Cleaning of licensed premises.**

Each licensed premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the licensed premises. Adequate facilities, equipment, and supplies shall be provided on the licensed premises to meet this requirement. Adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire licensed premises. Trash and garbage shall not accumulate or create a nuisance on, or in the immediate vicinity of, the licensed premises. Disposal shall occur daily, or more frequently if necessary, subject to collection schedules.

(Ord. 93-9 § 21, 1993)

#### **9.44.210 Violations—Penalty.**

Any person violating the provisions of this chapter shall be guilty of an offense, punishable by a fine and/or imprisonment not to exceed the limitations of the city charter.

- B. In addition to fine or imprisonment, violation of this chapter shall be grounds for suspension or revocation of the license issued hereunder.
- C. Any person, firm, partnership, or corporation who holds an adult entertainment establishment license must also comply with all applicable local, state and federal laws or regulations otherwise pertaining to these establishments. Failure to comply shall be grounds for suspension or revocation of the license issued hereunder.

(Ord. 93-9 § 19, 1993)

### Chapter 9.48 FORTUNETELLERS

#### **9.48.010 Practice of fortunetelling and other business of like kind prohibited.**

- A. It is unlawful and an offense against the city for any person to carry on within the corporate limits or police jurisdiction of the city the business of fortunetelling or carrying on the trade, business or profession of phrenology, clairvoyance, palmistry, handwriting analysis, or other kindred practices or business of like kind or nature as defined in Section 9.48.020 in which the future of any person is foretold or attempted to be foretold.

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- B. Any person holding a valid unexpired and unrevoked license from the city to engage in such business or profession shall do so only within commercially zoned areas of the city. The location of such business or profession is prohibited in all residentially zoned areas.

(Ord. 95-4 § 1, 1995)

#### **9.48.020 Definitions.**

"Clairvoyance" means the power to perceive things that are naturally beyond the range of human senses.

"Fortunetelling" means the prediction of the future for a fee, gift or donation.

"Handwriting analysis" means the interpretation of human experience based upon an examination of handwriting or other inscription done by hand for fee, gift or donation.

"Palmistry" means the art or practice of telling fortunes from the lines, marks and/or patterns of the palms of the hands.

"Phrenology" means the study of the conformation of the skull based on a belief that it is indicative of mental ability and character.

(Ord. 94-3 § 2, 1994)

#### **9.48.030 License—Application.**

- A. Any person desiring to practice fortunetelling or other kindred practices as defined in Section 9.48.020 shall make application for a license to the Stockbridge Police Department on forms to be prepared and approved by the Business Services Division.
- B. The applicant shall meet the following requirements prior to being licensed to practice any of the above-defined practices within the corporate limits or police jurisdiction of the city:
1. Be over the age of eighteen (18) years;
  2. Shall not have been convicted of a crime of any grade or any ordinance violation involving the following categories of criminal conduct: Larceny, embezzlement, fraudulent conveyancing; perjury and/or false swearing, gambling, deceitful means, artful practices, felonies or other group I crimes, as defined in the Uniform Crime Reporting Manual, Federal Bureau of Investigation, U.S. Department of Justice, which are reasonably related to the activities regulated herein, within three (3) years of the date of the application for license;
  3. Allow fingerprints to be made by the Stockbridge Police Department and a character reference check run on the applicant. Fingerprints must be made at least ten (10) days prior to the issuance of a license to allow for investigation of the applicant;
  4. Furnish the Stockbridge Police Department with two (2) photographs showing a front and side picture of the full face of the applicant, size two and one-half (2½) inches by two and three-fourths (2¾) inches; and

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5. Provide three (3) letters of reference as to the good moral character of the applicant, signed by currently qualified and registered voters of good moral character of the county. The letters shall not be required for annual renewals of licenses issued under this chapter.

(Ord. 94-3 § 3, 1994; Ord. No. 22-499, § 8(Exh. G), 5-31-2022)

#### **9.48.040 Fees and taxes.**

- A. The business regulatory fee and occupational taxes shall be set by ordinance.
- B. An application fee of two hundred fifty dollars (\$250.00) must be submitted to the business services manager along with the application which will cover the administrative costs, fingerprinting and background check on the applicant.

(Ord. 94-3 § 4, 1994)

#### **9.48.050 License—Revocation and suspension.**

Any person failing to comply with any provision of this chapter, or such other laws and regulations as may be passed by the council for the conduct defined in Section 9.48.020, shall be subject to having his/her license to conduct such business revoked or suspended.

(Ord. 94-3 § 5, 1994)

#### **9.48.060 Violations.**

Any advertising by any means of a business or service described in Section 9.48.020 shall be prima facie evidence of a violation of this chapter.

(Ord. 94-3 § 6, 1994)

(Ord. No. 14-345, § 20, 5-12-2014)

### Chapter 9.50 BINGO GAMES

#### **9.50.010 Definitions.**

"Bingo game" or "nonprofit bingo game" means a game of chance played on cards with numbered squares in which counters or indicators are placed on numbers chosen by lot and won by covering a previously specified number or order of numbered squares. Such words, terms or phrases, as used in this paragraph, shall be strictly construed to include only the series of acts generally defined as bingo and shall exclude all other activity.

"Bingo session" means a time period during which bingo games are played.

"Operate," "operated" or "operating" means the direction, supervision, management, operation, control or guidance of activity.

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(Ord. 95-24 § 1, 1995)

**9.50.020 Licensing.**

- A. No nonprofit, tax-exempt organization shall be permitted to operate a bingo game within the corporate limits of the city until it has obtained a license from the city authorizing it to do so.
- B. Any nonprofit, tax-exempt organization desiring to obtain a license to operate bingo games shall make application to the city council on forms prescribed by the city manager and shall pay an annual fee of two hundred fifty dollars (\$250). No license shall be issued to any nonprofit, tax-exempt organization unless such organization has been in existence for twenty-four (24) months immediately prior to the issuance of the license. Such license will expire at midnight on December 31st following the granting of such license. Renewal applications for each calendar year shall be filed with the city council sixty (60) days prior to January 1st of each year and shall be on a form prescribed by the city manager of the city. Each application for a license and each application for a renewal license shall contain the following information:
1. The name and home address of the applicant and if the applicant is a corporation, association or other similar legal entity, the names and home addresses of each of the officers of the organization as well as the names and addresses of the directors, or other persons similarly situated, of the organization;
  2. The names and home addresses of each of the persons who will be operating, advertising or promoting the bingo game;
  3. The names and home addresses of any persons, organizations or other legal entities that will act as surety for the applicant, or to whom the applicant is financially indebted, or to whom any financial obligation is owed by the applicant;
  4. A determination letter from the Federal Internal Revenue Service certifying that the applicant is an organization exempt under federal tax law;
  5. A determination letter from the State Department of Revenue certifying that the applicant is exempt under the tax laws of the state;
  6. The location at which the applicant will conduct the bingo games, and if the premises on which the games are to be conducted is to be leased, a copy of the lease or rental agreement;
  7. A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in subsections (B)(1), (2) and (3) of this section.

The city shall refuse to grant a bingo license to any applicant who fails to fully provide the information required by this section.

- C. Bingo games shall be operated only on premises owned by the nonprofit, tax- exempt organization operating the bingo game, on property leased by the nonprofit, tax-exempt

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organization and used regularly by that organization for purposes other than the operation of bingo games, or on property leased by the nonprofit, tax-exempt organization operating the bingo game, from another nonprofit, tax-exempt organization.

- D. The licensee shall:
1. Own all the equipment used to conduct a bingo game or lease such equipment from an organization that is also licensed to conduct a bingo game;
  2. Display its bingo license conspicuously at the location where the bingo game is conducted;
  3. Conduct bingo games only at the single location specified in the licensee's application;
  4. Not conduct more than one (1) bingo session during any one (1) calendar day and such session shall not exceed five (5) hours.
- E. No person under the age of eighteen (18) years shall be permitted to play any game or games of bingo conducted pursuant to any license issued under this section or the state unless accompanied by an adult. No person under the age of eighteen (18) years shall be permitted to conduct or assist in the conduct of any game of bingo pursuant to any license issued under this section or the state.
- F. On or before April 15th of each year, every nonprofit, tax-exempt organization engaged in operating bingo games shall file with the council members a report disclosing all receipts and expenditures relating to the operation of bingo games of the previous year. Such report shall be in addition to all other reports required by law. Such report shall be prepared and signed by the certified or public accountant competent to prepare such report and shall be deemed a public record subject to public inspection.
- G. The city council shall have the specific authority to suspend or revoke any license for any violation of the provisions of this section after hearing before the city council in accordance with the rules and regulations governing the revocation and suspension of alcoholic beverage licenses.
- H. By making applications for a license under this section, every applicant herewith consents that the city, as well as any of its agents, may come upon the premises of any licensee or upon the premises on which any licensee is conducting a bingo game for the purpose of examining the accounts and records of the licensee to determine if a violation of any provisions of this section have occurred.
- I. The licensee shall provide to the city notice immediately upon receiving a suspension, notice of the violation, or revocation of its license issued by the state of Georgia. In the event the licensee fails to provide such information to the city, then the licensee shall have its license revoked hereunder.
- J. Notwithstanding the foregoing provisions, the licensee shall, at all times comply, with all state laws and rules and regulations issued by the State Department of Revenue pertaining to Official Code of Georgia Annotated Section 16-12-50, et seq.

(Ord. 95-24 § 2, 1995)

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### **9.50.030 Violations.**

Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080. Each violation of this chapter and each day the violation continues shall be considered a separate offense.

(Ord. 95-24 § 3, 1995)

(Ord. No. 14-345, § 21, 5-12-2014)

## **Chapter 9.52 WIRELESS COMMUNICATIONS FACILITIES STANDARDS AND PROCEDURES**

### **9.52.010 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

"Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

"Antenna array" means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. The antenna does not include the support structure defined below.

"Attached wireless communication facility (attached WCF)" means an antenna that is attached to an existing building or structure (attachment structure), which structures shall include but not be limited to utility poles, signs, and water towers, with any accompanying pole or device (attachment device) which attaches the antenna to the existing building or structure and associated connected cables, and an equipment facility which may be located either inside or outside of the attachment structure.

"Collocation/site sharing" means use of:

- A. A common WCF by two (2) or more wireless license holders or by one (1) wireless license holder for more than one (1) type of communications technology;
- B. A common WCF-site by two (2) or more wireless license holders or by one (1) wireless license holder for more than one (1) type of communications technology; or
- C. The placement of a WCF on a structure owned or operated by a utility or other public entity (i.e., water tower, billboard, etc.).

"Development standards," as used herein, means those standards set forth in Section 9.52.040 and Table 1.

"Equipment facility" means any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.

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"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

Governing Authority. The city council for the city of Stockbridge, Georgia shall act as the governing authority.

Pre-existing Towers and Antenna Arrays. Refer to Section 9.52.030 of this chapter.

"Height" means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an existing antenna array or tower on such lot. For purposes of determining whether the installation of an antenna or tower complies with district development regulation, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

"Planning and zoning board" means the Henry County municipal planning commission.

"Public officer" means the Henry County community development director.

"Review process," as used herein, means those processes set forth in Section 9.52.050.

"Setback" means the required distance from the property line of the parcel on which the WCF is located to the support structure base.

"Support structure" (this shall also be referred to as "tower") means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna arrays, including self-supporting lattice towers, guy tower, or monopole tower. The term shall include radio and television transmission towers, microwave towers, common-carrier towers, PCS service towers, cellular telephone towers, alternative tower structures, and the like.

(Ord. 98-13 (part), 1998)

### **9.52.020 Purpose and goals.**

- A. The purpose of this chapter is to establish general guidelines for the siting of WCFs.
- B. The goals of this chapter are to:
  - 1. Provide a range of locations for WCFs in a variety of zones;
  - 2. Within each zone, provide clear performance standards addressing the siting of WCFs;
  - 3. Encourage the location of WCFs in nonresidential areas and minimize the total number of towers throughout the community;

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4. Encourage the location of WCFs on existing structures, including utility poles, signs, water towers, buildings, and other WCFs where feasible;
  5. Encourage collocation and site sharing of new and existing WCFs;
  6. Encourage users of towers and antennas to configure them in a way that harmonizes the visual impact off the towers and antennas with the existing natural and/or built environment;
  7. Facilitate the use of public property and structures for WCFs.

(Ord. 98-13 (part), 1998)

#### **9.52.030 Applicability.**

- A. **Public Property.** Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this chapter, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- B. **Amateur Radio—Receive-Only Antennas.** This chapter shall not govern any tower, or the installation of any antenna, that is under thirty-five feet (35') in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. **Pre-Existing Towers and Antennas.** Any tower or antenna having a properly issued permit prior to the effective date of the ordinance codified in this chapter shall not be required to meet the requirements of this chapter, other than the requirements of Sections 9.52.040(J) and (K). Any such towers or antennas shall be referred to in this chapter as "pre-existing towers" or "pre-existing antenna arrays."

(Ord. 98-13 (part), 1998)

#### **9.52.040 Development standards.**

(Table 1 for quick reference) General Guidelines and Requirements. The standards set forth in this section shall govern the location of all towers and the installation of all antennas. Should certain standards be contrary to applicable state and/or federal regulations or laws, such standards shall be subject to waiver or variance. Further, the governing authority may act to waive these standards, after an administrative review, if it determines that the goals of this chapter are better served thereby.

- A. **Height Standards.**
  1. **Attached WCFs.** Attached WCFs shall not add more than twenty feet (20') in height to the existing building or structure to which it is attached (attachment structure).
  2. **WCFs with Support Structures.**

- a. Residential-Agricultural (RA) Zoning District. In any residential-agricultural zoning district (RA), the maximum height for a WCF shall be one hundred fifty feet (150') for two (2) tenants, one hundred eighty feet (180') for three (3) or more tenants. The requirement regarding the number of tenants shall be satisfied upon proof that the tower is structurally designed to accommodate the required number of antenna arrays.
- b. Single-Family Residential (R-1, R-2, R-3) Zoning Districts. In all single-family residential zoning districts (R-1, R-2, R-3), the maximum height for a WCF shall be seventy-five feet (75').
- c. Two-Family Residential (RD) Zoning District. In all two-family residential zoning districts (RD), the maximum height for a WCF shall be seventy-five feet (75').
- d. Multiple-Family Residential (RM) Zoning District. In all multiple-family residential zoning districts (RM), the maximum height for a WCF shall be ninety feet (90').
- e. Mobile Home Development (RMH) Zoning District. In all mobile home development districts (RMH), the maximum height of a WCF shall be ninety feet (90').
- f. Office and Institutional (OI) Zoning District. In any office and institutional zoning district (OI), the maximum height shall be one hundred twenty feet (120').
- g. Neighborhood Commercial (C-1) Zoning District. In any neighborhood commercial zoning district (C-1), the maximum height shall be ninety feet (90').
- h. General Commercial (C-2) Zoning District. In any general commercial zoning district (C-2), the maximum height of a WCF shall be one hundred fifty feet (150').
- i. Heavy Commercial (C-3) Zoning District. In any heavy commercial zoning district (C-3), the maximum height of a WCF shall be one hundred eighty feet (180').
- j. Light Industrial (M-1) Zoning District. In any light industrial zoning district (M-1), the maximum height of a WCF shall be one hundred ninety feet (190').
- k. Heavy Industrial (M-2) Zoning District. In any heavy industrial zoning district, the maximum height of a WCF shall be two hundred feet (200').

**Table 1 Development Standards for WCFs**

Zoning District	Maximum Height <sup>5</sup>	Setbacks <sup>2</sup>	Additional Buffers, Landscaping <sup>4</sup>
RA	150/180 feet <sup>5</sup>		10,Y

R-1, R-2, R-3	75 feet	50% height of tower, plus 1 foot per each 2 feet of tower height over 75 feet	10,Y
RD, RM	90 feet		10,Y
RMH	90 feet		10,Y
OI	120 feet		10,Y
C-1	90 feet		10,Y
C-2	150 feet	25 <sup>3</sup>	10,Y
C-3	180 feet	20 <sup>3</sup>	10,Y
M-1	190 feet	20 <sup>3</sup>	10,Y
M-2	200 feet	20 <sup>3</sup>	10,Y

1 Attached WCFs in any zone are limited in height to twenty feet (20') from the top of the attachment structure.

2 The antenna array for an attached WCF is exempt from the setback requirements of this section and from the setbacks for the zone in which they are located, provided, no such antenna array shall extend more than eight feet (8') horizontally from the attachment structure.

3 For C-2, C-3, M-1, and M-2 zoning districts, the WCF setback shall be fifty percent (50%) of the height of tower, plus one foot (1') per each two feet (2') of tower height over seventy-five feet (75') when the property abuts a property zoned residential (RA, R-1, R-2, R-3, R-4, RD, RM and/or RMH).

4 Landscaping and buffer requirements are in addition to the underlying zone requirements. The antenna array for an attached WCF is exempt from the landscaping and buffer requirements of this section.

5 In the RA zoning district, a WCF with two (2) tenants shall be maximum of one hundred fifty feet (150'), or one hundred eighty feet (180') with three (3) or more tenants. The requirement regarding the number of tenants shall be satisfied upon proof that the tower is structurally designed to accommodate the required number of antenna arrays.

**B. Setbacks.**

1. Attached WCFs. Antenna arrays for attached WCFs are exempt from the setback standards of this section and from the setbacks for the zone in which they are located. An attached WCF antenna array may extend up to eight feet (8') horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

2. WCFs with Support Structures. The following setbacks requirements shall apply to all WCFs with support structures:

a. In residential (RA, R-1, R-2, R-3, RD, RM, RMH), office and institutional (OI), and neighborhood commercial (C-1) zoning districts, towers must be set back a minimum of fifty percent (50%) of tower height, plus one (1) additional foot for each two feet (2') of tower height in excess of seventy-five feet (75').

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- b. Towers must be set back a minimum of twenty-five feet (25') from any property line in the C-2 zoning district. Where property abuts a residentially zoned parcel, then the setback shall be a minimum of fifty percent (50%) of tower height, plus one (1) additional foot for each two feet (2') of tower height in excess of seventy-five feet (75').
  - c. Towers must be set back a minimum of twenty feet (20') from any property line in C-3, M-1, and M-2 zoning districts. Where property abuts a residentially zoned parcel, then the setback shall be a minimum of fifty percent (50%) of tower height, plus one (1) additional foot for each two feet (2') of tower height in excess of seventy-five feet (75').

C. Landscaping and Buffer Requirements.

- 1. WCFs shall be landscaped in accordance with the landscape requirements contained in Sections 3-7- 216 through 3-7-227 off the Henry County zoning ordinance, except for additional requirements stated herein.
- 2. Landscaping and buffer requirements can be waived where the WCF applicant makes other means of screening the support structure base and adjacent equipment facilities (i.e., opaque fencing, etc.). The waiver shall be in writing by the community development director pending an administrative review of development plans.
- 3. Existing mature tree growth and natural land forms on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed.
- 4. Existing vegetation on site may be used in lieu of required landscaping where approved by the community development director.
- 5. Landscaping shall be confined to the leased area of the WCF wherever feasible.
- 6. Additional Landscaping and Buffer Requirements.
  - a. In single-family and two-family residential zoning districts (RA, R-1, R-2, R-3, RD, RM and/or RMH), a ten foot (10') perimeter buffer is required, with a minimum of one (1) tree per twenty (20) lineal feet of buffer, with a minimum of fifty percent (50%) being shade trees. Retention of existing trees on site in order to meet this requirement is encouraged. Grass or other groundcover species shall be planted on all areas of the buffer strip required which are not covered by other landscape material.
  - b. In the remaining office, commercial, and industrial districts (OI, C-1, C-2, C-3, M-1 and/or M-2), an additional ten foot (10') buffer shall be required, with landscaping provided according to Section 9.52.040(C)(1).
- 7. Maintenance. It will be the responsibility of the owner/tenant to keep all landscaping material (as part of the landscaped area) free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where buffers and

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landscaping are required, shall be jointly and severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the buffer and landscape areas free from litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the buffer or landscaping shall be replaced in the event it dies.

D. Aesthetics, Placement, Materials and Color.

1. Attached WCFs shall have both antenna and supporting electrical and mechanical equipment that are of a neutral color identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  2. WCFs with support structures shall consist of towers with a galvanized steel finish, subject to any applicable standards of the FAA, in the C-3, M-1 and M-2 zoning districts. In the remaining zoning districts (RA, R-1, R-2, R-3, RD, RM, RMH, OI, C-1, C-2), WCFs with support structures shall consist of towers with a galvanized steel finish that, subject to any applicable standards of the FAA, shall be painted a neutral color, so as to reduce visual obtrusiveness. At a tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. WCFs with support structures shall be of the monopole variety except when providers can document and demonstrate need for lattice-type towers.
- E. Separation Requirement. In zoning districts other than general/heavy commercial and industrial (C-2, C-3, M-1, M-2), WCFs over one hundred fifty feet (150') in height shall not be located within one-quarter of a mile from any existing WCF that is over one hundred fifty feet (150') feet in height. This requirement may be waived upon evidence provided to the community development director by the applicant that the nearest tower cannot support any new antenna arrays.
- F. Lighting. All WCFs shall be lighted consistent with FAA regulations for tower illumination regardless of height. Any objection by the applicant based on FAA restrictions shall be presented in writing to the community development director.
- G. Noise. No equipment shall be operated at a WCF so as to produce noise which would constitute a nuisance based on local or state laws, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis, not to exceed fourteen (14) days. No generator shall be used for regular WCF operations prior to commercial power being delivered to the site.
- H. Security Fencing. WCFs with support structures shall be enclosed by a security fence of neutral color not less than six feet (6') in height. The support structure shall also be equipped with an appropriate anti-climbing device.
- I. Radio Frequency Emissions. The Federal Telecommunications Act of 1996 (FTA) gives the Federal Communication Commission (FCC) sole jurisdiction of the field of

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regulation of radio frequency (RF) emissions and WCFs which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.

- J. Federal Requirements. All WCFs must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring such antenna arrays and/or support structures into compliance with such revised standards and regulations within six (6) months of the effective dates of such standards and regulations. Failure to bring WCFs into compliance with such revised standards and regulation shall constitute grounds for the removal of the WCF at the owner's expense by utilizing the bond required in Section 9.52.080.
- K. Structural Integrity. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the Electronic Industries Association/Telecommunications Industries (EIA/TIA) 222 Revision F Standard entitled Structural Standards for Steel Antenna Towers and Antenna Supporting Structures (or equivalent), as amended from time to time. A letter stamped by an engineer certified in the state of Georgia shall be required stating that the WCF and support structure meet or exceed all applicable requirements set forth herein. If, upon inspection, the governing authority concludes a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the tower's owner, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owner's expense by utilizing the bond required in Section 9.52.080 of this chapter.

(Ord. 98-13 (part), 1998)

#### **9.52.050 Review process.**

- A. General. The applicable development standards referred to herein are those set forth in Section 9.52.040 and Table 1 of this chapter.
- B. Attached WCFs.
  - 1. Attached WCFs in commercial and industrial zones (OI, C-1, C-2, C-3, M-1, M-2) that meet the development standards are permitted outright.
  - 2. Attached WCFs in commercial and industrial zones that fail to meet the development standards shall undergo an administrative review by the community development director.
  - 3. Attached WCFs in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) shall undergo an administrative review by the community development director.

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4. Attached WCFs in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) that fail to meet the development standards shall require a conditional use permit by a public hearing of the Henry County planning and zoning board and the governing authority.
- C. WCFs with Support Structures.
1. WCFs with support structures in general/heavy commercial and industrial zones (C-2, C-3, M-1, M-2) that meet the development standards are permitted outright.
  2. WCFs with support structures in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) and office/institutional and neighborhood commercial zones (OI, C-1) shall undergo an administrative review by the community development director.
  3. WCFs with support structures in all zoning districts that fail to meet the development standards shall require a conditional use permit by a public hearing of the Henry County planning and zoning board and the governing authority.
- D. WCFs on property owned, leased or otherwise controlled by the Henry County board of commissioners, Henry County water and sewerage authority, Henry County board of education, or the governing authority pursuant to Section 9.52.030 of this chapter are permitted outright.
- E. Temporary WCFs for a term not to exceed ninety (90) days, with a possible ninety (90) day extension with approval of the community development director, are permitted outright.
- (Ord. 98-13 (part), 1998)

#### **9.52.060 Approval procedures.**

- A. Permitted Outright. Where a WCF is permitted outright, only a building permit is required.
- B. Administrative Review.
1. Review of WCFs under this section will be conducted by the community development department upon application for a building permit for the WCF.
  2. Each applicant for administrative approval shall apply to the community development director and provide the information set forth in Section 9.52.060(D) (2) of this chapter (Conditional Use Permit, Information Required) along with an administrative review fee of three hundred fifty dollars (\$350.00).
  3. The community development director shall respond to each application within forty-five (45) days after receiving it by either approving or denying the application.
  4. In connection with any such administrative approval, the community development director may, in order to encourage site sharing, administratively waive any zoning district setback requirement or landscape requirement by up to fifty percent (50%).
  5. If an administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of Section 3-7-271 through Section 3-7-272 of the zoning ordinance (appeals of administrative decisions).

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- C. Specific Administratively Approved Uses. The following uses may be approved by the community development director after conducting an administrative review:
1. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure) that is less than seventy feet (70') in height, so long as such addition does not add more than twenty feet (20') to the height of the existing structure;
  2. Installing an antenna array on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna;
  3. Installing an attached WCF pursuant to Section 9.52.050(B) of this chapter;
  4. Installing a WCF with support structure pursuant to Section 9.52.050(C) of this chapter;
  5. Modifications as stated in Section 9.52.100 of this chapter.

D. Conditional Use Permit.

1. General. The following provisions shall govern the issuance of conditional use permits:
  - a. If the WCF is not a permitted use under Sections 9.52.050(B), (C), and (D), of this chapter; or not permitted to be approved administratively pursuant to Section 9.52.050(B)(2) and (3), (C)(2) or (E) of this chapter, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all specified zoning districts.
  - b. In granting a special use permit, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
2. Information Required. Each applicant requesting a conditional use permit under this chapter shall submit the following:
  - a. Plans. The applicant shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this chapter, provided however, that the applicant need not retain a licensed landscape architect to prepare the landscape plan, and information regarding radio frequency coverage may be submitted by a qualified, but not licensed, radio frequency engineer retained or employed by the applicant. Any information of a structural engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

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- b. Inventory of Existing Sites. Each applicant for an antenna or tower shall provide to the community development director an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower. The community development director may share such information with other applicants applying for administrative approvals or conditional use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, the community development director is not, by sharing this information, in any way representing or warranting such sites are available or suitable.
      - c. Collocation. Pursuant to goals in Section 9.52.020, each applicant shall provide a statement indicating intent to allow shared use of the tower and how others will be accommodated, if the height of the tower allows for said collocation.
    3. Reviewing Bodies. Review of WCFs under this section will be conducted by the Henry County planning and zoning board and the governing authority.
    4. Public Notice. Notice shall be given for this review in accordance with the procedures established in Section 3-7-314 of the zoning ordinance for notice of applications and hearings before the planning and zoning board and the governing authority.
    5. Hearing. The governing body shall render a decision on the conditional use request in accordance with procedures established in Sections 3-7-291 through 3-7-293 of the zoning ordinance adopted by the governing authority in addition to subsection (D)(2)(6) of this section.
    6. Factors Considered in Granting Conditional Use Permits. The planning and zoning board and the governing authority shall consider the following factors in determining whether to issue a conditional use permit, although either body may waive, or in certain instances, increase the burden on the applicant on one (1) or more of these criteria if either body concludes that the goals of this chapter are better served thereby:
      - a. Height of the proposed tower;
      - b. Proximity of the tower to residential structures and residential district boundaries;
      - c. Nature of uses on adjacent and nearby properties;
      - d. Surrounding topography;
      - e. Surrounding tree coverage and foliage;
      - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
      - g. Ability of the support structure and/or for collocation with future wireless communications providers;
      - h. Proposed ingress and egress; and
      - i. Availability of suitable existing towers or other structures as listed below in subsection (D)(2)(7) of this section.

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7. Availability of Suitable Existing Towers or Other Structures. No conditional use permit for a new tower shall be granted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning board and the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
    - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
    - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
    - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
    - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
    - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;
    - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  8. Findings (Denials). All denials rendered by either the planning and zoning board or the governing authority under a conditional use permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence in the record.
  9. Timing of Decision. The planning and zoning board and/or the governing authority shall render its decision within ninety (90) days of application, unless either the board or the governing authority can demonstrate that more time is reasonably required due to extenuating circumstances.

(Ord. 98-13 (part), 1998)

#### **9.52.070 Notice to adjacent property owners.**

The applicant is responsible for notifying all adjacent residential property owners of their pending applications for the location of WCFs and for notifying all adjacent property owners for location of WCFs requiring a conditional use permit. The provider shall notify the necessary property owners no less than fifteen (15) days of the date of the public hearing for the conditional use permit and no less than seven (7) days after the filing date for an administrative review by the community development director. Notice shall be given in the form of a certified letter, with return receipts provided to the community development director as evidence of

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notification. Other forms of notice shall be approved by the community development director in lieu of the certified letter requirement.

(Ord. 98-13 (part), 1998)

#### **9.52.080 Notification and removal of abandoned WCFs.**

- A. Notification. Each wireless communications provider shall notify the community development director of their operational and non-operational WCFs at the end of the calendar year (December 31st). The director shall maintain and update a list of these facilities for geographical information systems (GIS) purposes, and for use in collocation/site-sharing, and for taking necessary actions for the removal of abandoned facilities as established below.
- B. Removal of Abandoned Facilities. Any antenna or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such antenna or tower shall remove same within thirty (30) days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The owner of the tower shall have an affirmative duty to notify the governing authority at any time the tower shall become unused.
- C. Construction, Repair or Maintenance of Cables. During the construction, repair or maintenance of cables, said cables cannot be left on the ground surface for any more than a five (5) day period.
- D. Bond Required. The communications service provider, or the tower facility provider, shall provide a bond in the form of a letter of credit drawn on a Georgia bank with an amount of twenty thousand dollars (\$20,000.00) to the community development director for the removal of such structure for the lesser of the length of the lease (if applicable), including extensions, or twenty (20) years whichever is greater. Said bond shall be presented at the time of application for a building permit and shall be renewable at periods not to exceed five (5) years.

(Ord. 98-13 (part), 1998)

#### **9.52.090 Nonconforming WCFs.**

WCFs in existence on the date of the adoption of this chapter which do not comply with the requirements of this chapter (nonconforming WCFs) are subject to the following provisions:

- A. Nonconforming WCFs may continue in use for the purpose now used but may not be expanded without complying with this chapter, except as further provided in this section.
- B. Nonconforming WCFs may add additional antennas (belonging to the same carrier or other carriers) subject to administrative review in Section 9.52.060 of this chapter.

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- C. Nonconforming WCFs which are hereafter damaged or destroyed by less than fifty percent (50%) (of the replacement value) due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit therefor, but without otherwise complying with this chapter. A nonconforming WCF that is damaged or destroyed by more than fifty percent (50%) of the estimated replacement value shall be made conforming with this chapter unless waived by the public officer or the governing authority.
  - D. The owner of any nonconforming WCF may replace, repair, rebuild, and/or extend such WCF in order to improve the structural integrity of the facility, to allow the facility to accommodate collocated antennas or facilities, or to upgrade the facilities to current engineering, technological, or communications standards, without having to conform to the provisions of this chapter so long as such facilities are not increased in height by more than ten percent (10%) (cumulatively) and/or setbacks are not decreased by more than ten percent (10%) (cumulatively).

(Ord. 98-13 (part), 1998)

**9.52.100 Modifications to existing facilities or pre-existing facilities which meet the requirements of this chapter.**

- A. Minor Modifications Minor modifications to WCFs permitted under this chapter shall be approved under an administrative review by the community development director (see Sections 9.52.060(B) and (C) of this chapter). Minor modifications are as follows:
  - 1. The addition of no more than three (3) antenna arrays to any existing WCF, so long as the cumulative effect of the addition of the antenna arrays adds no more than twenty-five feet (25') in height to the WCF;
  - 2. An increase in height of the support structure which is no greater than ten percent (10%);
  - 3. A decrease in setbacks by no more than ten percent (10%).
- B. Major Modifications. Major modifications to WCFs permitted under this chapter shall be approved under an administrative review by the community development director as stated in Sections 9.52.060(B) and (C) of this chapter. Major modifications are any modifications that exceed or differ from the definition of minor modification.

(Ord. 98-13 (part), 1998)

**9.52.110 Reserved.**

Editor's note(s)—Ord. No. 14-345, § 22, adopted May 12, 2014, repealed former § 9.52.110 in its entirety which pertained to penalties for violations and derived from Ord. No. 98-13, 1998.

Chapter 9.56 ELECTRICAL FRANCHISING

## Article I. Specific Grant of Franchise

### Division 1. Snapping Shoals EMC Franchise

#### **9.56.010 Grant of franchise.**

The authority, right, permission and consent are hereby granted to Snapping Shoals Electric Membership Corporation (hereinafter sometimes referred to as "Snapping Shoals EMC"), its successors, lessees and assigns (the "company"), subject to the terms and conditions set forth hereinafter for a period of thirty-five (35) years, to occupy and use the streets, alleys and public places of the city of Stockbridge (the "city") within the present and future limits of the city as from time to time the company may deem proper or necessary for the overhead or underground construction, maintenance, operation and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys and public places from time to time as the company may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the company, to ensure safe and efficient service.

(Ord. 94-5 (part), 1994)

#### **9.56.020 Payment of franchise fees required.**

From and after the adoption of this chapter, the future use by Snapping Shoals EMC of the streets, alleys, public places and other property of the city for the operation of Snapping Shoals EMC's electric distribution systems, and the grant of the requisite street franchise rights, is expressly conditioned upon payment of franchise fees pursuant to this chapter, and continued use and occupancy of such city property for said purpose without payment of such franchise fees is unlawful, and the city shall be entitled to enforce compliance with this chapter by appropriate proceeding at law or in equity.

(Ord. 94-5 (part), 1994)

#### **9.56.030 Terms and conditions.**

The rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions:

- A. The company shall pay to the city (1) on or before the first day of March, 1996, a sum of money equal to four percent (4%) of the gross sales of electric energy to all of the company's customers served within the corporate limits of the city during the period

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beginning on the first day of January, 1995, through and including December 31, 1995, and (2) on or before the first day of March, 1997, and the same day of each year thereafter during the term of the franchise herein granted a sum of money equal to four percent (4%) of the gross sales of electric energy to all of the company's customers served within the corporate limits of the city during the preceding calendar year; provided, however, that, in the event the city shall grant to any other electric utility the right to use and occupy its streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.

- B. The amount, if any, of any tax, fee, charge or imposition of any kind required, demanded or exacted by the city on any account, other than ad valorem taxes on property and license taxes on the sale of home appliances, shall operate to reduce to the extent of such tax, fee, charge or imposition the amount due from the percentage of gross sales as provided in subsection A of this section.
- C. The company shall fully protect, indemnify and save harmless the city from all damages to person or property caused by the construction, maintenance, operation or extension of poles, wires or other apparatus, or conditions of streets, alleys or public places resulting therefrom, for which the said city would otherwise be liable.
- D. The company shall, in constructing, maintaining, operating and extending its poles, wires and other apparatus, submit and be subject to all reasonable exercises of the police power by the city. Nothing contained herein, however, shall require the company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the city or for any purpose at the instance of any other entity, private or governmental.
- E. The grant of the rights, permission and consents by the city to the company contained in this chapter are specifically conditioned upon the payment of all sums due the city in accordance with the rate, conditions and payment dates set forth in subsection A of this section, and failure by the company to timely pay the franchise fees required by said subsection A shall constitute a forfeiture of all rights granted by this chapter. The company's continued use and occupancy of the streets, alleys and public places of the city for the aforesaid purposes shall evidence the company's acceptance of the franchise granted hereby and shall render the company liable for payment of all fees required by subsection A of this section. In the event of a forfeiture for failure to comply with such requirements, the company shall nevertheless remain liable for all sums accrued until such time as the streets are vacated due to such forfeiture.

(Ord. 94-5 (part), 1994)

## Division 2. City of College Park Franchise

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### 9.56.031 Grant of franchise.

- A. The authority, right, permission and consent are granted to the city of College Park (hereinafter sometimes referred to as "College Park"), its successors, lessees and assigns, subject to the terms and conditions set forth hereinafter for a period of thirty-five (35) years, to occupy and use the streets, alleys and public places of the city of Stockbridge (the "city") within the present and future limits of the city as from time to time College Park may deem proper or necessary for the overhead or underground construction, maintenance, operation and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys and public places from time to time as College Park may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of College Park, to ensure safe and efficient service.
- B. Payments in Lieu of Franchise Fees Required. From and after the adoption of this chapter, the future use by College Park of the streets, alleys, public places and other property of the city for the operation of College Park's electric distribution systems, and the grant of the requisite street franchise rights, is expressly conditioned upon payments in lieu of franchise fees pursuant to this chapter, and continued use and occupancy of such city property for said purpose without payments in lieu of such franchise fees is unlawful, and the city shall be entitled to enforce compliance with this chapter by appropriate proceeding at law or in equity.
- C. Terms and Conditions. The rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions:
1. College Park shall pay to the city: (1) on or before the first day of March, 1998, a sum of money equal to four percent (4%) of the gross sales of electric energy to all of College Park's customers served within the corporate limits of the city during the period beginning on the first day of January, 1997, through and including December 31, 1997, and (2) on or before the first day of March, 1999, and the same day of each year thereafter during the term of the franchise herein granted a sum of money equal to four percent (4%) of the gross sales of electric energy to all of College Park's customers served within the corporate limits of the city during the preceding calendar year; provided, however, that, in the event the city shall grant to any other electric utility the right to use and occupy its streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.
  2. The amount, if any, of any payments in lieu of any tax, fee, charge or imposition of any kind or any tax, fee, charge or imposition of any kind required, demanded or exacted by the city on any account, shall operate to reduce to the extent of such payments in lieu of such tax, fee, charge or imposition or of such tax, fee, charge or imposition the

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amount due from the percentage of gross sales as provided in subsection (C)(1) of this section.

