



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Monday, October 23, 2023
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still
Council Member Glenn Martin
Council Member Victoria Jones
Mayor Pro Tem Austin Thompson
Council Member Marlene Taylor-Crawford

Prayer

Pastor Allen Hoskyn was present to provide the invocation.

Pledge of Allegiance

Mayor David Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

City Manager Chuck Warbington noted that staff was requesting item #10 be tabled to the November 15, 2023 work session.

Motion to approve the agenda as amended made by Council Member Jones, Seconded by Mayor Pro Tem Thompson.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

Approval of Prior Meeting Minutes

Motion to approve the minutes made by Council Member Martin, Seconded by Mayor Pro Tem Thompson.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

1. September 25, 2023 Regular and Executive Session
2. October 11, 2023 Special Call, Work Session, and Executive Session Meeting

Announcements

Mayor David Still recognized each Council Member who individually made announcements about events and recognitions throughout the community. He then read from the slides for upcoming City Events.

Public Comment

To participate in the Public Comment part of the Agenda, you must register with the City Clerk prior to the beginning of the meeting. Presentations will be limited to 2 minutes per person and Council will not respond to the comment.

Ms. Elizabeth Moore was present to speak. Mr. Ontario and Mrs. Francia Tolbert were present to speak.

Consent Agenda

These are items on which the Mayor and Council are in agreement to approve and are placed on the agenda to be approved in one vote.

Motion to approve the consent agenda as presented made by Mayor Pro Tem Thompson, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

3. Purchase of Natural Gas Materials on a Six-Month Contract
4. Purchase and Installation of Itron Electric Meters
5. Resolution of the City of Lawrenceville in support of the application for a roadside enhancement and beautification council grant through the Georgia Department of Transportation
6. Lions Club Lease Agreement
7. Approve Contracts of ReCAST Sub-Recipient Partners
8. County-Wide Safety Plan, Walton County

Council Business New Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

9. Amendment to the Code of Ordinances Chapter 12 Businesses and Business Regulations

City Attorney Lee Thompson presented this item and answered questions from Council.

Motion to approve the Amendment to the Code of Ordinances Chapter 12 Businesses and Business Regulations rewrite made by Council Member Martin, Seconded by Mayor Pro Tem Thompson.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

Public Hearing New Business

Discussion will be limited to 7 minutes per side including rebuttal. Discussions on Zoning issues will be limited to 10 minutes per side including rebuttal. Questions and answers from Council Members will not infringe on the time limit.

10. RZR2023-00020; City of Lawrenceville; 360, 342, & 328 N Perry Street; 112 W Oak Street; 287, 247, 248, 288, 344, & 372 N Clayton Street; 145 & 164 Oak Street; 269, 292, 386, 407, & 409 Chestnut Street

This item was tabled to the November 15, 2023, work session under the agenda additions and deletions section.

11. SUP2023-00082; Reece Plumbing; 125 Park Access Drive

Planning and Development Director Todd Hargrave presented this item and answered questions from Council. The applicant, Jeremy Fowler and the property owner were present to provide information and answer questions from Council. Mayor David Still opened the public hearing and Ms. Elizabeth Moore came forward to speak for the item and Mr. Bob Clark came forward to speak against this item. Hearing and seeing no one else come forward, the public hearing was closed.

Motion to deny SUP2023-00082; Reece Plumbing; 125 Park Access Drive made by Council Member Jones, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones

Voting Nay: Mayor Pro Tem Thompson

Abstained: Council Member Taylor-Crawford

12. An Ordinance to Amend the Zoning Ordinance, ARTICLE 1 Districts, Section 103.2 Use Table, ARTICLE 2 Supplemental and Accessory Use Standards, and ARTICLE 10 Definitions

Planning and Development Director Todd Hargrave presented this item and answered questions from Council. The Mayor opened the public hearing and seeing and hearing no one come forward the public hearing was closed.

Motion to approve an Ordinance to Amend the Zoning Ordinance Article 1 Districts, Sec. 103.2 Use Table; Article 2 Supplemental and Accessory Use Standards; Article 10 Definitions with staff recommendations found in the agenda packet dated Monday, October 23, 2023. In addition, the motion should include the comments generated by the City Attorney relating to the removal of unnecessary language, and verification of references to Section and Sub Section numbers. Furthermore, the motion should include an amendment to Article 2 by inserting Sub Section 200.3.15 Business and Commercial Vehicles in Residential Districts and renumbering the remaining Sections accordingly, made by Mayor Still, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

Council Business Old Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

13. Amendment to Chapter 4 Alcohol Ordinance

Assistant City Manager Michael Fisher presented this item and answered questions from Council.

Motion to approve Amendment to Chapter 4 Alcohol Ordinance rewrite as presented made by Council Member Martin, Seconded by Mayor Pro Tem Thompson.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

14. Employee Health Insurance Approval

Assistant City Manager Michael Fisher presented this item and answered questions from Council. Ms. Ashley Gilder with MSI Benefits was also present to provide information and answer questions from Council.

Motion to approve Employee Health Insurance with Veracity drug option as presented made by Council Member Martin, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

Council Business New Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

15. Acquisition of 450 Pine Tree Drive (Tax Parcel #5143 285)

City Manager Chuck Warbington presented this item and answered questions from Council. Mr. Warbington noted that the property is actually located behind 450 Pine Tree Drive.

Motion to approve the purchase of the property behind 450 Pine Tree Drive made by Mayor Still, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

Final Adjournment

Motion to adjourn made by Mayor Pro Tem Thompson, Seconded by Council Member Taylor-Crawford.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Thompson, Council Member Taylor-Crawford

Minutes Signatures

David R. Still, Mayor

Karen Pierce, City Clerk



RESOLUTION RES-2023-19

A RESOLUTION* OF THE Mayor and Council OF THE City of Lawrenceville, GA

WHEREAS, many roadside areas within Department of Transportation rights of way must be maintained and attractively landscaped; and

WHEREAS, the Mayor and Council of the City of Lawrenceville, GA desire(s) to beautify and improve various rights of way by landscaping within the City of Lawrenceville, GA; and

WHEREAS, the Mayor and Council of the City of Lawrenceville, GA desire(s) to authorize the City Manager to apply for an REBC Grant from the Georgia Department of Transportation, and if awarded, to enter into a Mowing and Maintenance Agreement between City of Lawrenceville, GA and the Georgia Department of Transportation.

NOW THEREFORE,
BE IT RESOLVED by the Mayor and Council of the City of Lawrenceville, GA

Section 1. The Mayor and Council of the City of Lawrenceville, GA hereby authorize(s) the City Manager to apply for an REBC Grant. Upon award of the grant, the City Manager shall enter into a Mowing and Maintenance Agreement between the City of Lawrenceville, GA and the Georgia Department of Transportation.

Section 2. The City/County Clerk of City of Lawrenceville, GA is hereby directed to send copies of this Resolution to the Department of Transportation and all other persons as directed by the City of Lawrenceville, GA.

APPROVED AND ADOPTED by the Mayor and Council of the City of Lawrenceville, GA at the regular meeting assembled this 23rd day of October, 2023.

ATTEST:

[Signature]
CITY/COUNTY CLERK

[Signature]
EXECUTIVE OFFICER

(City Seal)



APPROVED AS TO FORM:

[Signature]
CITY/COUNTY ATTORNEY

SPONSORED BY: City Council of the City of Lawrenceville

* This Resolution is an anticipatory document to allow the local government entity to be aware they will eventually be required to sign a Mowing and Maintenance Agreement for the roadside enhancement site.

ORDINANCE ORD-2023-3

An Ordinance to Amend Chapter 12 of The Code of the City of Lawrenceville, Georgia

The City Council of the City of Lawrenceville, Georgia hereby ordains the Chapter 12 of The Code of Ordinances of the City of Lawrenceville, Georgia is hereby amended by deleting that Chapter in its entirety and replacing it with the following:

Chapter 12 BUSINESSES AND BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Sec. 12-1. Applications.

Every person required to procure a license under the provisions of this chapter or any ordinance or law of this Municipality shall submit an application for such license to the City Chief Financial Officer or his or her designee or other officer or designee of the City whenever so specified herein, which application shall conform to the requirements of this section.

- (1) *Form of application.* Each application shall be a written statement upon forms provided by the City Chief Financial Officer.
- (2) *Contents of application.* Each application shall contain the following information:
 - a. Name and home address of the applicant, if an individual, or home address if a corporation or partnership;
 - b. Place where the proposed business is to be located;
 - c. Kind of business to be carried on;
 - d. Name and home address of the owner or president, if a corporation;
 - e. Such additional information which the City may find reasonably necessary to the fair administration of this chapter.
- (3) *Verification.* Each application shall be sworn to by the applicant, if an individual, or by a partner, if a partnership, or by an officer, if a corporation.
- (4) *Payment of fee.*
 - a. *Fee required.* Each application shall be accompanied by the amount of the fee chargeable for such license.
 - b. *Issuance of receipts.* The City Chief Financial Officer shall issue a receipt to the applicant for the amount of the fee tendered with the application for a license, provided that such receipt shall not be construed as approval of the application, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.
- (5) *False statements.* False statements on any application for a license shall be grounds for immediate revocation of such license.
- (6) *Eligibility.* In order to receive a professional or commercial license issued by the City, each applicant must submit a sworn affidavit attesting to the affiant's immigration status. The status of applicants

who swear by affidavit to be a qualified alien or nonimmigrant under the federal Immigration and Nationality Act will also be verified through the Systematic Alien Verification of Entitlement (SAVE) Program.

Sec. 12-2. Procedure for issuance.

- (a) *Review.* The City Financial Officer shall be designated the Reviewing Officer for review of an application for a license. The City Chief Financial Officer or designee shall have within 48 hours of the time of the receipt of the application to either grant or deny the license. If the application is denied, the applicant shall have ten days to appeal this decision to the City Manager.
- (b) *Discretion.* The granting of a business license under the provisions of this chapter shall be deemed a privilege only, and nothing contained in this chapter shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in such business.

Sec. 12-3. Display of license.

It shall be the duty of any person conducting any business or activity in the City requiring one or more license(s) to keep his or her license(s) posted in a conspicuous place on the premises used for such business or activity at all times.

Sec. 12-4. Inspections.