3. College Park shall fully protect, indemnify and save harmless the city from all damages to person or property caused by the construction, maintenance, operation or extension of poles, wires or other apparatus, or conditions of streets, alleys or public places resulting therefrom, for which the city would otherwise be liable.
4. College Park shall, in constructing, maintaining, operating and extending its poles, wires and other apparatus, submit and be subject to all reasonable exercises of the police power by the city. Nothing contained herein, however, shall require College Park to surrender or limit its property rights created without due process of law, including adequate compensation, for any other purpose at the instance of the city or for any purpose at the instance of any other entity, private or governmental.
5. The grant of the rights, permission and consents by the city to College Park contained in this chapter are specifically conditioned upon the payment of all sums due the city in accordance with the rate, conditions and payment dates set forth in subsection A of this section, and failure by College Park to timely make its payments in lieu of franchise fees as required by subsection (C)(1) of this section after ten (10) days' written notice, shall constitute a forfeiture of all rights granted by this chapter. College Park's continued use and occupancy of the streets, alleys and public places of the city for the aforesaid purposes shall evidence College Park's acceptance of the franchise granted and shall render College Park liable for payment of all payments in lieu of all fees required by subsection A of this section. In the event of a forfeiture for failure to comply with such requirements, College Park shall nevertheless remain liable for all sums accrued until such time as the streets are vacated due to such forfeiture.

(Ord. 96-20 § 1, 1996)

### **9.56.032 Uncollectible payments.**

If any court of competent jurisdiction shall find this article unenforceable and said payments in lieu of franchise fees uncollectible, College Park shall remove all of its equipment from the streets of the city of Stockbridge.

(Ord. 96-20 § 2, 1996)

## Article II. General Grant of Franchise

### **9.56.040 Applicability.**

This article shall only apply to a company that is not otherwise paying a franchise fee pursuant to an existing franchise agreement.

(Ord. 96-11 § 7, 1996)

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### **9.56.050 Definitions.**

As used in this article:

"City" means the city of Stockbridge, Georgia.

"Company" or "companies" means each secondary electrical supplier as defined in Official Code of Georgia Annotated Section 46-3-1, et seq., and any other company or public entity, whether or not operated for profit, that distributes or sells electrical power within the city.

"Franchise period" means:

1. For a company that is distributing or selling electrical power within the city limits as of the effective date of the ordinance codified in this article, the franchise period shall be for a period of thirty-five (35) years from the effective date of the ordinance codified in this article;
2. For a company that distributes or sells electrical power within the city after the effective date of the ordinance codified in this article, the franchise period shall be for a period of thirty-five (35) years from date of the commencement of the distribution or sale of electrical power within the city;
3. For a company distributing or selling electrical power within an area at the time of annex, the franchise period shall be thirty-five (35) years from the date of annexation.

(Ord. 96-11 § 1, 1996)

### **9.56.060 Grant of franchise.**

The city does hereby grant to each company the authority, right, permission and consent to distribute or sell electrical power within the corporate limits of the city for a period of thirty-five (35) years from the date of the franchise period.

(Ord. 96-11 § 2, 1996)

### **9.56.070 Use of streets, alleys and public places.**

Each company is granted the authority, right, permission and consent to occupy and use the streets, alleys and public places of the city within the present and future limits of the city as from time to time a company may deem proper or necessary for the overhead or underground construction, maintenance, operation and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys and public places from time to time as a company may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of a company, to ensure safe and efficient service.

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(Ord. 96-11 § 3, 1996)

**9.56.080 Payment of franchise fees required.**

From and after the adoption of the ordinance codified in this article, the future use by any company of the streets, alleys, public places and other property of the city for the operation of the company's electric distribution systems, and the grant of the requisite street franchise rights, is expressly conditioned upon payment of franchise fees pursuant to this article, and continued use and occupancy of such city property for said purpose without payment of such franchise fees is unlawful, and the city shall be entitled to enforce compliance with this article by appropriate proceeding at law or in equity.

(Ord. 96-11 § 4, 1996)

**9.56.090 Terms and conditions.**

The rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions:

- A. Each company shall pay to the city (1) on or before the first day of February, 1997, a sum of money equal to four percent (4%) of the gross sales of electric energy to all of a company's customers served within the corporate limits of the city during the period beginning on the first day of August, 1996, through and including December 31, 1996, and (2) on or before the first day of February, 1998, and the same day of each year thereafter during the term of the franchise herein granted a sum of money equal to four percent (4%) of the gross sales of electric energy to all of a company's customers served within the corporate limits of the city during the preceding calendar year; provided, however, that, in the event the city shall grant to any other electric utility the right to use and occupy its streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.
- B. The amount, if any, of any tax, fee, charge or imposition of any kind required, demanded or enacted by the city on any account, other than ad valorem taxes on property and license taxes on the sale of home appliances, shall operate to reduce to the extent of such tax, fee, charge or imposition of the amount due from the percentage of gross sales as provided herein at subsection A of this section.
- C. Each company shall fully protect, indemnify and save harmless the city from all damages to person or property caused by the construction, maintenance, operation or extension of poles, wires or other apparatus, or conditions of streets, alleys or public places resulting therefrom, for which the said city would otherwise be liable.
- D. Each company shall, in construction, maintaining, operating and extending its poles, wires and other apparatus, submit and be subject to all reasonable exercises of the police power by the city. Nothing contained herein, however, shall require each company to surrender or limit their property rights created hereby without due process

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of law, including adequate compensation, for any other purpose at the instance of the city or for any purpose at the instance of any other entity, private or governmental.

- E. The grant of the rights, permission and consents by the city to each company are specifically conditioned upon the payment of all sums due the city in accordance with the rate, conditions and payment dates set forth in subsection A of this section, and failure by any company to timely pay the franchise fees required by subsection A of this section shall constitute a forfeiture of all rights granted by this article. Each company's continued use and occupancy of the streets, alleys and public places of the city for the aforesaid purposes shall evidence a company's acceptance of the franchise granted hereby and shall render a company liable for payment of all fees required by subsection A of this section. In the event of a forfeiture for failure to comply with such requirements, each company shall nevertheless remain liable for all sums accrued until such time as the streets are vacated due to such forfeiture.

(Ord. 96-11 § 6, 1996)

### Article III. Gross Receipts Business Tax

#### **9.56.100 Definitions.**

As used in this article:

"City" means the city of Stockbridge, Georgia.

"Company" or "companies" means each secondary electrical supplier as defined under Official Code of Georgia Annotated Section 46-3-1, et seq., and any other company or public entity, whether or not operated for profit, that distributes or sells electrical power or services within the city.

(Ord. 96-12 § 1, 1996)

#### **9.56.110 Established.**

Any company distributing and selling electric power within the city which is not otherwise paying a franchise fee pursuant to a franchise agreement, and whether or not said company operates and maintains offices within the city shall pay a gross receipts tax at the rate of four percent (4%) on any and all gross revenue derived within the city.

(Ord. 96-12 § 2 (part), 1996)

#### **9.56.120 Verified statement of revenues to be filed.**

A verified statement of such gross revenues shall be submitted to the city by the company at the time the taxes are paid.

(Ord. 96-12 § 2 (part), 1996)

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**9.56.130 Payable when—In lieu of certain other taxes.**

The taxes hereinbefore set out in this article, shall be due and payable to the city on the twentieth day of each month, calculated on gross revenues billed for the immediately preceding month; also, the percentage of the gross revenues hereinbefore prescribed to be collected shall be in lieu of all other license and business or occupation taxes, but shall not at any time be considered to interfere with, or in any way prevent the collection of ad valorem taxes upon the property of such companies in the same manner as all other property, real and personal, in the city is taxed.

(Ord. 96-12 § 3, 1996)

**9.56.140 Payment of tax not to constitute grant of additional rights.**

Each company distributing and selling electric power within the city, and which does not have a franchise agreement with the city, does not acquire any additional rights by the payment of the tax herein levied under this article other than those rights granted under the Georgia Electric Territorial Service Act.

(Ord. 96-12 § 4, 1996)

**9.56.150 Enforcement and administration.**

- A. The business services manager shall be responsible for the administration and enforcement of this article and shall have the power to prepare and provide the necessary forms and for the collection of the tax herein levied.
- B. The business services manager shall issue executions for the collection of all outstanding and unpaid taxes imposed and assessed by this article. The unpaid taxes and executions shall be collected in the manner provided by law for the collection of other taxes due the city.

(Ord. 96-12 § 5, 1996)

Chapter 9.60 BODY CRAFTING—ESTABLISHMENTS, PROCEDURES AND ARTISTS

**9.60.010 Title.**

This chapter shall be known as "Body Crafting: Establishments, Procedures and Artists."

(Ord. 05-131 § 1 (part), 2005)

**9.60.020 Findings and purpose.**

- A. Findings.

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1. Whereas, the city council of the city of Stockbridge finds that body crafting in the form of tattooing, body piercing, cosmetic tattooing, branding and other types of physical adornment by alteration of the body are practices gaining increasing popularity not only throughout the United States, but within the city of Stockbridge; and
  2. Whereas, in the interests of public safety and protection of resident consumers of such services the council recognizes the need to exercise limited supervision of and authority over the facilities, procedures, practices and practitioners of such arts; and
  3. Whereas, the associated risks to the performance of such procedures include the occurrence of serious infections and complications as well as the spread of communicable diseases from improperly or inadequately disinfected equipment, or improperly trained equipment handlers; and
  4. Whereas, the council of the city of Stockbridge maintains authority to regulate the licensing, occupational taxation and revocation of licensing as well as regulation of matters of public health and welfare pursuant to the city's charter.

**B. Purposes.**

The purpose of this chapter is to protect the public health, safety and general welfare; to protect resident consumers of body crafting services from potentially dangerous practices and environments with regard to the provision of such services; and to provide accountability through implementation of provisions for licensure, registration and exemption therefrom on the basis of specific criteria.

(Ord. 05-131 § 1 (part), 2005)

**9.60.030 Licensure required to operate a body crafting facility or establishment.**

It shall be unlawful to operate a facility or practice for the provision of body crafting services as defined by this chapter within the city limits without a license issued by the city.

(Ord. 05-131 § 1 (part), 2005)

**9.60.040 Licensure required to engage in the provision of body crafting services.**

It shall be unlawful to practice body crafting techniques and services as hereafter defined, within the city limits of the city of Stockbridge without a license issued by the city.

(Ord. 05-131 § 1 (part), 2005)

**9.60.050 Definitions.**

As used in this chapter:

"Aftercare" means written instructions given to the client, specific to the body piercing procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information regarding when to seek medical treatment, if necessary.

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"Antiseptic" means any solution used to retard the growth of bacteria approved for application to human skin and includes all products labeled accordingly as approved by the United States Food and Drug Administration (FDA).

"Apprentice" means an individual working under the direct supervision of a licensed technician(s) in a licensed body art establishment to learn the skills of the trade.

"Apprenticeship" means an agreement an apprentice has with a licensed technician(s) learning the skills of body crafting/body art as defined in this chapter, while working under the direct supervision of a licensed technician(s) in a licensed establishment.

"Biohazard" means any infectious agent(s) or parts thereof presenting a real or potential risk to the physical health or well-being of human or other species, directly or indirectly, through infection or indirectly through disruption of the environment.

"Body crafting/Body art" means physical body adornment using, but not limited to, the following techniques: body piercing, tattooing and cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered part of a medical procedure by the Georgia State Medical Board, and which are performed by board certified medical or dental personnel, such as, but not limited to, implants under the skin. Such medical procedures shall not be performed in a body crafting establishment. This definition shall not include piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing system, nor shall it include the painting of the skin with tempura or temporary, non-indelible inks, paints or dyes.

"Body craft establishment/studio" means any building or structure where body crafting is performed.

"Body piercing" means the perforation, puncturing or penetration of the skin or mucosa of any human body part other than ear lobe, for the purpose of inserting any object or adornment including, but not limited to, rings, studs, bars or other forms of jewelry therein.

"Body scarification or scarring" means any method of applying a scar to the body for the purpose of creating a permanent mark or design on the skin.

"Branding" means any method of using heat, cold or any chemical compound to apply a scar to the body for the purpose of creating a permanent mark or design in the skin.

"City" means the city of Stockbridge, Georgia.

"Contaminated waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of being released through these materials during handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as further defined in state and federal regulations.

"Cosmetic tattooing" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa. Cosmetic tattooing shall include, but not be limited to, permanent cosmetics, micro-pigmentation, permanent color technology and micro-pigment implantation.

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"Department" means the Henry County Health Department, or its authorized representatives.

"Disinfection" means a process that eliminates many or all pathogenic microorganisms, with the exception of bacterial spores, from inanimate objects, thereby rendering the objects safe for use or handling.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a tattooing and/or body piercing establishment.

"Hand sink" means a lavatory equipped with hot and cold running water under pressure and with a drain, used solely for washing hands, arms or other portions of the body.

"Hot water" means water which attains and maintains a temperature of at least one hundred degrees (100°) Fahrenheit.

"Implanting" means to fix or set securely an object in or under tissue and include, but is not limited to, three (3) dimensional body art applications. Implanting does not include medical procedures including, but not limited to, pacemaker insertion, cosmetic surgery and reconstructive surgery performed by board certified medical and dental personnel.

"Instrument" means any hand piece, needle, needle bar, sharp device or other object that is used or may come into contact with a client or may be exposed to bodily fluids during body crafting.

"Invasive" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to compromise the skin or mucosa.

"Jewelry" means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, or a dense, low-porosity plastic and which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

"Operator" means any person who controls, operates, manages, conducts or practices tattooing and/or body piercing activities at a tattoo and/or body piercing establishment and who is responsible for compliance with these regulations whether or not that person actually performs tattooing and/or body piercing.

"Procedure area" means the physical space or room used solely for conducting body crafting procedures.

"Procedure surface" means any surface area, furniture or accessory that contacts the client's clothed or unclothed body during a body crafting procedure or any associated work area which may require sanitizing.

"Sanitary" means free of visible debris, residue or contamination, and with reduced microbial contaminants.

"Sanitize or sanitization procedure" means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards.

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"Safe level" means not more than fifty (50) colonies of microorganisms per four (4) square inches of equipment or procedure surface.

"Sharps" means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

"Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the international "biohazard" symbol.

"Single use" means an instrument or article which is reasonably anticipated to come into direct contact with blood and compromised tissue surfaces during its intended use. Such instruments are not to be used on more than one (1) customer or client for any reason and must be disposed of after use as soon as possible without posing risk of contamination or exposure to the body crafter, the client or the surrounding environment.

"Standard precautions" means a set of guidelines and controls, published by the Center for Disease Control and Prevention (CDC), which include specific recommendations for the use of gloves, masks, protective eye wear and/or other protective equipment when contact with blood or bodily fluids containing blood is anticipated. Standard precautions apply to blood, all bodily fluids, secretions and excretions, excluding sweat, regardless of whether or not they contain visible blood, non-intact skin and mucous membranes.

"Sterilization" means destruction of all forms of microbial life, including highly resistant bacterial spores.

"Sterilized" means an effective antimicrobial treatment by a process that provides sufficient concentration of chemicals or other suitable method on surfaces for enough time to reduce the microbial count to a sanitary level.

"Suspension" means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus to raise or lower an individual with pulleys or other apparatus.

"Tattoo" means to mark or color the human skin by pricking in, piercing, implanting pigments or dyes under the skin, or by the production of scars so as to form indelible marks or figures and includes the definition of tattoo as defined in O.C.G.A. § 31-40-1(1), as amended; however, the word "tattoo" shall not mean any marked placed upon the skin by a physician for medical identification purposes and shall not apply to the marking of farm or domestic animals for the purpose of identification. The term "tattoo" also includes all forms of cosmetic tattooing.

"Tattoo and/or body piercing artist" or "artist" means any person who actually performs the work of tattooing and/or body piercing upon humans.

"Tattoo and/or body piercing operator" or "operator" means any person who controls, operates, conducts or manages any tattooing and/or body piercing studio, whether actually performing the work of tattooing and/or body piercing humans or not.

"Tattoo and/or body piercing studio" or "studio" means any room or place where the tattooing and/or body piercing of humans is practiced or where the business of tattooing and/or

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body piercing humans is practiced or where the business of tattooing and/or body piercing humans is conducted or any part thereof, whether or not for profit.

"Temporary event" means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 21 (twenty-one) days in conjunction with single event or celebration.

(Ord. 05-131 § 1 (part), 2005)

#### **9.60.060 Prohibited practices.**

- A. No person shall operate a body crafting establishment or engage in the practice or business of body crafting as an artist or operator within the corporate limits of the city unless the person has first secured a business license to do so from the city.
- B. No person shall operate a body crafting establishment or engage in the practice or business of body crafting within the corporate limits of the city without following an approved exposure control plan as described by Section 9.60.090(B) of this chapter.
- C. No person shall engage in the act of tattooing any person upon any area within one inch (1") of the nearest part of the portion of the eye socket of that person in violation of O.C.G.A. § 16-12-5. Any person who violates this prohibition shall be guilty of a misdemeanor pursuant to that section and as it is hereafter amended.
- D. No operator or artist shall tattoo and/or body pierce and/or scarify and/or brand any person while such operator or artist is under the influence of alcohol, drugs or other stimulants or depressants, nor shall such operator or artist engage in any body crafting act upon any person who is a minor, or who is either under the influence of alcohol, drugs or other stimulants or depressants or is otherwise of unsound mind.
- E. Smoking, eating or drinking by anyone is prohibited in the area where the preparation is made for the body crafting act, or where the procedure and clean up are performed.
- F. No person shall perform any body art procedure upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial parent or legal guardian. In addition, the parent, legal custodian or legal guardian shall present photographic identification to the operator and leave the operator a photocopy for the operator's records. Photographic identification may include a state driver's license or state identification card.
- G. Obtaining or attempting to obtain anybody crafting establishment or operator's license by means of fraud, misrepresentation or concealment is prohibited.
- H. *Reserved.*
- I. No animals of any kind shall be allowed in a body crafting establishment except service animals used by persons with disabilities (e.g. seeing eye dogs). Fish aquariums may be allowed in waiting rooms and non- procedural rooms.

(Ord. 05-131 § 1 (part), 2005)

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(Ord. No. 14-360, § 1, 10-13-2014)

**9.60.070 Requirements for licensure of a body crafting establishment.**

- A. No license for the operation of a body crafting establishment or studio shall be issued except by application. The application shall be submitted to the city manager upon forms provided by the city. All supporting documents shall be filed at the same time in conjunction with the application.
- B. Falsification of any information contained in the application, or material omission of requested information, shall be grounds for denial of licensure.
- C. A corporate applicant must be chartered under the laws of Georgia or authorized by the Secretary of State to conduct business within Georgia.
- D. Prior to issuance of a license for the operation of a body crafting establishment or studio, the premises of the establishment or studio, or building in which the practice is to operate, shall be inspected and shall comply with each of the following requirements:
  - 1. A sign bearing letters not less than one inch (1") in size shall be posted at the main entrance of the premises identifying it as a body crafting studio or establishment.
  - 2. The premises shall be in compliance with all applicable building, fire, electrical, plumbing, public health and safety and zoning laws.
  - 3. Adequate equipment and materials for disinfecting and sterilizing all instruments used in the provision of the body craft service shall be provided at all times.
  - 4. Closed cabinets shall be utilized for the storage of clean linens to be used upon equipment or provided to customers.
  - 5. Dressing and toilet facilities shall be readily available to all customers in locations that will assure the privacy and health of all clients receiving body crafting services.
  - 6. All walls, ceilings, floors and plumbing equipment at the facility shall be painted or covered in a manner which allows for effective cleaning. Those walls shall be kept in good repair and maintained in a clean and sanitary condition.
  - 7. Floors shall be constructed of nonabsorbent material which will allow for effective cleaning and disinfection. Floors in the procedure room areas shall not be covered by carpet or wood.
  - 8. Applicant shall demonstrate that within the building or studio effective measures are being taken to prevent the entrance into the establishment of, and the breeding or presence on the premises of insects, vermin and rodents;
  - 9. The establishment or studio shall be shown to have a minimum of forty-five feet (45') of floor space for each operator in the studio. Each of those areas shall be screened from public view.
  - 10. Any towels or linens provided to body craft customers shall be sanitized following each individual use by one customer.

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11. Adequate facilities for cleansing of hands and other features, which facilities shall include stocked antibacterial soaps of some kind and individual towels or electric dryers shall be available and in working order at all times. One (1) hand sink shall serve no more than three (3) operators.
  13. An equipment-washing sink shall be provided in the studio or establishment, distinct from the hand sinks and shall be located in the equipment handling and assembly area. The sink shall meet National Safety Foundation standards.
  13. At least one (1) covered waste receptacle shall be provided in each operator area and each restroom. Receptacles in the operator area must be emptied daily, and solid waste shall be removed from the premises at least weekly.
  14. The facility operator shall provide proof of liability insurance along with the policy number for such coverage.
- E. No license shall be granted for the operation of a body crafting establishment absent proof of the existence of an approved exposure control plan as described by Section 9.60.080(B) of this chapter.
  - F. No license shall be granted to any type of body crafting establishment except upon evidence of employment of at least one (1) certified practitioner of the particular art or arts to be offered at that establishment, who will be employed to work at that location.
  - G. No application for licensure for the operation of a body craft establishment shall be acted upon until such time as all required information and exhibits have been submitted and until an investigative fee has been paid. Upon submission of a complete application and payment of the investigative fee, an investigation shall be conducted to determine the applicant's compliance with this chapter.
  - H. If such application is submitted in proper form including all information and exhibits required in this chapter and it is accompanied by the correct fees, an investigation shall be conducted by the city. If all requirements of this chapter are met, the license shall be issued by the business services manager.
  - I. Any person desiring to operate any type of body crafting establishment as defined by this chapter shall make application for a license to the business license office of the city and shall deposit an application fee of seventy-five dollars (\$75.00) to defray the cost of application processing. This fee may, however, be increased annually by resolution. The minimum age of each applicant shall be eighteen (18) years of age. Applicants shall furnish two (2) photographs showing a front and side picture of the full face of the applicant, size two and one-half inches (2½") by two and three-quarter inches (2¾"). Applicants shall present either (a) proof that such applicant has been issued a body artist permit by the department or (b) a medical certificate from a medical doctor certifying that the person is sound physically, mentally, has good eyesight and is not afflicted with a disease which can be communicated through openings in the human skin. The applicant shall also submit the exposure control plan required by Section 9.60.090(B) of this chapter which shall be forwarded to the department for approval, prior to the issuance of the license.

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- J. No license issued under this chapter shall be transferable or assignable except as herein provided:
1. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this chapter, may make application and the city may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased;
  2. Whenever one (1) or more members of a partnership withdraws from the partnership, the city, upon being requested, shall license the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.
- K. Licenses issued by the business services manager pursuant to this section shall be valid for a period of one (1) calendar year.

(Ord. 05-131 § 1 (part), 2005)

(Ord. No. 14-360, § 2, 10-13-2014)

**9.60.080 Requirements for licensure to practice body crafting arts as an artist or operator.**

- A. No license to practice any of the body crafting arts shall be issued except by application. The application shall be submitted to the city manager upon forms provided by the city. All supporting documents shall be filed in conjunction with the application.
- B. Any person desiring to operate as a body crafting operator or artist shall make application for a license to the business license office of the city and shall deposit an application fee of seventy-five dollars (\$75.00) to defray the cost of application processing. This fee may, however, be increased annually by resolution. The minimum age of each applicant shall be eighteen (18) years of age. Applicants shall furnish two (2) photographs showing a front and side picture of the full face of the applicant, size two and one-half inches (2½) by two and three-quarter inches (2¾"). Applicants shall present either (a) proof that such applicant has been issued a body artist permit by the department or (b) a medical certificate from a medical doctor certifying that the person is sound physically, mentally, has good eyesight and is not afflicted with a disease which can be communicated through openings in the human skin. The applicant shall also submit the exposure control plan required by Section 9.60.090(B) of this chapter which shall be forwarded to the department for approval, prior to the issuance of the license.
- C. The application for licensure as a body crafting artist shall contain the following information:
1. The full legal name of the applicant, including all aliases, nicknames or trade names used at any time;
  2. The applicant's business and residence address(es) for the two (2) years immediately preceding the application;

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3. A letter of reference from a representative of the educational institution at which the applicant was taught, or if training was by an individual as an apprenticeship, a notarized letter from that individual;
  4. A statement from the applicant regarding whether the applicant has at any time had a license revoked or suspended, and the reason for such revocation or suspension; and
  5. A list of all convictions, pleas of guilty or pleas of nolo contendere in all federal, county and city courts.
- D. An applicant wishing to practice a body crafting art shall produce either (a) proof that such applicant has been issued a body artist permit by the department or (b) evidence of satisfaction of the following qualifications dependent upon the particular practice in which that person intends to engage:
1. Tattooing (inclusive of cosmetic).
    - a. Tattooing (other than cosmetic):
      - i. Certification from the American Tattooing Institute or some other similarly qualified organization whose accreditation structure requires no less than sixty (60) hours of combined coursework and apprenticeship and for which certification requires an examination;
      - ii. Proof of affiliation with an existing, licensed body crafting or tattoo studio in good standing with the city or proof of issuance of a business license to operate such a facility or studio in the name of the applicant at an approved location within the city;
      - iii. Proof of participation in an approved course of continuing education if the potential licensee has been certified for more than one (1) year; and
      - iv. Attendance at a blood borne pathogens training class, such as that given by OSHA, Red Cross, or The National Safety Council.
    - b. Cosmetic tattooing:
      - i. Membership in the Society of Permanent Cosmetic Professionals and acknowledgement of the Code of Ethics affiliated therewith;
      - ii. Training at a minimum of the "beginner" level of competency in cosmetic tattoo procedures, which accreditation shall be based upon completion of no less than 60 hours of training as set out by the Society of Permanent Cosmetic Professionals;
      - iii. Certification of having passed the Society of Permanent Cosmetic Professionals certification examination;
      - iv. Certification of competency with one (1) or more of the three (3) available methods of application of cosmetic tattooing, being: (1) the traditional coil/tattoo machine; (2) the rotary/pen machine; or (3) the non-machine/hand method;

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- v. Certification of instruction in the provision of first aid; and
  - vi. Attendance at a blood borne pathogens training class, such as that given by OSHA, Red Cross, or The National Safety Council.
2. Body Piercing.
- a. Membership in the Association of Professional Piercers and training through attendance at either seminars or individualized training classes of no less than five (5) full days, and participation in an apprenticeship of no less than six (6) months with an experienced member of the Association of Professional Piercers during which the apprentice shall actually gain experience in the art of body piercing;
  - b. Attendance at a blood borne pathogens training class, such as that given by OSHA, Red Cross, or The National Safety Council; and
  - c. Training as an apprentice for a period of no less than three (3) months at no less than thirty (30) hours per week with a focus on the sterilization, disinfection and potential for cross-contamination of piercing equipment.
- E. The applicant for licensure shall further provide the following materials:
- 1. Two (2) current photographs of the applicant that are at least two inches by two inches (2" × 2") in size;
  - 2. A statement of the applicant's height, weight, hair color and color of eyes; and
  - 3. A fingerprint record and appropriate full set of fingerprints shall be attached to the application.
- F. Falsification of any information contained within the application, or material omission of information from the application shall be grounds for denial of licensure.
- G. If an application is received in proper form, inclusive of all information and exhibits required as set out above and accompanied by the correct fees, an examination of the applicant's application shall be conducted by the city along with any further investigation deemed necessary. If all requirements of this chapter are met, the license shall be issued by the business services manager.
- H. Licenses issued by the business services manager pursuant to this section shall be valid for a period of one (1) calendar year.

(Ord. 05-131 § 1 (part), 2005)

(Ord. No. 14-360, §§ 3, 4, 10-13-2014)

#### **9.60.090 Approval of Henry County Health Department—Exposure control plan required.**

- A. A condition precedent to the issuance of a business license shall be satisfactory proof that the tattoo and/or body piercing studio has secured from the city a permit to operate the establishment. Every applicant for such a permit shall file with the city a written application, which shall state the name and address of the applicant, a description of the

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property on which the tattoo and/or body piercing studio is to be operated by street and number, the number of persons to be employed in such establishment, together with a description of the experience and qualifications of each person engaged in the practice of tattooing and/or piercing human skin and such other pertinent information as the city may require.

- B. The tattoo and/or body piercing artist or operator shall submit, and the department shall approve, an exposure control plan generally conforming to the applicable standards set out in 29 C.F.R. 1910.1030(d), which shall include but are not limited to the following:
1. The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair;
  2. Thorough cleaning of reusable sharps, needles, and any portion of the tattoo apparatus which touches the skin;
  3. Autoclave sterilization of the reusable sharps, needles and any portion of the tattoo apparatus which touches the skin;
  4. Cleaning of work surfaces with a chemical germicide at least daily when there is a known contamination of a work surface with blood;
  5. Hands shall be washed before and after customer contact;
  6. Disposable gloves should be worn during the tattoo procedure as addressed in latter parts of this chapter;
  7. Sharps and other disposable needles shall be discarded in a sharps container;
  8. Other biomedical waste containing blood and/or other bodily fluid shall be placed in closable containers which are labeled with biohazard labels and taken to a biomedical disposal facility for disposal;
  9. Inquiries shall be made, and anyone giving a history of jaundice or hepatitis shall not be tattooed and/or body pierced;
  10. Any person, customer, or patron having any skin infection or other disease of the skin or any communicable disease shall not be tattooed and/or body pierced;
  11. All infections resulting from the practice of tattooing and/or body piercing which become known to the operator or artist shall be promptly reported to the department by the person owning or operating the tattoo and/or body piercing studio and the infected client shall be referred to a physician; and
  12. All bandages and surgical dressing used in connection with the tattooing and/or body piercing of a person shall be sterile.
- C. The city shall have the department investigate the statements made in the application provided for in subsection A of this section; the exposure plan provided for in subsection B of this section; and the premises where it is proposed to practice the business of body crafting of any type; and if it shall appear to the director of the department that the statements contained in the application and exposure plan are true and that the sanitary conditions prevailing upon the premises comply with the provisions of this chapter and state

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laws and conform to the rules and regulations of the department, a permit therefore shall be granted for the establishment. Such permit shall be granted only upon the express condition that it shall be subject to suspension or revocation by the director of the department upon a showing satisfactory to the director, either by unannounced inspection or otherwise, of a violation by the holder of such permit, or person or employee, acting with his consent or under his authority, of any provision of this chapter or any law of the state of Georgia, or any rule of the department regulating that type of body crafting establishment, which rules the director of the health department is hereby authorized to make.

The city shall have the department or the city's designee conduct periodic unannounced inspections of anybody crafting establishment of studio for the purpose of determining whether or not the establishment and the person performing the particular act of body crafting therein are in compliance with all applicable health provisions contained within this chapter and the exposure plans filed by the applicant. A fee of three hundred fifty dollars (\$350.00) shall be annually deposited with the business services manager to defray the costs of investigation and inspection required by this subsection. This fee may, however, be increased annually by resolution.

D. The permits issued hereunder by the city after consultation with the department shall be cumulative to, and not in lieu of, any business license issued by the city.

(Ord. 05-131 § 1 (part), 2005)

#### **9.60.100 Responsibilities of body craft establishment owner.**

- A. The owner shall comply with all requirement of this article, all requirements set forth at O.C.G.A. § 31-40-1 et seq., as amended, and all applicable administrative rules and regulations of the department, including but not limited to, all applicable statutes, rules and regulations regarding the disclosure of ownership.
- B. Proof shall be provided upon request of the city or department that all operators have either completed or were offered and declined, in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the operator is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician's statement specifying the name of the operator and stating that the vaccine cannot be given. This document is to be kept on the premises of the tattooing and/or body piercing studio. For those who decline the Hepatitis B vaccination series, an information brochure developed by the department will be provided which explains the risks of Hepatitis B and treatment options following an exposure incident.

(Ord. 05-131 § 1 (part), 2005)

#### **9.60.110 Public notification requirements.**

Verbal and written public education information shall be required to be given to all clients of anybody crafting establishment. Verbal and written instructions for the aftercare of the procedure site shall be provided to each client by the operator upon completion of any procedure.

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Written instructions shall advise the client to consult the operator or a licensed physician at the first sign of infection and contain: the name, address and phone number of the studio. The instructions shall be signed and dated by both parties. The operator shall give a copy of the instructions to the client and retain the original with all other records required to be maintained under this chapter, as described at Section 9.60.120 of this chapter. In addition, all body crafting studios shall provide clients with written information which advises clients of the risks and possible consequences of body crafting procedures.

(Ord. 05-131 § 1 (part), 2005)

### **9.60 120 Studio and client records to be maintained by the establishment.**

- A. The body crafting establishment owner shall keep a record of all persons who have had body crafting procedures performed. The record shall include the name, date of birth and address of the client, the date of the procedure, the name of the operator who performed the procedure(s), the type of procedure performed and its location on the client's body, the signature of the client and, if the client is a minor, written proof of parental or guardian presence and consent. The record shall also describe whether any complications or incidents arose during the procedure, and detail what action was taken to resolve the incident. A copy of a valid state issued driver's license or photo identification must be obtained from the client and maintained in the client's record.
- B. In order to aid in the proper healing of the client following the body crafting procedure, the operator shall request, and the client shall disclose the following information prior to any procedure:
  - 1. Diabetes;
  - 2. History of hemophilia (bleeding);
  - 3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
  - 4. History of allergies to metals;
  - 5. History of epilepsy, seizures, fainting or narcolepsy; and
  - 6. Taking medications, such as anticoagulants, which thin the blood and/or interfere with blood clotting.
- C. The operator shall ask the client to sign a release form confirming that the above information was obtained or attempted to be obtained. The client should be asked to disclose any other information that would aid the operator in the evaluation of a potential client for body crafting procedures.
- D. Each holder of a license for a body crafting establishment or studio shall confirm by monthly spore destruction tests that the sterilizer used in that studio is capable of attaining sterilization. These tests shall be verified by an independent laboratory.
- E. A sterilizer load log shall be maintained according to the manufacturer's recommendations for the life of the facility. The log shall contain the following documentation for each load:

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1. A description of the instruments contained in the load;
  2. The date of sterilization, and time if more than one (1) load is processed in a single day;
  3. Manufacturer's recommended cycle data;
  4. An indication of the proper sterilization of instruments, as indicated by the appropriate color change of the sterilizer indicator on each package. The indicator used shall be compatible with the sterilization process being used;
  5. Any action taken when appropriate color indicator change did not occur; and
  6. Maintenance log, including:
    - a. Date of service;
    - b. Sterilizer model and serial number;
    - c. Sterilizer location;
    - d. Name of person requesting service;
    - e. Description of malfunctions;
    - f. Name of person performing maintenance;
    - g. Description of services and parts replaced;
    - h. Results of biologic validation and testing; and
    - i. Signature and title of person acknowledging completed work.

(Ord. 05-131 § 1 (part), 2005)

#### **9.60.130 Records retention.**

All records described in Section 9.60.120 of this chapter shall be retained for a minimum of three (3) years except where otherwise indicated, and all records shall be provided to the department or city within seven (7) days upon request thereby.

(Ord. 05-131 § 1 (part), 2005)

#### **9.60.140 Body crafting procedures.**

- A. The operator shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body crafting procedures.
- B. Before performing body crafting procedures, the operator must thoroughly wash his or her hands in hot running water with liquid antimicrobial soap, then rinse his or her hands and dry with an approved sanitary method. This shall be done as often as necessary to remove contaminants.
- C. Those artists or operators performing body crafting procedures shall remove all jewelry, watches, rings, etc., prior to beginning any such procedure.