- (a) *Search of premises.* Whenever inspections of the premises used for, or in connection with, the operation of a business, activity, or occupation requiring a license from the City are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violation thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the City who is authorized or directed to make such inspection at any reasonable time that admission is requested.
- (b) *Testing of material.* Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the Municipality whose business, activity, or occupation is governed by such provision to give to any authorized officer or employee of the City requesting the same sufficient samples of such material or commodity for such analysis.
- (c) *Refusal to allow inspection.* In addition to any other penalty which may be provided, the City Manager, or City Chief Financial Officer if so designated, may revoke the license of any licensed proprietor of a licensed business, activity, or occupation in the City who refuses to permit any officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his or her duty in making such inspection, provided that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the City, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

Sec. 12-5. Termination and renewal of license.

- (a) *Termination.* All annual licenses shall terminate on the last day of the calendar year of the City when no provision to the contrary is made.
- (b) *Invoice for renewal.* Each licensee shall be invoiced by November 1 for the next year's license fee and fees shall be due by December 31 each year.
- (c) *Moving or closing.* If a permitted business moves outside City limits or closes, the applicant shall notify the city in writing of this change within ten business days.

Sec. 12-6. Revocation, suspension, etc.

The City Manager, after affording the licensee notice of the charges and opportunity to be heard with respect to any revocation proceeding, may, if it finds this chapter to have been violated by the licensee, his or her agent, or employee, revoke such license in its entirety, suspend the same for a specified period of time, place the licensee on probation, or place other conditions thereon as the City Manager may deem necessary.

Sec. 12-7. Change of location.

In the absence of any provision to the contrary, the location of any licensed business, activity, or occupation may be changed, provided that ten days notice thereof is given to the City Chief Financial Officer, and provided that all building and zoning requirements are complied with.

Sec. 12-8. Transfer of license.

All licenses shall be personal to the licensee to whom issued and shall not be transferable unless provisions in this chapter specifically so provide.

Sec. 12-9. Duplicate license.

A duplicate license shall be issued by the City Chief Financial Officer to replace a previously issued license which has been lost, stolen, defaced, or destroyed without any willful conduct on the part of the licensee, upon the filing of a sworn affidavit attesting to such fact, and the payment of a fee of \$10.00 to the City Chief Financial Officer.

Sec. 12-10. Branch offices.

For the purposes of this chapter, each branch, establishment or location wherein a representative of the owner is employed and is authorized to transact business for such owner shall be deemed a separate place of business for which a separate license shall be required, provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch offices.

Sec. 12-11. Due dates; late fees.

- (a) Except for insurance companies, a late fee of one and a half (1.5) percent per month of the unpaid fee shall be assessed for payments not received by December 31 preceding the calendar year for which the business license applies. If any such fee is not paid by January 31 of the calendar year for which the business license applies, the business license shall be terminated for nonpayment of the fee. Furthermore, such licensee shall be made to pay an additional penalty of ten (10) percent of the fee amount if such fees are more than ninety (90) days delinquent
- (b) Each insurance company shall pay the requisite business license fee by June 30 of the calendar year for which the license applies. Insurance companies shall be ineligible to renew their business licenses for the following calendar year unless and until the business license fee for the previous calendar year is paid in full.

Sec. 12-12. Penalty.

- (a) Any person who shall conduct a business, activity, or occupation without having obtained a license therefor or paid the required occupation tax as required by this chapter, or who shall violate any other provisions of this chapter, shall, upon a finding of violation therefor, be punished by a fine not to exceed \$1,000.00 and cost, or by imprisonment not to exceed six months, or both, any and all of such penalties to

be imposed in the discretion of the Judge of the Municipal Court. In addition to the foregoing penalties, any person(s) failing to timely obtain such licenses or pay such license fees or occupation taxes shall be subject to the maximum penalties, interest, and civil fines authorized by O.C.G.A. § 48-13-21 and O.C.G.A. § 48-13-26 as now written or as hereinafter amended.

- (b) In addition to all other enforcement measures authorized by state law and City ordinance, the City shall be authorized to utilize tax executions and to seek the entry of nulla bona orders pursuant to O.C.G.A. § 48-13-25 as now written or may be hereinafter amended to collect delinquent fees or taxes.

Secs. 12-13—12-42. Reserved.

ARTICLE II. BUSINESSES REGULATIONS

DIVISION 1. RESERVED

Secs. 12-43—12-72. Reserved.

DIVISION 2. INSURANCE BUSINESSES

Sec. 12-73. License and fee.

- (a) *License required.* Each person, agency, firm or company operating an insurance business within the municipal corporate limits shall be required to obtain a license from the City Chief Financial Officer in the manner specified in this chapter pursuant to O.C.G.A. § 33-8-8.
- (b) *Fee established.* In order to obtain a license, each person, agency, firm or company operating an insurance business shall pay to the City the annual license fee as provided under section 34-2.

Secs. 12-74—12-104. Reserved.

DIVISION 3. RESERVED

Secs. 12-105—12-123. Reserved.

DIVISION 4. RESERVED

Secs. 12-124—12-146. Reserved.

DIVISION 5. USED CAR DEALERS

Sec. 12-147. License required.

Any used car or used motor vehicle dealer, as such terms are defined in O.C.G.A. § 43-47-1, who does business within this Municipality shall be required to obtain a license from the City Chief Financial Officer in the manner specified in this chapter.

Sec. 12-148. Fee established.

The annual business license fee for each used car or used motor vehicle dealer doing business in the City shall be \$250.00.

Sec. 12-149. Reserved.

Sec. 12-150. Restriction on issuance.

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

Sec. 12-151. Records.

Each used car dealer or used motor vehicle dealer licensed under this division shall keep a record of all motor vehicles offered for sale, exchange, or disposal to the public, which record shall show the make of said motor vehicle, the year of its manufacture, its vehicle identification number (VIN), and its engine number, and which record shall always be kept available, for the City. The presence in his or her place of business of any motor vehicle on which the serial or engine number has been defaced or altered shall be immediately reported to the police.

Sec. 12-152. Inspections.

It shall be the duty of the City to make inspections from time to time for the purpose of seeing that the records required in this division are being kept.

Sec. 12-153. Exceptions.

Nothing in this division shall be deemed to apply to any individual making an isolated sale of his or her own vehicle.

Secs. 12-154—12-175. Reserved.

DIVISION 6. CIRCUSES, CARNIVALS AND PUBLIC EXHIBITIONS

Sec. 12-176. License required.

No person, firm or corporation shall conduct or operate a circus, carnival or public exhibition without having first obtained a license from the City Chief Financial Officer in the manner specified in this chapter.

Sec. 12-177. Definitions.

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

Carnival means and includes amusement activities, rides, merry-go-rounds, booths for the conduction of games of skill, food-dispensing facilities and sideshows.

Circus means a show in which feats of horsemanship, tumbling, strength, etc., are exhibited.

Public exhibition means and includes circuses, menageries, sideshows, and other similar itinerant amusement enterprises which are open to the public and for admission to which a fee is charged.

Sec. 12-178. Fees established.

- (a) The regulatory fee imposed on circuses, carnivals or public exhibitions operating within the City limits shall be as follows:

<i>Business</i>	<i>License Fee</i>
Circuses	\$300.00 per event
Carnivals	\$300.00 per event
Sideshows and Concessions	\$300.00 per event
Rides	\$300.00 per event

- (b) Any event shall not exceed 14 days without reapplying for an additional permit and paying an additional fee.

Sec. 12-179. Conditions of issuance.

No license under this division shall be issued until the following conditions have been met:

- (1) The operator and sponsor of the circus, carnival or public exhibition have each assumed full responsibility for maintaining order and for keeping the site clean and free of trash, papers and other debris and have placed trash containers in adequate number and in convenient locations for the use of the public;
- (2) Copies of all ride permits obtained from the Office of the Georgia Safety Fire Commissioner for the current calendar year have been supplied to the City; and
- (3) The applicant has placed on file with the City Chief Financial Officer a certificate of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with such carnival or exhibition. Such insurance shall be in the minimum amount of \$1,000,000.00 for each person.

Sec. 12-180. Inspections.

It shall be the duty of the City to see that proper inspections and patrols are made of the premises used for the activities licensed in this division.

Secs. 12-181—12-199. Reserved.

DIVISION 7. PAWNBROKERS AND SECONDHAND DEALERS

Sec. 12-200. Definitions.

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

Employee means:

- (1) Any owner or pawnbroker who, in the performance of his or her duties or the management of the business affairs of a pawnshop, comes into contact with members of the public;
- (2) Any person working for an owner or pawnbroker; or
- (3) Any person who is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.

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

Pawnbroker means any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he or she has charge of the business or daily operations of the pawnshop, and whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

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

Sec. 12-201. Hours of operation.

The hours during which pawnbrokers may conduct business shall be from no earlier than 7:00 a.m. to no later than 9:00 p.m.

Sec. 12-202. Pawn license required; supplementary to business license or occupational tax.

All persons, before beginning the business of operating a pawnshop or similar place where money is advanced on goods or other effects, or merchandise of any kind is taken in pawn, shall first file an application with the City of Lawrenceville Finance Department for an annual pawn license to conduct such business. The issuance of said pawn license shall be a requirement in addition to any other business license or occupational tax certificate required by the City of Lawrenceville, and no business license or occupational tax certificate shall issue prior to the applicant successfully receiving a pawn license from the Lawrenceville Finance Department.

- (1) *Form of application.* The application for a pawn license shall be completed on a form prescribed by the Chief Financial Officer or his or her designee. At minimum, the application shall include the physical address at which the business is proposed to be operated, and the full name, address, phone number, date of birth, photograph and social security number of pawnbrokers and managerial employees of the business. Additionally, the permit shall list the owner of the business. In the event the business is owned by a partnership or corporation, the partners or officers and registered agent shall be listed.
- (2) *License fee; separate license required for each physical location.* The completed form must be accompanied by an application and license fee of \$500.00. In the event an owner has more than one physical business location, each location will be required to obtain a separate permit. The application fee is nonrefundable in the event the applicant, for any reason, is not issued a pawn license, other business license, or occupational tax certificate.
- (3) *Background check required.* Upon receipt of the application and fee, the City or his or her designee shall conduct a background check on the applicant. A pawn license may not be issued where the applicant has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving

moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of ten years immediately prior to the filing of such application.

- (4) *Falsified applications.* No license shall be issued if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.
- (5) *Denial of license; appeal process.* If an application for a pawn license is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the Finance Department to the City Manager. Such appeal shall be by written petition, filed in the Finance Department within 15 days after the final order or action of the Finance Department and, in order to defray administrative costs, must be accompanied by a filing fee of \$150.00.
- (6) *Renewal.* Owners are required to renew the license upon expiration thereof and shall be required to pay a renewal fee of \$500.00.
- (7) *Replacement license.* In the event a license is lost or destroyed, a replacement license may be issued for the unexpired term of the initial license.
- (8) *Display of license.* Operators of pawn businesses shall conspicuously display the license at all times while the business is in operation.
- (9) *License issued in error; license the property of the City.* Any pawn license issued through administrative oversight or error may be terminated and seized by the Chief Financial Officer or his or her designee. All pawn licenses remain the property of the City of Lawrenceville. Upon notice by the City, the holder of a pawn license must surrender said license.
- (10) *Suspension or revocation of license; appeal.* A license may be denied, suspended or revoked by the City for falsifying an application, violation of this section or if the applicant has otherwise become ineligible to hold a license under this section. The license holder or applicant may appeal the decision of the Chief Financial Officer to the City Manager.

Sec. 12-203. Work permits required of employees.

No person shall be employed by a pawnshop in any capacity until such person has obtained a work permit from the Lawrenceville Finance Department.

- (1) *Form of application; fee required.* An application for a work permit shall be made on a form prescribed by the Chief Financial Officer or his or her designee. Such application form shall include, at a minimum, the applicant's name, date of birth, and social security number. The applicant must also provide positive identification (only official government-issued pictured identification accepted, e.g., driver's license, passport, military card, or State-issued identification card) at the time of application.
- (2) *Fee for permit.* The completed permit application form must be accompanied by an application and permit fee of \$100.00. The application fee is nonrefundable.
- (3) *Background check required.* Upon receipt of the application and fee, the City or his or her designee shall conduct a background check on the applicant. A permit may not be issued where the applicant has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of five years immediately prior to the filing of such application.
- (4) *Falsified applications.* No permit shall be issued if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.
- (5) *Denial of permit; appeal process.* If an application for a work permit is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the Chief Financial Officer to the City Manager. Such appeal shall be by written petition, filed in the office of the City Manager or his or her designee within 15 days after the final

order or action of the Finance Department and, in order to defray administrative costs, must be accompanied by a filing fee of \$100.00. In the event of a successful appeal, the full amount of the filing fee will be returned to the applicant.

- (6) *Renewal.* Permit holders are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee of \$100.00.
- (7) *Replacement permit.* In the event a permit is lost or destroyed, a replacement permit may be issued for the unexpired term of the initial license upon the payment of a permit replacement fee of \$20.00.
- (8) *Permit in possession while working; inspection by Finance Department.* Permit holders must have a valid permit on their person at all times while working within a pawn establishment. The permit shall be displayed upon the request of an employee or agent of the City.
- (9) *Permits issued in error; permits the property of the City.* Any work permit issued through administrative oversight or error may be terminated and seized by the Chief Financial Officer or his or her designee. All permits remain the property of the City of Lawrenceville. Upon notice by the Lawrenceville Finance Department, the holder of a permit must surrender said permit.
- (10) *Suspension or revocation of permit; appeal.* A permit may be denied, suspended or revoked by the Chief Financial Officer or his or her designee for falsifying an application, violation of this section, or if the applicant has otherwise become ineligible to hold a permit under this section. The permit holder or applicant may appeal the decision of the Chief Financial Officer to the City Manager.

Sec. 12-204. Records of pawn transactions; required information; method of transmittal.

Engaging in the business of pledging, trading, pawning, exchanging, or selling used or previously owned merchandise, furniture, machinery, appliances, utensils, firearms, gold, silver, coins, precious metals, jewelry and precious stones within the City limits of Lawrenceville is hereby declared to be affected with the public interest due to the opportunity it affords for the disposal of stolen property. In the public interest, and as set forth in this division, all pawnbroker and pawnshop operators shall document all transactions as required by this division. A transaction number will be assigned to every transaction to document the transaction.

- (1) *Identification of persons pledging items.* Employees of pawnshops shall require all persons pledging, trading, pawning, exchanging, or selling property to show proper identification prior to conducting a transaction. For purposes of this section, proper identifications shall consist of a government-issued identification document such as a driver's license, State identification card, military identification card or passport.
- (2) *Required documentation of identifying data.* Employees of pawnshops shall document the name, address, telephone number, race, gender, height, weight, driver's license number, date of birth, social security number, and identifying number from the presented identification of the person pledging, trading, pawning, exchanging, or selling property along with the date and time of the transaction. This documentation shall be made at the time of the transaction.
- (3) *Photographs required.* Employees of pawnshops shall photograph all persons pledging, trading, pawning, exchanging, or selling property. Such photograph will be made with a digital camera or web camera. Such photograph shall clearly show a frontal view of the subject's face along with the pawnshop transaction number. Additionally, photographs shall be made of the items being pledged, traded, pawned, exchanged or sold. The photographs shall be appended to the record of the pawn transaction in a manner prescribed by the Chief Financial Officer or his or her designee.
- (4) *Fingerprint and signature required.* Employees of pawnshops shall obtain from all persons pledging, trading, pawning, exchanging, or selling property the fingerprint of the right hand index finger. The fingerprint shall be appended to the record of the pawn transaction in a manner prescribed by the Chief Financial Officer or his or her designee. The subject shall also sign the pawn transaction. In the event the indicated finger is missing, the next finger available on the right hand will be used and the

finger used will be noted on the pawn transaction record. If the right hand is amputated, congenitally deformed, or otherwise unavailable due to medical condition, the left hand may be used and noted on the record. If neither hand is available due to medical condition, amputation or congenital deformity, that fact will be noted on the transaction record. Fingerprints and the information required in this section shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any property.

- (5) *Accurate property descriptions required.* Employees of pawnshops shall document an accurate description of all items pledged, traded, pawned, exchanged or sold to the pawnshop. Such description shall include, at a minimum and to the extent possible, manufacturer, model, serial number, style, material, kind, color, design, number of stones (if jewelry), and any identifying names, marks, numbers or engravings.
- (6) *Tags required.* Each item received by a pawnshop as a pledge, trade, pawn, exchange, or purchase shall be tagged with the pawnshop transaction number. Such tag must remain attached to the item until the item is disposed of by sale, trade or other lawful means.
- (7) *Wholesale purchases excluded.* The requirements of this section shall not apply to property purchased from licensed wholesale or distributor businesses for the purpose of retail sale; however, the pawnshop employees shall maintain purchasing records for property exempted under this subsection while the property remains in inventory.
- (8) *Special requirements for new or unused goods.* Items of property that appear to be new, unused, and in their original packaging may not be accepted by a pawnbroker unless the customer can supply a copy of the original sales receipt or other proof of purchase. Pawnshops shall retain a copy of such receipt or proof of purchase on file while the item is in inventory.
- (9) *Entry of transactions for electronic transmittal.* Each pawnshop shall enter each transaction into the electronic automated reporting system as it occurs. In the event the electronic transmittal system is unavailable, pawnshops shall make records in paper form as prescribed by the Chief Financial Officer or his or her designee. Such paper forms shall include all information otherwise required. Pawnshops shall keep a supply of paper forms available at all times.
- (10) *Automated reporting system; mandatory use.* The Chief Financial Officer or his or her designee shall select and designate an automated electronic reporting system for use by pawnshops to record and transmit pawn transactions. The pawnshop will be assessed a fee for each transaction entered into the system. This fee may be assessed to the person pledging, trading, pawning, exchanging, or selling property. Said fee will be collected by the Chief Financial Officer or his or her designee, which may be a third-party administrator of the automated reporting system.

Sec. 12-205. Retention of property; storage; police holds.

- (a) All property received through any pawnshop transaction shall be held for at least 30 days before being disposed of by sale, transfer, shipment, or otherwise, except when property is redeemed as per a pawn transaction contract.
- (b) All property pledged, traded, pawned, exchanged or sold to the pawnshop shall be held and maintained on the premises of the licenses pawnshop that completed the transaction, or, if impractical, at such other location as may have been previously approved in writing by the Chief Financial Officer or his or her designee. No off-site locations will be approved which are outside of the City limits of Lawrenceville.
- (c) The Lawrenceville Police Department shall have the authority to place property that is the subject of a law enforcement investigation on police hold. In that event, the Police Department shall notify the pawnshop of the need for the police hold and identify all property subject to the police hold. Such notification may be made verbally; however, written notice shall be provided within 24 hours of the verbal hold. Upon notification, it shall be the responsibility of the pawnshop to maintain the subject property until such time as the property is released from the police hold or the property is confiscated as evidence.

Sec. 12-206. Dealing with minors.

It shall be unlawful for any pawnbroker, his or her agents or employees, to receive in pawn, from minors, goods of any character or description. A minor, for the purpose of this division, is an individual under the age of 18 years.

Sec. 12-207. Responsibility for enforcement.

The Lawrenceville Finance Department shall have the responsibility for the enforcement of this division. Sworn officers of the Lawrenceville City Police Department and civilian employees designated by the Chief Financial Officer or designee shall have the authority to inspect establishments licensed under this section during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this division and State law.

Sec. 12-208. Penalty for violation.

Any person, firm, company, corporation or other entity who violates any provision of this division may be subject to arrest or summoned to appear in the Lawrenceville Municipal Court and, upon conviction or other finding of guilt, be punished by a fine of up to \$1,000.00 or six months imprisonment, or both.

Secs. 12-209—12-239. Reserved.

DIVISION 8. TEMPORARY OUTDOOR ACTIVITY

Sec. 12-240. License required.

No person, firm or corporation shall conduct or operate a temporary outdoor activity except as allowed under the provisions of this division.

Sec. 12-241. Definitions.

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

Goods and merchandise means tangible or movable personal property, other than money.

Temporary means for a period of not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity.

Temporary outdoor activity means for-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises as the principal use of the premises. The term "temporary outdoor activity" includes the sale of farm produce, carnivals, or sale of Christmas trees or Halloween pumpkins from property which is vacant or which contains a separate and distinct primary use, such activities continuing for a period not exceeding 20 consecutive days, except Christmas tree sales shall be allowed between November 1 and December 31 and pumpkin sales shall be permitted from September 15 and October 31. Temporary outdoor activities shall occur in non-enclosed areas.