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- D. Body crafting artists and operators shall, prior to beginning any procedure, secure their hair in a manner such that it will not become necessary to touch or move the hair during the procedure using either a hat, a cap, a net or some type of secure holder.
  - E. In performing body crafting procedures, the operator shall wear disposable medical gloves. The gloves shall be worn in the manner intended such that their integrity is not compromised. Gloves shall be changed and properly disposed of each time there is an interruption in the procedure for any reason, the gloves become torn or punctured, or their integrity is compromised in such a fashion that they pose a contamination risk to the body crafter, client or the surrounding environment. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client.
  - F. Any skin or mucosa surface to receive a body crafting procedure shall be free of rash, infection or any other visible active pathological condition.
  - G. If a paper stencil is used by a body crafter or tattoo artist for transferring a design to the skin, the stencil shall be single-use and disposable. If the design is drawn directly on to the skin, it shall be applied with a single-use sterile instrument only.
  - H. The skin of the operator who actually performs body crafting activities shall be free of rash, infection or any other visible pathological condition. No person or operator affected with boils, infected wounds, open sores, abrasions, exudative lesions, acute respiratory infection, nausea, vomiting or diarrhea shall work in any area of body crafting, in any capacity in which there is a likelihood of contaminating the necessary equipment, supplies or working surfaces with pathogenic organisms.
  - H. Before performing body crafting procedures, the skin of and surrounding the area where the procedure is to take place shall be washed with antimicrobial soap and an antiseptic shall be applied to that area. If piercing or other procedures penetrating the subcutaneous layer are to be performed, the area must be cleaned with a fresh antiseptic solution. Single use towels or sponges (gauze) shall be used during cleaning. If shaving is necessary, safety razors with single service blades shall be used and discarded after each use. Following shaving, the skin and surrounding area shall be washed with antimicrobial soap, and the washing pad shall be discarded after a single use.
  - I. In the event of blood flow, all products used to check, stop or absorb the flow of blood shall be used only once and disposed of immediately after use. All fixed surfaces contaminated with blood shall be cleaned according to the OSHA Blood Borne Pathogens requirements and then disinfected using an EPA-approved tuberculocidal disinfectant.
  - J. Dyes and pigments to be used for tattooing procedures shall be dispensed into single-use containers prior to beginning a tattoo procedure. Any unused dye or pigment that remains in the single-use container upon completion of the procedure shall be discarded into a biohazard container.
  - K. A completed tattoo shall be washed with a single-use towel saturated with an antiseptic solution. After the area has dried, a layer of antiseptic from a single-use collapsible tube shall be applied.

(Ord. 05-131 § 1 (part), 2005)

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### **9.60.150 Sanitation and sterilization.**

- A. All non-disposable instruments used for body crafting shall be cleaned thoroughly after each use by scrubbing with an anti-microbial soap solution and hot water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the studio or establishment, and which will be operated in accordance with the manufacturer's instructions.
- B. After cleaning, all non-disposable instruments used as part of the body crafting procedure shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one (1) year. Paper peel-packs must be dated with an expiration date not to exceed one (1) year. Sterile equipment may not be used after the expiration date without first repackaging and re-sterilizing.
- C. All non-disposable instruments used for body crafting procedures shall be sterilized in an autoclave at the tattoo and/or body piercing studio. The sterilizer shall be used, cleaned and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the department.
- D. Each holder of a license for a body crafting establishment or studio shall confirm by monthly spore destruction tests that the sterilizer used in that studio is capable of attaining sterilization. These tests shall be verified by an independent laboratory, and the test records shall be retained by the studio for a period of three (3) years and shall be provided to the department upon request. Failure to provide the department with documentation of the sterilizer's ability to destroy spores shall be deemed an immediate health hazard.
- E. After sterilization, instruments used for body crafting shall be stored in dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- F. All instruments used as part of body piercing procedures shall remain in storage in sterile packages until immediately prior to the performance of a procedure. When assembling instruments for the performance of a body crafting procedure, the operator shall wear disposable medical gloves and use techniques to ensure that the instruments and gloves are not contaminated.
- G. Reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated shall be decontaminated on a weekly basis with a current, EPA-approved disinfectant. When contamination is visible, receptacles shall be cleaned and decontaminated immediately.

(Ord. 05-131 § 1 (part), 2005)

### **9.60.160 Exemptions.**

- A. Physicians licensed by the state of Georgia who utilize tattooing and/or body piercing procedures as part of patient treatment are exempt from these regulations.

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B. Individuals who pierce only the outer perimeter and lobe of the ear using a sterilized, encapsulated, single-use stud ear-piercing system are exempt from these sterilization regulations. However, the department is authorized to investigate consumers' complaints alleging misuse of or improper procedures in the use of the aforementioned system, and to pursue all remedies under the law.

(Ord. 05-131 § 1 (part), 2005)

## Chapter 9.64 TELECOMMUNICATIONS SERVICES, FRANCHISES AND LICENSES

### Article I. Definitions

#### **9.64.010 Definitions.**

For purposes of the ordinance codified in this section, the following terms, phrases, words and their derivations shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number.

"Affiliated person" means each person who falls into one or more of the following categories: (1) each person having, directly or indirectly, a controlling interest in the applicant; (2) each person in which the applicant has, directly or indirectly, a controlling interest; (3) each officer, director, joint ventures or joint venture partner, of the applicant; and (4) each person, directly or indirectly, controlling, controlled by, or under common control with, the applicant; provided that "affiliated person" shall in no event mean the city or any creditor of the applicant solely by virtue of its status as a creditor and which is not otherwise an affiliated person by reason of owning a controlling interest in, being owned by, or being under common ownership, common management or common control with, the applicant.

"Cable services" means "cable services" as defined in the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, and as may be further amended from time to time (the "Cable Act"), but does not include telecommunications services or private telecommunications services. In the event that "cable services" is no longer defined in the Cable Act or the definition in the Cable Act otherwise becomes inapplicable, "cable services" shall mean "cable services" as defined in the Cable Act immediately prior to such term no longer being defined in the Cable Act or such definition otherwise becoming inapplicable.

"Cable system" means any "cable system" as defined in the Cable Act.

"City" means the city of Stockbridge.

"City council" means the city council of the city and its designee or any successor thereto.

"Control" or "controlling interest" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, including, but not

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limited to, a person's compliance with a franchise or revocable license, whether through the ownership of voting securities, by contract, or otherwise, and the beneficial ownership of shares representing ten percent (10%) or more of the votes entitled to be cast by a corporation's voting shares shall create a rebuttable presumption of control.

"Facility services" means the installation, construction, operation or maintenance of conduit or related facilities in the streets by a person for sale or lease to third parties, other than affiliated persons, that use such conduit or related facilities for the transmission of telecommunication services, but such person does not itself provide telecommunications service or cable service to such third parties or any locations or other persons in the license area.

"Franchise" means an initial authorization, or renewal thereof, issued by the city in accordance with the provisions of the ordinance codified in this section, which authorizes the occupation and use of the streets by a telecommunications system to provide telecommunications services.

"Grantee" means the legal entity to which is granted the right, authority and responsibility to provide facility services along licensed routes pursuant to a license, or to construct, install, operate and maintain a telecommunications system as necessary to: (a) furnish, supply and distribute telecommunications services to any locations or Persons in the franchise or license area; (b) provide private telecommunications services along licensed routes pursuant to a license; or (c) transport telecommunications services across the city along licensed routes pursuant to a license without terminating or originating any telecommunications services at or from any person or location in the city.

"May" is permissive.

"Ordinance" means the ordinance codified in this section and all modifications and amendments thereto.

"Person" means any individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, but shall not mean the city.

"Private telecommunications services" means the transmission of tele-communications by a person, regardless of the facilities used, for or in connection with the internal operations of such person's business, residence or employment and not for or in connection with the provision or offering of telecommunications services for sale or resale to any person and shall not mean cable services.

"Revocable license" means an initial authorization or renewal thereof, issued by the city in accordance with the provisions of the ordinance codified in this section, which authorizes the occupation and use of specifically identified streets, provided that a revocable license shall be issued only in the limited circumstances set forth in Section 2.1.02 of the ordinance codified in this section.

"Shall" is mandatory, not merely directive.

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"Streets" means the surface of, as well as the spaces above and below, any and all streets, alleyways, avenues, highways, boulevards, driveways, bridges, tunnels, parks, parkways, public grounds or waters, and other public rights-of-way within or belonging to the city.

"Telecommunications" means "tele-communications" as defined by 47 U.S.C. § 153(43) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, but shall not include cable services.

"Telecommunications service" means "telecommunications service" as defined by 47 U.S.C. § 153(46) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, but shall not include Cable Services. In the event that "telecommunications service" is no longer defined in the Communications Act or the definition in the Communications Act otherwise becomes inapplicable. "Telecommunications service" shall mean "telecommunications service" as defined in the Communications Act immediately prior to such term no longer being defined in the Communications Act or such definition otherwise becoming inapplicable.

"Telecommunications system" means the system, plant, equipment or property within the streets in the franchise or license area over which telecommunications service or private telecommunications service is provided, and to be constructed, operated and maintained by a grantee pursuant to a franchise or license ordinance or agreement.

(Ord. 01-30 § 1(part), 2001)

## Article II. Granting Authority and Franchising Procedure

### **9.64.020 Granting authority.**

No person shall use or occupy the streets to construct, operate or maintain a telecommunications system over which telecommunications services or private telecommunications services are provided, or use or occupy the streets to provide facility services, without a franchise or revocable license granted in accordance with the provisions of the ordinance codified in this section. The city intends to exercise its authority to franchise or license persons pursuant to the ordinance codified in this section to the maximum extent permitted by applicable law, including the 1996 Act.

A person shall not use or occupy the streets to operate a telecommunications system over which telecommunications services or private telecommunications services are provided without a franchise, except that such person may use or occupy specific streets without a franchise if the person obtains a revocable license in accordance with the terms of the ordinance codified in this section. A revocable license is intended to be a limited grant of authority to use and occupy specifically identified streets and: (a) may be granted only if the use or occupation of such streets is for the sole purpose of providing private telecommunications services or facility services; or (b) shall be granted to provide telecommunications services only if the use or occupation of such streets, together with the use or occupation of any streets pursuant to revocable licenses previously granted to such person and affiliated persons, shall not exceed five hundred (500) linear feet; or (c) shall be granted only if the use or occupation of such streets is by a telecommunications system that is not used by the grantee or any other person to sell, resell or

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otherwise provide telecommunications services to any person in the city. In the event an application for a revocable license would cause a person to exceed or fail to comply with the limits specified in this section, then such person must apply for a franchise in accordance with the provisions of the ordinance codified in this section, and the use of specifically identified streets pursuant to all previously granted revocable licenses shall thereafter be pursuant to and in accordance with any such franchise that may be granted.

The city council may grant one or more franchises or revocable licenses in accordance with the ordinance codified in this section, provided that the city council reserves the right to modify any provision of the ordinance codified in this section by amendment hereof

The grant of any franchise or revocable license shall be made by adoption of a separate ordinance by the city council and shall be on such terms and conditions as may be specified in said separate ordinance and/or a franchise or license agreement between the city and the grantee.

Any franchise or revocable license granted shall be nonexclusive. The city specifically reserves the right to grant, at any time, such additional franchises or revocable licenses as it deems appropriate, and/or itself engage in the provision of telecommunications services, private telecommunications services or facility services.

A franchise may be granted for all or any defined portion of the city. A revocable license may only be granted for use of specifically identified streets.

The grant of franchises and revocable licenses by the city to persons constructing, operating or maintaining a telecommunications system shall be subject to the provisions of applicable law, such as the provisions in the 1996 Act, as amended, governing telecommunications franchises and renewals thereof.

(Ord. 01-30 § 1(part), 2001)

### **9.64.030 Franchise applications.**

Applications for franchises and revocable licenses shall be submitted in such form and be issued on such terms and conditions as the city council may determine, subject to applicable law.

Any application for a franchise or revocable license shall contain and/or require the following information with respect to the proposed franchise or revocable license:

- i. Applicant's name, address, telephone number, and federal employer identification number or social security number; copy of applicant's corporate charter or partnership agreement as applicable; and any trade names (and registrations) used by applicant;
- ii. For the purpose of determining who controls applicant, a detailed statement of the corporation or business entity organization of the applicant, including the following:
  - a. The names and business addresses of all officers and directors of the applicant;
  - b. The names and business addresses of all persons having control over the applicant;

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- c. Financial information sufficient to demonstrate that the applicant has the financial ability to construct and maintain the telecommunications system, or to provide facility services, in a safe manner and in accordance with the city's management policies, rules and regulations with respect to the streets and to the extent not prohibited by law; and
  - d. For purposes of determining whether the applicant will construct, maintain, operate, and repair the telecommunications system, or provide facility services, in compliance with the city's management policies, rules and regulations with respect to the streets and in a manner protective of the public health, safety and welfare with respect to the applicant's use of the streets, the names and addresses for telecommunications systems owned or controlled by the applicant and the areas served by such systems.
- iii. In order to permit the city to manage its streets, a description of the proposed plan of construction and maintenance of the telecommunications system or facility services to be constructed in the streets, which shall include the following:
    - a. A map indicating the location of the system or facility services in the streets, and an estimated construction schedule, if known; and
    - b. A statement describing the proposed and actual location of facilities and equipment to be used in the streets by the applicant;
  - iv. To the extent not prohibited by law, any other details, statements, supplementary information, or references reasonably pertinent to the city's management of the streets or the compensation to be paid to the city, which shall be required or requested by the council or by any other provision of law.

(Ord. 01-30 § 1(part), 2001)

#### **9.64.040 Non-refundable application fees for new franchises and revocable licenses.**

No application for a new franchise or revocable license shall be considered without payment by the applicant of application fees as provided in this section. If a franchise or revocable license is granted, application fees will not be deemed a credit towards any other fees or sums due by the grantee. If an application is denied, the application fee will not be refunded, except if required by law.

- a. Purpose of Application Fees. The application fees provided by this section will serve to cover the direct and indirect costs incurred by the city in processing the application, evaluating the applicant, and granting a franchise, and shall include, but not be limited to, administrative, engineering, publication, legal, and consultant's expenses.
- b. Application Fee. The applicant will be expected to pay the reasonable costs of the city in evaluating the application. Notwithstanding any other requirement of the ordinance codified in this section, each applicant for a franchise must furnish with its proposal a nonrefundable application fee in the amount of three thousand dollars (\$3,000.00) by certified check or cashier's check made payable to the city of Stockbridge, and each

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applicant for a revocable license must furnish with its proposal a nonrefundable application fee in the amount of three thousand dollars (\$3,000.00) by certified check or cashier's check made payable to the city of Stockbridge. In the event the city's reasonable costs exceed such amount, the applicant may be required by the city to pay any additional amount to cover such costs. In the event the city's reasonable costs are less than the application amount, the city shall reimburse to the applicant the amount in excess of the city's actual cost if required by applicable law.

(Ord. 01-30 § 1(part), 2001)

**9.64.050 Responsibilities of applicants.**

It shall be the responsibility of each applicant for a franchise or revocable license to comply with all applicable laws, ordinances, resolutions, rules, regulations and other directives of the city and any federal, state or local governmental authority having jurisdiction.

(Ord. 01-30 § 1(part), 2001)

**9.64.060 Public availability of applications.**

To the extent determined by the city council, applications for franchises or revocable licenses, including any additions, modifications or amendments thereto, shall be available for public inspection at a designated city office during normal business hours.

(Ord. 01-30 § 1(part), 2001)

**9.64.070 Evaluation criteria.**

An applicant shall be granted a franchise or revocable license to construct, operate or maintain a telecommunications system over which telecommunications services are provided, provided the city council reasonably determines that the applicant has agreed to or meets the following factors:

- i. The adequacy of the proposed compensation to be paid to the city;
- ii. Demonstration of adequate financial and technical ability to construct and maintain a telecommunications system in the streets, which such demonstration may be made by an adequate bond, security fund, and/or such other demonstration that is reasonably acceptable to the city, and a certificate of public convenience or other authorization from the state or federal communications commission permitting the applicant to provide telecommunications services in the city;
- iii. The ability of the applicant to maintain the property of the city in good condition throughout the term of the franchise;
- iv. The willingness and the ability of the applicant to meet construction requirements and to abide by all conditions, limitations and requirements with respect to the franchise (including any terms or conditions imposed pursuant to Section 2.7 of the ordinance

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codified in this section), any public, health, safety and welfare requirements reasonably related to the applicant's use of the streets, and the city's management of streets; and

- v. To the extent not prohibited by law, any other factors or considerations reasonably deemed pertinent by the city for managing the streets and safeguarding the interests of the city and the public in the streets, and for ensuring the city receives fair and reasonable compensation for use of the streets.

In making any determination hereunder as to any application for a revocable license to provide private telecommunications services or facility services and in accordance with applicable law, other than section 253 of the Communications Act which is not applicable to persons providing only private telecommunications services or facility services, the city council may consider such factors as it deems appropriate and in the public interest, including, without limitation, the foregoing factors to the extent applicable.

(Ord. 01-30 § 1(part), 2001)

#### **9.64.080 Procedure for consideration of and action on applications.**

The city may make such investigations and take or authorize the taking of such other steps as the city council deems necessary or appropriate to consider and act on applications for franchises or revocable licenses. In considering applications, the city council may seek advice from other city officials or bodies, from such other advisory bodies as it may establish or determine appropriate, or from the public, and may request the preparation of one or more reports to be submitted to the city council, which may include recommendations with respect to such applications.

After considering such information provided pursuant to the ordinance codified in this section as it determines to be appropriate, the city council shall set one or more public hearings for consideration of the application(s), fixing and setting forth a day, hour and place certain at which such application(s) shall be heard, and providing notice of such public hearing in accordance with applicable law.

The city council may authorize negotiations between city officials and applicants on the terms of the proposed franchise or revocable license.

The city council shall consider the application for a franchise or revocable license to provide telecommunications services in accordance with the ordinance codified in this section and applicable law, including 47 U.S.C. § 253, and shall grant the franchise or revocable license, provided that the applicant has agreed to the terms on which the franchise or revocable license is to be granted and meets the evaluation criteria set forth in Section 2.5 of the ordinance codified in this section. The city also reserves the right to waive any or all requirements in order to grant a franchise or revocable license to an applicant when it determines that the best interests of the city may be served thereby or that such waiver is required by applicable law.

Upon completion of the steps deemed appropriate by the city council, the city council may grant the revocable license to provide private telecommunications services or facility services and may specify the conditions under which the revocable license is granted. Alternatively, the

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city may reject any and all applications for a revocable license to provide private telecommunications services or facility services. The city also reserves the right to waive any or all requirements when it determines that the best interests of the city may be served thereby.

(Ord. 01-30 § 1(part), 2001)

#### **9.64.090 Terms and conditions of franchise and revocable license.**

The terms and conditions applicable to any franchise or revocable license granted pursuant to the ordinance codified in this section shall be set forth in the separate ordinance granting the franchise or revocable license or in a separate written agreement. Such separate ordinance or written agreement, among other things, may address the following subjects, to the extent not prohibited by law:

- i. The term of the franchise or revocable license provided, however, that the initial term of the revocable license shall not exceed five (5) years and shall not be renewed for terms exceeding five (5) years;
- ii. The franchise area authorized by the franchise, or the streets that may be used pursuant to the revocable license;
- iii. The compensation to be paid to the city;
- iv. The circumstances upon which the franchise or revocable license may be terminated or cancelled;
- v. The mechanisms, such as performance bonds, security funds or letters of credit, to be put in place to ensure the performance of the grantee's obligations under the franchise or revocable license;
- vi. For the limited purpose of ensuring that the grantee is complying with the terms of the franchise or revocable license, including, but not limited to, any compensation or street management provisions, the city's right to inspect the facilities and records of the grantee;
- vii. Insurance and indemnification requirements applicable to the grantee;
- viii. The obligation of the grantee to maintain complete and accurate books of account and records with respect to its obligations under the franchise or revocable license, including, but not limited to, any compensation or street management provisions, and the city's inspection rights with respect thereto;
- ix. Provisions to ensure quality workmanship and construction methods in the streets;
- x. Provisions to ensure that the grantee will comply with all applicable city, state and federal laws, regulations, rules and policies;
- xi. Provisions to ensure adequate oversight by the city of the grantee's use of streets and compliance with the franchise or revocable license;
- xii. Provisions relating to an assignment or other transfer of the franchise or revocable license or the telecommunications system that results in a change in control;

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- xiii. Remedies available to the city to protect the city's interest in the event of the grantee's failure to comply with terms and conditions of the franchise or revocable license;
  - xiv. Provisions to ensure that the grantee will obtain all licenses and permits necessary to provide telecommunications services by use of the city's streets from any governmental body having jurisdiction over the grantee, including, but not limited to, the Federal Communications Commission;
  - xv. Provisions to ensure that the grantee will protect the property of the city from damage or interruption of city operations resulting from the construction, operation, maintenance, repair or removal of improvements of the telecommunications system, or from the provision of facility services;
  - xvi. Provisions designed to minimize the extent to which the public use of the streets of the city are disrupted in connection with the construction of improvements relating to the telecommunications system, or the provision of facility services; and
  - xvii. Such other provisions as the city reasonably determines are necessary or appropriate to permit the city to manage its streets or ensure compliance with the franchise or revocable license, to the extent not prohibited by law.

(Ord. 01-30 § 1(part), 2001)

#### **9.64.100 Revocation of revocable license.**

The revocable license shall be revocable at any time by the city for cause or, if the revocable license is for the provision of private telecommunications services or facility services, for the city's convenience. The revocable license, together with all revocable licenses granted to the applicant or affiliated persons, shall not authorize the occupation and use of more than five hundred (500) linear feet of specifically identified streets, unless the use or occupation of the streets does not involve the offering or provision of telecommunications services by the grantee, any affiliated persons or other persons to or from any person or location in the city, or unless the use or occupation of the streets is for the provision of facility services.

(Ord. 01-30 § 1 (part), 2001)

### Chapter 9.68 CABLE SERVICES FRANCHISING

#### Article I. Definitions

#### **9.68.010 Definitions.**

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number.

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"Cable services" means "cable services" as defined in the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, and as may be further amended from time to time (the "Cable Act"), but does not include telecommunications services. In the event that "cable services" is no longer defined in the Cable Act or the definition in the Cable Act otherwise becomes inapplicable, "Cable Services" shall mean "cable services" as defined in the Cable Act immediately prior to such term no longer being defined in the Cable Act or such definition otherwise becoming inapplicable.

"Cable system" means any "Cable System" as defined in the Cable Act.

"City" means the city of Stockbridge.

"City council" means the city council of the city and its designee or any successor thereto.

"Franchise" means an initial authorization, or renewal thereof, issued by the city, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the occupation and use of the streets to provide cable services through a cable system or open video system.

"Grantee" means the legal entity to which is granted the right, authority and responsibility to construct, install, operate and maintain a system of equipment as necessary to furnish, supply and distribute cable services to inhabitants within the franchise area.

"May" is permissive.

"Open video system" means "open video system" as defined by Section 76.1500(a) of Part 76 of the Code of Federal Regulations.

"Ordinance" means the ordinance codified in this chapter and all modifications and amendments thereto.

"Person" means any individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, but shall not mean the city.

"Shall" is mandatory, not merely directive.

"Streets" means the surface of, as well as the spaces above and below, any and all streets, alleyways, avenues, highways, boulevards, driveways, bridges, tunnels, parks, parkways, public grounds or waters, and other public rights-of-way within or belonging to the city.

"Telecommunications services" means "telecommunications service" as defined by 47 U.S.C. § 153(46) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, but does not include cable services. In the event that "telecommunications service" is no longer defined in the Communications Act or the definition in the Communications Act otherwise becomes inapplicable, "Telecommunications service" shall mean "telecommunications service" as defined in the Communications Act immediately prior to such term no longer being defined in the Communications Act or such definition otherwise becoming inapplicable.

(Ord. 01-31 § 1 (part), 2001)

## Article II. Granting Authority and Franchising Procedure

### **9.68.020 Granting authority.**

No person shall use or occupy the streets to provide any cable services or operate a cable system or open video system without a franchise granted in accordance with the provisions of the ordinance codified in this chapter.

The city council may grant one or more franchises in accordance with the ordinance codified in this chapter, provided that the city council reserves the right to modify any provision of the ordinance codified in this chapter by amendment hereof.

The grant of any franchise shall be made by adoption of a separate ordinance codified in this chapter by the city council and shall be on such terms and conditions as may be specified in said separate ordinance codified in this chapter and/or a franchise agreement between the city and the grantee.

Any franchise granted shall be nonexclusive. The city specifically reserves the right to grant, at any time, such additional franchises as it deems appropriate and/or itself engage in the provision of cable services.

A franchise may be granted for all or any defined portion of the city.

The grant of franchises by the city shall be subject to the provisions of applicable law, such as the provisions in the Cable Act, as amended, governing cable television system and open video system franchises and the renewals of cable television system franchises.

(Ord. 01-31 § 1 (part), 2001)

### **9.68.030 Franchise applications.**

Applications for franchises shall be submitted in such form and be issued on such terms and conditions as the city council may determine, subject to applicable law.

Any application for a franchise shall contain and/or require the following information with respect to the proposed franchise and such other information as the city council shall deem necessary or appropriate:

- i. Applicant's name, address, telephone number, and federal employer identification number or social security number; copy of applicant's corporate charter or partnership agreement as applicable; and any trade names (and registrations) used by applicant;
- ii. A detailed statement of the corporation or business entity organization of the applicant, including but not limited to the following, and to whatever extent required by the city:
  - a. The names and the residence and business addresses of all officers and directors of the applicant;

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- b. The names, residence, and business addresses of all persons and entities having any share of the ownership of the applicant and the respective ownership share of each person or entity;
  - c. The names and address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to cable systems and open video systems owned or controlled by the applicant, its parent, and subsidiary, and the areas served thereby;
  - d. A detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year immediately preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed cable system or open video system in the city, or a statement from an independent certified public accountant certifying that the applicant has available sufficient free, net, and uncommitted cash resources to construct and operate the proposed cable system or open video system in the city;
  - e. A detailed financial plan (pro forma) describing for each year of the franchise, projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements, and a sources and uses of funds statement; and
  - f. A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such franchised cable system(s) and open video system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof;
- iii. A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:
    - a. A description of the cable services proposed to be provided;
    - b. A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced;
    - c. A statement or schedule setting forth all proposed classifications or rates and charges to be made against subscribers and all rates and charges as to each of said classifications, including installation charges, cable service charges, and any other service charges;

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- d. A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant;
  - e. A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber to cable services; and
  - f. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise;
- iv. A copy of any agreement covering the franchise area, if existing between the applicant and any utility providing for the use of any facilities of the utility, including but not limited to, poles, lines, or conduits; and
  - v. Any other details, statements, supplementary information, or references pertinent to the subject matter of such application which shall be required or requested by the council, or by any other provision of law.

(Ord. 01-31 § 1 (part), 2001)

#### **9.68.040 Non-refundable application fees for new franchises.**

No application for a new franchise shall be considered without payment by the applicant of application fees as provided in this Section. If a franchise is granted, application fees will not be deemed a credit towards any other fees or sums due by the grantee. If an application is denied, the application fee will not be refunded.

- a. Purpose of Application Fees. The application fees provided by this section will serve to cover the direct and indirect costs incurred by the city in processing the application, evaluating the applicant, and granting a franchise, and shall include, but not be limited to, administrative, engineering, publication, legal, and consultant's expenses.
- b. Application Fee. The applicant will be expected to pay the reasonable costs of the city in evaluating the application. Notwithstanding any other requirement of this ordinance, each applicant must furnish with its proposal a non-refundable application fee in the amount of three thousand dollars (\$3,000.00) by certified check or cashier's check made payable to the city of Stockbridge. In the event that the city's reasonable costs exceed such amount, the applicant may be required by the city to pay any additional amount to cover such costs.

(Ord. 01-31 § 1 (part), 2001)

#### **9.68.050 Responsibilities of applicant.**

It shall be the responsibility of each applicant for a franchise to comply with all applicable laws, ordinances, resolutions, rules, regulations and other directives of the city and any federal, state or local governmental authority having jurisdiction.

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(Ord. 01-31 § 1 (part), 2001)

**9.68.060 Public availability of applications.**

To the extent determined by the city council, applications for franchises, including any additions, modifications or amendments thereto, shall be available for public inspection at a designated city office during normal business hours.

(Ord. 01-31 § 1 (part), 2001)

**9.68.070 Evaluation criteria.**

In making any determination here under as to any application for a franchise, the city council may consider such factors as it deems appropriate and in the public interest, including, without limitation:

- i. The adequacy of the proposed compensation to be paid to the city, including the value of any facilities and cable services offered by the applicant to the city;
- ii. The legal, financial, technical and other appropriate qualifications of the applicant;
- iii. The ability of the applicant to maintain the property of the city in good condition throughout the term of the franchise;
- iv. The value and efficiency to the city and its residents of the cable services to be provided, including the type of cable services to be provided, as well as alternatives to those services and services that may be precluded by the grant of the franchise;
- v. The willingness and ability of the applicant to meet construction and physical requirements and to abide by all purpose and policy conditions, limitations and requirements with respect to the franchise; and
- vi. Any other public interest factors or considerations deemed pertinent by the city for safeguarding the interests of the city and the public.

(Ord. 01-31 § 1 (part), 2001)

**9.68.080 Procedure for consideration of and action on applications.**

The city may make such investigations and take or authorize the taking of such other steps as the city council deems necessary or appropriate to consider and act on applications for franchises and determine whether a franchise should be granted to an applicant and may require the applicant to furnish additional information and data for this purpose. In considering applications, the city council may seek advice from other city officials or bodies, from such other advisory bodies as it may establish or determine appropriate, or from the public, and may request the preparation of one or more reports to be submitted to the city council, which may include recommendations with respect to such applications.

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If the city council, after considering such information as it determines to be appropriate, elects to further consider any application(s), the city council shall set one or more public hearings for consideration of the application(s), fixing and setting forth a day, hour and place certain when and where any persons having any interest therein or objections thereto may file written comments and appear before the city council and be heard, and providing notice of such public hearing(s) in accordance with applicable law.

The city council may authorize negotiations between city officials and applicants to determine whether the city and such applicants are able to reach agreement on the terms of the proposed franchise.

Upon completion of the steps deemed appropriate by the city council, the city council may grant the franchise and may specify the conditions under which the franchise is granted. Alternatively, the city may reject any and all applications from whatever source and whenever received except that a franchising authority may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise. The city also reserves the right to waive any or all requirements when it determines that the best interests of the city may be served thereby and may, if it so desires, request new or additional proposals.

(Ord. 01-31 § 1 (part), 2001)

#### **9.68.090 Terms and conditions of franchise.**

The terms and conditions applicable to any franchise granted pursuant to the ordinance codified in this chapter shall be set forth in the separate ordinance granting the franchise or in a separate written agreement. Such separate ordinance or written agreement, among other things, shall address the following subjects:

- i. The term of the franchise;
- ii. The franchise area and the cable services which are the subject of the franchise;
- iii. The compensation to be paid to the city, which may include the payment of fees or the provision of facilities or services, or both;
- iv. The circumstances upon which the franchise may be terminated or cancelled;
- v. The mechanisms, such as performance bonds, security funds or letters of credit, to be put in place to ensure the performance of the grantee's obligations under the franchise;
- vi. The city's right to inspect the facilities and records of the grantee;
- vii. Insurance and indemnification requirements applicable to the grantee;
- viii. The obligation of the grantee to maintain complete and accurate books of account and records, and the city's inspection rights with respect thereto;
- ix. Provisions to ensure quality workmanship and construction methods;
- x. Provisions to ensure that the grantee will comply with all applicable city, state and federal laws, regulations, rules and policies, including, without limitation, those related to employment, purchasing and investigations;

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- xi. Provisions to ensure adequate oversight and regulation of the grantee by the city;
  - xii. Provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the city;
  - xiii. Remedies available to the city to protect the city's interest in the event of the grantee's failure to comply with terms and conditions of the franchise;
  - xiv. Provisions to ensure that the grantee will obtain all necessary licenses and permits from, and comply with, all laws, regulations, rules and policies of any governmental body having jurisdiction over the grantee, including, but not limited to, the Federal Communications Commission;
  - xv. Provisions to ensure that the grantee will protect the property of the city and the delivery of public services from damage or interruption of operations resulting from the construction, operation, maintenance, repair or removal of improvements related to the franchise;
  - xvi. Provisions designed to minimize the extent to which the public use of the streets of the city are disrupted in connection with the construction of improvements relating to the franchise; and
  - xvii. Such other provisions as the city determines are necessary or appropriate in furtherance of the public interest.

(Ord. 01-31 § 1 (part), 2001)

#### **9.68.100 Franchise fee for state-issued cable or video franchise.**

The city requires a franchise fee of five percent (5%) of gross revenues generated within the city for any cable or video state franchise issued in its corporate boundaries by the state of Georgia.

(Ord. 07-190 § 1, 2007)

#### **9.68.110 Authorized designee.**

The city authorizes the business services manager, upon receipt of notice to the city of its right to designate a franchise fee for an applicant for or holder of an existing state franchise, to provide written notice to the Secretary of State and each applicant for or holder of a state franchise within a service area that is wholly or partially located within the city limits of the five percent (5%) franchise fee rate applicable to such applicant or holder of a state franchise.

(Ord. 07-190 § 2, 2007)

### Chapter 9.70 DAY CARE CENTERS

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### **9.70.010 Purpose—Short title.**

In order to protect the health and safety of persons in the city, to regulate the provision of day care services in residential, commercial, office and industrial districts, to promote the safety of children in centers, and to invest the authority to enforce those regulations, the mayor and city council hereby adopt this chapter, to be known and cited as "Day Care Centers."

(Ord. 03-70 § 1, 2003)

### **9.70.020 Definitions.**

For purposes of this chapter, the following words and phrases shall have the meanings respectively attributed to them in this section:

"Center," when used in this chapter, means day care center, family day care center and group day care home as hereinafter defined.

"Day care center" means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for fewer than twenty-four (24) hours per day without transfer of legal custody nineteen (19) or more children under eighteen (18) years of age.

"Director" means the chief administrative or executive officer of a center or the property owner providing day care services in a residence.

"Employee" means any person, other than a director, employed by a center to perform at any of the center's facilities any duties which involve personal contact between that person and any child being cared for at the facility and also includes any adult person who resides at the facility or who, with or without compensation, performs duties for the center which involve personal contact between that person and any child being cared for by the center.

"Family day care center" means a private residence operated by any person(s), partnership, association or corporation who receives therein for pay for supervision and care not less than three (3) but not more than six (6) children under eighteen (18) years of age, including children related to and residing with such person.

"Group day care home" means any place other than a private residence operated by any person(s), partnership, association or corporation wherein are received for pay for supervision and care not less than three (3) nor more than six (6) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody; and any place operated by any person(s), partnership, association or corporation wherein are received for pay for supervision and care not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody.

"License" means the document issued by the city to authorize the center to which it is issued to operate a facility under this chapter.

"Private residence" means any free-standing structure or shelter or any part thereof used or constructed for use as a residence for one (1) family.

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"Residential area" means all those areas defined as or referred to as being residential in the zoning provisions at Chapter 8.36 of the city of Stockbridge Code of Ordinances.

(Ord. 06-154 §§ 1—3, 2006; Ord. 03-70 §§ 2—4, 2003; Ord. 03-62 § 2 (part), 2003)

**9.70.030 License.**

- A. License Required. No person shall operate a group day care home or a day care center in the city without a license from the city as provided in this chapter. These licenses shall be issued on forms prescribed by the city and shall be posted or displayed in a conspicuous place within the center. No license shall be transferable, and licenses shall be renewed annually. Each license and renewal thereof shall expire at the end of each calendar year unless sooner revoked or surrendered. Two (2) or more licenses, whether of the same or different classification, may be issued for concurrent operation to the same person, but each license shall be issued upon a separate form.
- B. Application for License. Each application for a license to operate a center or for a renewal thereof shall be made to the city in such form as it may prescribe. It shall contain:
1. The name, address and telephone number of the applicant, and, if it is a sole proprietorship, an association, partnership, society or corporation, the names and addresses of all officers, partners and/or chief agents;
  2. The present or proposed location and the size and type of buildings and grounds, together with a floor plan of all rooms and spaces to be used and the dimensions and a description of outside recreation areas;
  3. The maximum number of children to be cared for;
  4. A statement of the activities proposed and the facilities to be employed;
  5. The hours during which child care will be provided;
  6. The name, address, education, training and experience of every person connected or to be connected with the operation;
  7. A copy of the applicant's state license, commission or registration;
  8. Proof that the center has obtained a minimum of one million dollars (\$1,000,000.00) in property and liability insurance covering medical expenses and other casualties; and
  9. Such other pertinent information as the city may require.
- C. Renewal and Amendments. If the applicant or the address on a license changes, a new license is required. Any amendment to a license or renewal of a license shall expire at the end of each calendar year, unless sooner revoked or surrendered. Application for renewal or amendment may be made by mail.
- D. Fee. The license fee shall be based on gross receipts for one (1) year, or any fraction thereof.

(Ord. 06-154 § 5, 2006)

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### **9.70.040 Safety.**

All centers shall maintain proper safety precautions at all times.

A. Group Day Care Homes and Day Care Centers.

1. The playroom must provide a minimum of thirty-five (35) square feet of floor space per child, exclusive of permanent cabinets, auxiliary rooms and service rooms.
2. Toilets and washbowls should be on the same floor used by the children and easily accessible.
3. A minimum of one hundred (100) square feet per child of outdoor space shall be provided. The play area shall have sun and shade, good draining and shall be adequately fenced or otherwise protected from the hazards of traffic and driveways.
4. The parking area and child pick-up area for the center shall be distinctly separate from any other use on the property. Such centers shall provide a portico for child pick-up and drop-off. The portico shall be large enough to provide children with shelter from the elements during drop-off and pick-up.

B. The center shall have adequate lighting, sanitation and exits. All doors, windows and outside openings shall be screened.

C. Emergency. There shall be posted in a conspicuous place next to any telephone in a center: the telephone numbers of the nearest or applicable providers of emergency medical, police and fire services.