Temporary outdoor activity permit means written authorization by the Director of Planning, Zoning, and Inspections, or his or her designee, for the applicant to engage in temporary outdoor activities at a specific, fixed location meeting all the requirements of this division.

Sec. 12-242. Conditions of issuance.

No license under this section shall be issued until the following conditions have been met:

- (1) Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.
- (2) Mobile food services and the preparation of food on site shall not be permitted as temporary outdoor activities.
- (3) No display shall be erected or installed, nor shall any temporary outdoor activity take place, within 50 feet of a City, County or State right-of-way.
- (4) No temporary structure or covering shall be erected as a part of a temporary outdoor activity. Display tables may be used. Exemptions to this requirement are made for Christmas tree and Halloween pumpkin sales lots.
- (5) No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
- (6) Temporary outdoor activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
- (7) No more than one temporary outdoor activity shall be permitted simultaneously on a parcel.
- (8) Temporary outdoor activities shall be conducted on a paved surface and not on grassed or landscaped areas. Exemptions to this requirement are Christmas tree and Halloween pumpkin sales lots.
- (9) No evidence of the temporary activity shall remain on a parcel of property for more than 12 consecutive hours of any calendar day. Exemptions to this requirement are Christmas tree and Halloween pumpkin sales lots.
- (10) Charitable or nonprofit events for which sale proceeds benefit charitable organizations are not regulated by this article.

Sec. 12-243. Inspections.

It shall be the duty of the Police Chief or his or her designate to see that all conditions under this division are met.

Secs. 12-244—12-264. Reserved.

DIVISION 9. RESERVED

Secs. 12-265—12-293. Reserved.

DIVISION 10. HANDWRITING ANALYSTS AND FORTUNE TELLERS

Sec. 12-294. License required.

It shall be unlawful for any person to practice handwriting analysis or fortune telling in the City unless that person holds a valid unexpired and unrevoked license to engage in the practice of handwriting analysis or fortune telling issued by the City.

Sec. 12-295. Fee established.

The annual business license fee for each handwriting analyst or fortune teller shall be \$200.00.

Sec. 12-296. Definitions.

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

Fortune telling 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.

Sec. 12-297. Application.

Any person desiring to practice handwriting analysis or fortune telling in the City shall make application for a permit to the Finance Department on forms to be prepared and approved by the Chief Financial Officer or designee. The applicant shall meet the following requirements prior to being licensed to practice handwriting analysis or fortune telling in the City:

- (1) Be 18 years of age or more;
- (2) Not have been convicted of a crime of any grade or any ordinance violation involving the following categories of criminal conduct: larceny, embezzlement, fraudulent conveyance; perjury and/or false swearing, or subrogation or either, gambling, deceitful means, artful practices, lottery, felonies or other group I crimes, as defined in the Uniform Crime Reporting Manual, Federal Bureau of Investigation, United States Department of Justice which are reasonably related to the activities regulated in this division, within three years of the date of the application;
- (3) Allow fingerprints to be made by the City at the time of application; and
- (4) Furnish the City two photographs showing a front and side picture of the full face of the applicant, size 2½ inches by 2¾ inches.

Sec. 12-298. Revocation and suspension of permit.

Any person failing to comply with any provision of this division, or such other laws and regulations as may be passed by the Council for the conduct of the business of handwriting analysis or fortune telling, shall be subject to having his or her license to conduct the business revoked or suspended upon appropriate notice of hearing.

Secs. 12-300—12-316. Reserved.

DIVISION 11. MASSAGE THERAPY BUSINESSES

Sec. 12-317. Purpose.

- (a) The purpose of this section is to provide for local licensing and regulation of massage therapy businesses, pursuant to the authority to regulate for the general health, safety and welfare as provided in the Charter Section 1.13(41) and O.C.G.A. §§ 48-13-9(b)(17) and 43-24A-1 et seq., as amended.
- (b) A license issued pursuant to this division is a privilege, not a right.

Sec. 12-318. Definitions.

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

Act means the Georgia Massage Therapy Practice Act, enacted by and defined in O.C.G.A. § 43-24A-1 et seq. as amended.

Board means the Georgia Board of Massage Therapy, enacted by the provisions of O.C.G.A. § 43-24A-4.

For hire means a reasonable expectation that the person to whom the massage is provided, or some third person on his or her behalf, will pay money, give other consideration, or provide any gratuity therefor.

Licensed massage therapist means a person who holds a valid, current, unrevoked, and unsuspended State license in the practice of massage therapy issued by the Board pursuant to the Act.

Massage therapy means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term "massage therapy" includes complementary methods, including, without limitation, the external application of water, superficial heat, 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 "massage therapy" also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. The term "massage therapy" does not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities (O.C.G.A. § 43-24A-3).

Massage therapy business means a business with a location in the City at which any person engages in or offers massage therapy, regardless of the name of the business or the words used to describe the business through signage or advertisement or in filings with the Secretary of State. Massage therapy businesses are subject to regulation by a local government, pursuant to O.C.G.A. §§ 43-24A-22(a) and 48-13-9(b)(17), as amended.

Massage therapist, masseuse, masseur, massage practitioner, or person practicing massage means a person who performs or engages in the practice of massage.

Provisional permit means a permit issued pursuant to Chapter 24A of Title 43 of the O.C.G.A. allowing the holder to practice massage therapy in this state.

Sexual or genital area means the genitals, pubic area, anus, perineum of any person, or the vulva or breast of a female.

State license means a license to practice massage therapy issued by the Board, pursuant to the Act.

Sec. 12-319. Requirements and application.

(a) Requirements.

- (1) *State license.* No person other than a licensed massage therapist or the holder of a valid state provisional permit shall perform or offer to perform massage in a massage therapy business within the City.
- (2) *Conditions of issuance.* No license shall be issued to any massage therapy business within the City under this division unless every person who performs or offers to perform massage on its premises is a licensed massage therapist or holder of a valid state provisional permit, and it shall be unlawful to operate as a massage therapy business unless all such persons are and remain licensed massage therapists or provisional permit holders. The City license of a massage therapy business that fails to meet this requirement is subject to revocation.

- (3) *City license.* No person shall operate a massage therapy business without a valid, current, unrevoked, and unsuspended license from the City, pursuant to this division.
 - (4) *Conviction of a crime.* No license under this division shall be issued or renewed to any person who himself or herself or who has a co-owner, partner or manager who has been convicted or shall have entered a plea of nolo contendere for any felony within ten years, or two misdemeanors within five years, other than traffic violations, immediately prior to the filing of the application. The term "conviction" includes an adjudication of guilty or plea of guilty or nolo contendere or the forfeiture of a bond in part or in whole when charged with a crime. Licenses granted to persons who fail to meet this requirement at any time shall be subject to revocation.
 - (5) *Age of licensee.* No person under the age of 18 years shall be issued a license to operate a massage therapy business.
 - (6) *Personal residency; agent.* All applicants for licenses under this division and all actual owners of massage therapy businesses for which licenses are sought shall be bona fide residents of the City or Gwinnett County at the time of the filing of the applications and shall remain bona fide residents of the City or Gwinnett County during all times that the licenses and renewals thereof are in effect, or shall name one or more residents in the City or Gwinnett County as the agent or representative of the licensee, who shall be responsible for any matter relating to such license and who, at all such times, shall be a bona fide resident of the City or Gwinnett County and shall be granted the express authority to accept service of process on behalf of the business. If any such person shall cease to be a resident of the City or Gwinnett County, another person shall immediately be appointed, in writing, in his or her place, and written notice shall be given the City Chief Financial Officer, stating the name and address of the new agent.
 - (7) *Corporate residency; agent.* All applications for licenses under this division by a corporation or other business entity shall name in the application one or more residents in the City or Gwinnett County as the agent and representative of the corporation to receive all communications, notices, services of process, or other papers or documents on behalf of the corporation in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation, or other action with respect to any license issued pursuant to this division. The application shall give the mailing address of the person, and the mailing to any such person at such address of any notice required to be given under this chapter or any other law shall be sufficient notice to the corporation. If any such person shall cease to be a resident of the City or Gwinnett County, another person shall immediately be appointed, in writing, in his or her place, and written notice shall be given the City Chief Financial Officer, stating the name and address of the new agent.
 - (8) *Annual regulatory license fee and occupational tax certificate required.* An annual regulatory license fee and payment of the applicable annual occupational tax shall be required for each person, firm, corporation or other entity operating a massage therapy business. The annual regulatory license fee shall be \$2,000.00 per massage therapy business and shall be in addition to occupation taxes.
- (b) *Application for license.*
- (1) To operate a massage therapy business within the boundaries of the City, the applicant must first make application to the City on a form provided by the City Chief Financial Officer or his or her designee, and submit to a criminal background check of the applicant along with any co-owners, partners and non-massage therapists who will act as a manager at the business. The applicant, after having fully and truthfully completed such form and paying the prescribed fees, and having received a license, shall maintain and operate such business pursuant to the ordinances of the City and the laws of the State.
 - (2) As part of the massage therapy business license process with the City, each applicant shall provide a true and correct copy or original of the State license or state provisional permit for each and every massage therapist and state provisional permit holder, performing or anticipated to perform massage at its location, for inspection and copying. The applicant shall also supply for each licensed massage therapist or state provisional permit holder two forms of photo identification. Failure of any massage

therapy business to provide State licenses or state provisional permits of its employees that will be performing massage shall automatically result in the denial of the issuance of a City license to the applicant.