D. Parking. The property owner/applicant shall provide adequate off-street parking to enable parents to pick up children without blocking any street.

E. Contact Information. There shall be conspicuously posted in the center a list containing the names of all children being cared for in the center, which list shall include the names, employers and contact information for each child's parents.

(Ord. 06-154 § 6, 2006)

### **9.70.050 Inspections.**

A. Applicants for center licenses and holders of such licenses shall at all times afford the city or its designated representative reasonable opportunity to make inspection of the premises, facilities, books and records, and to interview any agent or employee and any child in his or her custody. Refusal to license an inspection or interview shall constitute a violation of this chapter.

B. The city shall have the opportunity to ascertain whether or not the respective minimum standards for centers established by state law have been met.

(Ord. 03-70 § 7, 2003)

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**9.70.060 Investigation.**

- A. The city will not conduct an independent investigation into the criminal history of the applicant, persons living in the home and employees caring for the children, or an independent investigation of the applicant's financial responsibility, character and reputation, or if an association, society, partnership or corporation, the character and reputation of its officers and chief agents.
- B. The applicant must have a valid and proper license, commission or registration from the Office of Regulatory Services of the Georgia Department of Human Resources, which such license, commission or registration is issued upon an investigation by the Office of Regulatory Services. The city shall require the applicant to present such license which shall be considered by the city before granting the license.

(Ord. 03-62 § 2 (part), 2003)

**9.70.070 Grant or refusal of license.**

- A. If an applicant complies with all of the applicable terms of the ordinance codified in this chapter and other city ordinances and all state laws related to the regulation of centers, the license shall be issued. If the applicant does not comply with such ordinance provisions, the city shall reject the application.
- B. When an application for a license under this chapter is rejected, the city shall notify the applicant in writing of the denial of the license within ten (10) days of its decision. Such notice shall be mailed to the applicant at the address provided on the application and shall state the reasons for the denial.
- C. The center must display the license conspicuously at or near the entrance to the center.

(Ord. 03-70 § 8, 2003; Ord. 03-62 § 2 (part), 2003)

**9.70.080 Number of children.**

Center licenses shall specify the same number of children allowed by the state license, commission or registration. The number so specified shall be the maximum number permitted, in the center in question, to be cared for at any one time.

- A. Group day care homes shall not be permitted to care for more than eighteen (18) children.
- B. Day care centers shall not be permitted to care for more than two hundred (200) children.

(Ord. 06-154 § 7, 2006)

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### **9.70.090 Revocation of license.**

- A. The city shall revoke any center's license issued under the provisions of this chapter under the following circumstances:
  - 1. Whenever the Office of Regulatory Services of the Georgia Department of Human Resources shall revoke the license issued for the same operation. In case a court of competent jurisdiction should reinstate the license, the city shall thereupon reinstate the license.
  - 2. If the home is in violation of the fire code, anyone living or working in the home has been convicted of a crime involving sexual assault or child abuse or any other crime against a child, or if permission to inspect the home during its listed care hours is denied.
- B. No registration shall be revoked without ten (10) days' written notice to the holder, at the address listed in the application, of the reason or reasons for revocation. If the holder fails to cure the violation within the ten (10) days specified in the notice, the registration shall be revoked.
- C. Any person who has received a notice of revocation or whose registration has been revoked shall be afforded an opportunity to be heard as to why the registration should not be revoked. Such hearing shall be before the city council or such person as it may so designate.

(Ord. 03-62 § 2 (part), 2003)

### **9.70.100 Investigation or inspection for benefit of state.**

- A. When deemed necessary and proper, the city shall report to the Office of Regulatory Services, the Georgia Department of Human Resources or the Georgia Division of Family and Children Services the result of any investigations or inspections.
- B. The city or its designated representative shall make investigations and inspections of centers for the state whenever requested to do so by the state.

(Ord. 03-70 § 10, 2003; Ord. 03-62 § 2 (part), 2003)

### **9.70.110 Prohibitions.**

- A. Family day care centers, as defined by this chapter, shall be strictly prohibited within the city of Stockbridge.
- B. Group day care homes and day care centers shall be limited in their location to zoning districts designated as O/I or C-1. If either of these types of centers is to be located in a district designated as C-1, that center must be wholly contained within a standalone building, which building shall be entirely and exclusively devoted to that single purpose.
- C. No day care center or group day care home shall be located in a district zoned M-1, M-2, C-2, C-3, RA, RM, R-1, R-2, or R-3.

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(Ord. 06-154 § 4, 2006)

**9.70.120 Occupation tax.**

All centers shall obtain an occupation tax certificate from the city and remit payment of all administrative fees, regulatory fees and occupation taxes to the city in accordance with Chapter 9.01 of this code.

(Ord. 03-70 § 12, 2003)

**9.70.130 Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be punished pursuant to Section 1.04.080 of this code. Each day shall count as a separate violation of this chapter.

(Ord. 03-75 § 3, 2003; Ord. 03-70 § 13, 2003)

Chapter 9.74 USED AUTOMOBILE AND TRUCK SALES

**9.74.010 Maximum number of used automobile and truck sales.**

- A. Licenses Available. The number of licenses available for the sale of used automobiles and trucks shall be determined based on the most recent United States Census data. The city council may authorize additional licenses if deemed necessary to meet the economic development goals of the city.
- B. Whenever it shall be recognized by the community development director that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional licenses, and it is determined by the community development director that one (1) or more additional licenses are available, the city shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication. If, during this period, applications are received which exceed the number of newly available licenses, there shall be held a lottery, administered by the community development director, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of licenses up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

(Ord. 05-118 § 2, 2005)

(Ord. No. 12-281, § 1, 8-13-2012; Ord. No. OR 13-303, § 1, 4-8-2013; Ord. No. OR24-560, § 1, 3-26-2024)

## Chapter 9.75 COLON HYDROTHERAPY FACILITIES AND SERVICES

### **9.75.010 Title.**

This chapter shall be known as "Colon Hydrotherapy Facilities and Services".  
(Ord. 05-130 § 2 (part), 2005)

### **9.75.020 Findings and purposes.**

#### **A. Findings.**

1. Whereas, the city council of the city of Stockbridge finds that colon hydrotherapy is a practice gaining increasing popularity not only throughout the United States, but within the city of Stockbridge; and
2. Whereas, in the interests of public safety and protection of resident consumers of such services the council recognizes the need to exercise limited supervision of and authority over the otherwise unregulated practice of such naturopathic services; and
3. Whereas, the associated risks to the performance of such procedures include potentially fatal injuries and complications as well as the spread of communicable diseases from improper or inadequately disinfected equipment; and
4. Whereas, regulation of this area of alternative medicine has been recommended by the White House Commission on Complementary and Alternative Medicine policy; and
5. Whereas, the council of the city of Stockbridge maintains authority to regulate the licensing, occupational taxation and revocation of licensing as well as regulation of matters of public health and welfare pursuant to the city's charter.

#### **B. Purposes.**

The purpose of the ordinance codified in this chapter is to protect the public health, safety and general welfare; to protect resident consumers of colon hydrotherapy services from potential fraud or dangerous practices with regard to the provision of such services; and to provide accountability through implementation of provisions for licensure, registration, and exemption therefrom on the basis of specific criteria.

(Ord. 05-130 § 2 (part), 2005)

### **9.75.030 License required to operate a colon hydrotherapy facility or practice.**

It shall be unlawful to operate a facility or practice for the provision of colon hydrotherapy services within the city limits without a licensed issued by the city.

(Ord. 05-130 § 2 (part), 2005)

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### **9.75.040 License required to engage in the provision of colon hydrotherapy services.**

It shall be unlawful to administer colon hydrotherapy or to provide for the self-administration thereof by use of a facility's equipment, as hereafter defined, within the city limits without a license issued by the city.

(Ord. 05-130 § 2 (part), 2005)

### **9.75.050 Definitions.**

As used in this chapter, the following definitions shall apply:

"Administration of colon hydrotherapy" shall mean the actual conduct of performing the colonic procedure, which may or may not include introduction of the appropriate equipment to a person's colon, where self-administration of such equipment by the consumer upon provision of that equipment and location for the purpose thereof by a third party will also be considered "administration" of that therapy.

"Approved equipment" shall mean colon hydrotherapy equipment as approved by the United States Food and Drug Administration and complying with those recommendations published by the International Association for Colon Hydrotherapy, and such equipment shall meet current safety standards including, but not be limited to the recommendations that such equipment shall have temperature controlled water mixing, back flow prevention valves, pressure and temperature sensors.

"Certification" shall mean certification by the International Association for Colon Hydrotherapy through its accrediting branch, the NCBHT, and compliance with necessary educational and documentation requirements in compliance therewith.

"Colon hydrotherapy" shall mean the introduction of filtered and temperature regulated water into the colon for the purpose of evacuation of wastes from the large intestine through natural peristalsis.

"Colon hydro therapist" shall mean a person who has been trained to assist with the administration of the colon hydrotherapy equipment and direct the session.

"Colon hydrotherapy facility" shall mean any business operation that offers as the primary service or as a supplemental service, the administration of colon hydrotherapy, "colonics" or "colonic irrigation" as the procedure is otherwise known, inclusive of naturopathic medical facilities.

"Colon hydrotherapy practice" shall mean any business entity established for the purpose of administering colon hydrotherapy treatments whether such entity operates an independent practice in its own office or structure or where such entity maintains a working environment within an independently established business operation, such as a spa, a naturopath office, a doctor's office or some other similarly independent business.

"Disinfection" shall mean use of appropriate prophylactic and sanitization measures for equipment used in any part of the colon hydrotherapy procedure, which measures shall include,

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but not be limited to, detailed cleansing by at least autoclave of reusable specula or, optimally, use of equipment which includes a built-in sanitizing and water purification unit and disposable single-use rectal tubes and/or speculae.

"Facility" means the building, office, spa or other similar environment within which the business of offering and providing colon hydrotherapy is conducted.

"I-ACT" means the International Association of Colon Hydrotherapy.

"National Board for Colon Hydrotherapy (NBCHT)" means the nationally recognized body organized to set voluntary competency standards and administer and maintain a certification program for individuals who practice colon hydrotherapy.

"Occupational tax" shall be given the meaning generally associated with Title 9 of this code: a tax levied upon those persons who operate businesses at one (1) or more locations or offices within the corporate limits of the city, and in accordance with Official Code of Georgia Annotated Section 48-13-7, upon out-of-state persons with no location or office in Georgia in accordance with the appropriate schedule referenced thereby.

"Practitioner" means one who is a certified colon hydrotherapist and administers such services.

"Self-administration" means the provision of facilities and equipment for the purpose of colonic cleansings for a fee, which equipment is actually introduced into the colon by the client, personally, and which is thereafter operated by the client with minimal supervision by trained staff.

"Specula/Speculum" means a rigid tube of approximately five and one-half inches (5 ½") in length and less than three-quarters of an inch (¾") in diameter which is the part of the hydrotherapy equipment that enters the anal canal to a depth of approximately two and one-half to three inches (2 ½" to 3").

(Ord. 05-130 § 2 (part), 2005)

#### **9.75.060 Requirements for licensure of a colon hydrotherapy facility.**

- A. No license for the operation of a colon hydrotherapy facility or practice shall be issued except by application. The application shall be submitted to the city manager upon forms provided by the city. All supporting documents shall be filed at the same time in conjunction with the application.
- B. Falsification of any information contained in the application, or material omission of requested information, shall be grounds for denial of licensure.
- C. A corporate applicant must be chartered under the laws of Georgia or authorized by the Secretary of State to conduct business within Georgia.
- D. No license shall be issued to a colon hydrotherapy facility absent proof of the employment of a licensed medical doctor, under whose supervision the necessary equipment shall be operated as is required under the Georgia Medical Practice Act and in compliance with O.C.G.A. Section 43-34-26(a).

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- E. Prior to issuance of a license for the operation of a colon hydrotherapy facility or practice, the premises of the facility or building in which the practice is to operate shall be inspected and shall comply with each of the following requirements:
1. A sign bearing letters not less than one inch (1") in size shall be posted at the main entrance of the premises identifying it as a colon hydrotherapy facility, or where such services are part of a larger array of services provided by, for example, a naturopath or a spa, such sign shall announce the name of such facility and the hours of operation;
  2. The premises shall be in compliance with all applicable building, fire, electrical, plumbing, public health and safety and zoning laws;
  3. Adequate equipment and materials for disinfecting and sterilizing all instruments used in the provision of the colon hydrotherapy service shall be provided at all times;
  4. Closed cabinets shall be utilized for the storage of clean linens to be used upon equipment or provided to customers;
  5. Dressing and toilet facilities shall be readily available to all customers in locations that will assure the privacy and health of all clients receiving colonic hydrotherapy services;
  6. All walls, ceilings, floors and plumbing equipment at the facility shall be kept in good repair and maintained in a clean and sanitary condition;
  7. Sanitary towels and linens shall be provided to each customer receiving colonic hydrotherapy services, and these shall be laundered following each individual use by one customer;
  8. Adequate facilities for cleansing of hands and other features, which facilities shall include stocked antibacterial soaps of some kind and individual towels or electric dryers shall be available and in working order at all times; and
  9. The facility operator shall provide proof of liability insurance along with the policy number for such coverage.
- F. No license shall be granted to a colon hydrotherapy facility or practice except upon evidence of employment of at least one (1) certified colon hydrotherapist who will be employed to work at that facility or practice location.
- G. No application for licensure for the operation of a facility for the performance of colon hydrotherapy shall be acted upon until such time as all required information and exhibits have been submitted and until an investigative fee have been paid. Upon submission of a complete application and payment of the investigative fee, an investigation shall be conducted to determine the applicant's compliance with this chapter.
- H. If such application is submitted in proper form, including all information and exhibits required in this chapter and accompanied by the correct fees, an investigation shall be conducted by the city. If all requirements of this chapter are met, the license shall be issued by the business services manager.

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- I. Licenses issued by the business services manager pursuant to this section shall be valid for a period of one (1) calendar year.

(Ord. 06-151 § 1, 2006; Ord. 05-130 § 2 (part), 2005)

**9.75.070 Requirements for licensure to administer colon hydrotherapy sessions.**

- A. No license to administer colon hydrotherapy sessions shall be issued except by application. The application shall be submitted to the city manager upon forms provided by the city. All supporting documents shall be filed in conjunction with the application.
- B. The applicant shall produce evidence of satisfaction of the following qualifications:
1. Certification at a minimum of the "Foundation Level" from the International Association of Colon Hydrotherapy, inclusive of a minimum of one hundred (100) total hours of training and coursework with a minimum of thirty-five (35) of those hours spent in supervised clinical training;
  2. Certification of participation in the Continuing Education Program for colon hydrotherapy administered by the National Board for Colon Hydrotherapy;
  3. Evidence of affiliation with or establishment of a qualified and city licensed facility in which colon hydrotherapy sessions are to be conducted, which license shall constitute proof of the established supervisory role of a medical doctor for such sessions; and
  4. Certification of instruction in the provision of first aid.
- C. The application for licensure as a colon hydrotherapist shall contain the following information:
1. The full legal name of the applicant, including all aliases, nicknames or trade names used at any time;
  2. The applicant's business and residence address(es) for the two (2) years immediately preceding the application;
  3. A letter of reference from a representative of the educational institution at which the applicant was taught, or if training was by an individual I-ACT certified instructor, a letter from that individual;
  4. A statement from the applicant regarding whether the applicant has at any time had a license revoked or suspended, and the reason for such revocation or suspension; and
  5. A list of all convictions, pleas of guilty, or pleas of nolo contendere in all federal, county and city courts.
- D. The applicant for licensure shall further provide the following materials:
1. Two (2) current photographs of the applicant that are at least two inches by two inches (2" × 2") in size;
  2. A statement of the applicant's height, weight, hair color and color of eyes; and

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3. A fingerprint record and appropriate full set of fingerprints shall be attached to the application;
  - E. Falsification of any information contained within the application, or material omission of information from the application shall be grounds for denial of licensure.
  - F. If an application is received in proper form, inclusive of all information and exhibits required as set out above and accompanied by the correct fees, an examination of the applicant's application shall be conducted by the city along with any further investigation deemed necessary. If all requirements of this chapter are met, the license shall be issued by the business services manager.
  - G. Licenses issued by the business services manager pursuant to this section shall be valid for a period of one (1) calendar year.

(Ord. 05-130 § 2 (part), 2005)

**9.75.080 Fees.**

- A. An application fee of two hundred ten dollars (\$210.00) shall be paid to the city at the time of the filing of each application. The application fee is to reimburse the city the anticipated cost incurred in performing the investigations required for the issuance of such license. The application fee shall be a one (1) time fee.
- B. Each facility that performs colon hydrotherapy shall pay an annual regulatory license fee of three hundred fifty dollars (\$350.00). If the license is purchased after July 1st, the license fee will be prorated and reduced to an amount equal to one-half (½) of the normal annual fee.
- C. Colon hydrotherapist(s) working in a massage establishment shall pay an occupational tax based upon their gross receipts.
- D. Colon hydrotherapist(s) shall pay an annual regulatory license fee according to the following fee structure:
  1. Those hydrotherapists who practice as owner-operators of their own colon hydrotherapy facilities to which the above facility regulatory license fee of three hundred fifty dollars (\$350.00) has applied, shall be exempt from payment of a regulatory license fee upon their therapist license.
  2. Those hydrotherapists who work for a business other than a colon hydrotherapy facility, which business is not subject to the three hundred fifty dollar (\$350.00) colon hydrotherapy facility licensing fee, shall pay an annual regulatory license fee upon their therapist license of three hundred fifty dollars (\$350.00). However, if that license is purchased after July 1st, the license fee upon the therapist license shall be prorated and reduced to an amount equal to one-half (½) of the normal annual fee.
  3. Those hydrotherapists who are not owner operators of their own establishment but do conduct business within a licensed colon hydrotherapy facility, shall pay an annual regulatory license fee of one hundred fifty dollars (\$150.00). However, if that license is

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purchased after July 1st, the license fee upon that license shall be prorated and reduced to an amount equal to one-half (½) of the normal annual fee.

E. All license fees shall be nonrefundable.

(Ord. 05-130 § 2 (part), 2005)

**9.75.090 Appeal of license denial.**

A. Upon denial of a license pursuant to this chapter, the applicant may appeal in writing to the mayor and city council within thirty (30) days of denial.

B. The city council will hear such appeal within sixty (60) days of the date of receipt of the written appeal.

(Ord. 05-130 § 2 (part), 2005)

**9.75.100 Transferability and display of license—Inspection of premises.**

A. Licenses issued pursuant to this chapter are nontransferable.

B. The licensee shall display the license in a prominent place upon the premises of the facility.

C. As a condition of licensure, the operator of facility in which colon hydrotherapy is performed shall permit inspection of the premises, or portions thereof devoted to colon hydrotherapy, for the purpose of determining compliance with this chapter. The inspection may be made without additional notice. Inspections must be permitted at the time of arrival by a duly authorized city or state official or their designee.

(Ord. 05-130 § 2 (part), 2005)

**9.75.110 Records to be kept by licensee.**

A. It shall be the duty of any person granted a license under this chapter to maintain correct and accurate records of the names and addresses of the persons having colon hydrotherapy services at the facility, and the name of the therapist who administered the service. Such records shall be subject to inspection by any law enforcement office enforcing the ordinances of the city, as well as by the city manager and the business services manager.

B. It shall also be incumbent upon all operators of colon hydrotherapy facilities or practices to have on file, and available for inspection at all times, a copy or record of the current certification and continuing education compliance for every one of its practitioners.

(Ord. 05-130 § 2 (part), 2005)

**9.75.120 Revocation of license.**

A. The license of a colon hydrotherapy facility or practice may be revoked upon the following grounds:

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1. Failure of the licensee to maintain those standards required for the initial issuance of the license;
  2. Employment of any person to administer colon hydrotherapy services who is not properly certified as a colon hydrotherapist in accordance with the I-ACT standards for at least the "Foundation Level" of expertise;
  3. Conviction of a violation of federal, state, county or municipal law designed for the maintenance of the public health and safety;
  4. The discovery of materially false information or material omissions in the licensee's application for licensure or renewal application;
  5. The discovery that the facility has allowed a person to perform colon hydrotherapy services under a false or assumed name or the name of another licensed individual with a similar name;
  6. The discovery that the license holder is found to have committed false, fraudulent, misleading or deceptive advertising practices; or
  7. Pursuant to a registered complaint filed with the city by a client of such facility or practice, the investigation of which produces evidence of a failure of that entity to conduct its business in keeping with the above-stated mandates and/or those of this chapter regarding the maintenance of public health, safety or welfare.
- C. Following revocation of a license pursuant to this chapter, the licensee shall not be issued a license pursuant to this chapter for a period of twelve (12) months following the revocation.
- D. Notice and an opportunity for hearing shall be provided prior to license revocation. The hearing shall be held before the mayor and city council. Notice of such hearing shall be given in writing ten (10) days prior to the date of the hearing. The notice shall state the basis of revocation and shall be served upon the licensee by personal service or by United States mail addressed to the business premises of the colon hydrotherapy facility or practice as set forth in the application for licensure.

(Ord. 05-130 § 2 (part), 2005)

### **9.75.130 Registration of complaints by consumers.**

- A. Filing of Complaint by Individual at Office of the Business Services Manager. Any consumer patronizing the services of a colon hydrotherapy facility, practice or practitioner, who finds the provision of such service to be in some way deficient and not in keeping with the prescribed rules for operation of such a practice as set out within this chapter, or one who suffers some harm as a result of the deficient or negligent operation of such facility or practice, shall have the opportunity to register such complaint against the offending party or entity with the business services manager.

The business services manager shall keep a record of all complaints made against a particular facility or practice which shall be made available to inspectors who shall conduct investigations attendant to licensure of said facility or practice.

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- B. Notification to the business services manager of registered complaints and disciplinary actions by certification board. Every practice and practitioner licensed by the city of Stockbridge for the administration of colon hydrotherapy services shall file with the business services manager a record of any complaints or disciplinary actions taken against a practitioner at their facility, or

against them personally, by the National Board of Colon Hydrotherapy or the International Association of Colon Hydrotherapy as well as the resultant effect upon the certification of such party or entity. Any such record shall remain a part of the respective file of that individual or practice and will be available to city inspectors conducting inspections attendant to licensure.

(Ord. 05-130 § 2 (part), 2005)

**9.75.140 Penalty for violations.**

- A. Violations of any of the provisions of this chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the city jail for a period of not greater than six (6) months.
- B. In egregious circumstances, where the conduct of an individual or entity produces substantial risk to the public health, safety and welfare, a facility, practice or practitioner may be required to surrender their license.

(Ord. 05-130 § 2 (part), 2005)

**9.75.150 Reapplication waiting period.**

Any colon hydrotherapist or any such facility or practice for which a license has been revoked for any reason shall be disqualified from reapplying for such license for twelve (12) months immediately following the revocation.

(Ord. 05-130 § 2 (part), 2005)

**9.75.160 Enforcement and jurisdiction.**

- A. Enforcement. The city or its designee shall have the right to enforce any provisions contained in this chapter by initiating a civil proceeding or issuing a criminal action against any party, including but not limited to, license holders, for violation of this chapter.
- B. Jurisdiction. The municipal court of the city of Stockbridge shall have jurisdiction over criminal or civil actions brought by the city or its designee pursuant to any sections contained in this chapter. Provided, however, that jurisdiction shall extend only to the extent permitted by state law.

(Ord. 05-130 § 2 (part), 2005)

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### **9.75.170 Treatment of wastes.**

All wastes associated with the performance of colon hydrotherapy services are to be handled with the utmost care and in accordance with established procedures for the handling of biohazardous medical waste as established by the Department of Public Health.

(Ord. 05-130 § 2 (part), 2005)

## Chapter 9.78 MOTION PICTURES, TELEVISION, AND PHOTOGRAPHIC PRODUCTION

### **9.78.010 Motion Picture, television, and photographic production.**

- A. Permit Required. No person shall use any public or private property, building, facility, or residence for producing, taking or making any motion picture, television production, or photographic production without first applying for and receiving a city filming permit issued pursuant to the provisions of this article.
- B. Exceptions. Regulations by this article shall not apply to:
  - 1. Amateur photographers;
  - 2. Reporters or cameramen in the employ of a newspaper, news service, or radio or television broadcasting station engaged in on-the-spot broadcasting, reporting or photographing of news of general public interest. This exception is not to include magazine or documentary programs.
  - 3. Productions which are conducted by the city or any city board or commission.
- C. Permit administrator. The city manager is hereby appointed as the permit administrator and shall issue permits as provided for in this article.
- D. Application for Permit.
  - 1. Any person desiring a permit under the provisions of this article shall make application on the approved form provided by the city. The form must be signed and accompanied by all required fees, deposits, hold harmless agreement, and insurance certificates required by this article before any permit will be considered for approval.
  - 2. Filming permit applications shall be submitted at least five (5) working days prior to the date on which such person desires to conduct an activity for which a permit is required.
- E. Issuance of Permit; Conditions; Appeals.
  - 1. The city manager shall issue a permit as provided for in this article, when, from a consideration of the application and from such other information as may be otherwise obtained, he finds that:
    - a. The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety, and no streets will be completely closed to

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traffic for an unreasonable period of time. Seventy-two (72) hours advance notice of any street closure request shall be provided.

- b. The conduct of such activity will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.
  - c. At the determination of the city manager that such activity will not constitute a fire hazard or any other type of hazard and all safety precautions will be taken as determined necessary by the city manager.
2. The decision of the city manager to issue, conditionally issue, or deny a permit shall be final unless appealed in writing within five (5) working days of the date of the decision to the city council.
  3. The city council shall render a decision to issue, conditionally issue, or uphold the denial of a permit at the next regularly scheduled meeting of the city council. The decision of the city council will be final.
- F. Bond, Insurance, Hold Harmless and Indemnification.
1. As a condition of issuing such a permit, the applicant shall furnish a bond, insurance, or both in the amount to be determined by the city manager, but in no event an amount less than one million dollars (\$1,000,000.00), to protect the city against claims of third persons for personal injury, wrongful death, and property damage and to indemnify the city for damage to city property arising out of the permit holder's activities.
  2. A minimum of five million (\$5,000,000.00) of such bond, general liability insurance coverage, or both shall be required in the event aircraft, helicopters, pyrotechnics or automobile chase scenes are used in the activity. Such insurance shall be evidenced by the standard general liability special endorsement form mandated by this article. The city shall be listed as an additional insured, and applicant shall have primary coverage.
  3. The applicant shall execute an indemnity and hold harmless agreement as provided by the city prior to the issuance of any permit that shall hold the city harmless against any claims, liability or judgments arising out of the permittee's activities.
- G. Suspension or Revocation of Permit. The city manager shall have the authority, after notice and an opportunity for a hearing, to suspend or revoke any permit issued hereunder where the terms and conditions of said permit have been violated or ignored, including the timely payment of all required fees and deposits, or suspend or revoke any permit where the public safety or welfare is endangered by the permitted activity. Provided, however, that whenever there is an imminent danger to the public health, safety or welfare from activities conducted by the permit holder to the extent that immediate action is necessary to protect the public, the city manager shall have the authority to suspend a permit pending a hearing.
- H. Fees and Costs of Additional Services. Each application shall be accompanied by the following nonrefundable fees:

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1. A processing fee in the amount of one hundred dollars (\$100.00) will be submitted to the city at the time of application.
  2. Upon approval of an application for a city filming permit, the city manager shall provide the applicant with a statement of the estimated cost of providing police, public works, and other city employees and services for public safety for the production. The cost of such services shall be borne by the applicant and shall be paid to the city prior to the conducting of a production. The amount of such fees shall be based on the city's actual cost of providing the required number of police and other city employees and services necessary to ensure the safety of both the participants in the production and the community.
  3. If the actual cost of public services for the production is less than the estimated cost pursuant to subsection (h)(2) of this section, the permittee shall promptly be refunded the difference by the city. If the actual cost for public services is more than the estimated cost pursuant to subsection (h)(2) of this section, the difference shall become due and payable to the city immediately upon the permittee's receipt of a statement of actual costs by the city.
  4. All fees may be waived by the city manager for wholly charitable or educational purposes and from which no profit is derived, either directly or indirectly. Tax exempt and nonprofit organizations must qualify under section 501(c)(3) of the United States Internal Revenue Code and proof of such status must be provided to the city in order for said fees to be waived by the city.

I. Regulations and Conditions.

1. The applicant shall:
  - a. Maintain a copy of the production permit on-site at all times.
  - b. Comply with any and all conditions or restrictions the city may impose as a condition to issuing a permit. No changes to the conditions or restrictions shall be made without the written approval of the city manager.
  - c. Have nonexclusive use of facilities and public right-of-way unless otherwise granted in writing.
  - d. Provide advance notification of five (5) days on a form approved by the city manager to adjacent properties for any production.
  - e. Comply with the city noise ordinance.
2. The city manager may promulgate and enforce additional regulations as necessary and appropriate in the implementation and enforcement of this article.

J. Filming on Private Property.

1. An applicant is required to obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by the city. Written permission of the property owner must be presented at the time of permit application.

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2. An applicant is required to minimize interference with the normal activities of a neighborhood or commercial area, including access to private or public property.
- K. Filming at City Facilities or on the Public Right-of-way. In the event that the applicant desires to locate its production event at a facility owned or managed by the city or on the public right-way, the city shall charge a daily fee in an amount determined by the city manager not to exceed one thousand dollars (\$1,000.00) per day. If an existing facility charge has been established by the city at a facility owned or managed by the city, that fee will be charged to the applicant.
1. Faithful performance bond; clean up and restoration. To ensure clean-up and restoration of any site on public property or public right-of-way used by the permit holder within the city limits, said permit holder may be required to post a refundable faithful performance bond (amount to be determined by the city manager) at the time the application is submitted. Upon completion of the production and upon the finding by the city that the site has been satisfactorily cleaned up and restored, the bond shall be returned to the permit holder.

(Ord. No. 13-311, § 1, 5-13-2013)

## Chapter 9.80 VACANT AND FORCLOSED PROPERTY

### Article I. General.

#### **9.80.010 Short title.**

This article shall be known as the "Stockbridge Vacant and Foreclosed Property Ordinance."

(Ord. No. OR 13-299, § 1, 3-11-2013)

#### **9.80.020 Findings and intent.**

This chapter is adopted in order to address the interest of public safety.

- A. The governing authority finds that there is a need to establish a foreclosure and vacant real property registry as a mechanism to protect property values in neighborhoods for all property owners.
- B. Due to the lack of adequate maintenance and security of properties that are foreclosed or where ownership has been transferred after foreclosure, the property values and quality of life of neighboring properties are negatively impacted.
- C. Improperly maintained and secured foreclosed properties can become a hazard to the health and safety of persons who may come on or near the property and can adversely affect the aesthetic and economic attributes of communities. Difficulties also often arise in locating the person or entity responsible for the condition of foreclosed real property. The governing authority finds that there is a substantial need directly related to the public health, safety,

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and welfare of the citizens of the City of Stockbridge to comprehensively address these concerns through the adoption of the provisions of this article.

- D. This foreclosure and vacant real property registry will require owners and agents to provide the City of Stockbridge with official information for contacting a party responsible for bringing foreclosed and vacant real property into compliance with applicable provisions of the Stockbridge Municipal Code.

(Ord. No. OR 13-299, § 1, 3-11-2013)

### **9.80.030 Definitions.**

The following words, terms, and phrases shall, for the purposes of this chapter and except where the context clearly indicates a different meaning, be defined as follows:

**Agent.** The term "agent" means an individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner. The definition of "agent" shall have the same meaning as set forth in the Official Code of Georgia Annotated, § 44-14-14 should that definition differ from the definition in this Article.

**Foreclosed Real Property.** The term "foreclosed real property" means improved or unimproved real property for which a land disturbance permit has been issued by a county or municipal corporation and which is held pursuant to a judicial or non-judicial foreclosure of a mortgage, deed of trust, security deed, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor or shall have the same meaning as set forth in the Official Code of Georgia Annotated, § 44-14-14, should that definition differ from the definition in this article.

**Street Address.** The term "street address" means the street or route address. Such term shall not mean or include a post office box. The definition of "street address" shall have the same meaning as set forth in the Official Code of Georgia Annotated, § 44-14-14, should that definition differ from the definition in this Article.

**Vacant Real Property.** The term "vacant real property" means real property that:

1. Is intended for habitation, has not been lawfully inhabited for at least sixty (60) days, and has no evidence of utility usage within the past sixty (60) days; or
2. Is partially constructed or incomplete, without a valid building permit.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one (1) unit occupied with evidence of utility usage. The definition of "vacant real property" shall have the same meaning as set forth in the Official Code of Georgia Annotated, § 44-14-14 should that definition differ from the definition in this article.

(Ord. No. OR 13-299, § 1, 3-11-2013)

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### **9.80.040 Registration of vacant or foreclosed property.**

- A. Owners or agents of foreclosed real property or vacant real property, including foreclosed real property and vacant real property, which is also residential rental property, are required to register such property with the Stockbridge City Planner within thirty (30) days of such property becoming foreclosed or vacant real property by following the provisions of this section unless otherwise exempted by this article or state law.
- B. Any such owner or agent of foreclosed real property or vacant real property located within the jurisdiction of the City of Stockbridge is required to file with the city planner a registration form in paper format. If the Georgia Department of Community Affairs ("DCA") has promulgated a standard vacant or foreclosed real property registry form the owner or agent shall use such form and the city shall only require the use of the standard form promulgated by the DCA. If the DCA has not promulgated a standard form, the city may create its own form, but such form shall only require submission of the following information:
  - 1. The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;
  - 2. The agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;
  - 3. The real property's street address and tax parcel number;
  - 4. The transfer date of the instrument conveying the real property to the owner; and
  - 5. At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.
- C. Registration is required for all vacant or foreclosed real property unless otherwise exempted, pursuant to this article, but is not required for vacant or foreclosed real property within ninety (90) days of such real property's transfer:
- D. Any owner or agent required to register any vacant or foreclosed real property pursuant to this article or to Georgia law shall also be required to update the information specified in subsection (B) of this section within thirty (30) days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

(Ord. No. OR 13-299, § 1, 3-11-2013)

### **9.80.050 Foreclosed and vacant real property exemptions.**

- A. Registration or payment of any administrative fees of foreclosed real property pursuant to this article and Georgia law is not required of transferees as described in Subsection (B) of this section.

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- B. Any transferee who acquires any real property by foreclosure under power of sale pursuant to the Official Code of Georgia Annotated, Section 44-14-160 or acquires any real property pursuant to a deed in lieu of foreclosure and:
1. The deed under power of sale or deed in lieu of foreclosure contains the information specified in Subsection (B) of Section 9.80.040;
  2. The deed is filed with the clerk of superior court within sixty (60) days of the transfer; and
  3. Proof of the following is provided to the office or the officer in charge of the city's foreclosed real property registry:
    - a. A filing date stamp or receipt showing payment of the applicable filing fees; and
    - b. The entire deed under power of sale or entire deed in lieu of foreclosure.
    - c. Any owner or agent required to register any vacant or foreclosed real property pursuant to this article or to Georgia law shall also be required to update the information specified in subsection (B) of section 9.80.040 within thirty (30) days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

(Ord. No. OR 13-299, § 1, 3-11-2013)

#### **9.80.060 Removal from registry.**

Any owner or agent of a vacant or foreclosed real property may apply to the city to remove the vacant or foreclosed real property from the city registry at such time as the real property no longer constitutes a vacant or foreclosed real property as defined herein.

- B. Any application for removal allowed under Subsection (A) of this section shall be granted or denied by the city planner within thirty (30) days, and if no such determination is made within thirty (30) days then the application for removal from the registry shall be deemed granted.

(Ord. No. OR 13-299, § 1, 3-11-2013)

#### **9.80.070 Administrative fees.**

Any owner or agent of a vacant or foreclosed real property which is required to be registered with the city under this article shall be required to make a payment for administrative fees that reasonably approximate the cost to the city of the establishment, maintenance, operation, and administration of the registry. The amount of the administrative fee shall be set by the city council via resolution but shall not exceed the maximum allowed by state law.

(Ord. No. OR 13-299, § 1, 3-11-2013)

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**9.80.080 Appeal procedures.**

- A. Any owner or agent aggrieved of any determination or decision of the city planner or the city in the administration of this article may appeal to the municipal court of the city. All appeals hereunder must be taken within thirty (30) days of the decision in question by filing with the city planner a notice of appeal specifying the grounds therefor.
- B. The city planner shall forthwith transmit the notice of appeal and all the documentation constituting the record upon which the action appealed was taken to the municipal court clerk, who shall schedule an appeal hearing within sixty (60) days following the date the appealing party submits its completed written appeal to the city planner as described in subsection (A) above.
- C. The municipal court judge may call for further information to be provided within the next thirty-five (35) days following the hearing and may continue the hearing for the purpose of receiving such information or for such other proceedings and reasons as the municipal court judge deems appropriate.
- D. An appeal shall stay all proceedings in furtherance of the action appealed from unless the city planner certifies to the municipal court, after the notice of appeal is filed with the court, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by order of the municipal court judge on notice to the city planner, and on due cause shown.
- E. The municipal court judge may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the decision, requirement, or determination of the city planner appealed from by the owner or agent and may make such decision, requirement, or determination, as may be appropriate under the circumstances.

(Ord. No. OR 13-299, § 1, 3-11-2013)

**9.80.090 Administration.**

- A. The foreclosure and vacant real property registry is subject to the Open Records Act of the State of Georgia, and the City may make such registry information available on line.
- B. Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this chapter.

(Ord. No. OR 13-299, § 1, 3-11-2013)

**9.80.100 Nuisances.**

Nothing in this article shall be construed to impair, limit, or preempt in any way the power of the city to enforce any applicable codes, as defined in state law, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. No. OR 13-299, § 1, 3-11-2013)

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**9.80.110 Penalties.**

Any owner or agent required to register a vacant or foreclosed real property under this article who fails to register or fails to update the information specified in subsection (a), of section 9.80.040 of this article, may be fined in an amount allowed by state law and the Stockbridge Municipal Code.

(Ord. No. OR 13-299, § 1, 3-11-2013)

Chapter 9.85 HOME BREW AND WINE COMPETITIONS

**9.85.010 Short title.**

This article shall be known as the "Stockbridge home brew and wine competitions ordinance."

(Ord. No. 13-330, § 1, 9-9-2013; Ord. No. 13-333, § 1, 10-21-2013)

**9.85.020 Definitions.**

The following definitions shall apply to the terms used in this chapter:

"Home brew competition" is defined as any contest whereby different beers or malt beverages are judged against one another for prizes, money, awards, or any other valuable consideration. Such competitions include those held at a central location, with beverages created at other locations and transported to the central location for judging and/or awards.

"Malt beverage" shall be defined in the same manner as defined in O.C.G.A. § 3-1-2.

"Wine" shall be defined in the same manner as defined in O.C.G.A. § 3-1-2.

"Wine competition" is defined as any contest whereby different wines are judged against one another for prizes, money, awards, or any other valuable consideration. Such competitions include those held at a central location, with beverages created at other locations and transported to the central location for judging and/or awards.

(Ord. No. 13-330, § 1, 9-9-2013; Ord. No. 13-333, § 1, 10-21-2013)

**9.85.030 Prohibition.**

It shall be unlawful to conduct a home brew competition or a wine competition within the city except in compliance with this article.

(Ord. No. 13-330, § 1, 9-9-2013; Ord. No. 13-333, § 1, 10-21-2013)

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### **9.85.040 Permits.**

- (a) No person or entity shall engage in, participate in, or sponsor a home brew competition or a wine competition unless a home brew/wine competition permit is first obtained from the city manager.
- (b) Any person seeking a home brew/wine competition permit from the city shall file a permit application at least seventy-two (72) hours in advance of the beginning of the event. The application shall be in letter form, or on a form created by the city, and shall be presented to the business services manager or city manager.
- (c) All home brew/wine competition permit applications shall contain the name of the sponsor(s) of the event, the name of the organizer(s) of the event, the exact date, time, and place of the event, the approximate number of persons involved in the event, the location of the event, a general description of the event, and a description of the prizes or awards to be offered.
- (d) The city manager shall determine whether the home brew/wine competition permit should be granted by considering: (1) whether the event is being held in compliance with this chapter and state and municipal laws, (2) whether the event is likely to endanger the safety of the event participants and/or citizens of the city, and (3) whether the event is likely to result in violations of state law or the city's ordinances, including laws relating to public intoxication. No other factors shall be considered. The city manager may work constructively with event sponsors and organizers to reduce any issues with safety and/or potential violations of the law in order to grant the permit under conditions that do not adversely affect the factors listed in this subsection. The city manager may also take into account the past practices of the sponsors and organizers of any such event in organizing similar events in determining whether to grant the permit.
- (e) The city manager shall grant or deny the permit at least twenty-four (24) hours before the event, but in no instance more than fourteen (14) days after the filing of the permit application. If the permit is granted, the city manager will immediately notify the mayor, all public safety personnel, and the department head of any city department likely to be affected by the event.
- (f) Each permit shall state the date, location, and starting and ending time of the home brew competition or wine competition event. If the city manager imposes any additional restrictions or conditions on the event in order to ameliorate any of the potential adverse factors listed in subsection (d), all such restrictions and conditions shall be listed on the permit.
- (g) Permit holders are required to comply with all permit restrictions and conditions and abide by all laws and ordinances.
- (h) The permit shall be posted in the event premises at all times during the home brew competition or wine competition event.

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- (i) The city shall charge a fee in the amount of fifty dollars (\$50.00) for processing each permit application, which amount reasonably approximates the cost of processing permit applications.

(Ord. No. 13-330, § 1, 9-9-2013; Ord. No. 13-333, § 1, 10-21-2013)

**9.85.050 Location.**

All home brew competitions and wine competitions shall be held on the premises of a location that is not licensed for the sale of malt beverages, wine, or liquor (distilled spirits) sales.

(Ord. No. 13-330, § 1, 9-9-2013; Ord. No. 13-333, § 1, 10-21-2013)

**9.85.060 Transportation of beer and malt beverages.**

Home brew competitions and wine competitions involving transportation of beer or malt beverages must comply with all state laws relating to such transportation. Event organizers and sponsors shall notify each person transporting beverages of the requirements (if any) of Georgia law relating to transportation of beer, malt beverages, and wine.

(Ord. No. 13-330, § 1, 9-9-2013; Ord. No. 13-333, § 1, 10-21-2013)

**9.85.070 Consumption.**

Consumption of malt beverages at home brew competitions shall be limited solely to malt beverages produced pursuant to the Georgia Code relating to home brew special events and shall only be consumed by the participants in and judges of the home brew competition. Malt beverages produced for such competitions shall not be sold, offered for sale, or made available for consumption by the general public. Wine competitions shall be subject to the same limitations found in this Code section as those for malt beverages.

(Ord. No. 13-333, § 1, 10-21-2013)

Chapter 9.90 MOBILE FOOD VENDING

**Sections:**

**9.90.010 Definitions.**

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

"Assistant vendor means a person who assists a vendor at the vendor's assigned vending site.

"Designated food truck area" means a geographic area designated in this article wherein permitted food truck vendors may vend from available spaces in accordance with this chapter.

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"Food truck" means any motor vehicle used for vending of food items to the public from designated food truck areas or on private property.

"Food vending cart" means a vending cart at which prepared food, prepared beverages, pre-packaged food and pre-packaged beverages may be offered for sale.

"Items permissible for sale" means items which may be offered for sale by and are limited to pre-packaged beverages; pre-packaged food; prepared food; and prepared beverages.

"Licenses and permits unit" means that unit of the Stockbridge administration which enforces the ordinances applicable to mobile food property vending.

"Mobile food vendor" or "vendor" means any person operating a food truck, food vending cart or vending cart who has been issued a valid vendor permit pursuant to the provisions of this chapter.

"Moral turpitude" means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

"Office of revenue" means the office of the City of Stockbridge Department of Finance which issues permits for mobile food vending or any other unit or office of the Stockbridge administration assigned by the city council to undertake such duties.

"Operating area" means:

- (1) The area in which a vendor may operate from a vending cart, and which may not exceed 28 square feet of sidewalk including the area of the vending cart, and, when externally located, the operator and trash receptacle;
- (2) The parameters of the food truck.

"Pre-packaged beverages" means beverages sealed in plastic or aluminum single serving containers excluding all beverages in glass containers.

"Pre-packaged food" means single serving sealed packaged foods including but not limited to candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the Henry County Department of Health.

"Prepared beverages" means beverages prepared on site and which are not served in glass containers.

"Prepared food" means food prepared on site, the sale of which requires authorization by the Henry County Department of Health.

"Public property" and "public space" both mean for the purpose of this article any property owned by the City of Stockbridge, limited to city-owned sidewalks and city-owned parks.

"Public property vending" means vending activity as permitted on publicly owned property under the jurisdiction of the City of Stockbridge and in specifically designated city-owned parks.

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"Valid vendor location" means an area which is authorized in this article, in which vending can take place. Vending at a valid vendor location shall only be permitted from vending carts that meet the standards set forth in this article, or from food trucks in designated food truck areas. Other than approved vending carts or food trucks, vending will be prohibited from tables or semipermanent or permanent structures.

"Valid vendor permit" means a permit issued by the City of Stockbridge. Such permit shall consist of a photo identification card which contains the vendor's name, photograph, vending type and classification, authorized valid vendor location(s) and time period for which such permit is valid.

"Vending cart" means a food vending cart which meets design requirements in Section 9.90.060.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.020 Purpose, intent and applicability.**

- A. Mobile food vending on public property and private in the city, as defined in this chapter, shall be subject to regulation as set forth in this chapter, including the requirement of regulatory licenses and permits. Vending without a permit issued pursuant to this chapter shall be unlawful and subject to punishment as set forth in this section.
- B. Any person violating this section shall, upon conviction thereof, be punished as follows:
  - 1. First Conviction. A fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and costs or imprisonment in the city jail for not more than sixty (60) days or both.
  - 2. Second Conviction. A fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) and costs or imprisonment in the city jail for not more than sixty (60) days or both.
  - 3. Third Conviction. A fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and costs or imprisonment in the city jail for not more than sixty (60) days or both.
  - 4. Fourth Conviction. Any person convicted of four (4) or more violations of this article shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and costs or imprisonment in the city jail for not more than sixty (60) days or both.
- C. It is the intent of council in enacting this article to:
  - 1. Serve and protect the health, safety and welfare of the general public.
  - 2. Establish a uniform set of rules and regulations which are fair and equitable.
  - 3. Provide economic development opportunities for small entrepreneurs in the city.
  - 4. Provide a variety of goods and services for sale.

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5. Promote stable vendors who will enrich the city's ambiance and be assets to public security.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.030 Vending business required to remit sales taxes and keep records.**

- A. Every vendor shall file Georgia Department of Revenue (GDOR) St-3 Forms and remit monthly sale tax revenues to GDOR. Nothing in this section shall prohibit the revocation of any permit.
- B. Prospective vendors, by filing an application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including but not limited to the following:
  1. The prospective vendor's bank or other financial institution records, including those which are personal or from any business in which the vendor has any interest, such as savings and checking account records, bank statements, ledgers, deposit tickets, withdrawal slips, canceled checks, check stubs, bank drafts, cashier's checks, certificates of deposit, money market accounts, pass books and applications for each account;
  2. Personal state and federal income tax statements for the past five years; and
  3. Records of sales and receipts for purchases and expenses from any business in which a vendor has any interest.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.040 Vending operational rules.**

- A. Hours of operation shall be 10:30 a.m. to 9:30 p.m.
- B. Amplified sound or sound equipment is prohibited.
- C. Any and all signage must comply with the City of Stockbridge Sign Ordinance.
- D. Vendors may offer items permissible for sale only.
- E. All vendors shall display their valid vending permits and any required copies of licensing agreements at the valid vendor location.
- F. All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation.
- G. Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and vending carts.
- H. Vending operations, including but not limited to the display of merchandise and the provision of tables and/or chairs, may not exceed the approved operating area.

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- I. Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.
  - J. Except for vending in city-owned parks, food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk. Food trucks are prohibited from operating with their trucks open to the roadway.
  - K. No alcoholic beverages may be sold by any mobile food vendor without such vendor having obtained a valid license pursuant to the provisions of Section 9.04.680 of the Stockbridge Municipal Code. Only beer, malt beverages and wine may be sold by mobile food vendors.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

#### **9.90.050 Littering.**

All vendors engaged in the sale of pre-packaged food, pre-packaged beverages, prepared food, and/or prepared beverages shall affix to their vending cart, or motor vehicle, or shall locate directly outside the food truck, or motor vehicle a receptacle for trash, which shall be maintained and emptied regularly, and which shall be marked as being for trash. Vendors engaged in the sale of the items permissible for sale listed in this section are responsible for the removal of trash within a 25-foot radius surrounding the vending cart or food truck.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

#### **9.90.060 Aesthetic standards.**

Vending carts must comply with the following aesthetic standards:

- A. Length of the cart may not exceed seven feet, and width may not exceed four (4) feet height-excluding canopies, umbrellas, or transparent enclosures-may not exceed five (5) feet;
- B. Umbrellas or canopies shall have a minimum clearance of seven (7) feet and a maximum height of nine (9) feet six (6) inches above the sidewalk;
- C. Umbrellas or canopies may not exceed forty-eight (48) square feet (eight (8) feet × six (6) feet);
- D. All carts must be mobile, and able to roll on wheels;
- E. The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;
- F. Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;
- G. The wheels located under the car are preferred, however projecting wheels must have fenders;
- H. Hitches attached to the cart must be removable and detached when in operation; and
- I. If used, propane tanks must be enclosed.

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(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.070 Vendor permit and business license required.**

- A. No mobile food vending shall occur without a permit issued pursuant to this chapter.
- B. Except for vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles as prescribed in Section 9.90.160, mobile food vending shall be permitted only on the location or designated areas stated on the permit. This permit requirement is in addition to any general business license required or other special permission requirement.
- C. No person shall engage in the business or trade of vending without first establishing compliance with Chapter 9.01 (Administrative Fees, Regulatory Fees And Occupation Taxes).
- D. All valid vendor permits are nontransferable, and must be displayed in clear view, together with the vending permit photo identification card, at the permitted location or designated area at all times when the vendor or assistant vendor is present.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.080 Application.**

- A. An application shall be required by all persons seeking issuance of a permit under this chapter. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the office of revenue.
- B. Permit fees and applicable maintenance fees are due and payable by debit card, credit card, money order, certified check or cashier's check if and when the application is approved by the office of revenue.
- C. The application shall, at a minimum, consist of the following data:
  - 1. Each applicant shall submit detailed data as follows:
    - a. Applicant's name and current address.
    - b. Applicant's previous addresses within the last five (5) years.
    - c. Social security number.
    - d. A dimensional drawing that clearly shows the footprint and placement of the cart or food truck and the operating area.
    - e. GDOR retail identification tax number.
    - f. Government issued picture identification.
    - g. City occupational tax certificate or evidence of such certificate from another jurisdiction.

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- h. A general description of the items permissible for sale to be sold or offered for sale.
  - 2. All applicants shall furnish all data, information and records requested of them by the office of revenue within thirty (30) days from the date of request. Failure to furnish such information within thirty (30) days shall automatically dismiss, with prejudice, the application.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.090 Term and renewal of permits.**

- A. A valid vendor permit will be issued for a one-year period. All valid vendor permits are required to be renewed annually on or before March 1. All annual permit fees and applicable annual maintenance fees are due and payable at the time of renewal.
- B. Vendors may present to the office of revenue an application for a renewal permit. Upon a review and approval of the renewal application by the appropriate agencies, satisfaction of all other license and permit requirements, and upon payment of the appropriate fees, the vendor shall be furnished with a renewal permit.
- C. Each applicant for a renewal application shall submit an application which shall at a minimum consist of the data required for the issuance of an initial permit.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.100. Annual fees.**

- A. Annual permit fees and applicable annual maintenance fees are due and payable upon approval of the application.
- B. The annual permit fee for all valid vendor permits shall be established by resolution of the city council and may be amended in the sole discretion of the city council from time to time.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.110. Location.**

- A. Valid vendor locations are designated by the city as follows:
  - 1. Any location within a city-owned park subject to the limitations set forth in subsection B.
  - 2. Any commercially zoned private property where the applicant has a written agreement with the property owner, subject to the limitations set forth in subsection B.
  - 3. Vending carts may be located on city-owned sidewalks, subject to the limitations set forth in subsection (b) and with the specific written approval of the city as indicated on valid vending permit.
- B. Valid vendor locations shall:

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1. Not be within fifteen (15) feet of street intersections or pedestrian crosswalks or fifteen (15) feet of building entrances/exits or within 50 feet of hotels/motels;
  2. Not be within fifteen (15) feet of other valid vendor locations where a valid vendor is operating;
  3. Not be within two hundred (200) feet of permanent businesses selling the same or similar products as the vendor;
  4. Provide a minimum of five (5) feet of unobstructed pedestrian space;
  5. Not be within fifteen (15) feet of a fire hydrant;
  6. Not be within one thousand (1,000) feet of the closet property line of any public or private elementary, middle or high school; and
  7. Not be within one thousand (1,000) feet of any ongoing city event.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.120 Notification of name change or change of address.**

Whenever either the name or address provided by the vendor on the application for a valid vendor permit changes, the vendor shall notify the office of revenue in writing within ten days of such change and provide same with the name change or address change. Vendors shall assure that a current and correct name, residence address and mailing address are on file with the office of revenue at all times.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.130 Exempted vendors.**

Vendors participating, with the prior authorization of the city, in city-sponsored events are not subject to the permitting requirements of Section 9.90.070 of this chapter, except that any such vendors wishing to sell alcoholic beverages must comply with Section 9.90.040(K) of this chapter.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.140 Denials, fines, suspensions and revocations.**

- A. No valid vendor permit shall be issued to any person who has been convicted within five (5) years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter; crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.
- B. Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.

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- C. A denial, fine, suspension, and cancellation of any permit issued pursuant to this article may be imposed for any of the following causes:
    - 1. Fraud, misrepresentation or false statements contained in the application.
    - 2. Failure on the part of a vendor to maintain initial eligibility qualifications.
    - 3. Failure to furnish any and all documentation requested by the city for purposes of the investigation of any application or for the inspection of records pursuant to this division within thirty (30) days of such request.
    - 4. Any failure to comply with any requirement set forth in this article.
  - D. Any person whose permit is revoked may not reapply until one (1) year following the effective date of the revocation.
  - E. In addition to carrying out all other investigations as may be permitted under this chapter, the license and permits unit shall investigate any alleged violation of this article upon receipt of a written, sworn complaint by any person who witnesses or becomes aware of a potential violation. Such complaint shall be signed under penalty of perjury and shall be accompanied by any supporting evidence.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.150 Public hearing on suspension, fine, revocation or denial.**

- A. A fine, suspension, revocation or denial of a permit issued under this chapter may be appealed to the city council within twenty (20) days of the applicant or permit holder's receipt of notice as described herein.
- B. Notice of the denial, fine, suspension or revocation shall be given in writing, setting forth the complaint, and the grounds for denial, fine, suspension or revocation. Such notice shall be mailed to the vendor at least five (5) calendar days prior to the date set for the hearing. Such notice shall be mailed by registered or certified mail to the address shown on the application. The city manager or his/her designee shall conduct the hearing and report his/her conclusions and recommendations to the city council. The city council, upon receiving the recommendation of the city manager, may, within sixty (60) calendar days of receipt of said recommendation, deny or grant an application for a new permit and may revoke within five years immediately prior to the filing of the application for any felony suspend, fine or refuse to renew any existing permit. In addition, within said sixty-day period, if the city council determines there is a need to correct a clear error or prevent a manifest injustice, the city council may remand the application or matter back to the city manager for further hearing. If the city council fails to take action within the sixty-day period, the recommendation of the city manager shall become the final decision of the city council. The decision of the city council may be appealed via certiorari to the Superior Court of Henry County.
- C. Under this section:
  - 1. A first violation within twenty-four (24) months will result in a \$100.00 fine;

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2. A second violation within twenty-four (24) months will result in a fine of no less than one hundred dollars (\$100.00) and no more than one thousand dollars (\$1,000.00) and/or up to a twelve-month suspension of the permit, or revocation of the permit.
  3. A third violation within twenty-four (24) months will result in the revocation of the permit.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

**9.90.160 Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles.**

- A. Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. Vendors permitted in accordance with this section shall not be permitted to sell prepared food or prepared beverages.
- B. Every vendor selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than one hundred (100) feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.
- C. No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 12:00 p.m. or after 8:00 p.m. daily. No motor vehicle shall be operated within six hundred (600) feet of any public school in the City between the hours of 7:30 a.m. and 3:30 p.m. on days in which schools are actually in session.
- D. Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section, shall not stop or stand and do business for more than 30 minutes.
- E. Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall not be restricted to any specific area.

(Ord. No. OR16-400, § 1(Exh. A), 5-9-2016)

Chapter 9.95 LIMITATION ON CHECK CASHING BUSINESSES<sup>3</sup>

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<sup>3</sup>Editor's note(s)—Ord. No. OR16-402, § 1(Exh. A), adopted May 31, 2016, added provisions designated as Chapter 9.90. In order to avoid conflicts in the numbering of provisions the editor redesignated the provisions added by Ord. No. OR16-402 as Chapter 9.95.

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### **9.95.010 Purpose.**

The regulations of this chapter are established to regulate the number and location of check cashing businesses for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to guard against market saturation which may lead to increased rates to consumers as an offset for lower business volume.

(Ord. No. OR16-402, § 1(Exh. A), 5-31-2016)

### **9.95.020 Definition.**

Check cashing business shall mean: any establishment offering check cashing services pursuant to a license issued pursuant to Article 4A of Chapter 7 of the Official Code of Georgia. The following establishments shall not be considered check cashing businesses: (a) any state or federally chartered bank, trust company, credit union, savings and loan association, or savings bank with deposits that are federally insured and (b) any business retail seller engaged primarily in the business of selling consumer goods, or that cashes checks as a service to its customers that is incidental to its main purpose or business (where check cashing fees represent less than 5 percent of its business revenue).

(Ord. No. OR16-402, § 1(Exh. A), 5-31-2016)

### **9.90.030 Spacing.**

No check cashing business shall be established on a lot or lots within two thousand five hundred feet (2,500) feet of another lot or lots containing an existing check-cashing business. No two check cashing businesses shall be located in the same building or on the same lot.

(Ord. No. OR16-402, § 1(Exh. A), 5-31-2016)

### **9.95.040 Maximum number.**

There shall be no more than one (1) check cashing business located within the City of Stockbridge for each twenty thousand (20,000) persons residing in the city as recorded in the most recent decennial U.S. Census. No additional check cashing businesses shall be established if the current number of check cashing businesses exceeds the maximum number permitted.

(Ord. No. OR16-402, § 1(Exh. A), 5-31-2016)

### **9.95.050 Exception.**

This chapter shall not apply to any check cashing business as defined above currently in operation prior to passage of this section.

(Ord. No. OR16-402, § 1(Exh. A), 5-31-2016)

## Chapter 9.100 DONATION DROP BOXES

### **9.100.010 Purpose.**

The purpose of this chapter is to regulate the placement of unattended donation drop boxes within the city. The procedures and requirements of this chapter are intended to: promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property; ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic; ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and establish criteria that avoid attracting vermin, unsightliness, and public health hazards. Donation drop boxes shall be subject to the following regulations.

(Ord. No. 17-442, § 1(Exh. A), 10-9-2017)

### **9.100.020 Registration required.**

- A. All existing donation drop boxes erected on land within the city shall within one hundred eighty (180) days of the effective date of this chapter 9.100, be registered with the city. New donation drop boxes erected in in the city shall register with the city prior to their establishment. Registration of the donation drop boxes shall be accompanied by:
1. Written and notarized approval from the property owner consenting to the placement of the donation drop box(es) on their property as well as acknowledgement that the property owner has received a copy of these regulations and is aware of the requirements and the penalties and/or fines associated with non-compliance. This approval must include the name, physical address and phone number of the property owner as well as the physical address and parcel ID number of the site where the donation drop box(es) will be located;
  2. A site plan or drawing depicting the size (height, width, and length) and location of any and all donation drop boxes located on the property; and
  3. Information identifying the organization(s) responsible for maintenance and monetary proceeds of the donation drop box(es), including a physical address, contact name, phone number, and website (if applicable) for the organization(s).
- B. Donation drop boxes not registered with the city within the prescribed timeframe shall be removed at the expense of the property owner and may be subject to enforcement and fines pursuant to this chapter. For the first year of this program, staff will hold in abeyance any removal of donation drop boxes until November 1, 2018 to provide additional time to educate donation drop box operators and property owners of the requirements of this Code.
- C. The registration of the donation drop box shall be valid for a period of five (5) years after which the owner or operator of the donation drop box shall be required to reregister with the

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city. The registration fee shall be established pursuant to a resolution to be adopted by the city council.

- D. Owners of donation drop boxes shall be required to obtain an occupational tax certificate from the city.

(Ord. No. 17-442, § 1(Exh. A), 10-9-2017)

**9.100.030 Design, location safety and maintenance requirements.**

- A. Donation drop boxes shall not be allowed in any residential zoning district, except on properties of places of worship which will be allowed as a special exemption in this chapter.
- B. Donation drop boxes are permitted only on properties where there is an active primary use.
- C. Donation drop boxes shall not be permitted on vacant lots or abandoned property.
- D. Donation drop boxes must be placed on a paved or concrete surface and be located to the side or rear of the lot (behind the front line of the principle building on site). The location of the donation drop boxes must meet the minimum setback requirements for the lot for accessory structures and the boxes may not be placed in any required buffer, landscape strip, parking space, fire lane, loading zone, drive aisles or circulation area identified as required under applicable codes.
- E. The donation drop boxes are not permitted to be located in a manner that obstructs visibility within any public or private right-of-way or at any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses.
- F. The maximum size for any donation drop box shall be five (5) feet in width by five (5) feet in depth and seven (7) feet in height.
- G. When multiple donation drop boxes are located on an individual property, they must be adjacent to one another. When it is not feasible to place donation drop boxes adjacent to one another, then they must not be located within the same view shed.
- H. The total allowable number of donation drop boxes depends on the size of the parcel on which the donation drop box is located with the following limitations:
  - 1. Property equal to or less than one (1) acre shall have a maximum of one (1) donation drop box.
  - 2. Property greater than one (1) acre shall allow one (1) donation drop box per one (1) full acre.
  - 3. All donation drop boxes must be designed so that they are secured from unauthorized access.
- I. All donation drop boxes shall have the following clearly identified, in writing on the face of the box:
  - 1. Specific items and materials requested for donation.

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2. Information identifying the organization(s) responsible for the maintenance and monetary proceeds of the donation drop box including a contact name, phone number, physical address and website for the organization(s).
  3. Statement that no items or materials may be left outside of the box.
  4. Statement that the box is not intended for refuse disposal and liquids are prohibited (i.e. "Do not use for garbage, candy or food wrappers, drink bottles etc.")
  5. In addition to the requirements above, the city-issued registration sticker shall be affixed to the front face of the donation drop box.
- J. Each donation drop box must be regularly emptied of its contents so that it does not overflow.
- K. All donated items must fit and be contained in the donation drop box. Donated items or materials shall not remain or be allowed outside of donation drop boxes and the areas around each box.
- L. The owner or operator of the donation drop box, as well as the property owner of the parcel, shall be responsible for maintaining the area around each donation drop box so that it is free of litter, garbage, and any other undesirable material.
- M. Failure to maintain the donation drop box or the area surrounding the donation drop box may result in removal of the donation drop box, at the expense of the property owner and/or owner or operator of the donation drop box, and the property owner and/or owner or operator of the donation drop box shall be prohibited from future donation drop boxes being allowed on this site for a period of five (5) years.
- N. The property owner may remove the donation drop box from their property at any time regardless of a valid registration with the city.

(Ord. No. 17-442, § 1(Exh. A), 10-9-2017)

#### **9.100.040 Waivers.**

A waiver of the total allowable size and number of donation drop boxes and/or the registration fee per donation drop box may be requested by submitting a letter to the city manager or his/her designee, that demonstrates compliance with the following conditions:

1. The site is solely occupied by a public, educational, not-for-profit, or religious use or facility with adequate written proof of such organizational status.
2. The location, design, and maintenance of the donation drop box(es) is otherwise in conformance with this chapter and applicable law.

(Ord. No. 17-442, § 1(Exh. A), 10-9-2017)

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**9.100.050 Notice of violation.**

- A. If a violation of this chapter is documented, the property owner and/or operator of the donation drop box shall be responsible for ensuring compliance with the regulations of this section.
- B. With the first violation of this chapter, the property owner and/or operator of the donation drop box shall be required provide a written plan to the city to ensure full compliance with the regulations contained in this section within five (5) days. The property owner and/or operator of the donation drop box shall be subject to a fine of one hundred dollars (\$100.00).
- C. With the second violation of this chapter, the property owner and/or operator of the donation drop box shall be required to show records and logs for compliance with this chapter and will be required to hire a private company to assist them in ongoing compliance with this chapter. The property owner and/or operator of the donation drop box shall be subject to a fine of five hundred dollars (\$500.00).
- D. With the third or any additional violation of this chapter, the property owner and/or operator of the donation drop box shall be required to remove the donation drop box from the property at the expense of the property owner and/or operator of the donation drop box within thirty (30) days of the notice of violation. The property owner shall be suspended from having a donation drop box at this location for a period of five (5) years and shall be suspended from operating any new donation drop boxes in the city for a period of five (5) years. The property owner and/or operator of the donation drop box shall be subject to a fine of one thousand dollars (\$1,000.00).

(Ord. No. 17-442, § 1(Exh. A), 10-9-2017)

Chapter 9.105 SHORT-TERM RENTALS

**9.105.010 Purpose and applicability.**

The purpose of this article is to establish regulations for the registration and use of short-term rentals for residential living units. The requirements of this division apply only to short-term rentals, as defined herein, located in residential zoning districts established under the city's zoning ordinance. Nothing in this article, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than thirty (30) consecutive days, or any other applicable provision of this Code.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

**9.105.020 Definitions.**

"Advertise" means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a short-term rental in order to promote the availability of the short-term rental.

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"Hotel occupancy tax" means the hotel occupancy tax as defined in Chapter 3.16, Article V of this Code.

"Local emergency contact" means an individual other than the applicant, who resides within twenty (20) miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a twenty-four-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

"Owner" means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the State, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a nonpossessory security interest in the property.

"Party" means a social gathering of people, including those who have not rented the residence, for the primary purpose of eating, drinking or entertainment in a manner that is disruptive to the surrounding properties.

"Primary residence" means the usual dwelling place of the applicant's residential dwelling and is documented as such by at least two (2) of the following: Motor vehicle registration, driver's license, Georgia State identification card, voter registration, property tax documents, or utility bill. For purposes of this chapter, a person may have only one (1) primary residence.

"Short-term rental (STR)" is defined as the rental of any residence or residential structure, or a portion of a residence or residential structure for a period of less than thirty (30) days. The term does not include:

1. A unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
2. A bed and breakfast; or
3. A hotel/residence hotel.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

### **9.105.030 Short-term rental registration requirements.**

No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a registration has not been properly made and filed with the city. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

1. Name, address, phone number and e-mail address of the property owner of the short-term rental property;
2. Verification of this short-term rental property is the applicant's primary residence;

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3. Name, address, phone number and e-mail address of the designated local emergency contact;
  4. The maximum number of occupants permitted for the dwelling unit or sleeping room;
  5. A submission of a sketch floor plan of the dwelling with dimensional room layout; and
  6. Site plan/survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto streets, sidewalks or alleys; other public rights-of-way or public property.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

#### **9.105.040 Right to inspect premises.**

The city reserves the right, with reasonable notice to the owner, to inspect the residential premises to determine compliance with this section as well as with the current adopted version of the International Property Maintenance Code.

1. If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access may be inspected.
2. If, upon completion of an inspection, the premises are found to be in violation of one (1) or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

#### **9.105.050 Standards.**

The following standards apply to short-term rentals:

1. Rentals shall be at least three (3) days but no more than fourteen (14) days.
2. Designated off-street parking is required.
3. All rental properties must be registered with and inspected by the fire marshal.
4. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental.
5. A permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within one hundred (100) feet of the property boundary. The permit holder shall notify all property owners within one hundred (100) feet of the property boundary within ten (10) days of a change in the managing agent or local contact's contact information.
6. A permit holder must disclose in writing to their renters the following information:
  - a. The managing agent or local contact's name, address, and phone number.
  - b. The maximum number of guests allowed at the property.

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- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked.
  - d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities.
  - e. Applicable sections of city ordinances governing noise, parks, parking and pets.
7. A short-term rental shall have a full bathroom (sink, toilet and tub or shower).
  8. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
  9. The permit holder shall keep a report detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of guests using the rental. A copy of the report shall be provided to [the] city upon request.
  10. A permit holder must post their permit number on all print, poster or web advertisements.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

#### **9.105.060 Restrictions on short-term rentals.**

- A. External Signage. There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.
- B. Limit on Occupants Allowed. No more than two (2) adult guests per bedroom, plus no more than two (2) additional adults shall be allowed when renting a property as a short-term rental, except that there shall be a maximum occupancy of ten (10) persons, adult and children.
- C. Limits on Number of Vehicles. There shall be a maximum of one (1) car per bedroom, or the maximum number of cars that can be accommodated within the garage and driveway, without extending over the public rights-of-way (alleys and sidewalks), whichever is less.
- D. Other Restrictions. It is unlawful:
  1. To operate or allow to be operated a short-term rental without first registering, in accordance with this article, the property in which the rental is to occur;
  2. To advertise or offer a short-term rental without first registering, in accordance with this article, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this article;
  3. To operate a short-term rental in any location that is not the registrant's primary residence;
  4. To operate a short-term rental that does not comply with all applicable city and State laws and codes;

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5. To operate a short-term rental without paying the required hotel occupancy taxes;
  6. To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;
  7. To operate the building in a manner that constitutes a nuisance to surrounding property owners;
  8. To fail to include a written prohibition against the use of a short-term rental for having a party venue in every advertisement, listing, or other publication offering the premises for rent; and
  9. Permit the use of short-term rental for the purpose of: Housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license or operating as a sexually oriented business.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

**9.105.070 Brochure and safety features.**

- A. Informational Brochure. Each registrant operating a short-term rental shall provide to guests a brochure that includes:
  1. The registrant's twenty-four-hour contact information;
  2. A local responsible party's twenty-four-hour contact information if the owner is not within the city limits when guests are renting the premises;
  3. Pertinent neighborhood information, including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
  4. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- B. Safety Features. Each short-term rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes and at least one (1) working carbon monoxide detector and alarm, and one (1) working fire extinguisher. The premises shall, otherwise comply with applicable Code of Ordinance requirements, including, but not limited to, building and fire codes.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

**9.105.080 Registration term, fees, and renewal.**

- A. All registrations approved under this chapter shall be valid for a period of one (1) year from the date of its issuance.

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- B. The fee for registration of a short-term rental shall be established by resolution of the city council.
  - C. Upon receipt of an application for renewal of the registration, the director or their designee may deny the renewal if there is reasonable cause to believe that the registrant has plead no contest to or been convicted of a violation of any ordinance of the city, or any State, or [Federal] law on the premises or has permitted such a violation on the premises by any other person.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

### **9.105.090 Violations and penalties.**

Violation of this chapter upon conviction shall be punished by [a] fine not to exceed the sum of five hundred dollars (\$500.00) for each offense and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(Ord. No. 19-486, § 1(Exh. A), 7-8-2019; Ord. No. 21-487, § 1(Exh. A), 7-1-2021)

## Chapter 9.110 STANDARDS FOR CERTAIN BUSINESSES<sup>4</sup>

### **9.110.010 Purpose.**

The regulations of this chapter are established to regulate the number and location of certain businesses for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, regulations are established to guard against market saturation which may lead to increased rates for consumers as an offset for lower business volume.

(Ord. No. 19-490, § 1(Exh. A), 10-14-2019)

### **9.110.020 Numerical limitations on certain businesses.**

- A. This code section shall apply to the following types of businesses:
  - 1. Tire shops;
  - 2. Vaper shops;
- B. Licenses Available. The number of licenses available for each of the types of businesses set forth in part A above shall be determined based on the most recent United States Census data. The city council may authorize additional licenses if deemed necessary to meet the economic development goals of the city.

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<sup>4</sup>Editor's note(s)—Ord. No. 19-490, § 1(Exh. A), adopted Oct. 14, 2019, set out provisions intended for use as Ch. 9.105, §§ 9.105.010—9.105.030. Inasmuch as there were already provisions so designated, the provisions have been included as Ch. 9.110, §§ 9.110.010—9.110.030.

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- C. Whenever it shall be recognized by the city manager or his/her designee that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional permits, and it is determined by the city manager that one (1) or more additional permits are available, the city shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication.
  - D. If, during this period, applications are received which exceed the number of newly available permits, there shall be a lottery, administered by the community development director, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of permits up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed.
  - E. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

(Ord. No. 19-490, § 1(Exh. A), 10-14-2019; Ord. No. OR24-560, § 1, 3-26-2024)

#### **9.110.030 Spacing.**

- A. This code section shall apply to the following types of businesses:
  - 1. Hair salons ~~and~~, barbershops, and beauty salons;
  - 2. Nail salons;
  - 3. Tire shops;
  - 4. Pawn, title lending and cash for title shops;
  - 5. Vaper shops;
  - 6. Thrift stores and consignment shops;
  - 7. Auto shops;
  - 8. ~~Used appliances shops;~~
  - 9. ~~Tattoo shops.~~
- B. To avoid over-concentration, no location for any business listed in part A above shall be established on a lot or lots within five thousand two hundred eighty (5,280) feet of another lot or lots containing an existing such business. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by such business to the nearest point on a lot line of the other property occupied by such business.

(Ord. No. 19-490, § 1(Exh. A), 10-14-2019)

## Chapter 9.115 SMOKING ESTABLISHMENTS<sup>5</sup>

### **9.115.010 General definitions.**

"Cigar" means a roll of tobacco wrapped in leaf tobacco or any substance containing tobacco, distinct from cigarettes because of its size, use of whole-leaf wrapping, and often, flavor complexity.

"Cigar bar/lounge" means a designated area where customers purchase and smoke cigars. Such establishments often have walk-in humidors to keep cigars fresh and may offer a variety of related products and accessories.