- (3) After the City license has been issued, the licensee shall, in person, furnish to the City Chief Financial Officer a true and correct copy or original of the State license or state provisional permit and two forms of photo identification for each new massage therapist or state provisional permit holder at the licensee's massage therapy business prior to such person's commencing to perform or offering to perform massage at such massage therapy business. When any massage therapist or state provisional permit holder discontinues performing massage at a massage therapy business, the licensee shall make the departure known in writing to the City Chief Financial Officer within 30 days of such departure.
- (4) Each applicant for a license shall make his or her affidavit before the City Chief Financial Officer, on a form provided by the Chief Financial Officer, upon oath, swearing or affirming that all persons practicing massage on the premises of his or her massage therapy business are licensed massage therapists or holders of state provisional permits and that all requirements of this division for a license have been met.
- (5) Each application under this division shall include, but shall not be limited to, the following information:
 - a. A list of services to be provided.
 - b. The location, mailing address and all telephone numbers where the business is to be conducted.
 - c. The name and residence of each applicant and any agent as required by this division.
 - d. Proof that the applicant is at least 18 years of age.
 - e. Copy of two forms of photo identification for each applicant, such as driver's license or official identification card.
 - f. The name and a copy of the State license or state provisional permit of each massage therapist and provisional permit holder that will be employed by the applicant.
 - g. Copy of two forms of photo identification for each massage therapist and state provisional permit holder that will be employed by the applicant.
 - h. A list of any and all criminal convictions of the applicant other than misdemeanor traffic violations, including the dates of conviction, description of the offense and the court where the conviction was received.
 - i. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicants for the permit.
 - j. Any other State-required affidavits or forms, including local benefit receipt affidavits.
 - k. Applicants must be at least 18 years of age, employ one (which may include himself or herself) or more massage therapists licensed or state provisional permit holders in accordance with subsection (a) of this section, and if a corporation, is an officer of the corporation which is organized and authorized to do business pursuant to the laws of the State. The applicant, in order to operate a massage therapy business, must be the owner of the premises wherein the business will be conducted or the holder of a lease thereon for the period to be covered by the license.
 - l. A set of fingerprints taken by the City or other approved location for each employee that is not a licensed massage therapist or state provisional permit holder employed by the applicant.
 - m. A set of fingerprints taken by the City or other approved location for each owner, partner, and manager of each massage therapy business.

Sec. 12-320. Distance regulation.

- (a) Following the adoption of the ordinance from which this division is derived, there shall be no more than three massage therapy businesses per 10,000 persons living within the City limits based on the most current United States Census and calculated on a pro-rata basis. Further, there shall be a 150-foot buffer from any massage therapy business to any residentially zoned property from the front door of the structure where massage therapy business occurs to the nearest parcel boundary line of any residentially zoned property as measured by a straight line on the ground.
- (b) No application for a massage therapy business license shall be granted unless the business is permitted in the zoning district where operation of the business is proposed.
- (c) Upon application for a massage therapy business license, the applicant will provide to the City a survey showing the distances to each residentially zoned property within a 150-foot radius of the massage business.
- (d) The City Council recognizes that upon the adoption and effective date of the ordinance from which this division is derived, there appear to be active massage therapy businesses with physical facilities in existence in the City limits. Without waiving any illegality of such physically existing structures based on zoning or other laws and without de facto or specifically granting any "grandfathered," "vested," or "legal non-conforming" (as those terms are defined in State Zoning Law) status by virtue of adoption of this purely regulatory section, it is the intention of the City Council to allow the continued operation of the existing massage therapy businesses, provided that the same otherwise comply with all other applicable laws and regulations of the City and State.
- (e) Any licensed massage therapy businesses legally operating prior to the adoption of the ordinance from which this division is derived shall be exempt from the distance and population cap regulations of this division until the licensee of such massage therapy business or a new licensee to whom the license is legally transferred as provided for by section 12-331 no longer holds a valid massage therapy business license from the City of Lawrenceville.

Sec. 12-321. License renewal.

Licenses for massage therapy businesses shall be renewed on a calendar year basis, provided that the licensees continue to meet the requirements set out in this division and the requirements of the Act.

Sec. 12-322. Registry.

A registry shall be kept of all persons practicing massage on the premises of such massage therapy business, which shall be available for inspection by an authorized agent of the City, including, but not limited to, the City Chief Financial Officer, the authorized designee of the City Chief Financial Officer and City Police Officers. The registry required by this section shall be made available for inspection during normal hours of business and must provide the following information:

- (1) Legal name and any other names the massage therapist or state provisional permit holder has been or is known as or by;
- (2) Current address, including street and city;
- (3) State or country of birth;
- (4) Date of birth;
- (5) Number and expiration date of State license or state provisional permit;
- (6) Position with the massage therapy business or business entity; and
- (7) Two copies of photo identification for the massage therapist and state provisional permit holders.

Sec. 12-323. Posting licenses and rates.

- (a) Each massage therapy business shall post a legible copy of its license obtained pursuant to this division, along with copies of the State license of each massage therapist and provisional permit holder operating on the premises of such massage therapy business, in a conspicuous place in the licensee's place of business and shall keep such licenses there at all times.
- (b) Price rates for all massage therapy services shall be prominently posted in the reception area or other conspicuous location available for all prospective customers. No service shall be allowed or permitted that is not prominently posted with its fees in such location.

Sec. 12-324. Record of patrons receiving services.

Each massage therapy business shall maintain a list of patrons who received massage therapy services at the business. The list shall include the patron's name, address, telephone number and time and date of service. Entries required under this section shall be maintained for one year.

Sec. 12-325. Escort service and adult entertainment prohibited.

No massage therapy business shall act as an escort or dating service or conduct any adult establishment as that term is defined in section 12-401.

Sec. 12-326. Alcoholic beverages prohibited.

No alcoholic beverages shall be sold, served, given, dispensed, provided, consumed, or caused or allowed to be sold, served, given, dispensed, provided, consumed by or to any person on the premises of a massage therapy business or kept thereon. The term "alcoholic beverages" means and includes all types and kinds of alcohol, as defined in chapter 4.

Sec. 12-327. Hours of operation; inspection; right of entry.

- (a) Massage therapy businesses shall be open for business only between the hours of 6:00 a.m. and 10:00 p.m., inclusive.
- (b) Any business holding a license issued under this division shall, at any time that the premises are open for business, be open to inspection by a duly authorized agent of the City Chief Financial Officer. It shall be unlawful for any person holding a massage therapy business license or an employee of such licensee to refuse such inspection officer immediate access to the premises or to hinder such officer in any manner; such refusal or hindrance on the part of any license holder or employee shall be grounds for the immediate revocation or suspension of a massage therapy license.
- (c) As a condition of maintaining a massage therapy business license issued under this division, at any time that the premises are open for business the massage therapy business will require massage therapists and state provisional permit holders in their employment to submit to reasonable verification efforts by authorized City Officials to confirm the identity of the massage therapist and to confirm State licensure. Verification methods may include, but are not limited to, a review of photo identification and/or fingerprinting of the massage therapists or provisional permit holders.
 - (1) The refusal of any massage therapist or provisional permit holder to submit to reasonable verification efforts as provided in this section shall be cause for suspension or revocation of the massage therapy business license, but shall not result in any citation or adverse consequence for the massage therapist or provisional permit holder.

- (2) The scope of any investigation performed under this subsection should be limited to verification of the identity and State licensure of a massage therapist or provisional permit holder and should only take place in common areas open to the public during normal business hours.

Sec. 12-328. Name; place of business; sale, transfer, or change of location.

No person or business entity granted a location license pursuant to this division shall operate the business under a name not specified in the license nor conduct business at any location or place not specified in the license. No license shall be transferable except as provided for in Section 12-331. Upon the sale or relocation of a massage therapy business, the license thereof shall be null and void.

Sec. 12-329. Restrictions on presence of minors.

It shall be unlawful for any person operating a massage therapy business to permit persons under 18 years of age to enter any area or room where massage therapy is performed unless such minor is accompanied by a parent, legal guardian or other adult with lawful custody or control of the minor or has a written prescription from a physician, surgeon, osteopath, or podiatrist who has a valid current license, issued pursuant to State law.

Sec. 12-330. Operating requirements.

- (a) *Clean and sanitary condition.* Every portion of the premises of, and all equipment and supplies of, the massage therapy business shall be kept clean and shall be operated in a sanitary condition.
- (b) *Attire of employees.* It shall be the responsibility of the massage therapy business, licensed under this division to ensure that any employees involved in any way with massage therapy services or who will be present during massage therapy services are dressed in clean, opaque attire that does not expose to view any sexual or genital areas and covers all areas from the top of the breast line to an area no higher than four inches above the knee line.
- (c) *Laundry.* All sheets and towels provided to patrons in massage facilities shall be clean and laundered after each use and stored in a sanitary manner.
- (d) *Locked doors.* It shall be prohibited for any massage facility business to lock main entrance doors to the business or any doors to rooms where massage therapy is being performed while the business is open.
- (e) *Unlawful to massage sexual areas.* It is unlawful for any person in a massage establishment to place his or her hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital area, as defined by this division, of any person or to act in a manner intended to arouse, appeal to or gratify the lust or passions of sexual desires.
- (f) *Conduct on premises.* All persons holding a massage therapy business license shall at all times be responsible for the conduct of business on the licensed premises, and for any act or conduct of any massage therapist utilizing the facility which constitutes a violation of the provisions in this division. Any violation of City, State or federal laws committed on the licensed premises by any such holder of a massage therapy business license or employee of the facility that affects the eligibility or suitability of such person to hold a license, may be grounds for suspension or revocation of the City license.

Sec. 12-331. Restriction upon transfers.

- (a) Licenses issued under this division shall not be transferable except as otherwise provided for in this section.
- (b) In case of the death of any person owning a license, or any interest greater than ten percent therein, the license may, with the approval of the City and subject to the terms of this division, be transferred to the administrator, executor or personal representative of the deceased person, or the lawful heirs of the deceased person, if such heirs make application and meet all of the other qualifications contained in this

section. The license of such deceased person shall be held by the administrator, executor or personal representative of such deceased person only for the time necessary to complete execution of his or her estate and dispose of the license or his or her interest therein, but in no event to exceed eight months. In the event of the bankruptcy or in the event that any applicant shall have a receiver appointed by any court of competent jurisdiction, such license shall be transferable to such receiver or trustee in bankruptcy for such period of time as may be granted by the City for the proper liquidation of such assets and stock and goods.

- (c) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license to withdraw from the partnership and to assign his or her interest in such partnership to one or more of the partners who were partners at the time of the issuance of the license. Such a withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this division are fully complied with, and then only upon the approval of the City. This section shall not prohibit transfer of stock to persons who held more than ten percent of any class of stock in the corporate owner at the time of issuance of the license.
- (d) A licensee may take in partners or additional stockholders where it is determined that additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and where it appears that the licensee himself or herself will directly receive none of the additional capital investment. Under this section, an additional partner or new stockholder must be approved by the City. This subsection only applies to corporations when the new stockholder obtains ten percent or more of the common stock or financial interest in the business entity.
- (e) Should a transfer of the license be approved, there shall be no prorated return of any license fee and the new licensee shall meet all requirements for a new license to be issued under this division, except payment of license fees.
- (f) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall be cause for immediate suspension of any license issued under this division pending a revocation hearing as provided for under this chapter.