"Hookah," often known as a waterpipe, means a traditional Middle Eastern device used for smoking flavored tobacco called "shisha." The smoke passes through a water basin before inhalation, which cools and humidifies the smoke.

"Retail tobacco store" means a commercial establishment where the primary business is the sale of tobacco products and accessories, emphasizing product variety, storage quality (like humidors for cigars), and expertise about products.

"Shisha/Maassel" means a blend of tobacco, molasses or honey, and fruits or flavorings, used specifically for smoking in a hookah. Unlike regular tobacco, it is moist and often sweetened.

"Smoking establishment" means a commercial facility where products derived from tobacco or other organic materials are offered for consumption on the premises. Such establishments prioritize providing an environment conducive to smoking or vaping as a primary activity.

"Tobacco" means a dried leaf plant traditionally used in cigarettes, cigars, pipes, and chew. When burned, it releases nicotine, a stimulant.

"Vaporizer/vaping device" means electronic devices that turn substances (usually liquid with nicotine, flavorings, and other chemicals) into an inhalable aerosol. It offers a similar sensation to inhaling tobacco smoke, sans the smoke.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

### **9.115.020 Regulations for smoking establishments.**

A. Purpose. This section distinguishes smoking establishments from retail tobacco outlets and standard retail due to inherent operational and functional differences. These rules aim to

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<sup>5</sup>Ord. No. OR23-544, § 1(Exh. A), adopted Aug. 29, 2023, added provisions to the Code, but did not specify manner of inclusion. Therefore, at the discretion of the editor, said provisions have been included as Ch. 9.15, §§ 9.15.010—9.15.110 herein.

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uphold the 2018 City of Stockbridge's Comprehensive Plan, focusing on the community's image and economic health.

- B. Applicability. Encompasses hookah bars, cigar lounges, and restaurants with an ancillary smoking bar.
- C. Location. Smoking establishments shall not operate within one thousand (1,000) feet of:
  - 1. Another smoking establishment.
  - 2. Any school or daycare.
  - 3. Public parks or recreational areas.
  - 4. Religious institutions.
  - 5. Sexually oriented businesses, tattoo/body piercing establishments, gun shops, or pawn shops.
  - 6. Hours of operation: Permitted from twelve (12:00) a.m. to midnight daily.
- D. Age Restrictions. Entry and employment are restricted to individuals aged eighteen (18) and above.
- E. Intoxication. Intoxicated individuals shall be denied entry and service.
- F. Outdoor Activity. Smoking establishments shall operate exclusively indoors.
- G. Loitering. It is the establishment's responsibility to prevent loitering in and around its premises.
- H. Ventilation. All smoking establishments must provide appropriate ventilation to prevent smoke migration, adhering to city, State, and Federal laws. The recommended system is a "smoke eater" equipped with HEPA filter technology.
- I. Visibility. Interior must be visible from the outside during operational hours, ensuring transparency.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

### **9.115.030 Permit requirements.**

Smoking establishments require a distinct permit, separate from other business licenses. This permit is renewable annually.

The city may introduce supplementary operational conditions to ensure public safety and compatibility with neighboring establishments.

Permits can be denied or revoked based on felony convictions, misinformation in the application, or inability to operate as per these regulations.

All required legal and municipal approvals and permits must be obtained.

Adherence to State and Federal laws regarding tobacco sale and consumption is mandatory.

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The permit remains valid until December 31 of the year issued, renewable given no suspensions.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

**9.115.040 Occupational tax certificate (OTC).**

An annual regulatory fee of one thousand five hundred dollars (\$1,500.00) is required.

Application and renewal should be done through the City of Stockbridge's Business License Division.

OTC issuance and renewal are annual, managed by the City of Stockbridge's Business Services Division.

The city reserves the right to impose additional operational conditions as deemed necessary.

OTCs can be revoked under similar conditions as smoking permits.

Active OTCs are mandatory for operation.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

**9.115.050 Eligibility for operation.**

Prescriptive criteria include a predominant focus on tobacco sales, age-restricted access, valid State-issued permits, and external validations.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

**9.115.060 Permit quantity limitation.**

A cap of six (6) permits exists. Additional permits may be considered upon reaching a threshold of forty thousand (40,000) residents.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

**9.115.070 Zoning considerations.**

Permissible zones include C-2, general commercial; C-3, heavy commercial; and DT, downtown district.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

**9.115.080 Hours of operation.**

Hookah parlors may operate between twelve (12:00) a.m. and midnight daily.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

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### **9.115.090 Operational mandates.**

Key mandates encompass age restrictions, intoxication controls, required literature, prescribed postings, ventilation standards, State law compliance, prohibition of admission charges, indoor-only operations, prescribed occupancy levels, parking provisions, and loitering controls.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

### **9.115.100 Denial of applications.**

Applications can be denied based on criminal record, age, misinformation, or non-adherence to stipulated conditions.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

### **9.115.110 Permit revocation.**

Grounds for revocation include regulatory violations, felony convictions of the owner/operator, or non-compliance with permit conditions.

(Ord. No. OR23-544, § 1(Exh. A), 8-29-2023)

## Chapter 9.116 DRONE DELIVERY SERVICE<sup>6</sup>

### **9.116.010 Special administrative permit (AS).**

A special administrative permit shall only be issued upon joint approval by the city manager and the community development director. Both officials must determine that the proposed activity:

1. Comply with applicable zoning and land use regulations.
2. It is consistent with the city's comprehensive plan and strategic goals.
3. Does not adversely affect public health, safety, or welfare of the public.

(Ord. No. OR25-607, Exh. A, 9-30-2025)

### **9.116.020 Evaluation criteria for special administrative permit.**

The AS process shall apply to:

1. Temporary land uses or structures are not otherwise permitted by right.

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<sup>6</sup>Ord. No. OR25-607, Exh. A, adopted Sept. 30, 2025, added provisions to the Code, but did not specify manner of inclusion. Therefore, at the discretion of the editor, said provisions have been included as Ch. 9.116, Ch. 9.116, §§ 9.116.010—9.116.060 herein.

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2. Development proposals requiring expedited review.
  3. Projects involving unique technical or operational considerations.
  4. Uses that may have significant community or environmental impact.

(Ord. No. OR25-607, Exh. A, 9-30-2025)

**9.116.030 Application requirements.**

- A. Property owners may submit an application for a special administrative permit (AS) to the community development department.
- B. The special administrative permit fee is six hundred dollars (\$600.00).
- C. The application must include site plans, operational details, and any other documentation deemed necessary.
- D. The applicant shall conduct a minimum of two (2) public community meetings to engage and inform residents within the impacted area prior to permit approval.
- E. The community development director shall review the application and forward it to the city manager with a recommendation.
- F. A final decision shall be rendered within thirty (30) calendar days of submission, unless extended by mutual agreement.

(Ord. No. OR25-607, Exh. A, 9-30-2025)

**9.116.040 Regulatory fees.**

- A. The applicant is required to pay an annual regulatory fee of one thousand six hundred dollars (\$1,600.00).
- B. If a person engages in an activity regulated by the city on or after July 1 in any year, the regulatory fee for the remaining portion of the year shall be fifty percent (50%) of the regulatory fee for the entire year.
- C. With the exception of those entities who are lawyers or attorneys engaged in the practice of law, every person subject to payment of a regulatory fee levied by this chapter shall display a current regulatory fee certificate in a conspicuous place at the location for which such certificate was issued. If a taxpayer does not have a permanent location with the city, the regulatory fee certificate shall be shown to any police officer (or any other person charged with enforcing this chapter) upon request. However, for those entities who are lawyers or attorneys engaged in the practice of law, display of the certificate shall not be a precondition to the practice of law.

(Ord. No. OR25-607, Exh. A, 9-30-2025)

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**9.116.050 Conditions and enforcement.**

The city manager or community development director may impose reasonable conditions on the permit to:

1. Mitigate potential impacts.
2. Ensure compliance with city standards.
3. Protect surrounding properties and residents.
4. Violation of any permit condition may result in revocation of the AS and enforcement actions provided by law.

(Ord. No. OR25-607, Exh. A, 9-30-2025)

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### **9.116.060 Appeals.**

Appeal of an administrative special use (AS) shall follow the procedures outlined in Stockbridge Code of Ordinances, Title 12 Unified Development Code, Chapter 10, Section 3, entitled, Appeal of Administrative Actions.

(Ord. No. OR25-607, Exh. A, 9-30-2025)

### **9.120.010 Home Occupations.**

A. A home occupation as defined by this section is permitted subject to the following requirements:

1. Only the residents of the dwelling may be engaged in the home occupation.
2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.
3. No display of products shall be visible from the street except agricultural products that are grown on the premises in an RR (Rural Residential) zoning district. Only products that are produced on the premises may be sold on the premises.
4. No signs shall be allowed for identifying the premises as a home occupation, except in the RR district. Such signs may only advertise the items that are produced on the property.
5. Use of a dwelling for a home occupation shall not exceed twenty-five percent (25%) of one (1) floor.
6. No interior or exterior alterations that are inconsistent with the residential use of the building shall be permitted.
7. The home occupation shall not constitute a nuisance to the community.
8. No outside storage of materials to be used in connection with a home occupation is permitted, except in an RR district. To the extent that large or hazardous materials are used by a home occupation, the applicant shall be required to store such materials at a site other than the home occupation, consistent with applicable zoning and land use laws.
9. No accessory buildings shall be used in connection with the home occupation, except in an RR district, unless it is approved as a special use and then in a residential district only. The use of an accessory building shall comply with the following conditions:
  - a. The accessory building shall maintain a residential appearance.
  - b. No business activities involving in-person contacts with customers shall be conducted between the hours of 7:30 p.m. and 7:30 a.m.
  - c. No automotive painting, body work, salvage, major automotive, or heavy equipment repairs are to be conducted.
  - d. No machinery or equipment shall be used which generates noise that is detectable outside the accessory structure.
10. Applicants shall not be allowed to have customers visit the home occupation, except as follows:

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a. The conduct of a home occupation involving rendering of services, such as those listed below, will be allowed subject to the following limitation(s):

i. Instruction in music and similar subjects shall be limited to two (2) students at a time, subject to the restrictions for certain types of businesses.

ii. Beauty shops, barber shops, manicurists and similar occupations shall be limited to two (2) customers at a time.

b. Any service provider conducting a home occupation under this section shall not be allowed to market and sell goods or products on the premises of the home occupation.

c. Nothing in this section shall preclude the owner of a home occupation from meeting customers at a site other than the home occupation, consistent with applicable zoning and land use laws.

11. Only passenger vehicles, pickup trucks, vans, and trailers that are pulled by such vehicles may be used in connection with the management of a home occupation. Trailers shall be stored in a garage or accessory structure when they are not in use, and no vehicle or trailer shall feature commercial advertising or marks identifying a commercial use of said vehicle.

12. Beauty shops, barber shops, manicurists, and similar services that are conducted as home occupations are subject to the requirements for restricted businesses. They shall be limited to two (2) chairs (stations) and one (1) shampoo chair (station).

13. No more than two (2) non-transient guests may be boarded at any one (1) time as a home occupation.

14. The following and similar uses shall be considered to be home occupations, provided that they follow the minimum standards described in this section: Attorney, addressing service, art instruction, beauty and barber shop, dentist, doctor, drafting and surveying, dressmaking, insurance agent, manufacturers' representative, music teacher, notary public, photographer, real estate agent, tax services, and consultant.

15. All home occupations shall obtain an occupational tax certificate, or business license, from the city. The city business services manager is hereby authorized to accept applications and either grant the same if an applicant demonstrates compliance with the requirements of this section or refer the matter to the mayor and city council for action.

16. Agricultural activities that are associated with the raising of crops and farm animals on properties which are over three (3) acres in size shall not be subject to the requirements for home occupations.

17. The city reserves the right to establish sanitation rates for home occupations that are higher than those for residential customers generally. All home occupations shall pay for sanitation services at the higher rate, and in a timely manner, or face the revocation of a previously issued occupational tax certificate, denial of the rights to engage in a home occupation in the future, or any other civil penalties that are authorized by law.

B. Family Day Care Centers Prohibited. Family day care centers, as are defined in this unified development code, shall hereafter be strictly prohibited within the City of Stockbridge.

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**9.130 Hotel/Motel Tax Ordinance (copied from Article V, Title 3.16 of the Stockbridge Code of Ordinances)**

**9.130.010 - Title.**

This article shall be called the City of Stockbridge Hotel Motel Tax Ordinance.  
(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)

**9.130.020 - Authority.**

This ordinance is enacted by virtue of the powers set out in Title 48, Chapter 13, Article 3, Section 51(b)(2) of the Official Code of Georgia Annotated, as amended.  
(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)

**9.130.030 - Purpose.**

The purpose of this article is to enact an excise tax upon the furnishing for value to the public of any room or rooms, lodgings or accommodations furnished by any person or legal entity licensed by or required to pay business or occupational taxes to, the City of Stockbridge for operating within the special district a hotel, motel, inn, lodge, tourist camp, tourist cabin, rental cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished for value.  
(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)

**9.130.040 - Definitions.**

Definitions: As used in this article, the following words, terms and phrases shall have the meanings ascribed to them herein, except when the context clearly indicates a contrary meaning.

- A. "Due date": The twentieth (20th) day after the close of monthly period for which tax is to be computed.
- B. "Estimated tax liability": The lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel.
- C. "Folio" means the primary documentation produced by a hotel or other facility that demonstrates interaction between the operator and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with the amounts of applicable excise tax(es), and the method(s) of payment.
- D. "Guest room": A room or rooms occupied, or intended, arranged, or designed for occupancy, by one or more occupants for the purpose of living quarters or residential use.
- E. "Hotel/motel/cabin/residence/lodge": Any structure or any portion of a structure including any lodging house, studio, hotel, motel, motor hotel, auto court, inn, public club, lodge, tourist camp,

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tourist cabin, rental cabin, or private club containing guest rooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor or otherwise.

F. "Monthly period" means the calendar months of any year.

G. "Occupancy": The use or possession, or the right to use or possession, of any room or apartment in a hotel or motel, or the right to use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or apartment.

H. "Occupant": Any person (or persons utilizing as a single unit) who, for a consideration, uses, possesses, or has the right to use or possess, any room or hotel or motel under any lease, concession, permit, right of access, license, agreement or otherwise.

I. "Operator/innkeeper": Any person operating a hotel/motel/cabin/residence/lodge (as set out herein) in City of Stockbridge, including, but not limited to, the owner or proprietor of such premises, the lessee, sub lessee, lender in possession, licensee, online travel companies, or any other person otherwise operating such hotel/motel, including private owners who rent or lease private residences for more than two (2) days in any one (1) year.

J. "Permanent resident": Any occupant who as of a given date shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel for at least ninety (90) consecutive days.

K. "Person": An individual, firm partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust receiver, trustee, syndicate, business entity, or any other group or combination acting as a unit, to include the plural as well as the singular number, excepting, however, the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the governing authority of City of Stockbridge is without power to impose the tax herein provided.

L. "Rent": The considerations or value received in money or otherwise, including all receipts, cash, credits, and property or services of all kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction there-from whatsoever.

M. "Return": Any return filed or required to be filed as herein provided.

N. "Tax" the tax on occupants imposed by this article, as provided by O.C.G.A. § 48-13-51(b)(2).

O. "Tax supervisor" means the individual appointed by the City of Stockbridge, or the individual of any office of the City of Stockbridge which may in the future be designated as the administrative entity to collect the tax.

### **9.130.050 - Levy of tax.**

There is hereby set and levied on the occupant of a guest room of any hotel/motel/cabin/residence/lodge and any short term rental (as defined in Chapter 9.105 of this

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Code) located within the special district (being the entire city limits) a tax in the amount of eight percent (8%) of the gross rent for such occupancy.

**9.130.060 - Effective date.**

The tax herein imposed shall be paid upon any occupancy occurring on or after August 1, 2015 including but not limited to such occupancy that was entered into pursuant to a contract, lease or other agreement entered into prior to such date.

**9.130.070 - Exemptions.**

No tax shall be levied pursuant to this article under the following situations:

- A. No tax shall be levied under this section for the use of meeting rooms.
- B. No tax shall be levied under this section for the use of any jail cell, detention center or other building where such housing or detention is under legal restraint.
- C. No tax shall be levied under this section for the use of any hospital medical treatment facility.
- D. No tax shall be levied under this section upon the fees or charges for any room, lodgings or accommodations furnished for a period of one (1) or more days to the State of Georgia employees or officials when traveling on official business.
- E. No tax shall be levied under this section upon the fees or charges for any room, lodging or accommodations furnished for a period of one (1) or more days to local government employees or officials when traveling on official business.
- F. No tax shall be levied under this section for rentals over thirty (30) consecutive days.
- G. No tax shall be levied under this section upon any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty or natural disaster.

**9.130.080 - Permanent residents.**

Notwithstanding any other provision of this section, no tax shall be imposed hereunder upon a permanent resident, as defined here under.

**9.130.090 - Collection of tax by operator.**

It shall be the duty of every operator providing lodging accommodations within the jurisdictional boundaries of City of Stockbridge to collect the tax on occupants as imposed herein.

**9.130.100 - Registration of operators.**

Every person engaging in or about to engage in the business of providing lodging accommodations, as above defined, in the special district shall immediately register said business with the business service's office, as the duly authorized representative of City of Stockbridge, a political subdivision of the State of Georgia, on a form provided by the City for such purpose.

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Persons engaged in such business must so register no later than thirty (30) days after the date this section becomes effective, but such grace period for the filing of the registration after the effective date of the tax shall not relieve any person from the obligation of payment or collection of such tax on and after the date of imposition thereof.

A. The required registration hereunder shall set forth the name under which the operator transacts business or intends to transact business; the location of the place or places of business, the mailing address of the business, the principal contact person at said business and such other information as would facilitate the collection of the tax.

B. The registration shall be signed by the owner (if a natural person), by an officer (if a corporation) or a partner (if a partnership).

C. A separate registration shall be required for each place of business of an operator. However, a realtor offering cabins for rent shall be deemed to be one place of business and shall not require a separate registration for each cabin rented.

D. An operator offering more than one (1) cabin or unit for rent under the same federal and state tax identification number shall be required to file the same number of returns as required by the State of Georgia for the filing of state sales tax returns.

#### **9.130.110 - Operating certificate and administrative fee.**

Upon the registration of an operator as hereinabove provided, the business services manager as the duly authorized representative of City of Stockbridge, a political subdivision of the State of Georgia shall issue to such operator a certificate of authority to collect the tax on occupant. Each certificate shall state the name and location of the business or person to which it relates. In order to comply with the mandates of the applicable Laws of the State of Georgia, an administrative fee, regulatory fee, and occupational tax fee are hereby imposed on any business or person under the purview of the within ordinance.

#### **9.130.120 - Tax remittance.**

A. All taxes levied by this article shall be due and payable to the business services manager or designated representative of the City of Stockbridge monthly, on or before the twentieth (20th) day of every month next succeeding each respective month in which taxes are collected, and payment shall be accompanied by return for the preceding monthly period showing the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for a period, and such other information as may be required by the city clerk or governing authority of the City of Stockbridge. B. The city council may, for good cause, extend the time for making returns for not longer than thirty (30) days. No extension shall be valid unless granted in writing upon written application of the lodging provider, Such grant may not be applicable for a period longer than twelve (12) consecutive months. A lodging provider granted an extension shall remit tax equaling not less than one hundred percent (100%) of the tax paid for the corresponding period of the prior fiscal year; such remittance to be made on or before the date the tax would

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otherwise come due without the grant of extension. No penalty or interest shall be charged during the first ten (10) days of the extension period. Thereafter, interest shall be collected on the unpaid balance at the rate of one percent (1%) per month. C. In the event that an operator is permitted under applicable state guidelines to make quarterly sales tax returns to the State of Georgia, said Operator shall be permitted to make quarterly sales tax returns to City of Stockbridge, Georgia. At the time of registration, the operator shall indicate that he is permitted to make quarterly sales tax returns together with month and day said quarterly returns are due. The failure of the operator to indicate that he is permitted under applicable state statute to file quarterly reports will infer that monthly reports are due and collectable.

D. At the time any such report is due, the operator shall file a copy of the corresponding state sales tax return for the sole purpose of verifying the sums reported and due.

E. In the event an operator is permitted under applicable state guidelines to file annual excise, or lodging tax returns, to the State of Georgia, said operator is required to file monthly or quarterly returns for lodging tax to the City of Stockbridge, Georgia.

F. In the event there are no rentals in a reporting period, lodging providers are required to file a return to the City of Stockbridge, Georgia stating they had zero rentals for the period.

#### **9.130.130 - Use of proceeds.**

The proceeds of this tax shall be used in accordance with said O.C.G.A. Sections 48-13-51 (b)(5) and 48-13-51(b)(6), with proceeds collected at the rate of five percent (5%) to be allocated towards any uses permitted under 48-13-51(a)(3), proceeds collected at the rate of one and one-half percent (1.5%) to be allocated toward activities of a qualified destination marketing organization designated by the City of Stockbridge, and proceeds collected at the rate of one and one-half (1.5%) to be allocated toward tourism product development.

#### **9.130.140 - Operator fee.**

Operators collecting the tax levied hereunder shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and payment of the amount due. The deduction shall be three percent (3%) of the amount due for the first \$3000 and one-half percent (.005) for the remaining balance, but only if the amount due was not delinquent at the time of payment.

#### **9.130.150 - Penalties and interest.**

The operator, in the event of operator's failure to pay tax when due, shall pay a penalty of fifteen percent (15%) of the tax due or fifty dollars (\$50.00) whichever is greater for each thirty (30) days or fraction thereof of delinquency, not to exceed twenty-five percent (25%) or one hundred dollars (\$100.00) in the aggregate, whichever is greater of the amount due plus interest on the total amount of delinquent taxes at the rate of one percent (1%) per annum. In addition, the

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operator shall not be entitled to the fee allowed in Section 3.16.330 of this article. The city council may waive the collection of any interest, in whole or in part, due to the city on unpaid taxes levied under this Article V whenever or to the extent that it reasonably determines that the delay in payment of the taxes was attributable to the action or inaction of the city.

(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)

**9.130.160 - Additional penalties.**

A. If any operator fails to file a return as required under the provisions of this section or if an operator files a return that is deficient, the City of Stockbridge shall make an estimate of the amount of gross rentals which are subject to the tax. The estimate shall be made for the period or periods in which the operator failed to file the return and shall be based upon any information which is or may come into the possession of the City of Stockbridge.

B. The city council or its designated representative(s) shall give to the operator written notice of determination as herein provided. The notice may be served personally or by mail; if by mail such service shall be addressed to the operator at his/her/its last known address as it appears on any of the City of Stockbridge's records. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

C. A penalty of fifteen percent (15%) of the tax due or \$50.00 whichever is greater for each thirty (30) days or fraction thereof of delinquency, not to exceed twenty-five percent (25%) or one hundred dollars (\$100.00) in the aggregate, whichever is greater, shall be assessed and paid by the operator to the City of Stockbridge.

D. In addition, the amount of the determination made hereunder shall bear interest at the rate of one percent per month, or a fraction thereof, from the twentieth day of the month following the monthly period for which the amount or any portion thereof should have been returned, until the day of payment.

E. The estimated tax together with applicable penalties and interest may be collected utilizing any of the enforcement methods set forth in this article.

(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)

**9.130.170 - Lodging operator records.**

Each operator collecting a tax under the provisions of this section shall keep for a period of at least three (3) years all records, receipts, invoices, and other pertinent papers setting forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the City of Stockbridge may, in writing, from time to time require.

(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)

**9.130.180 - Administration.**

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The city council or its designated representative (s) shall administer and enforce the provisions of this section for the collection of the tax herein imposed, and in so doing shall have the following powers:

- A. To examine, or authorize the examination of, books, papers, records, financial reports, equipment, and other facilities of any operator subject to this article, to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid;
- B. To require the filing of reports by any person or persons having in their possession or custody information relating to rentals which are subject to the tax herein levied; and
- C. To allow a credit on any amount due payable from persons who paid the tax herein levied, but who were erroneously or illegally subjected thereto.

(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)

**9.130.190 - Enforcement.**

A. At any time within three (3) years after any tax or any portion of such tax required to be collected becomes due and payable, the city attorney at the direction of the city council may bring an action in a court of competent jurisdiction in the name of the City of Stockbridge to collect such amount due together with interest, court fees, filing fees, attorney's fees, and other legal fees incident thereto.

B. If any operator becomes liable for any amount required to be paid by this section and subsequent thereto sells or quits the business, the successors or assignees of such operator shall withhold a sufficient amount of the purchase price to cover such amount due. In the event said purchaser of the business fails to withhold the required amount, he/she/it shall become personally liable for the extent of the tax owed, together with any applicable penalties and interest. Any operator or person who ceases to operate the entity under which the same is registered with the City of Stockbridge, said operator or person must notify the city clerk in writing within thirty (30) days of closing said enterprise.

C. Any person who shall do anything prohibited by this article or who shall fail to do anything required by this Ordinance shall be guilty of a misdemeanor, amenable to the process of the Municipal Court of the City of Stockbridge and upon conviction, shall be assessed with any penalty, including fine, confinement, or both, allowed by law for the violation of this article, and each and every day that such violation exists shall be deemed a separate offense.

D. In order to enforce this article or to correct or abate any violation of the article, the city council, in addition to other remedies, may institute injunction, mandamus, or other appropriate action.

(Ord. No. 15-366, § 1(Exh. A), 6-8-2015)





Stockbridge

Where Community Connects

Text amendment to Title 9 Regulations –

Report of Selected Changes

Ryan Anderson, MPPA, CPM — June 8, 2026

# Purpose & Scope of Title 9 Changes



## **Regulatory Clarity and Modernization**

Updates clarify fees and regulations to reduce ambiguity for businesses and city staff.

## **Enforcement and Compliance**

### **Enhancements**

Improved enforcement defines inspection authority and consequences for noncompliance.

## **Response to Emerging Business Activities**

New rules address evolving activities like open container districts and event sound permits.

## **Transparency and Predictability**

Amendments promote transparency in fee calculations, deadlines, and operational limits.

# Administration and Occupation Taxes



## Chapter 9.01

### **Clarified Fee Categories**

Clearer distinctions between administrative, regulatory fees, and occupation taxes improve fee calculation and enforcement.

### **Gross Receipts Definition**

Updated provisions refine what revenue businesses must report and clarify exemptions across jurisdictions.

### **Revised Fee Schedules and Penalties**

New fee schedules and late penalties linked to payment deadlines help businesses anticipate financial obligations.

### **Enhanced Enforcement Measures**

Strengthened enforcement includes penalties, inspections, and possible license revocation for noncompliance.

# Licensing and Enforcement Enhancements



## **Standardized Renewal Timelines**

Clarifying renewal timelines and proration reduces administrative discretion and ensures uniform license treatment.

## **Expanded Inspection Authority**

Enhanced inspection and audit powers allow the City to verify compliance with regulations and fee payments.

## **Clear Noncompliance Consequences**

Explicit penalties like automatic revocation for nonpayment or inspection refusal encourage timely compliance.

## **Improved Regulatory Clarity**

Clear enforcement language supports risk management and promotes fairness and accountability for all parties.

# Alcoholic Beverages Regulations



## Chapter 9.04

### **Updated Licensing Framework**

The chapter revises license types, fees, and renewal processes to align with modern business models and state regulations.

### **Zoning and Distance Rules**

Clarified distance restrictions protect sensitive locations like schools and churches, aiding planning and permitting decisions.

### **Compliance and Enforcement**

Expanded compliance obligations and clear enforcement provisions ensure lawful alcohol sales and operational conduct.

### **Balancing Policy Interests**

Regulations balance economic development with public health and safety through clearer, transparent rules.

# Establishment of the Open Container District



## **Defined Geographic Area**

The district specifies a clear geographic zone for regulated possession and consumption of alcoholic beverages in a spaces.

## **Time-Bound Consumption**

Consumption is allowed only during specified hours to balance social vibrancy with public order and safety.

## **Container and Consumption Rules**

Strict limits include 16-ounce maximum container size, one drink per person, and mandatory non-glass containers for safety.

## **Enforcement and Business Impact**

Clear rules aid enforcement and create new business opportunities while imposing compliance responsibilities on venues.

# Sound Production Permits



## Chapter 9.03

### **Structured Sound Regulation**

Chapter 9.03 introduces a technical framework for sound permits, focusing on consistent and objective evaluations.

### **Defined Decibel and Frequency Limits**

Clear limits replace vague standards, guiding applicants on acceptable sound levels and frequencies.

### **Graduated Penalties for Violations**

Enforcement includes escalating penalties for repeated breaches, encouraging compliance and corrective action.

### **Benefits to Businesses and Communities**

Clear standards help businesses comply and balance event needs with community quality-of-life goals

# Other Title 9 Updates and Emerging Activities



## **Vehicles for Hire Regulations**

Updated provisions clarify permitting and compliance for modern transportation models like rideshares and taxis.

## **Door-to-Door Solicitation Rules**

Refined rules establish clear permits, allowable hours, and conduct standards to protect residents and legitimate solicitations.

## **Emerging Technology and Delivery**

Title 9 addresses new delivery methods and tech-driven services to keep regulations current with innovation.

## **Regulatory Clarity and Adaptability**

Updates emphasize clarity, consistency, and adaptability for effective governance of evolving economic activities.

# Request for Council Action

Staff respectfully requests that the Mayor and City Council approve a text amendment to Title 9, Chapter 9 of the Stockbridge Unified Development Code.

The proposed amendment modernizes and clarifies regulations related to occupation taxes, alcoholic beverage controls, sound production permits, open container district provisions, and other emerging regulatory areas.

Approval of this amendment will enhance regulatory clarity, strengthen enforcement mechanisms, and ensure alignment with current state law and evolving business practice

## **Key Findings Supporting Approval**

Amendments are consistent with the comprehensive plan, enhance regulatory clarity, and align local code with state law.

## **Scope of Amendments**

Revisions address occupation taxes, alcoholic beverages, sound permits, the open container district, vehicles for hire, and solicitation rules.

## **Staff Recommendation**

Staff recommends approval on first and second reading of an ordinance amending Title 9, Chapter 9 of the Stockbridge Unified Development Code.

Thank you

Ryan Anderson, MPPA, CPM

Director, Community Development



STATE OF GEORGIA  
COUNTY OF HENRY  
CITY OF STOCKBRIDGE

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF STOCKBRIDGE (“CITY”) CODE OF ORDINANCES BY CREATING A NEW CHAPTER 3.10, ENTITLED “ COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM”; TO ESTABLISH A COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM FOR BLIGHTED PROPERTIES PURSUANT TO ARTICLE IX, SECTION II, PARAGRAPH VII(D) OF THE GEORGIA CONSTITUTION AND O.C.G.A. § 41-2-12 ET SEQ.; TO PROVIDE FOR THE IDENTIFICATION OF BLIGHTED PROPERTY; TO IMPOSE AN INCREASED MUNICIPAL AD VALOREM TAX ON CERTAIN BLIGHTED PROPERTY; TO PROVIDE FOR NOTICE, HEARINGS, APPEALS, REMEDIATION, REMOVAL OF DESIGNATION, REDUCED TAXATION FOLLOWING REDEVELOPMENT, COORDINATION WITH HENRY COUNTY TAX OFFICIALS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Stockbridge is a municipal corporation duly organized and existing under the laws of the State of Georgia is charged with providing public services to residents located within the corporate limits of the City; and

**WHEREAS**, Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq. authorize municipalities to establish community redevelopment tax incentive programs to encourage the remediation and redevelopment of blighted property; and

**WHEREAS**, the City Council finds that abandoned, neglected, unsafe, and blighted properties create substantial burdens on public safety, code enforcement, public infrastructure, neighborhood stability, and economic development; and

**WHEREAS**, the City Council further finds that blighted properties increase municipal expenditures and reduce the quality of life for surrounding residents and businesses; and

**WHEREAS**, the City Council finds that a community redevelopment tax incentive program is necessary to protect the public health, safety, and welfare and to encourage timely rehabilitation and productive reuse of blighted property.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:**

**SECTION 1. AMENDMENT TO THE CITY CODE OF ORDINANCES SECTION 5.16.070.**

Having considered the proposed amendment to the City of Stockbridge Code of Ordinances, the Mayor and Council hereby amend the Code by creating a new Chapter 3.10, which shall read as the attached and incorporated **Exhibit A**.

**SECTION 2. CODIFICATION.**

The provisions of this Ordinance shall be codified as Chapter 3.10 of the Code of Ordinances of the City of Stockbridge.

**SECTION 3. ADMINISTRATIVE IMPLEMENTATION.**

The City Manager, or their designee, is hereby authorized and directed to develop administrative procedures, coordinate public notice, and enforcement protocols, and to take all necessary steps to ensure consistent implementation and operation of this Ordinance.

**SECTION 4. REPEAL OF CONFLICTING PROVISIONS.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5. CITY ATTORNEY'S AUTHORITY.**

Pursuant to the City's charter and with explicit consent of the City Council, the City Attorney is duly authorized to make requisite amendments to all contracts, ordinances, resolutions, and documents, as may be necessary, in order to secure conformity with the express intent of the City Council and to ensure adherence to all pertinent laws and ordinances of the City.

**SECTION 6. SEVERABILITY.**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon its adoption.

[SIGNATURES ON THE FOLLOWING PAGE]

SO ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
Jayden Williams, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Cassandra Lester, Interim City Clerk

\_\_\_\_\_  
Quinton G. Washington, City Attorney

DRAFT

**EXHIBIT A**  
**FULL TEXT OF PROPOSED CHAPTER 3.10**

**CHAPTER 3.10: COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM**

**3.10.010 Purpose and Authority.**

- A. This Chapter is adopted pursuant to the authority granted by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia, O.C.G.A. § 41-2-12 et seq., the City's Charter, and all other applicable provisions of Georgia law.
- B. The purpose of this Chapter is to establish a Community Redevelopment Tax Incentive Program designed to encourage the rehabilitation, redevelopment, productive reuse, and long-term maintenance of blighted property located within the corporate limits of the City.
- C. The City recognizes that rehabilitation of blighted property decreases demands upon governmental services, improves neighborhood stability, encourages private investment, protects property values, and promotes economic development.
- D. This Chapter establishes administrative procedures for identifying qualifying blighted property, providing notice and an opportunity to cure, conducting hearings, imposing increased municipal ad valorem taxation where authorized by law, encouraging voluntary remediation, and providing reduced municipal taxation following successful redevelopment.
- E. Nothing contained in this Chapter shall limit or impair any authority otherwise possessed by the City under its Charter, Georgia law, or other provisions of this Code to enforce nuisance, zoning, building, housing, fire, life-safety, or property maintenance regulations.

**3.10.020 Legislative Findings.**

The Mayor and Council specifically find and declare that:

- A. Blighted properties create conditions that are detrimental to the public health, safety, and welfare.
- B. Such properties increase demands upon police protection, fire protection, emergency response, code enforcement, sanitation, and other governmental services.
- C. Blighted properties discourage private investment and redevelopment and negatively affect surrounding residential and commercial property values.
- D. The public benefits resulting from rehabilitation and redevelopment substantially outweigh the temporary increased municipal tax burden imposed upon qualifying blighted properties.
- E. Voluntary remediation should be encouraged whenever reasonably possible.
- F. Property owners should be afforded meaningful notice, an opportunity to correct violations, administrative review, and judicial review before any increased municipal taxation becomes effective.
- G. The procedures established by this Chapter are intended to be objective, transparent, uniformly administered, and consistent with constitutional principles of due process.

- H. (H) This Chapter is enacted for the public purpose of eliminating blight, promoting redevelopment, encouraging investment, reducing governmental expenditures, and protecting the health, safety, and welfare of the citizens of the City.

### **3.10.030 Definitions.**

Unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed below.

- A. **Blighted Property** means developed or urbanized real property meeting the definition established by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq., and satisfying the eligibility requirements established by this Chapter.
- B. **Building Inspector** means the City's Chief Building Official, Building Inspector, Code Enforcement Officer, Fire Marshal, or any qualified inspector designated by the Public Officer.
- C. **City** means the City of Stockbridge, Georgia.
- D. **Code Enforcement Division** means the department responsible for enforcement of the City's nuisance, property maintenance, zoning, housing, and related ordinances.
- E. **Community Redevelopment** means any lawful activity undertaken to rehabilitate, repair, renovate, stabilize, restore, demolish, reconstruct, redevelop, improve, or otherwise return property to productive use consistent with applicable law.
- F. **Final Determination** means the written determination issued by the Public Officer following expiration of the applicable cure period or completion of all administrative proceedings.
- G. **Owner** means the individual or legal entity reflected upon the most recent Henry County tax digest or otherwise determined to hold legal title to the property.
- H. **Person** means any individual, partnership, corporation, limited liability company, trust, estate, association, governmental entity, or other legal entity responsible for payment of municipal ad valorem taxes.
- I. **Preliminary Determination** means the initial written determination issued by the Public Officer identifying property believed to qualify for designation as Blighted Property.
- J. **Public Officer** means the City Manager or such officer or employee designated by the City Manager to administer this Chapter.
- K. **Remediation Agreement** means a written agreement entered into between the City and a property owner establishing a schedule and requirements for correction of blighted conditions.

### **3.10.040 Construction and Intent.**

- A. This Chapter shall be liberally construed to accomplish the public purposes authorized by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq.