Sec. 12-332. Revocation, suspensions, violations and penalties.

- (a) *Revocation and suspension.* Upon notice, the City may, for good cause, revoke or suspend or place on probation the license of any massage therapy business:
 - (1) That commits or allows any violations of the provisions of this division;
 - (2) That allows any massage therapist, working on the massage therapy business's premises, to commit or offer to commit a sexual crime under O.C.G.A. Title 16, Chapter 6;
 - (3) That allows any person to perform or offer massage on the premises who is not a licensed massage therapist or the holder of a state provisional permit;
 - (4) Where the applicant for the massage therapy business's City license gave false information on the application, in his or her affidavit, or in the massage therapy business's registry as required in this division, or fails to update information related to the license to the City as required by this division; or
 - (5) Where the licensee fails at any time to meet the requirements for licensure under this section.
- (b) *Violation; penalty.* In addition to revocation or suspension of the massage therapy business license, any person who violates any provision of this division may, upon conviction, be punished in accordance with section 1-8. Each day during which said offenses occur shall constitute a separate offense, as shall each separate act constitute a violation.

Sec. 12-333. Notice of intent to deny, revoke or suspend license.

- (a) Whenever, in the opinion of the City Chief Financial Officer, there is cause to deny an initial application or renewal, or to revoke or suspend the license of a massage therapy business, a written notice of intention to revoke or suspend shall be furnished to the holder thereof. Such written notice shall list the grounds upon which revocation or suspension is sought and shall set forth the licensee's appeal rights.
- (b) For the purpose of this section, notice shall be deemed delivered when personally served or when served by registered or certified mail, return receipt requested, within three days after the date of deposit in the U.S. mail.

Sec. 12-334. Appeal hearings.

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as provided in this section.
- (b) The City Chief Financial Officer or his or her designee shall provide written notice of the decision to deny, revoke or suspend a massage therapy business license. Any applicant or licensee adversely affected by the decision of the City Chief Financial Officer may have a review thereof by appeal to the City Manager or his or her designated hearing officer.
- (c) Appeals shall be made by written petition filed in the City Finance Department within 15 days of the final decision or action of the City Chief Financial Officer.
- (d) In order to defray administrative costs, all appeals under this section must be accompanied by a filing fee of \$500.00.
- (e) A hearing shall be conducted before the City Manager or his or her designated hearing officer on each properly filed appeal within 30 days of the filing of the appeal with the City Finance Department, unless a continuance is agreed upon by the appellant and the City Chief Financial Officer.
- (f) The appellant at such a hearing shall have the right to be represented by an attorney at the expense of the appellant, and to present evidence and cross examine witnesses. All testimony shall be sworn.
- (g) The City Chief Financial Officer shall bear the burden of proof by a preponderance of the evidence standard. The determination and findings by the City Chief Financial Officer shall not be set aside unless the City Manager or his or her designated hearing officer finds them to be:
 - (1) Contrary to law or ordinance;
 - (2) Unsupported by substantial evidence on the record as a whole; or
 - (3) Unreasonable.
- (h) The written findings of the City Manager or his or her designated hearing officer shall be forwarded to the City Chief Financial Officer after conclusion of the hearing, and it shall be the duty of the City Clerk to notify the appellant of the decision.
- (i) The findings and decision of the City Manager or his or her designated hearing officer shall be final unless appealed within 30 days of the date of said findings by certiorari to the Superior Court of the County.

Sec. 12-335. Exemptions.

- (a) The requirements of this division shall have no application to or effect upon the following persons acting within the scope of their professions:
 - (1) Medical doctors and osteopaths, chiropractors, physical and occupational therapists, podiatrists, acupuncturists, registered or licensed practical nurses.

- (2) Cosmetologists duly licensed to practice in this State pursuant to State law, except that this exemption shall apply solely to massaging the head, neck, face, scalp, hair, hands or feet of the patron.
 - (3) Employees of duly licensed nursing and convalescent homes and hospitals;
 - (4) Athletic directors or trainers who are affiliated with an accredited educational institution or a bona fide sports team and whose work is limited to athletic team members.
- (b) Massage therapy businesses providing client home services shall not be subject to the provisions of this division relating to the physical locations where massage therapy shall be performed, but shall comply with section 12-330(e), section 12-327(a), and section 12-325.
- (c) Requirements for licensure under the Act shall not apply to persons excluded from State licensure pursuant to O.C.G.A. § 43-24A-19, acting within the scope of their professions.

Secs. 12-336—12-358. Reserved.

DIVISION 12. RESERVED

Secs. 12-379—12-399. Reserved.

DIVISION 13. ADULT ENTERTAINMENT

Sec. 12-400. Purpose.

- (a) *Purpose.* It is the purpose of this article to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the city. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.
- (b) *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

Trop, Inc. v. City of Brookhaven, 296 Ga. 85 (2014); *Oasis Goodtime Emporium I, Inc. v. City of Doraville*, 773 S.E.2d 728 (Ga. 2015); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J Lingerie, Inc.*

v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); This That And The Other Gift and Tobacco, Inc. v. Cobb County, 285 F.3d 1319 (11th Cir. 2002); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Grand Faloon Tavern, Inc. v. Wicker, 670 F.2d 943 (11th Cir. 1982); International Food & Beverage Systems v. Ft. Lauderdale, 794 F.2d 1520 (11th Cir. 1986); 5634 E. Hillsborough Ave., Inc. v. Hillsborough County, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), aff'd, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520 (2001); Morrison v. State, 272 Ga. 129 (2000); Goldrush II v. City of Marietta, 267 Ga. 683 (1997); Flippen Alliance for Community Empowerment, Inc. v. Brannan, 601 S.E.2d 106 (Ga. Ct. App. 2004); Oasis Goodtime Emporium I, Inc. v. DeKalb County, 272 Ga. 887 (2000); Chamblee Visuals, LLC v. City of Chamblee, 270 Ga. 33 (1998); World Famous Dudley's Food & Spirits, Inc. v. City of College Park, 265 Ga. 618 (1995); Airport Bookstore, Inc. v. Jackson, 242 Ga. 214 (1978); Entm't Prods., Inc. v. Shelby County, 721 F.3d 729 (6th Cir. 2013); Lund v. City of Fall River, 714 F.3d 65 (1st Cir. 2013); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358 (5th Cir. 2002); Ocello v. Koster, 354 S.W.3d 187 (Mo. 2011); 84 Video/Newsstand, Inc. v. Sartini, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); Plaza Group Properties, LLC v. Spencer County Plan Commission, 877 N.E.2d 877 (Ind. Ct. App. 2007); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Entm't Prods., Inc. v. Shelby County, 588 F.3d 372 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Starship Enters. of Atlanta, Inc. v. Coweta County, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); High Five Investments, LLC v. Floyd County, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005);

and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois — 2011-12; Manatee County, Florida — 2007; Hillsborough County, Florida — 2006; Clarksville, Indiana — 2009; El Paso, Texas — 2008; Memphis, Tennessee — 2006; New Albany, Indiana — 2009; Louisville, Kentucky — 2004; Fulton County, GA — 2001; Chattanooga, Tennessee — 1999-2003; Jackson County, Missouri — 2008; Ft. Worth, Texas — 2004; Kennedale, Texas — 2005; Greensboro, North Carolina — 2003; Dallas, Texas — 1997; Houston, Texas — 1997, 1983; Phoenix, Arizona — 1995-98, 1979; Tucson, Arizona — 1990; Spokane, Washington — 2001; St. Cloud, Minnesota — 1994; Austin, Texas — 1986; Indianapolis, Indiana — 1984; Garden Grove, California — 1991; Los Angeles, California — 1977; Whittier, California — 1978; Oklahoma City, Oklahoma — 1986; New York, New York Times Square — 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas — 2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA),

the city council finds:

- (1) Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this division, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the city. The city finds that the cases and documentation relied on in this article are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

Sec. 12-401. Definitions.

For purposes of this article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

Adult arcade means a commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

Adult bookstore means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 35 percent of the establishment's displayed merchandise consists of said items, or
- (2) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
- (3) The establishment maintains at least 35 percent of its floor space for the display, sale, and/or rental of said items; or
- (4) The establishment maintains at least 750 square feet of its floor space for the display, sale, and/or rental of said items.

Adult establishment means an "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store."

Adult motion picture theater means a commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger wherein films or videos characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas" are regularly shown.

Characterized by means describing the essential character or quality of an item. As applied in this article, no business shall be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

City means the City of Lawrenceville, Georgia.

Employ, employee, and employment describe and pertain to any person who works on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Establish or establishment means and includes any of the following:

- (1) The opening or commencement of any adult establishment as a new business;
- (2) The conversion of an existing business, whether or not an adult establishment, to any adult establishment; or
- (3) The addition of any adult establishment to any other existing adult establishment.

Floor space means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Hearing officer means an attorney, not an employee of the city, who is licensed to practice law in Georgia, and retained to serve as an independent tribunal to conduct hearings under this article.

Influential interest means any of the following:

- (1) The actual power to operate the adult establishment or control the operation, management or policies of the adult establishment or legal entity which operates the adult establishment;
- (2) Ownership of a financial interest of 30 percent or more of a business or of any class of voting securities of a business; or
- (3) Holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the adult establishment.

Licensee means a person in whose name a license to operate an adult establishment has been issued, as well as the individual or individuals listed as an applicant on the application for an adult establishment license. In the case of an "employee," it shall mean the person in whose name the adult establishment employee license has been issued.

Nudity or nude conduct means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operator means any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises means the real property upon which the adult establishment is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the adult establishment, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for an adult establishment license.

Regional shopping mall (enclosed) means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least 40 acres in size and flanked by two or more large "anchor" stores, such as department stores. The common walkway or "mall" is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

Regularly means the consistent and repeated doing of an act on an ongoing basis.