- B. Nothing contained herein shall be interpreted to diminish any constitutional or statutory rights afforded to property owners.
- C. This Chapter establishes minimum administrative procedures and shall not preclude the City from pursuing any additional remedies authorized by law.
- D. The increased municipal ad valorem taxation authorized by this Chapter is intended to function as a component of a Community Redevelopment Tax Incentive Program and shall not be construed as a criminal penalty, civil fine, special assessment, or code enforcement citation.
- E. In the event of any conflict between this Chapter and state law, state law shall control.

### **3.10.050 Administration.**

- A. **Public Officer.** The City Manager shall designate a Public Officer responsible for administration and enforcement of this Chapter.
- B. **Delegation.** The Public Officer may delegate inspection, investigation, and administrative functions to qualified City personnel but shall retain responsibility for issuance of all Preliminary Determinations and Final Determinations.
- C. **Interdepartmental Cooperation.** The Community Development Department, Code Enforcement Division, Fire Department, Police Department, Finance Department, and all other City departments shall cooperate with the Public Officer in administration of this Chapter.
- D. **Administrative Rules.** The Public Officer may develop administrative forms, inspection procedures, remediation agreement templates, internal operating procedures, and other documents necessary to administer this Chapter, provided such rules are consistent with this Chapter and applicable law.
- E. **Administrative Record.** The Public Officer shall maintain an administrative record for each property considered under this Chapter, including inspection reports, photographs, notices, correspondence, code enforcement history, remediation agreements, hearing records, and final determinations.
- F. **Coordination with Henry County.** The City Manager is authorized to coordinate with the Henry County Tax Commissioner, Henry County Tax Assessor, and other appropriate county officials regarding implementation of this Chapter and may execute administrative memoranda of understanding or similar agreements, subject to approval as to form by the City Attorney, as necessary to facilitate administration of the Community Redevelopment Tax Incentive Program.

### **3.10.060 Qualification of Blighted Property.**

- A. No property shall be eligible for designation as Blighted Property unless the Public Officer determines that:

1. The property satisfies the definition of "Blighted Property" established by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq.;
  2. The property has remained in violation of applicable federal, state, or local law for a period of not less than twelve (12) consecutive months following written notice of such violation;
  3. The owner has been afforded a reasonable opportunity to correct the identified conditions;
  4. The conditions continue to exist at the time of inspection; and
  5. The property is not exempt from designation pursuant to this Chapter.
- B. In addition to subsection (A), the property shall satisfy at least one (1) of the following:
1. Three (3) or more unresolved code enforcement violations issued during the preceding twenty-four (24) months;
  2. A final determination that a structure is unsafe pursuant to applicable City ordinance;
  3. Repeated nuisance abatement actions by the City;
  4. Abandonment or vacancy for a period exceeding twelve (12) consecutive months;
  5. Repeated criminal activity occurring upon the property of which the owner knew or reasonably should have known;
  6. Any other objective evidence demonstrating that the property has become a continuing burden upon municipal resources.
- C. Property shall not be designated solely because:
1. The structure is aged;
  2. Cosmetic deficiencies exist;
  3. Landscaping is inadequate;
  4. Market conditions have reduced property values; or
  5. The property is vacant but otherwise maintained in compliance with applicable law.
- D. Nothing contained herein shall prohibit simultaneous enforcement of nuisance, zoning, building, housing, fire, life-safety, property maintenance, or other applicable regulations.

### **3.10.070 Exempt Property.**

The following property shall not be eligible for designation under this Chapter:

- A. Property receiving a valid homestead exemption and occupied as the owner's primary residence.
- B. Property actively undergoing construction pursuant to a valid building permit and demonstrating substantial progress.
- C. Property subject to an approved remediation agreement and remaining in compliance therewith.
- D. Property owned by the United States, the State of Georgia, Henry County, the City, or any governmental entity to the extent prohibited by law.

- E. Property temporarily damaged by fire, storm, flood, or other casualty, provided the owner is actively pursuing repairs in good faith.
- F. Property subject to an active bankruptcy stay to the extent prohibited by federal law.

### **3.10.080 Initiation of Proceedings.**

Proceedings under this Chapter may be initiated by:

- A. the Public Officer;
- B. the Community Development Department;
- C. the Code Enforcement Division;
- D. the Fire Marshal;
- E. the Police Department;
- F. Resolution of the Mayor and Council;
- G. a petition signed by at least five (5) residents of the City identifying the property and alleged blighting conditions. A petition submitted by residents shall not require the Public Officer to designate property as blighted but shall require the Public Officer to conduct an investigation within a reasonable time.

### **3.10.090 Investigation and Inspection.**

- A. Upon initiation of proceedings, the Public Officer shall cause the property to be inspected.
- B. Inspections may include review of:
  - 1. prior code enforcement history;
  - 2. police incident reports;
  - 3. fire reports;
  - 4. building permit history;
  - 5. tax records;
  - 6. ownership history;
  - 7. utility service history where lawfully available;
  - 8. photographs;
  - 9. aerial imagery;
  - 10. any other reliable evidence.
- C. The Public Officer may request assistance from any City department.
- D. When appropriate, inspections shall be conducted by certified personnel possessing qualifications relevant to the conditions under investigation.
- E. Entry upon private property shall occur only as authorized by law.

### **3.10.100 Inspection Report.**

Following inspection, the Public Officer shall prepare or cause to be prepared a written Inspection Report containing, at minimum:

- A. parcel identification number;
- B. property address;

- C. ownership information;
- D. inspection dates;
- E. photographs;
- F. applicable code violations;
- G. description of observed conditions;
- H. history of prior enforcement actions;
- I. determination whether constitutional and statutory blight criteria are satisfied;
- J. recommendation concerning designation.

The Inspection Report shall become part of the administrative record.

### **3.10.110 Blighted Property Review Committee.**

- A. There is hereby established a Blighted Property Review Committee.
- B. The Committee shall consist of:
  - 1. Community Development Director (Chair);
  - 2. Chief Building Official;
  - 3. Code Enforcement Manager;
  - 4. Fire Marshal;
  - 5. Finance Director or designee.
  - 6. The City Manager may appoint alternate members when necessary.
- C. The Committee shall review the Inspection Report and all supporting documentation.
- D. The Committee may request additional inspections or information.
- E. Within thirty (30) days following receipt of the Inspection Report, the Committee shall issue a written recommendation to:
  - 1. proceed with designation;
  - 2. defer pending additional investigation;
  - 3. recommend voluntary remediation; or
  - 4. close the matter.
- F. The Committee's recommendation shall become part of the administrative record.
- G. The recommendation shall be advisory only and shall not constitute final agency action.

### **3.10.120 Preliminary Determination.**

Following receipt of the Committee's recommendation, the Public Officer shall determine whether sufficient evidence exists to support a Preliminary Determination. If the Public Officer issues a Preliminary Determination, the determination shall include:

- A. findings of fact;
- B. applicable code violations;
- C. statutory basis for designation;
- D. photographs or supporting documentation;
- E. proposed corrective actions;
- F. notice of the owner's rights under this Chapter.

The Preliminary Determination shall not constitute a final designation.

**3.10.130 Notice of Preliminary Determination.**

- A. Within ten (10) business days after issuance of a Preliminary Determination, the Public Officer shall provide written notice to the owner.
- B. Notice shall be served by:
  - 1. certified mail;
  - 2. statutory overnight delivery;
  - 3. any additional method authorized by Georgia law.
- C. Notice shall include:
  - 1. a copy of the Preliminary Determination;
  - 2. the Inspection Report;
  - 3. photographs relied upon;
  - 4. applicable code violations;
  - 5. available administrative remedies;
  - 6. procedures for voluntary remediation;
  - 7. right to inspect and copy the administrative record;
  - 8. right to request an informal meeting with the Public Officer;
  - 9. right to appeal any Final Determination.
- D. The owner shall have forty-five (45) days from receipt of the notice to:
  - 1. correct the violations;
  - 2. submit a remediation plan; or
  - 3. request an informal conference with the Public Officer.

**3.10.140 Voluntary Remediation Agreement.**

- A. **Purpose.** The purpose of a Voluntary Remediation Agreement is to encourage the prompt rehabilitation and productive reuse of property through cooperative compliance without the necessity of imposing the increased municipal ad valorem tax authorized by this Chapter.
- B. **Submission.** At any time prior to issuance of a Final Determination, the Owner may submit a written request to enter into a Voluntary Remediation Agreement.
- C. **Contents.** The proposed agreement shall include, at a minimum:
  - 1. A detailed description of all corrective work to be completed;
  - 2. A schedule for completion of each phase of work;
  - 3. Estimated completion dates;
  - 4. Proof of the Owner's legal authority to perform the work;
  - 5. Copies of any required permits or applications, if available;
  - 6. Evidence demonstrating the financial ability to complete the proposed remediation;
  - 7. Such additional information as the Public Officer reasonably determines necessary.

- D. **Approval.** The Public Officer may approve, approve with conditions, or deny a proposed Voluntary Remediation Agreement after considering the recommendation of the Blighted Property Review Committee.
- E. **Effect of Agreement.** Upon approval, all proceedings under this Chapter shall be stayed for the duration of the agreement, provided the Owner remains in substantial compliance.
- F. **Inspections.** The Public Officer may conduct periodic inspections to verify compliance.
- G. **Extensions.** The Public Officer may grant one or more extensions for good cause shown, provided the Owner demonstrates substantial progress toward completion.
- H. **Default.** The Owner shall be deemed in default upon:
  - 1. Failure to substantially perform the agreement;
  - 2. Failure to obtain required permits;
  - 3. Failure to maintain the property in a safe condition;
  - 4. Submission of materially false information; or
  - 5. Failure to permit reasonable inspections authorized by law.
- I. **Effect of Default.** Upon written notice of default, the stay shall automatically terminate and proceedings under this Chapter may resume from the point at which they were suspended.

#### **3.10.150 Final Determination.**

- A. Following expiration of the cure period established in Section 3.10.130, or upon default of a Voluntary Remediation Agreement, the Public Officer shall determine whether the property should be designated as Blighted Property.
- B. A Final Determination shall include:
  - 1. Findings of fact;
  - 2. Conclusions supporting designation under this Chapter;
  - 3. Identification of the statutory authority;
  - 4. The effective date of designation;
  - 5. Notice of appeal rights.
- C. The Final Determination shall be served upon the Owner in the same manner as the Preliminary Determination.
- D. A copy of the Final Determination shall become part of the permanent administrative record.

#### **3.10.160 Appeal to Municipal Court.**

- A. Any Owner aggrieved by a Final Determination may appeal by filing a written Notice of Appeal with the Public Officer within thirty (30) calendar days following service of the Final Determination.
- B. Upon receipt of a timely Notice of Appeal, the Public Officer shall transmit the administrative record to the Municipal Court.

- C. The Municipal Court shall schedule the appeal for hearing not later than forty-five (45) days following receipt of the administrative record unless continued for good cause.
- D. The hearing shall be conducted de novo.
- E. The Public Officer shall bear the burden of proving by a preponderance of the evidence that the property qualifies for designation under this Chapter and applicable Georgia law.
- F. The Owner shall have the right to:
  - 1. Appear personally or through legal counsel;
  - 2. Present witnesses;
  - 3. Present documentary evidence;
  - 4. Cross-examine witnesses;
  - 5. Present rebuttal evidence.
- G. The Georgia Rules of Evidence shall apply except as otherwise permitted by law for administrative proceedings.
- H. The Municipal Court shall issue written Findings of Fact and Conclusions of Law within thirty (30) days after the conclusion of the hearing.
  - 1. The Municipal Court may:
  - 2. Affirm the Final Determination;
  - 3. Reverse the Final Determination;
  - 4. Modify the Final Determination;
  - 5. Remand the matter to the Public Officer for additional proceedings.
- I. The decision of the Municipal Court shall constitute the City's final administrative action.

### **3.10.170 Judicial Review.**

Any person aggrieved by the final administrative decision of the Municipal Court may seek judicial review in accordance with the laws of the State of Georgia.

### **3.10.180 Stay Pending Appeal.**

No increased municipal ad valorem tax authorized by this Chapter shall become due or payable during the pendency of any timely administrative or judicial appeal. If the designation is ultimately affirmed after exhaustion of all appeals, the increased municipal ad valorem tax shall become due in accordance with applicable law.

### **3.10.190 Community Redevelopment Tax Assessment.**

- A. Property receiving a final designation as Blighted Property shall be subject to an increased municipal ad valorem tax calculated by applying a factor of twenty-five (25) to the City's annual operating millage rate.
- B. The increased tax authorized by this Chapter applies solely to the City's municipal operating millage and shall not affect county, school district, state, or other taxing authority millage rates.

- C. The increased tax shall become effective on January 1 of the calendar year following the date the designation becomes final, unless otherwise provided by Georgia law.
- D. If the designation is removed before January 1 of the applicable tax year, no increased municipal tax shall be imposed.
- E. Revenues generated pursuant to this Chapter shall be deposited into the City's General Fund and may be appropriated for code enforcement, demolition of unsafe structures, redevelopment initiatives, neighborhood revitalization, affordable housing initiatives, public safety, and other lawful municipal purposes.

### **3.10.200 Removal of Designation.**

- A. The Owner may petition the Public Officer at any time for removal of a Blighted Property designation.
- B. Upon receipt of the petition, the Public Officer shall cause the property to be reinspected.
- C. If the Public Officer determines that all qualifying blighted conditions have been corrected and the property complies with applicable law, the Public Officer shall issue a written Removal of Designation.
- D. Removal shall become effective immediately upon issuance.
- E. The Public Officer shall promptly notify the Henry County Tax Commissioner and Henry County Tax Assessor of the Removal of Designation.

### **3.10.210 Community Redevelopment Tax Incentive.**

- A. Property for which a Blighted Property designation has been removed pursuant to Section 3.10.200 shall be eligible for a reduced City municipal operating millage equal to fifty percent (50%) of the City's operating millage.
- B. The reduced municipal operating millage shall remain in effect for two (2) consecutive tax years beginning January 1 following removal of the designation.
- C. To qualify, the Owner shall submit documentation demonstrating:
  - 1. Completion of the approved remediation;
  - 2. Compliance with all applicable City codes;
  - 3. Payment of all delinquent municipal taxes, liens, and assessments due and payable.

### **3.10.220 Coordination with Henry County.**

- A. Following any Final Determination or Removal of Designation, the Public Officer shall certify the action to the Henry County Tax Commissioner and Henry County Tax Assessor.
- B. The certification shall include:
  - 1. Parcel identification number;
  - 2. Property address;
  - 3. Owner of record;
  - 4. Effective date;

5. Applicable tax year.
- C. The City Manager may enter into administrative memoranda of understanding with Henry County necessary to facilitate implementation of this Chapter, subject to approval as to form by the City Attorney.

### **3.10.230 Annual Report.**

- A. No later than March 31 of each calendar year, the Public Officer shall submit to the Mayor and Council an annual report summarizing administration of this Chapter during the preceding calendar year.
- B. The report shall include, at a minimum:
  1. Number of properties investigated;
  2. Number of Preliminary Determinations;
  3. Number of Final Determinations;
  4. Number of Voluntary Remediation Agreements executed;
  5. Number of successful redevelopments;
  6. Amount of additional municipal tax generated;
  7. Number of pending appeals; and
  8. Recommendations for improving administration of this Chapter.

### **3.10.240 Administrative Rules.**

The Public Officer may adopt written administrative policies, procedures, forms, and guidance documents necessary to administer this Chapter, provided such policies are consistent with this Chapter, the City Charter, and applicable law.

## MEMORANDUM

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Shawn Edmondson, City Manager
<b>DATE:</b>	June 16, 2026
<b>SUBJECT:</b>	Assessment of Proposed FLOST Distribution Methodology
<b>PURPOSE:</b>	Evaluate the proposed 50% population / 50% net M&O digest allocation and the negotiated adjustment to increase Hampton to 3.55%.

### Executive Summary

**The proposed base methodology is reasonable and defensible.** A 50% population and 50% net maintenance-and-operations property tax digest formula balances service demand with relative fiscal capacity. Under that formula, Stockbridge receives 13.29% of the countywide distribution. The negotiated proposal lowers Stockbridge to 13.28% so Hampton can be increased from the formula result of 3.35% to its population share of 3.55%. Based on the \$63 million countywide estimate noted in the proposal, Stockbridge would receive approximately \$8.37 million annually.

**Recommendation:** Support the 50/50 methodology and conditionally accept Stockbridge’s 0.01-percentage-point adjustment, provided the final agreement confirms that Stockbridge will not be reduced below 13.28%, documents the Hampton adjustment as a negotiated exception rather than a formula precedent, and includes transparent revenue estimates, a defined review period, and a validated property-tax rollback calculation.

### Proposed Allocation

Jurisdiction	2024 Population	2025 Net M&O Digest	50/50 Formula	Proposed Share	Change vs. Formula
Hampton	3.55%	3.15%	3.35%	3.55%	+0.20 pp
Locust Grove	4.53%	6.45%	5.49%	5.45%	-0.04 pp
McDonough	12.65%	13.50%	13.08%	13.00%	-0.08 pp
Stockbridge	13.84%	12.73%	13.29%	13.28%	-0.01 pp
Henry County / Unincorporated	65.43%	64.17%	64.80%	64.72%	-0.08 pp

**Note:** The displayed formula shares total 100.01% because the source document rounds each jurisdiction to two decimal places. The final agreement should use unrounded calculations and then reconcile rounding explicitly.

## Assessment

- 1. Methodology is balanced and administratively defensible.** Population approximates demand for public services, while net M&O digest reflects the relative value of the tax base and economic activity within each jurisdiction. Weighting both equally avoids relying exclusively on either residency or property wealth.
- 2. Stockbridge performs favorably under the formula.** Stockbridge represents 13.84% of the population and 12.73% of the net M&O digest. The 50/50 calculation yields 13.29%, which is 0.44 percentage points above its digest-only share and 0.55 percentage points below its population-only share.
- 3. The Hampton adjustment is a policy choice, not a formula result.** Hampton’s formula share is 3.35%. Raising it to 3.55% gives Hampton its full population share and increases its allocation by 0.20 percentage points, or approximately 6.0% relative to its formula allocation. The adjustment may be reasonable as an intergovernmental compromise, but it should be identified as an exception.
- 4. Stockbridge’s proposed concession is financially limited.** The reduction from 13.29% to 13.28% equals 0.01 percentage point, or approximately \$6,300 annually at \$63 million in countywide FLOST proceeds. At the proposed 13.28% share, Stockbridge’s estimated annual distribution would be \$8,366,400. Actual proceeds will vary with taxable sales and collection performance.
- 5. The projected proceeds could provide substantial rollback capacity.** Using the City’s reported 2025 net digest of approximately \$2.1 billion, one mill generates about \$2.1 million before collection adjustments. A projected \$8.37 million FLOST distribution is therefore equivalent to approximately 3.98 mills. This is a planning estimate only; the final rollback must be calculated using the certified digest, actual or conservatively projected FLOST proceeds, collection factors, and applicable legal requirements.

## Projected Stockbridge Proceeds and Rollback Capacity

Measure	Calculation	Estimated Result
Annual countywide FLOST estimate	Proposal assumption	\$63,000,000
Stockbridge allocation	13.28% x \$63,000,000	\$8,366,400
Value of one mill	\$2.1B digest / 1,000	\$2,100,000
Illustrative rollback capacity	\$8,366,400 / \$2,100,000	Approximately 3.98 mills

**Planning note:** The 3.98-mill estimate represents gross mathematical capacity, not a final recommended millage rate. Because the City’s current millage is 3.77 mills, the modeled distribution could theoretically offset the full current levy; however, Finance and legal counsel should validate the statutory application, certified digest, collection factor, timing, and required reserves before presenting a final rollback recommendation.

## Key Risks and Safeguards

Risk	Implication	Recommended Safeguard
Formula deviation	Future negotiations may seek additional exceptions.	State that Hampton’s increase is a one-time negotiated adjustment and does not amend the 50/50 methodology.
Rounding ambiguity	Displayed percentages do not reconcile perfectly because of two-decimal rounding.	Attach the full-precision worksheet and specify the rounding and residual-allocation convention.

Risk	Implication	Recommended Safeguard
Revenue uncertainty	Percentage impact may be understated or overstated without a collections forecast.	Provide low, base, and high revenue scenarios and annual dollar impacts for every jurisdiction.
Duration risk	A small annual reduction compounds over a long agreement term.	Include a fixed term, reopening clause, and periodic review tied to Census and digest updates.
Legal/governance risk	Informal consensus may not satisfy statutory or intergovernmental requirements.	Require legal review, formal governing-body approval, and a written intergovernmental agreement.

### Recommended City Position

- Support the 50% population / 50% net M&O digest formula as the governing allocation methodology.
- Accept the proposed 13.28% Stockbridge share only if the reduction is limited to 0.01 percentage point from the 13.29% formula result.
- Require the Hampton increase to be described as a negotiated adjustment, not a permanent population-floor rule or modification of the formula.
- Require a full-precision allocation calculation, validated annual revenue forecast, certified-digest rollback calculation, agreement term, periodic review, and legal confirmation before final approval.
- Decline any further reduction to Stockbridge unless a documented regional benefit or compensating consideration is presented to the Mayor and Council.

### Decision Requested

Provide policy direction authorizing the City Manager to continue negotiations based on the recommended City position above and to return the final allocation agreement, supporting calculations, projected Stockbridge proceeds, validated rollback analysis, and legal review to the Mayor and Council for formal consideration.

### Source Documents Reviewed

- *Henry County & Municipalities Sales Tax Allocation Share: 2024 Population and 2025 Net M&O Property Tax Digests (FLOST 2026 Distribution) from county meeting on 6/16/26.*
- *City of Stockbridge 2025 Tax Millage Rate Public Hearing Presentation, including the reported growth of the City tax digest from \$1.94 billion to \$2.1 billion.*
- *Estimated Roll-Back Rate Guidance and Best Practices (reviewed for context regarding the distinct treatment and governance of property-tax digest information; the guidance is not a FLOST allocation standard).*



# City of Stockbridge

## AGENDA ITEM

MEETING DATE

07/01/2026

FUNDING SOURCE

- RESOLUTION
- ORDINANCE
- CONTRACT APPROVAL/RENEWAL
- PUBLIC HEARING
- PRESENTATION
- BID SELECTION/AWARD
- TASK ORDER
- CHANGE ORDER
- BUDGET AMENDMENT
- BUDGET TRANSFER
- PAYMENT APPROVAL
- OTHER

- GENERAL FUND
- FUND BALANCE
- SPLOST
- TSPLOST
- CDBG GRANT
- GRANT FUNDING
- TRAFFIC CAMERA FUNDING
- PARTNER/SPONSOR
- DEPARTMENT FUND BALANCE
- BOND

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Shawntez Edmondson and Megan McCulloch

DEPARTMENT:

City Manager and Legal

ITEM/PROJECT/EVENT:

Council Consideration of a Resolution Approving the Proposed FLOST Distribution Schedule and Authorizing Execution of an Intergovernmental Agreement with Henry County and the Municipalities Therein

BACKGROUND INFORMATION:

Review and consideration of the proposed Henry County FLOST distribution methodology and intergovernmental agreement framework. The proposed allocation would provide Stockbridge approximately 13.28% of countywide FLOST proceeds.

SIGNATURES:

CITY MANAGER

*Frank S. Milazi*

eSigned via GovOS.com  
Key: 7ed53636-d898-4ade-b417-932d73311167  
eSigned via GovOS.com

CITY TREASURER

*Quinton Washington*

Key: 9ff76c0b-1628-4926-950b-2b013c5f7b9

CITY ATTORNEY

FINANCIAL IMPACT  N/A

AMOUNT:

0

ATTACHMENTS:



ITEM/PROJECT/EVENT:

Council Consideration of a Resolution Approving the Proposed FLOST Distribution Schedule and Authorizing Execution of an Intergovernmental Agreement with Henry County and the Municipalities Therein

Proposed Distribution Schedule:

Henry County - 64.72%  
Stockbridge - 13.28%  
McDonough - 13.00%  
Locust Grove - 5.45%  
Hampton - 3.55%

STAFF RECOMMENDATION:

Approval.

eSigned via GovOS.com

*Megan McCulloch*

Key: 7cb6a9e3-7863-4556-a458-502734485a09

STATE OF GEORGIA  
COUNTY OF HENRY  
CITY OF STOCKBRIDGE

**RESOLUTION NO. R26-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA APPROVING THE PROPOSED FLOST DISTRIBUTION SCHEDULE; AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH HENRY COUNTY AND THE MUNICIPALITIES THEREIN; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Stockbridge ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is authorized to enter into intergovernmental agreements with other political subdivisions of the State pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia and applicable provisions of Georgia law; and; and

**WHEREAS**, the Georgia Local Option Sales Tax Act authorizes counties and municipalities to enter into an intergovernmental agreement establishing the distribution of proceeds from the Floating Local Option Sales Tax ("FLOST"); and

**WHEREAS**, Henry County and the municipalities located therein have negotiated a proposed distribution schedule for the allocation of FLOST proceeds among the participating local governments; and

**WHEREAS**, City staff have recommended approval of the proposed FLOST distribution schedule and the accompanying Intergovernmental Agreement, as detailed in the attached and incorporated **Exhibit A**; and

**WHEREAS**, the proposed distribution methodology is intended to provide a predictable and equitable allocation of FLOST proceeds among the participating jurisdictions while satisfying the requirements of applicable Georgia law; and

**WHEREAS**, participation in the Intergovernmental Agreement will enable the City to receive its allocated share of FLOST proceeds and continue funding essential governmental services for the benefit of its residents; and

**WHEREAS**, the Mayor and City Council find that approval of the proposed FLOST distribution schedule and execution of the Intergovernmental Agreement are in the best interests of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:**

**SECTION 1. APPROVAL OF FLOST DISTRIBUTION SCHEDULE AND INTERGOVERNMENTAL AGREEMENT.**

The City Council hereby approves the proposed Floating Local Option Sales Tax ("FLOST") distribution schedule and the Intergovernmental Agreement between Henry County and the municipalities located therein, as detailed in the attached and incorporated **Exhibit A**.

The Mayor is hereby authorized to execute the Intergovernmental Agreement and any related documents necessary to implement the intent of this Resolution, in a form approved by the City Attorney.

**SECTION 2. ADMINISTRATIVE IMPLEMENTATION.**

The City Manager, Finance Department, and all appropriate City personnel are authorized to take all actions necessary to carry out the intent of this Resolution and to coordinate with Henry County and the participating municipalities regarding the administration and implementation of the Intergovernmental Agreement.

**SECTION 3. SEVERABILITY.**

If any part of this resolution is adjudged invalid, such judgment shall not affect the remainder of this resolution.

**SECTION 4. CITY ATTORNEY'S AUTHORITY.**

Pursuant to the City's charter and with explicit consent of the City Council, the City Attorney is duly authorized to make requisite amendments to all contracts, ordinances, resolutions, and documents, as may be necessary, in order to secure conformity with the express intent of the City Council and to ensure adherence to all pertinent laws and ordinances of the City.

**SECTION 5. EFFECTIVE DATE.**

This Resolution shall be effective immediately upon adoption.

[SIGNATURES ON THE FOLLOWING PAGE]

**RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.**

\_\_\_\_\_  
Jayden Williams, Mayor  
ATTEST:

\_\_\_\_\_  
Cassandra Lester, Interim City Clerk  
APPROVED AS TO FORM:

\_\_\_\_\_  
Quinton G. Washington, City Attorney

DRAFT

STATE OF GEORGIA  
COUNTY OF HENRY  
CITY OF STOCKBRIDGE

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF STOCKBRIDGE (“CITY”) CODE OF ORDINANCES BY CREATING A NEW CHAPTER 3.10, ENTITLED “ COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM”; TO ESTABLISH A COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM FOR BLIGHTED PROPERTIES PURSUANT TO ARTICLE IX, SECTION II, PARAGRAPH VII(D) OF THE GEORGIA CONSTITUTION AND O.C.G.A. § 41-2-12 ET SEQ.; TO PROVIDE FOR THE IDENTIFICATION OF BLIGHTED PROPERTY; TO IMPOSE AN INCREASED MUNICIPAL AD VALOREM TAX ON CERTAIN BLIGHTED PROPERTY; TO PROVIDE FOR NOTICE, HEARINGS, APPEALS, REMEDIATION, REMOVAL OF DESIGNATION, REDUCED TAXATION FOLLOWING REDEVELOPMENT, COORDINATION WITH HENRY COUNTY TAX OFFICIALS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Stockbridge is a municipal corporation duly organized and existing under the laws of the State of Georgia is charged with providing public services to residents located within the corporate limits of the City; and

**WHEREAS**, Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq. authorize municipalities to establish community redevelopment tax incentive programs to encourage the remediation and redevelopment of blighted property; and

**WHEREAS**, the City Council finds that abandoned, neglected, unsafe, and blighted properties create substantial burdens on public safety, code enforcement, public infrastructure, neighborhood stability, and economic development; and

**WHEREAS**, the City Council further finds that blighted properties increase municipal expenditures and reduce the quality of life for surrounding residents and businesses; and

**WHEREAS**, the City Council finds that a community redevelopment tax incentive program is necessary to protect the public health, safety, and welfare and to encourage timely rehabilitation and productive reuse of blighted property.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:**

**SECTION 1. AMENDMENT TO THE CITY CODE OF ORDINANCES SECTION 5.16.070.**

Having considered the proposed amendment to the City of Stockbridge Code of Ordinances, the Mayor and Council hereby amend the Code by creating a new Chapter 3.10, which shall read as the attached and incorporated **Exhibit A**.

**SECTION 2. CODIFICATION.**

The provisions of this Ordinance shall be codified as Chapter 3.10 of the Code of Ordinances of the City of Stockbridge.

**SECTION 3. ADMINISTRATIVE IMPLEMENTATION.**

The City Manager, or their designee, is hereby authorized and directed to develop administrative procedures, coordinate public notice, and enforcement protocols, and to take all necessary steps to ensure consistent implementation and operation of this Ordinance.

**SECTION 4. REPEAL OF CONFLICTING PROVISIONS.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5. CITY ATTORNEY'S AUTHORITY.**

Pursuant to the City's charter and with explicit consent of the City Council, the City Attorney is duly authorized to make requisite amendments to all contracts, ordinances, resolutions, and documents, as may be necessary, in order to secure conformity with the express intent of the City Council and to ensure adherence to all pertinent laws and ordinances of the City.

**SECTION 6. SEVERABILITY.**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon its adoption.

[SIGNATURES ON THE FOLLOWING PAGE]

SO ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
Jayden Williams, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Cassandra Lester, Interim City Clerk

\_\_\_\_\_  
Quinton G. Washington, City Attorney

DRAFT

**EXHIBIT A**  
**FULL TEXT OF PROPOSED CHAPTER 3.10**

**CHAPTER 3.10: COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM**

**3.10.010 Purpose and Authority.**

- A. This Chapter is adopted pursuant to the authority granted by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia, O.C.G.A. § 41-2-12 et seq., the City's Charter, and all other applicable provisions of Georgia law.
- B. The purpose of this Chapter is to establish a Community Redevelopment Tax Incentive Program designed to encourage the rehabilitation, redevelopment, productive reuse, and long-term maintenance of blighted property located within the corporate limits of the City.
- C. The City recognizes that rehabilitation of blighted property decreases demands upon governmental services, improves neighborhood stability, encourages private investment, protects property values, and promotes economic development.
- D. This Chapter establishes administrative procedures for identifying qualifying blighted property, providing notice and an opportunity to cure, conducting hearings, imposing increased municipal ad valorem taxation where authorized by law, encouraging voluntary remediation, and providing reduced municipal taxation following successful redevelopment.
- E. Nothing contained in this Chapter shall limit or impair any authority otherwise possessed by the City under its Charter, Georgia law, or other provisions of this Code to enforce nuisance, zoning, building, housing, fire, life-safety, or property maintenance regulations.

**3.10.020 Legislative Findings.**

The Mayor and Council specifically find and declare that:

- A. Blighted properties create conditions that are detrimental to the public health, safety, and welfare.
- B. Such properties increase demands upon police protection, fire protection, emergency response, code enforcement, sanitation, and other governmental services.
- C. Blighted properties discourage private investment and redevelopment and negatively affect surrounding residential and commercial property values.
- D. The public benefits resulting from rehabilitation and redevelopment substantially outweigh the temporary increased municipal tax burden imposed upon qualifying blighted properties.
- E. Voluntary remediation should be encouraged whenever reasonably possible.
- F. Property owners should be afforded meaningful notice, an opportunity to correct violations, administrative review, and judicial review before any increased municipal taxation becomes effective.
- G. The procedures established by this Chapter are intended to be objective, transparent, uniformly administered, and consistent with constitutional principles of due process.

- H. (H) This Chapter is enacted for the public purpose of eliminating blight, promoting redevelopment, encouraging investment, reducing governmental expenditures, and protecting the health, safety, and welfare of the citizens of the City.

### **3.10.030 Definitions.**

Unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed below.

- A. **Blighted Property** means developed or urbanized real property meeting the definition established by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq., and satisfying the eligibility requirements established by this Chapter.
- B. **Building Inspector** means the City's Chief Building Official, Building Inspector, Code Enforcement Officer, Fire Marshal, or any qualified inspector designated by the Public Officer.
- C. **City** means the City of Stockbridge, Georgia.
- D. **Code Enforcement Division** means the department responsible for enforcement of the City's nuisance, property maintenance, zoning, housing, and related ordinances.
- E. **Community Redevelopment** means any lawful activity undertaken to rehabilitate, repair, renovate, stabilize, restore, demolish, reconstruct, redevelop, improve, or otherwise return property to productive use consistent with applicable law.
- F. **Final Determination** means the written determination issued by the Public Officer following expiration of the applicable cure period or completion of all administrative proceedings.
- G. **Owner** means the individual or legal entity reflected upon the most recent Henry County tax digest or otherwise determined to hold legal title to the property.
- H. **Person** means any individual, partnership, corporation, limited liability company, trust, estate, association, governmental entity, or other legal entity responsible for payment of municipal ad valorem taxes.
- I. **Preliminary Determination** means the initial written determination issued by the Public Officer identifying property believed to qualify for designation as Blighted Property.
- J. **Public Officer** means the City Manager or such officer or employee designated by the City Manager to administer this Chapter.
- K. **Remediation Agreement** means a written agreement entered into between the City and a property owner establishing a schedule and requirements for correction of blighted conditions.

### **3.10.040 Construction and Intent.**

- A. This Chapter shall be liberally construed to accomplish the public purposes authorized by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq.

- B. Nothing contained herein shall be interpreted to diminish any constitutional or statutory rights afforded to property owners.
- C. This Chapter establishes minimum administrative procedures and shall not preclude the City from pursuing any additional remedies authorized by law.
- D. The increased municipal ad valorem taxation authorized by this Chapter is intended to function as a component of a Community Redevelopment Tax Incentive Program and shall not be construed as a criminal penalty, civil fine, special assessment, or code enforcement citation.
- E. In the event of any conflict between this Chapter and state law, state law shall control.

### **3.10.050 Administration.**

- A. **Public Officer.** The City Manager shall designate a Public Officer responsible for administration and enforcement of this Chapter.
- B. **Delegation.** The Public Officer may delegate inspection, investigation, and administrative functions to qualified City personnel but shall retain responsibility for issuance of all Preliminary Determinations and Final Determinations.
- C. **Interdepartmental Cooperation.** The Community Development Department, Code Enforcement Division, Fire Department, Police Department, Finance Department, and all other City departments shall cooperate with the Public Officer in administration of this Chapter.
- D. **Administrative Rules.** The Public Officer may develop administrative forms, inspection procedures, remediation agreement templates, internal operating procedures, and other documents necessary to administer this Chapter, provided such rules are consistent with this Chapter and applicable law.
- E. **Administrative Record.** The Public Officer shall maintain an administrative record for each property considered under this Chapter, including inspection reports, photographs, notices, correspondence, code enforcement history, remediation agreements, hearing records, and final determinations.
- F. **Coordination with Henry County.** The City Manager is authorized to coordinate with the Henry County Tax Commissioner, Henry County Tax Assessor, and other appropriate county officials regarding implementation of this Chapter and may execute administrative memoranda of understanding or similar agreements, subject to approval as to form by the City Attorney, as necessary to facilitate administration of the Community Redevelopment Tax Incentive Program.

### **3.10.060 Qualification of Blighted Property.**

- A. No property shall be eligible for designation as Blighted Property unless the Public Officer determines that:

1. The property satisfies the definition of "Blighted Property" established by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia and O.C.G.A. § 41-2-12 et seq.;
  2. The property has remained in violation of applicable federal, state, or local law for a period of not less than twelve (12) consecutive months following written notice of such violation;
  3. The owner has been afforded a reasonable opportunity to correct the identified conditions;
  4. The conditions continue to exist at the time of inspection; and
  5. The property is not exempt from designation pursuant to this Chapter.
- B. In addition to subsection (A), the property shall satisfy at least one (1) of the following:
1. Three (3) or more unresolved code enforcement violations issued during the preceding twenty-four (24) months;
  2. A final determination that a structure is unsafe pursuant to applicable City ordinance;
  3. Repeated nuisance abatement actions by the City;
  4. Abandonment or vacancy for a period exceeding twelve (12) consecutive months;
  5. Repeated criminal activity occurring upon the property of which the owner knew or reasonably should have known;
  6. Any other objective evidence demonstrating that the property has become a continuing burden upon municipal resources.
- C. Property shall not be designated solely because:
1. The structure is aged;
  2. Cosmetic deficiencies exist;
  3. Landscaping is inadequate;
  4. Market conditions have reduced property values; or
  5. The property is vacant but otherwise maintained in compliance with applicable law.
- D. Nothing contained herein shall prohibit simultaneous enforcement of nuisance, zoning, building, housing, fire, life-safety, property maintenance, or other applicable regulations.

### **3.10.070 Exempt Property.**

The following property shall not be eligible for designation under this Chapter:

- A. Property receiving a valid homestead exemption and occupied as the owner's primary residence.
- B. Property actively undergoing construction pursuant to a valid building permit and demonstrating substantial progress.
- C. Property subject to an approved remediation agreement and remaining in compliance therewith.
- D. Property owned by the United States, the State of Georgia, Henry County, the City, or any governmental entity to the extent prohibited by law.

- E. Property temporarily damaged by fire, storm, flood, or other casualty, provided the owner is actively pursuing repairs in good faith.
- F. Property subject to an active bankruptcy stay to the extent prohibited by federal law.

### **3.10.080 Initiation of Proceedings.**

Proceedings under this Chapter may be initiated by:

- A. the Public Officer;
- B. the Community Development Department;
- C. the Code Enforcement Division;
- D. the Fire Marshal;
- E. the Police Department;
- F. Resolution of the Mayor and Council;
- G. a petition signed by at least five (5) residents of the City identifying the property and alleged blighting conditions. A petition submitted by residents shall not require the Public Officer to designate property as blighted but shall require the Public Officer to conduct an investigation within a reasonable time.

### **3.10.090 Investigation and Inspection.**

- A. Upon initiation of proceedings, the Public Officer shall cause the property to be inspected.
- B. Inspections may include review of:
  - 1. prior code enforcement history;
  - 2. police incident reports;
  - 3. fire reports;
  - 4. building permit history;
  - 5. tax records;
  - 6. ownership history;
  - 7. utility service history where lawfully available;
  - 8. photographs;
  - 9. aerial imagery;
  - 10. any other reliable evidence.
- C. The Public Officer may request assistance from any City department.
- D. When appropriate, inspections shall be conducted by certified personnel possessing qualifications relevant to the conditions under investigation.
- E. Entry upon private property shall occur only as authorized by law.

### **3.10.100 Inspection Report.**

Following inspection, the Public Officer shall prepare or cause to be prepared a written Inspection Report containing, at minimum:

- A. parcel identification number;
- B. property address;

- C. ownership information;
- D. inspection dates;
- E. photographs;
- F. applicable code violations;
- G. description of observed conditions;
- H. history of prior enforcement actions;
- I. determination whether constitutional and statutory blight criteria are satisfied;
- J. recommendation concerning designation.

The Inspection Report shall become part of the administrative record.

### **3.10.110 Blighted Property Review Committee.**

- A. There is hereby established a Blighted Property Review Committee.
- B. The Committee shall consist of:
  - 1. Community Development Director (Chair);
  - 2. Chief Building Official;
  - 3. Code Enforcement Manager;
  - 4. Fire Marshal;
  - 5. Finance Director or designee.
  - 6. The City Manager may appoint alternate members when necessary.
- C. The Committee shall review the Inspection Report and all supporting documentation.
- D. The Committee may request additional inspections or information.
- E. Within thirty (30) days following receipt of the Inspection Report, the Committee shall issue a written recommendation to:
  - 1. proceed with designation;
  - 2. defer pending additional investigation;
  - 3. recommend voluntary remediation; or
  - 4. close the matter.
- F. The Committee's recommendation shall become part of the administrative record.
- G. The recommendation shall be advisory only and shall not constitute final agency action.

### **3.10.120 Preliminary Determination.**

Following receipt of the Committee's recommendation, the Public Officer shall determine whether sufficient evidence exists to support a Preliminary Determination. If the Public Officer issues a Preliminary Determination, the determination shall include:

- A. findings of fact;
- B. applicable code violations;
- C. statutory basis for designation;
- D. photographs or supporting documentation;
- E. proposed corrective actions;
- F. notice of the owner's rights under this Chapter.

The Preliminary Determination shall not constitute a final designation.

**3.10.130 Notice of Preliminary Determination.**

- A. Within ten (10) business days after issuance of a Preliminary Determination, the Public Officer shall provide written notice to the owner.
- B. Notice shall be served by:
  - 1. certified mail;
  - 2. statutory overnight delivery;
  - 3. any additional method authorized by Georgia law.
- C. Notice shall include:
  - 1. a copy of the Preliminary Determination;
  - 2. the Inspection Report;
  - 3. photographs relied upon;
  - 4. applicable code violations;
  - 5. available administrative remedies;
  - 6. procedures for voluntary remediation;
  - 7. right to inspect and copy the administrative record;
  - 8. right to request an informal meeting with the Public Officer;
  - 9. right to appeal any Final Determination.
- D. The owner shall have forty-five (45) days from receipt of the notice to:
  - 1. correct the violations;
  - 2. submit a remediation plan; or
  - 3. request an informal conference with the Public Officer.

**3.10.140 Voluntary Remediation Agreement.**

- A. **Purpose.** The purpose of a Voluntary Remediation Agreement is to encourage the prompt rehabilitation and productive reuse of property through cooperative compliance without the necessity of imposing the increased municipal ad valorem tax authorized by this Chapter.
- B. **Submission.** At any time prior to issuance of a Final Determination, the Owner may submit a written request to enter into a Voluntary Remediation Agreement.
- C. **Contents.** The proposed agreement shall include, at a minimum:
  - 1. A detailed description of all corrective work to be completed;
  - 2. A schedule for completion of each phase of work;
  - 3. Estimated completion dates;
  - 4. Proof of the Owner's legal authority to perform the work;
  - 5. Copies of any required permits or applications, if available;
  - 6. Evidence demonstrating the financial ability to complete the proposed remediation;
  - 7. Such additional information as the Public Officer reasonably determines necessary.

- D. **Approval.** The Public Officer may approve, approve with conditions, or deny a proposed Voluntary Remediation Agreement after considering the recommendation of the Blighted Property Review Committee.
- E. **Effect of Agreement.** Upon approval, all proceedings under this Chapter shall be stayed for the duration of the agreement, provided the Owner remains in substantial compliance.
- F. **Inspections.** The Public Officer may conduct periodic inspections to verify compliance.
- G. **Extensions.** The Public Officer may grant one or more extensions for good cause shown, provided the Owner demonstrates substantial progress toward completion.
- H. **Default.** The Owner shall be deemed in default upon:
  - 1. Failure to substantially perform the agreement;
  - 2. Failure to obtain required permits;
  - 3. Failure to maintain the property in a safe condition;
  - 4. Submission of materially false information; or
  - 5. Failure to permit reasonable inspections authorized by law.
- I. **Effect of Default.** Upon written notice of default, the stay shall automatically terminate and proceedings under this Chapter may resume from the point at which they were suspended.

#### **3.10.150 Final Determination.**

- A. Following expiration of the cure period established in Section 3.10.130, or upon default of a Voluntary Remediation Agreement, the Public Officer shall determine whether the property should be designated as Blighted Property.
- B. A Final Determination shall include:
  - 1. Findings of fact;
  - 2. Conclusions supporting designation under this Chapter;
  - 3. Identification of the statutory authority;
  - 4. The effective date of designation;
  - 5. Notice of appeal rights.
- C. The Final Determination shall be served upon the Owner in the same manner as the Preliminary Determination.
- D. A copy of the Final Determination shall become part of the permanent administrative record.

#### **3.10.160 Appeal to Municipal Court.**

- A. Any Owner aggrieved by a Final Determination may appeal by filing a written Notice of Appeal with the Public Officer within thirty (30) calendar days following service of the Final Determination.
- B. Upon receipt of a timely Notice of Appeal, the Public Officer shall transmit the administrative record to the Municipal Court.

- C. The Municipal Court shall schedule the appeal for hearing not later than forty-five (45) days following receipt of the administrative record unless continued for good cause.
- D. The hearing shall be conducted de novo.
- E. The Public Officer shall bear the burden of proving by a preponderance of the evidence that the property qualifies for designation under this Chapter and applicable Georgia law.
- F. The Owner shall have the right to:
  - 1. Appear personally or through legal counsel;
  - 2. Present witnesses;
  - 3. Present documentary evidence;
  - 4. Cross-examine witnesses;
  - 5. Present rebuttal evidence.
- G. The Georgia Rules of Evidence shall apply except as otherwise permitted by law for administrative proceedings.
- H. The Municipal Court shall issue written Findings of Fact and Conclusions of Law within thirty (30) days after the conclusion of the hearing.
  - 1. The Municipal Court may:
  - 2. Affirm the Final Determination;
  - 3. Reverse the Final Determination;
  - 4. Modify the Final Determination;
  - 5. Remand the matter to the Public Officer for additional proceedings.
- I. The decision of the Municipal Court shall constitute the City's final administrative action.

### **3.10.170 Judicial Review.**

Any person aggrieved by the final administrative decision of the Municipal Court may seek judicial review in accordance with the laws of the State of Georgia.

### **3.10.180 Stay Pending Appeal.**

No increased municipal ad valorem tax authorized by this Chapter shall become due or payable during the pendency of any timely administrative or judicial appeal. If the designation is ultimately affirmed after exhaustion of all appeals, the increased municipal ad valorem tax shall become due in accordance with applicable law.

### **3.10.190 Community Redevelopment Tax Assessment.**

- A. Property receiving a final designation as Blighted Property shall be subject to an increased municipal ad valorem tax calculated by applying a factor of twenty-five (25) to the City's annual operating millage rate.
- B. The increased tax authorized by this Chapter applies solely to the City's municipal operating millage and shall not affect county, school district, state, or other taxing authority millage rates.

- C. The increased tax shall become effective on January 1 of the calendar year following the date the designation becomes final, unless otherwise provided by Georgia law.
- D. If the designation is removed before January 1 of the applicable tax year, no increased municipal tax shall be imposed.
- E. Revenues generated pursuant to this Chapter shall be deposited into the City's General Fund and may be appropriated for code enforcement, demolition of unsafe structures, redevelopment initiatives, neighborhood revitalization, affordable housing initiatives, public safety, and other lawful municipal purposes.

### **3.10.200 Removal of Designation.**

- A. The Owner may petition the Public Officer at any time for removal of a Blighted Property designation.
- B. Upon receipt of the petition, the Public Officer shall cause the property to be reinspected.
- C. If the Public Officer determines that all qualifying blighted conditions have been corrected and the property complies with applicable law, the Public Officer shall issue a written Removal of Designation.
- D. Removal shall become effective immediately upon issuance.
- E. The Public Officer shall promptly notify the Henry County Tax Commissioner and Henry County Tax Assessor of the Removal of Designation.

### **3.10.210 Community Redevelopment Tax Incentive.**

- A. Property for which a Blighted Property designation has been removed pursuant to Section 3.10.200 shall be eligible for a reduced City municipal operating millage equal to fifty percent (50%) of the City's operating millage.
- B. The reduced municipal operating millage shall remain in effect for two (2) consecutive tax years beginning January 1 following removal of the designation.
- C. To qualify, the Owner shall submit documentation demonstrating:
  - 1. Completion of the approved remediation;
  - 2. Compliance with all applicable City codes;
  - 3. Payment of all delinquent municipal taxes, liens, and assessments due and payable.

### **3.10.220 Coordination with Henry County.**

- A. Following any Final Determination or Removal of Designation, the Public Officer shall certify the action to the Henry County Tax Commissioner and Henry County Tax Assessor.
- B. The certification shall include:
  - 1. Parcel identification number;
  - 2. Property address;
  - 3. Owner of record;
  - 4. Effective date;

5. Applicable tax year.
- C. The City Manager may enter into administrative memoranda of understanding with Henry County necessary to facilitate implementation of this Chapter, subject to approval as to form by the City Attorney.

### **3.10.230 Annual Report.**

- A. No later than March 31 of each calendar year, the Public Officer shall submit to the Mayor and Council an annual report summarizing administration of this Chapter during the preceding calendar year.
- B. The report shall include, at a minimum:
  1. Number of properties investigated;
  2. Number of Preliminary Determinations;
  3. Number of Final Determinations;
  4. Number of Voluntary Remediation Agreements executed;
  5. Number of successful redevelopments;
  6. Amount of additional municipal tax generated;
  7. Number of pending appeals; and
  8. Recommendations for improving administration of this Chapter.

### **3.10.240 Administrative Rules.**

The Public Officer may adopt written administrative policies, procedures, forms, and guidance documents necessary to administer this Chapter, provided such policies are consistent with this Chapter, the City Charter, and applicable law.



# City of Stockbridge

## AGENDA ITEM

### MEETING DATE

07/01/2026

### FUNDING SOURCE

- RESOLUTION
- ORDINANCE
- CONTRACT APPROVAL/RENEWAL
- PUBLIC HEARING
- PRESENTATION
- BID SELECTION/AWARD
- TASK ORDER
- CHANGE ORDER
- BUDGET AMENDMENT
- BUDGET TRANSFER
- PAYMENT APPROVAL
- OTHER

- GENERAL FUND
- FUND BALANCE
- SPLOST
- TSPLOST
- CDBG GRANT
- GRANT FUNDING
- TRAFFIC CAMERA FUNDING
- PARTNER/SPONSOR
- DEPARTMENT FUND BALANCE
- BOND

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Megan McCulloch

DEPARTMENT: Legal

### ITEM/PROJECT/EVENT:

First Reading of an Ordinance Establishing Shopping Cart Containment and Retrieval Requirements

### BACKGROUND INFORMATION:

The City has experienced an increase in abandoned shopping carts on public rights-of-way, drainage areas, parks, and other public and private properties. Abandoned shopping carts create visual blight, impede maintenance activities, and may pose safety hazards. The proposed ordinance establishes requirements for retail establishments utilizing shopping carts to implement containment and retrieval measures, maintain identifying information on carts, promptly retrieve abandoned carts, and comply with enforcement procedures intended to reduce nuisance conditions throughout the City.

### SIGNATURES:

CITY MANAGER

eSigned via GovOS.com  
*Frank S. Milazi*  
Key: 7ed53636-d898-4ade-b417-932d73311167  
eSigned via GovOS.com

CITY TREASURER

*Quinton Washington*  
Key: 9f176c0b-1628-4926-950b-2b013c5f7b9

CITY ATTORNEY

FINANCIAL IMPACT  N/A

AMOUNT:

0

ATTACHMENTS:

ITEM/PROJECT/EVENT:

First Reading of an Ordinance Establishing Shopping Cart Containment and Retrieval Requirements

The City has experienced an increase in abandoned shopping carts on public rights-of-way, drainage areas, parks, and other public and private properties. Abandoned shopping carts create visual blight, impede maintenance activities, and may pose safety hazards. The proposed ordinance establishes requirements for retail establishments utilizing shopping carts to implement containment and retrieval measures, maintain identifying information on carts, promptly retrieve abandoned carts, and comply with enforcement procedures intended to reduce nuisance conditions throughout the City.

STAFF RECOMMENDATION:

Approval.

eSigned via GovOS.com

*Megan McCulloch*

Key: 7cb6a9e3-7863-4556-a458-502734485a09

STATE OF GEORGIA  
COUNTY OF HENRY  
CITY OF STOCKBRIDGE

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF STOCKBRIDGE (“CITY”) TO ADDRESS ABANDONED SHOPPING CARTS; TO AMEND SECTION 11.08.010 TO DECLARE ABANDONED SHOPPING CARTS A PUBLIC NUISANCE; TO CREATE CHAPTER 11.32, "SHOPPING CART CONTAINMENT AND RETRIEVAL"; TO ESTABLISH REQUIREMENTS FOR THE CONTAINMENT AND RETRIEVAL OF SHOPPING CARTS; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Stockbridge is a municipal corporation duly organized and existing under the laws of the State of Georgia is charged with providing public services to residents located within the corporate limits of the City; and

**WHEREAS**, abandoned shopping carts are frequently found on public rights-of-way, drainage areas, parks, neighborhoods, and other public and private property throughout the City; and

**WHEREAS**, abandoned shopping carts contribute to visual blight, interfere with maintenance of public infrastructure, obstruct pedestrian travel, and may create safety hazards; and

**WHEREAS**, the Mayor and Council find that requiring shopping cart containment and retrieval measures will reduce nuisance conditions and promote the general welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:**

**SECTION 1. AMENDMENT TO THE CITY CODE OF ORDINANCES CHAPTER 11.08.010.**

Having considered the proposed Section 11.08.010(B) of the Code of Ordinances of the City of Stockbridge is hereby amended by adding a new subsection (13), which shall read as follows:

"(13) Abandoned shopping carts, as defined in Chapter 11.32 of this Code."

## **SECTION 2. CREATION OF CHAPTER 11.32 IN THE CITY CODE OF ORDINANCES.**

Having considered the proposed creation of a new chapter in the City Code of Ordinances, the Mayor and Council hereby amend Title 11 of the Code of Ordinances of the City of Stockbridge by creating a new Chapter 11.32 entitled "Shopping Cart Containment and Retrieval" to read as follows in the attached and incorporated Exhibit A.

## **SECTION 3. CODIFICATION.**

It is the intention of the Mayor and Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Stockbridge. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention.

## **SECTION 4. ADMINISTRATIVE IMPLEMENTATION.**

The City Manager, or their designee, is hereby authorized and directed to develop administrative procedures and enforcement protocols, and to take all necessary steps to ensure consistent implementation and operation of this Ordinance.

## **SECTION 5. REPEAL OF CONFLICTING PROVISIONS.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## **SECTION 6. CITY ATTORNEY'S AUTHORITY.**

Pursuant to the City's charter and with explicit consent of the City Council, the City Attorney is duly authorized to make requisite amendments to all contracts, ordinances, resolutions, and documents, as may be necessary, in order to secure conformity with the express intent of the City Council and to ensure adherence to all pertinent laws and ordinances of the City.

## **SECTION 7. SEVERABILITY.**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

## **SECTION 8. EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon its adoption.

[SIGNATURES ON THE FOLLOWING PAGE]

SO ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Jayden Williams, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Cassandra Lester, Interim City Clerk

\_\_\_\_\_  
Quinton G. Washington, City Attorney

DRAFT

**EXHIBIT A**  
**FULL TEXT OF CHAPTER 11.32 - SHOPPING CART CONTAINMENT AND**  
**RETRIEVAL**

**Sec. 11.32.010. Purpose.**

The purpose of this Chapter is to promote the public health, safety, welfare, and aesthetics of the City by reducing abandoned shopping carts, requiring shopping cart containment measures, providing for prompt retrieval of abandoned shopping carts, and establishing enforcement procedures to address nuisance conditions associated with shopping carts.

**Sec. 11.32.020. Definitions.**

For purposes of this Chapter, the following words and phrases shall have the meanings set forth below:

“Abandoned Shopping Cart” means a shopping cart located off the premises of the retail establishment that owns or controls the cart and left unattended on public or private property.

“Containment Technology” means electronic wheel-lock systems, perimeter containment systems, disabling devices, or other technologies approved by the City that prevent unauthorized removal of shopping carts from a retail establishment.

“Owner” means any person, corporation, partnership, limited liability company, association, or other legal entity owning or operating a retail establishment that provides shopping carts for customer use.

“Retail Establishment” means a grocery store, supermarket, department store, warehouse retailer, home improvement retailer, or other commercial establishment that provides shopping carts for customer use.

“Shopping Cart” means a basket mounted on wheels or similar device provided by a retail establishment for the transportation of merchandise by customers.

**Sec. 11.32.030. Registration Required.**

- A. Any retail establishment maintaining ten (10) or more shopping carts for customer use shall annually register with the City.
- B. Registration applications shall be submitted on forms approved by the City and shall include:
  1. Name and address of the business;
  2. Contact information for the owner or manager;
  3. Physical location of the retail establishment;
  4. A shopping cart containment and retrieval plan as required by this Chapter; and
  5. Such additional information as may be reasonably required by the City for administration of this Chapter.

- C. No business license shall be issued or renewed for a retail establishment subject to this Chapter unless the required registration has been submitted and approved.

**Sec. 11.32.040. Shopping Cart Identification.**

- A. Every shopping cart shall have permanently affixed signage identifying:
  - 1. The name of the retail establishment;
  - 2. A telephone number for reporting abandoned shopping carts;
  - 3. The address for return of the shopping cart; and
  - 4. Notice that unauthorized removal of the shopping cart from the premises is prohibited.
- B. The identifying information required by this section shall be maintained in a legible condition at all times.

**Sec. 11.32.050. Shopping Cart Containment and Retrieval Plan.**

- A. Each retail establishment subject to this Chapter shall maintain a written shopping cart containment and retrieval plan.
- B. The plan shall include:
  - 1. Contact information for responsible personnel;
  - 2. A description of containment technology utilized by the establishment;
  - 3. Procedures for retrieval of abandoned shopping carts;
  - 4. Employee training procedures;
  - 5. Procedures for responding to reports of abandoned shopping carts; and
  - 6. Any additional measures implemented to prevent unauthorized removal of shopping carts.
- C. The plan shall be updated whenever material changes occur and shall be provided to the City upon request.

**Sec. 11.32.060. Containment Requirements.**

- A. Each retail establishment subject to this Chapter shall implement and maintain containment technology designed to prevent unauthorized removal of shopping carts from the premises.
- B. The City Manager or designee may approve alternative containment measures upon a determination that such measures are substantially equivalent in effectiveness to containment technology.

**Sec. 11.32.070. Retrieval Requirements.**

- A. Upon receiving notice from the City that a shopping cart has been abandoned off-site, the owner shall retrieve the shopping cart within seventy-two (72) hours.
- B. Failure to retrieve an abandoned shopping cart within the time required by this section shall constitute a violation of this Chapter.

**Sec. 11.32.080. Abandoned Shopping Carts Declared Public Nuisance.**

Any abandoned shopping cart located upon public property or private property without the consent of the property owner is hereby declared a public nuisance subject to abatement pursuant to this Code.

**Sec. 11.32.090. Removal and Impoundment.**

- A. The City may remove and impound any abandoned shopping cart located within the City.
- B. Prior notice shall not be required when the shopping cart presents a threat to public safety, obstructs a public right-of-way, or interferes with public operations.
- C. The owner shall be responsible for all reasonable costs incurred by the City associated with retrieval, transportation, storage, and administration relating to the removal of the shopping cart.

**Sec. 11.32.100. Enforcement and Civil Penalties.**

- A. This Chapter may be enforced by Code Enforcement Officers, Police Officers, or other authorized City personnel.
- B. Violations of this Chapter shall be subject to the following civil penalties:
  - 1. First violation within a twelve-month period: Written warning.
  - 2. Second violation within a twelve-month period: Civil penalty not to exceed Two Hundred Fifty Dollars (\$250.00).
  - 3. Third violation within a twelve-month period: Civil penalty not to exceed Five Hundred Dollars (\$500.00).
  - 4. Fourth and subsequent violations within a twelve-month period: Civil penalty not to exceed One Thousand Dollars (\$1,000.00) per violation.
- C. Each abandoned shopping cart not retrieved within the period required by Section 11.32.070 may constitute a separate violation.

**Sec. 11.32.110. Appeals.**

Any person aggrieved by a determination made pursuant to this Chapter may appeal in accordance with the City's existing nuisance appeal procedures.



# City of Stockbridge

## AGENDA ITEM

MEETING DATE

07/01/2026

FUNDING SOURCE

- RESOLUTION
- ORDINANCE
- CONTRACT APPROVAL/RENEWAL
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- CDBG GRANT
- GRANT FUNDING
- TRAFFIC CAMERA FUNDING
- PARTNER/SPONSOR
- DEPARTMENT FUND BALANCE
- BOND

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Megan McCulloch and Chief Hamilton

DEPARTMENT: SPD and Legal

ITEM/PROJECT/EVENT:

Consideration of a Resolution Approving a Master Intergovernmental MOU for Off-Duty Law Enforcement and Traffic Control Services at the VyStar Amphitheater at The Bridge and Authorizing Execution of Similar Agreements with Henry County Municipalities

BACKGROUND INFORMATION:

The proposed Master Memorandum of Understanding establishes the terms under which neighboring municipalities may provide off-duty sworn law enforcement officers for such events. The agreement addresses officer authority, supervision, compensation, liability, and operational responsibilities. Approval of this item will authorize use of the master form agreement for participating municipalities within Henry County. This will provide the City with additional flexibility to ensure adequate public safety staffing for large events.

SIGNATURES:

CITY MANAGER

*Frank S. Milazi*

Key: 7ed53636-d898-4ade-b417-932d73311167  
eSigned via GovOS.com

CITY TREASURER

*Quinton Washington*

Key: 9f176c0b-1628-4926-950b-2b013c5f7b9  
eSigned via GovOS.com

CITY ATTORNEY

eSigned via GovOS.com

*Shawn Edmondson*

Key: 3268d159-4d63-438f-940b-014ea0428880

FINANCIAL IMPACT  N/A

AMOUNT:

0

ATTACHMENTS:



ITEM/PROJECT/EVENT:

Consideration of a Resolution Approving a Master Intergovernmental MOU for Off-Duty Law Enforcement and Traffic Control Services at the VyStar Amphitheater at The Bridge and Authorizing Execution of Similar Agreements with Henry County Municipalities

The proposed Master Memorandum of Understanding establishes the terms under which neighboring municipalities may provide off-duty sworn law enforcement officers for such events. The agreement addresses officer authority, supervision, compensation, liability, and operational responsibilities. Approval of this item will authorize use of the master form agreement for participating municipalities within Henry County. This will provide the City with additional flexibility to ensure adequate public safety staffing for large events.

STAFF RECOMMENDATION:

Approval

eSigned via GovOS.com

*Megan McCulloch*

Key: 7cb6a9e3-7863-4556-a458-502734485a09

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF STOCKBRIDGE AND THE CITY OF \_\_\_\_\_  
FOR OFF-DUTY LAW ENFORCEMENT AND TRAFFIC CONTROL SERVICES AT  
THE VYSTAR AMPHITHEATER AT THE BRIDGE**

1. **PURPOSE.** The purpose of this Memorandum of Understanding (“MOU”) is to establish the terms and conditions under which sworn law enforcement officers employed by the City of \_\_\_\_\_ may provide off-duty law enforcement, security, public safety, and traffic control services at events conducted at the VyStar Amphitheater at The Bridge, a facility owned and operated by the City of Stockbridge, Georgia. The Parties recognize that concerts, festivals, community events, and other large gatherings may require supplemental law enforcement staffing beyond the personnel available to the Stockbridge Police Department. This MOU facilitates intergovernmental cooperation and promotes the safety of event attendees, performers, vendors, employees, and the general public.
2. **AUTHORITY.** This MOU is entered pursuant to the Constitution of the State of Georgia, O.C.G.A. § 36-69A-1 et seq., O.C.G.A. § 36-10-1 et seq., O.C.G.A. § 36-80-1 et seq., and all other applicable laws authorizing intergovernmental cooperation and mutual assistance between local governmental entities.
3. **FACILITY AND EVENTS COVERED.** This MOU shall apply to events held at the VyStar Amphitheater at The Bridge and surrounding venue property owned or controlled by the City of Stockbridge, including but not limited to:
  - A. Concerts and live entertainment events;
  - B. Festivals and community celebrations;
  - C. Independence Day events;
  - D. Juneteenth celebrations;
  - E. Bridgefest and similar municipal events;
  - F. Traffic control operations associated with any event; and
  - G. Any other event designated by the Chief of Police of the Stockbridge Police Department or designee.
4. **REQUESTS FOR PERSONNEL.** Requests for assistance shall be made by the Chief of Police of the Stockbridge Police Department, or their designee. The assisting agency shall retain sole discretion regarding whether personnel are made available. Requests shall specify, to the extent practicable:
  - A. Date and duration of the event;
  - B. Number of officers requested;

- C. Assignment locations;
  - D. Reporting time;
  - E. Supervisor requirements; and
  - F. Special operational considerations.
- 5. STATUS OF OFFICERS.** Officers assigned pursuant to this MOU shall remain employees of their respective employing agency at all times. Officers shall remain subject to the policies, rules, and regulations of their employing agency except as modified by event-specific operational directives. Officers shall not be deemed employees of the City of Stockbridge for any purpose, including retirement benefits, workers' compensation, leave benefits, unemployment compensation, or employment-related claims.
- 6. LAW ENFORCEMENT AUTHORITY.** While performing duties under this MOU, officers shall possess the law enforcement authority granted under Georgia law. Officers may take reasonable law enforcement action necessary to preserve public safety and maintain order. Officers may enforce:
- A. State criminal laws;
  - B. Traffic laws;
  - C. Applicable City of Stockbridge ordinances; and
  - D. Other laws within their lawful authority.
- 7. Officer Assignments.** Officers may be assigned various duties including, but not limited to:
- A. Venue security;
  - B. Crowd management;
  - C. Access control;
  - D. Parking enforcement;
  - E. Traffic direction and traffic control;
  - F. Pedestrian safety operations;
  - G. Emergency response;
  - H. Incident management; and
  - I. Other public safety functions associated with the event.
- 8. COMMAND AND SUPERVISION.** Overall event operations shall be directed by the Stockbridge Police Department. A designated Stockbridge Police Department supervisor shall serve as the incident commander or operational supervisor. Assisting officers shall

comply with lawful operational directives issued by Stockbridge Police Department supervisory personnel during the event. Nothing herein shall prevent the assisting agency from exercising disciplinary authority over its employees.

- 9. COMPENSATION OF OFFICERS.** Officers assigned pursuant to this MOU shall be compensated at the off-duty event rate established by the City of Stockbridge. Compensation shall be paid through procedures established by the City of Stockbridge and communicated before the event. The City of Stockbridge may reimburse the assisting agency directly or compensate officers through an approved extra-duty payment process, as determined by the City. Overtime obligations arising from an officer's employment with the assisting agency shall remain the responsibility of the employing agency unless otherwise agreed in writing.
- 10. WORKERS' COMPENSATION AND EMPLOYEE BENEFITS.** Officers shall remain covered by the workers' compensation program of their employing agency. Each Party shall remain responsible for all wages, benefits, payroll obligations, and employment-related expenses associated with its employees.
- 11. LIABILITY.** Each Party shall be responsible for the acts and omissions of its own officers, employees, and agents to the extent provided by law. Nothing contained herein shall be construed as a waiver of any defense, immunity, limitation of liability, or protection available under federal law, Georgia law, or the Georgia Constitution. Sovereign immunity, governmental immunity, official immunity, and all other applicable immunities are expressly preserved.
- 12. ARRESTS AND ENFORCEMENT ACTIONS.** Any arrest, detention, citation, or enforcement action occurring during an event shall be coordinated with the Stockbridge Police Department. Officers shall complete reports as directed by the Stockbridge Police Department. Unless otherwise directed by the on-scene Stockbridge Police Department supervisor:

  - A. Stockbridge Police Department personnel shall assume responsibility for prisoner transport;
  - B. Stockbridge Police Department personnel shall assume responsibility for evidence intake and storage; and
  - C. Stockbridge Police Department personnel shall assume responsibility for records management associated with the incident.
- 13. EQUIPMENT.** Officers shall provide their own standard duty uniforms, firearms, radios (if available), vehicles, and other standard equipment unless otherwise agreed.
- 14. TERM.** This MOU shall become effective upon execution by both Parties and shall remain in effect for a period of five (5) years. the MOU shall automatically renew for successive one-year periods unless terminated.

- 15. TERMINATION.** Either Party may terminate this MOU upon thirty (30) days written notice to the other Party. Termination shall not affect obligations arising from events occurring prior to the effective termination date.
- 16. MODIFICATION.** This MOU may be amended only by a written document executed by authorized representatives of both Parties.
- 17. NO THIRD-PARTY BENEFICIARIES.** Nothing contained herein shall create any rights in any third party.
- 18. SOVEREIGN IMMUNITY.** Nothing contained herein shall be construed as a waiver of sovereign immunity, governmental immunity, or any other immunity available to the Parties under Georgia law.
- 19. ENTIRE AGREEMENT.** This MOU constitutes the entire agreement between the Parties concerning the subject matter herein and supersedes all prior discussions and understandings relating thereto.
- 20. NOTICES.** All notices required by this MOU shall be provided in writing to the respective Chiefs of Police or their designees, with a copy to the respective City Manager or City Administrator, as follows.

<b>City of Stockbridge Police Department:</b> Orrin S. Hamilton, Chief of Police 4545 N. Henry Blvd Stockbridge, GA 30281	<b>City of _____ Police Department:</b>
<b>With copy to:</b> Shawntez Edmondson, City Manger City of Stockbridge 4640 N. Henry Blvd Stockbridge, GA 30281	<b>With copy to:</b>

[SIGNATURES ON THE FOLLOWING PAGE]

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF STOCKBRIDGE:**

**CITY OF \_\_\_\_\_:**

\_\_\_\_\_  
Jayden Williams  
Mayor, City of Stockbridge

\_\_\_\_\_  
MAYOR'S NAME  
Mayor, City of \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Cassandra Lester  
Interim City Clerk, City of Stockbridge

\_\_\_\_\_  
CITY CLERK'S NAME  
City Clerk, City of \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Quinton G. Washington  
City Attorney, City of Stockbridge

\_\_\_\_\_  
CITY ATTORNEY'S NAME  
City Attorney, City of \_\_\_\_\_

DRAFT

STATE OF GEORGIA  
COUNTY OF HENRY  
CITY OF STOCKBRIDGE

**RESOLUTION NO. R26-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA APPROVING A MASTER INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR OFF-DUTY LAW ENFORCEMENT AND TRAFFIC CONTROL SERVICES AT THE VYSTAR AMPHITHEATER AT THE BRIDGE; AUTHORIZING EXECUTION OF SUBSTANTIALLY SIMILAR AGREEMENTS WITH HENRY COUNTY MUNICIPALITIES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Stockbridge ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

**WHEREAS**, the City owns and operates a public entertainment venue, the VyStar Amphitheater at the Bridge, a regional entertainment venue that hosts concerts, festivals, community events, and other public gatherings; and

**WHEREAS**, the City has determined that certain events held at the VyStar Amphitheater at The Bridge require additional off-duty law enforcement officers to provide traffic control, crowd management, public safety, and law enforcement services; and

**WHEREAS**, the City desires to establish a standardized framework for obtaining off-duty law enforcement and traffic control services from neighboring law enforcement agencies through a Master Intergovernmental Memorandum of Understanding ("Master MOU"); and

**WHEREAS**, City staff has recommended approval of the Master MOU, detailed in the attached and incorporated **Exhibit A**, establishing the general terms and conditions under which participating agencies may provide off-duty law enforcement and traffic control services for events at the VyStar Amphitheater at The Bridge; and

**WHEREAS**, the Master MOU is intended to promote regional cooperation, enhance public safety, and provide an efficient and consistent process for obtaining qualified law enforcement personnel when needed for Amphitheater operations; and

**WHEREAS**, the City anticipates entering into substantially similar Memoranda of Understanding with the municipalities located within Henry County utilizing the same material terms and conditions approved herein; and

**WHEREAS**, the Mayor and City Council find that approval of the Master MOU and authorization to execute substantially similar agreements with Henry County municipalities are in the best interests of the City and will promote the safe and efficient operation of the VyStar Amphitheater at The Bridge.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:**

**SECTION 1. APPROVAL OF MASTER MEMORANDUM OF UNDERSTANDING.**

The City Council hereby approves the Master Intergovernmental Memorandum of Understanding for Off-Duty Law Enforcement and Traffic Control Services at the VyStar Amphitheater at The Bridge, as detailed in the attached and incorporated **Exhibit A**.

The Mayor is hereby authorized to execute the Master Memorandum of Understanding attached as **Exhibit A**, and to execute substantially similar memoranda of understanding with Henry County and the municipalities located within Henry County, including amendments, agreements, purchase orders, and related documents necessary to implement the intent of this Resolution, in forms approved by the City Attorney, provided that such agreements do not materially alter the rights, obligations, or financial terms approved by the Mayor and City Council through this Resolution.

**SECTION 2. ADMINISTRATIVE IMPLEMENTATION.**

The City Manager, Police Department, Amphitheater staff, and all appropriate City personnel are authorized to coordinate with participating agencies and take all actions necessary to implement the Master MOU and any substantially similar agreements executed pursuant to this Resolution. Further, the City Manager, or his designee, is authorized to take all administrative and budgetary actions necessary to implement this Resolution.

**SECTION 3. SEVERABILITY.**

If any part of this resolution is adjudged invalid, such judgment shall not affect the remainder of this resolution.

**SECTION 4. CITY ATTORNEY'S AUTHORITY.**

Pursuant to the City's charter and with explicit consent of the City Council, the City Attorney is duly authorized to make requisite amendments to all contracts, ordinances, resolutions, and documents, as may be necessary, in order to secure conformity with the express intent of the City Council and to ensure adherence to all pertinent laws and ordinances of the City.

**SECTION 5. EFFECTIVE DATE.**

This Resolution shall be effective immediately upon adoption.

**RESOLVED** \_\_\_\_\_ **DAY OF** \_\_\_\_\_, **2026.**

\_\_\_\_\_  
Jayden Williams, Mayor  
ATTEST:

\_\_\_\_\_  
Cassandra Lester, Interim City Clerk  
APPROVED AS TO FORM:

\_\_\_\_\_  
Quinton G. Washington, City Attorney

DRAFT