Semi-nude or semi-nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any

portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Semi-nude lounge means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

Sexual device means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sex paraphernalia store means a commercial establishment where more than 100 sexual devices are regularly made available for sale or rental. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall or any pharmacy or establishment primarily dedicated to providing medical products.

Specified anatomical areas means and includes:

- (1) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal activity means any of the following specified crimes for which less than five years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- (1) Rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;
- (2) Prostitution, keeping a place of prostitution, pimping, or pandering;
- (3) Obscenity, disseminating or displaying matter harmful to a minor, or use of child in sexual performance;
- (4) Any offense related to any sexually-oriented business, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;
- (5) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (6) Any offense in another jurisdiction that, had the predicate act(s) been committed in Georgia, would have constituted any of the foregoing offenses.

Specified sexual activity means any of the following:

- (1) Intercourse, oral copulation, masturbation or sodomy; or
- (2) Excretory functions as a part of or in connection with any of the activities described in (1) above.

Transfer of ownership or control of an adult establishment means any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room means the room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

Sec. 12-402. License required.

- (a) *Adult establishment license.* It shall be unlawful for any person to operate an adult establishment in the city without a valid adult establishment license.
- (b) *Employee license.* It shall be unlawful for any person to be an "employee," as defined in this article, of an adult establishment in the city without a valid adult establishment employee license, except that a person who is a licensee under a valid adult establishment license shall not be required to also obtain an adult establishment employee license. It shall be unlawful for any person who operates an adult establishment to employ a person at the establishment who does not have a valid adult establishment employee license.
- (c) *Application.* An applicant for an adult establishment license or an adult establishment employee license shall file in person at the City Finance Department a completed application made on a form provided by the Chief Financial Officer. An adult establishment may designate an individual with an influential interest in the business to file its application for an adult establishment license in person on behalf of the business. The application shall be signed as required by subsection (d) herein and shall be notarized. An application shall be considered complete when it contains the information and/or items required in this subsection (c), accompanied by the appropriate licensing fee. An application must contain the information and/or items required in subparts (1)-(4) and (7)-(8) for each individual required to sign the application:
 - (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
 - (2) Current business address or another mailing address for the applicant.
 - (3) Written proof of age, in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
 - (4) A set of fingerprint impressions of the fingers and thumbs on both hands taken by the City Police Department Permits Unit. The permits unit shall provide this service, upon payment of the nominal fee for such service, on business days during its standard hours of operation upon request.
 - (5) If the application is for an adult establishment license, the business name, location, legal description, mailing address and phone number of the adult establishment.
 - (6) If the application is for an adult establishment license, the name and business address of the statutory agent or other agent authorized to receive service of process.
 - (7) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 - (8) A statement of whether any adult establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to a court order of closure.
 - (9) An application for an adult establishment license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business and a statement of floor area visible or accessible to patrons for any reason, excluding restrooms. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who

are required to comply with the stage, booth, and/or room configuration requirements of this article shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of the applicable regulations.

The information provided pursuant to this subsection (c) shall be supplemented in writing by certified mail, return receipt requested, to the Chief Financial Officer within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (d) **Signature.** A person who seeks an adult establishment employee license under this section shall sign the application for a license. If a person who seeks an adult establishment license under this section is an individual, he shall sign the application for a license as applicant. If a person who seeks an adult establishment license is other than an individual, each person with an influential interest in the adult establishment or in a legal entity that controls the adult establishment shall sign the application for a license as applicant. Each applicant must be qualified under this article and each applicant shall be considered a licensee if a license is granted.
- (e) The information provided by an applicant in connection with an application for a license under this article shall be maintained by the office of the Chief Financial Officer on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by governing law or court order. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to such disclosure.
- (f) Within ten days of receiving an incomplete application, the Chief Financial Officer shall notify the applicant(s) of the manner in which the application is incomplete.

Sec. 12-403. Issuance of license.

- (a) **Adult establishment license.** Within 30 days of the filing of a completed adult establishment license application, the Chief Financial Officer shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The Chief Financial Officer shall issue a license unless:
 - (1) An applicant is less than 18 years of age.
 - (2) An applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.
 - (3) The license application fee required by this article has not been paid.
 - (4) The adult establishment, as defined herein, is not in compliance with the interior configuration requirements of this article or is not in compliance with the locational requirements of the City Zoning Code.
 - (5) Any adult establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure.
 - (6) An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this article.
- (b) **Employee license.** Upon the filing of a completed application for an adult establishment employee license, the Chief Financial Officer shall immediately issue a temporary license to the applicant if the applicant seeks licensure to work in a licensed adult establishment and the completed application, on its face, indicates that the applicant is entitled to an annual adult establishment employee license. The temporary license shall expire upon the final decision of the city to deny or grant an annual license. Within 30 days of the filing of a completed adult establishment employee license application, the Chief Financial Officer shall either issue a

license to the applicant or issue a written notice of intent to deny a license to the applicant. The Chief Financial Officer shall issue a license unless:

- (1) The applicant is less than 18 years of age.
 - (2) The applicant has failed to provide information as required by this article for issuance of a license or has falsely answered a question or request for information on the application form.
 - (3) The license application fee required by this article has not been paid.
 - (4) Any adult establishment in which the applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure.
 - (5) The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this article.
- (c) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for an adult establishment, the address of the adult establishment. The adult establishment license shall be posted in a conspicuous place at or near the entrance to the adult establishment so that it may be read at any time that the business is occupied by patrons or is open to the public. An adult establishment employee shall keep the employee's license on his or her person or on the premises where the licensee is then working.

Sec. 12-404. Fees.

The initial license and annual renewal fees for adult establishment licenses and adult establishment employee licenses shall be as follows: \$100.00 for the initial fee for an adult establishment license and \$50.00 for annual renewal; \$50.00 for the initial adult establishment employee license and \$25.00 for annual renewal. For an initial license application filed after July 1, the fee shall be \$50.00 for an initial adult establishment license and \$25.00 for an initial adult establishment employee license.

Sec. 12-405. Inspection.

Adult establishments and adult establishment employees shall permit the Code Enforcement Manager and his or her agents to inspect, from time to time on an occasional basis, the portions of the adult establishment premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this article, during those times when the adult establishment is occupied by patrons or is open to the public. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this article, but not to authorize a harassing or excessive pattern of inspections.

Sec. 12-406. Expiration and renewal of license.

- (a) Each license shall expire on December 31 of the calendar year for which it is issued. Such license may be renewed only by making application and payment of a fee as provided in this article.
- (b) Application for renewal of an annual license should be made by October 1, and when made after October 1, the expiration of the current license will not be affected.

Sec. 12-407. Suspension.

- (a) The Chief Financial Officer shall issue a written notice of intent to suspend an adult establishment license for a period not to exceed 30 days if the adult establishment licensee has knowingly or recklessly violated this article or has knowingly or recklessly allowed an employee or any other person to violate this article.

- (b) The Chief Financial Officer shall issue a written notice of intent to suspend an adult establishment employee license for a period not to exceed 30 days if the employee licensee has knowingly or recklessly violated this article.

Sec. 12-408. Revocation.

- (a) The Chief Financial Officer shall issue a written notice of intent to revoke an adult establishment license or an adult establishment employee license, as applicable, if the licensee knowingly or recklessly violates this article or has knowingly or recklessly allowed an employee or any other person to violate this article and a suspension of the licensee's license has become effective within the previous twelve-month period.
- (b) The Chief Financial Officer shall issue a written notice of intent to revoke an adult establishment license or an adult establishment employee license, as applicable, if:
 - (1) The licensee has knowingly given false information in the application for the adult establishment license or the adult establishment employee license;
 - (2) The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises of the adult establishment;
 - (3) The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises of the adult establishment;
 - (4) The licensee knowingly or recklessly operated the adult establishment during a period of time when the license was finally suspended or revoked;
 - (5) The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity or specified criminal activity to occur in or on the premises of the adult establishment;
 - (6) The licensee has knowingly or recklessly allowed a person under the age of 21 years to consume alcohol on the premises of the adult establishment;
 - (7) The licensee has knowingly or recklessly allowed a person under the age of 18 years to appear in a semi-nude condition or in a state of nudity on the premises of the adult establishment; or
 - (8) The licensee has knowingly or recklessly allowed three or more violations of this article within a twelve-month period.
- (c) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.
- (d) When, after the notice and hearing procedure described in this article, the city revokes a license, the revocation shall continue for one year and the licensee shall not be issued an adult establishment license or adult establishment employee license for one year from the date revocation becomes effective.

Sec. 12-409. Hearing; license denial, suspension, revocation; appeal.

- (a) When the Chief Financial Officer issues a written notice of intent to deny, suspend, or revoke a license, the Chief Financial Officer shall immediately send such notice, which shall include the specific grounds under this article for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the Chief Financial Officer for the respondent. The notice shall also set forth the following: The respondent shall have ten days after the delivery of the written notice to submit, at the office of the Chief Financial Officer, a written request for a hearing. If the respondent does not request a hearing within said ten days, the Chief Financial Officer's written notice shall become a final denial, suspension, or revocation, as the case may be, on the 30th day after it is issued.

- (b) If the respondent does make a written request for a hearing within said ten days, then the Chief Financial Officer shall, within ten days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten days nor more than 20 days after the date that the hearing notice is issued. The city shall provide for the hearing to be transcribed.
- (c) At the hearing, the respondent shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the Chief Financial Officer's witnesses. The Chief Financial Officer shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this article, to the respondent within five days after the hearing.
- (d) If the decision is to deny, suspend, or revoke the license, the decision shall advise the respondent of the right to appeal such decision to a court of competent jurisdiction, and the decision shall not become effective until the 30th day after it is rendered. If the hearing officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the Chief Financial Officer to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the Chief Financial Officer shall contemporaneously therewith issue the license to the applicant.
- (e) If any court action challenging a licensing decision is initiated, the city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any adult establishment that is lawfully operating as an adult establishment, or any adult establishment employee that is lawfully employed as an adult establishment employee, on the date on which the completed business or employee application, as applicable, is filed with the Chief Financial Officer: Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's enforcement of any denial, suspension, or revocation of a temporary license or annual license, the Chief Financial Officer shall immediately issue the respondent a provisional license. The provisional license shall allow the respondent to continue operation of the adult establishment or to continue employment as an adult establishment employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the city's enforcement.

Sec. 12-410. Transfer of license.

A licensee shall not transfer his or her license to another, nor shall a licensee operate an adult establishment under the authority of a license at any place other than the address designated in the adult establishment license application.

Sec. 12-411. Hours of operation.

No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.

Sec. 12-412. Regulations pertaining to operation of adult arcade or adult motion picture theater.

- (a) A person who operates or causes to be operated an adult arcade or adult motion picture theater shall comply with the following requirements.

- (1) The application for an adult establishment license shall contain a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Chief Financial Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - (2) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 - (3) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
 - (4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no specified sexual activity occurs in or on the premises.
 - (5) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That the occupancy of viewing rooms less than 100 square feet is limited to one person.
 - b. That specified sexual activity on the premises is prohibited.
 - c. That the making of openings between viewing rooms is prohibited.
 - d. That violators will be required to leave the premises.
 - e. That violations of these regulations are unlawful.
 - (6) It shall be the duty of the operator to enforce the regulations articulated in (5) a. through d. above.
 - (7) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises has two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
 - (8) It shall be the duty of the operator to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
- (b) It shall be unlawful for a person having a duty under subsections (a)(1) through (a)(8) to knowingly or recklessly fail to fulfill that duty.

- (c) No patron shall knowingly or recklessly enter or remain in a viewing room less than 100 square feet in area that is occupied by any other patron.
- (d) No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 100 square feet or larger in area.
- (e) No person shall knowingly or recklessly make any hole or opening between viewing rooms.

Sec. 12-413. Loitering, exterior lighting and monitoring, and interior lighting requirements.

- (a) It shall be the duty of the operator of an adult establishment to: (i) ensure that at least two conspicuous signs stating that no loitering is permitted on the premises are posted on the premises; (ii) designate one or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every 90 minutes or inspecting the premises by use of video cameras and monitors; and (iii) provide lighting to the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. Said lighting shall be of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one foot candle as measured at the floor level. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.
- (b) It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
- (c) No adult establishment shall erect a fence, wall, or similar barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right-of-way.
- (d) It shall be unlawful for a person having a duty under this section to knowingly or recklessly fail to fulfill that duty.

Sec. 12-414. Penalties and enforcement.

- (a) A person who violates any of the provisions of this article shall be guilty of a violation and, upon conviction, shall be punishable by fines not to exceed \$1,000.00 per violation, or by imprisonment for a period not to exceed 6 months, or by both such fine and imprisonment. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.
- (b) Any premises, building, dwelling, or other structure in which an adult establishment is repeatedly operated or maintained in violation of this article shall constitute a nuisance and shall be subject to civil abatement proceedings in a court of competent jurisdiction.
- (c) The city's legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this article to enjoin, prosecute, restrain, or correct violations hereof. Such proceedings shall be brought in the name of the city, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this article, or any of the laws in force in the city or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred

Sec. 12-415. Prohibited conduct.

- (a) No patron, employee, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.

- (b) No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six feet from all patrons and on a stage at least 18 inches from the floor in a room of at least 600 square feet.
- (c) No employee who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer shall knowingly or intentionally touch such an employee or the clothing of such an employee on the premises of an adult establishment.
- (d) No person shall possess, use, or consume alcoholic beverages on the premises of an adult establishment.
- (e) No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any employee who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.
- (f) No operator or licensee of an adult establishment shall violate the regulations in this section or knowingly or recklessly allow an employee or any other person to violate the regulations in this section.
- (g) A sign in a form to be prescribed by the Chief Financial Officer, and summarizing the provisions of subsections (a), (b), (c), and (d), shall be posted near the entrance of the adult establishment in such a manner as to be clearly visible to patrons upon entry. No person shall cover, obstruct, or obscure said sign.

Sec. 12-416. Scienter required to prove violation or business licensee liability.

This article does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state is necessary to establish a violation of a provision of this article. Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the adult establishment licensee for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Sec. 12-417. Severability.

This article and each section and provision of said article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this article.

DIVISION 14. ANIMAL-DRAWN CARRIAGES

Sec. 12-463. Licensing of animal-drawn carriage companies; headquarters.

- (a) *License required.*
 - (1) No person, firm or corporation shall operate a business involving the use of one or more animal-drawn carriage on the streets of the City unless a license for such business has first been granted by the City in

accordance with the provisions of this division. The license shall be effective only for the calendar year stated in the license, unless suspended or revoked sooner, as provided by this division.

- (2) Application for the license shall be made on forms provided by the City and shall provide such information as is required for other business license applications, and such additional information as may be necessary to define completely the business operation. Renewal of the license shall be required prior to January 31 of each year.
- (b) *Fixed place of business required.* Each animal-drawn carriage company, as a condition for holding a license under the provisions of this section, shall establish and maintain a fixed headquarters on private property for the operation of the company's business: The headquarters, to conform to the ordinances of the City, shall provide adequate off-street parking space for all animal-drawn carriages not in service on the streets. The company headquarters shall not be moved except by the approved transfer of the company's license to another location.
- (c) *Operating regulations.* In addition to the license requirements imposed in subsection (a) of this section, no license shall be issued to any carriage operator unless the operator complies with the following operating regulations:
- (1) A licensed veterinarian shall certify, after due and proper inspection, the good health of each draft animal before it is placed into service. A minimum of two such health inspections shall be required for each animal each calendar year.
 - (2) No single animal shall pull a carriage holding more than ten people, including the driver.
 - (3) Unless written approval is given by a licensed veterinarian, no animal having open sores or wounds or any disease or ailment shall be permitted to be in service on the streets of the City.
 - (4) Each draft animal shall have its hooves properly trimmed and shod for street surfaces.
 - (5) Each animal shall be groomed daily and not have fungus, dandruff, or a dirty coat.
 - (6) Harnesses shall be properly fitted, maintained, and oiled so that no irritating material will come in direct contact with the animal.
 - (7) No driver may use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal.
 - (8) No driver shall permit an animal to pull a carriage at a speed faster than a slow trot, except in emergency situations.
 - (9) No animal shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that animal.
 - (10) Adequate water shall be provided in stables and stalls at all times while any draft animal is present.
 - (11) Ventilation adequate to ensure the health and comfort of animals shall be provided in stable and stall areas.
 - (12) Bedding in stalls and stables shall be kept at least six inches deep and shall not show wetness under the pressure of any draft animal's hooves.
 - (13) Adequate and leak-free roofing is required for any stable or stall area in which animals are housed.
 - (14) Each individual draft animal shall have a stall large enough for the animal to safely turn around, but in no case shall any individual animal be kept in a stall less than 120 square feet in area. Ceilings in stalls and stables must be at least nine feet from the bedding and flooring.
 - (15) Food shall be kept free of contamination.

- (d) *Inspection of operating facilities and practices.* The City shall be empowered to inspect all stables, stalls and operating facilities of any carriage company without notice, and to examine the operating practices of any carriage company to ensure continuous compliance with this division.
- (e) *Refusal or failure to comply with division.* Any applicant who refuses or fails to comply with the requirements of this division shall not be issued a business license until proof of compliance is presented by the applicant and certified by the City. The foregoing licensing requirements shall be ongoing as requirements for continuous operation.
- (f) *Temporary suspension of license.* The City may temporarily suspend any carriage company license for violation of the provisions of this division.

Sec. 12-464. Insurance.

- (a) *Indemnity for benefit of City.* Any animal-drawn carriage company operating under this division shall hold the City of Lawrenceville, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the City by reason of negligence, default or misconduct of the company in connection with the rights granted to such company under this division. Nothing in this division shall be construed or interpreted to make the City of Lawrenceville, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any animal-drawn carriage company, its servants, agents, drivers or other employees, during the operation by the company of an animal-drawn carriage business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.
- (b) *Insurance for benefit of passengers.* Any animal-drawn carriage company desiring a license to do business shall give and maintain a policy of indemnity from an insurance company authorized to do business in Georgia. The minimum coverage shall be \$150,000.00 for bodily injury to any one person, \$500,000.00 for injury to more than one person, which are sustained in the same accident, and \$25,000.00 for property damage resulting from one accident. The indemnity insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of an animal-drawn carriage company, its servants or agents.
- (c) *Blanket policy.* Any company or person operating an animal-drawn carriage in the City shall give a separate policy of indemnity insurance for each separate animal-drawn carriage for hire, except where such company or person actually owns or holds legal title to more than one animal-drawn carriage, in which event such company or person may give one policy of indemnity insurance covering all the animal-drawn carriages actually owned. This latter provision, however, shall not apply to any group of persons separately owning animal-drawn carriages who may be jointly operating or doing business under a licensed animal-drawn carriage name.
- (d) *Notice when voided.* Before any policy of insurance required by this division is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the Finance Department at least 30 days before the same shall take effect.

Sec. 12-465. Removal from service for violations.

- (a) Upon discovery of a violation of any provision in this division relating to animal-drawn vehicles for hire, the City may issue an order to the person responsible for the violation requiring the removal of the subject animal from service.
- (b) No animal which has been removed from service for violation of this section shall be returned to service until the animal has been inspected by the City or its agent and approved for return to service in writing. The City may consult with licensed veterinarians, the Atlanta Humane Society, Gwinnett County animal control, and other animal welfare experts in evaluating animal well-being.

- (c) Any person who refuses to comply with the order of the City or who complies with the order and returns the subject animal to service before being inspected and approved by the City shall be in violation of this code section and punishable upon adjudication in the Municipal Court.

Sec. 12-466. Animal working conditions.

- (a) No animal shall be worked under any of the following conditions, and any owner allowed to let the conditions exist will be found in violation of this division:
 - (1) If the animal pulls any combined weight, including passengers and driver, in excess of two times the animals' body weight. No animal or combination of animals shall pull any vehicle which is occupied by a number of persons which exceeds such vehicle's normal safe seating capacity;
 - (2) If the animal works more than ten hours in any 24-hour period without at least one 20-minute rest break or two ten-minute rest breaks per hours;
 - (3) If the animal pulling a vehicle for hire is moving at a speed faster than a slow trot;
 - (4) If the animal works more than 50 hours in any seven-day period; or if the animal works more than five consecutive days;
 - (5) If the animal is worked with equipment, other than normal blinders, which causes an impairment of vision; or
 - (6) If the animal is subjected to any condition or treatment which will impair the good health and physical condition of the animal.
- (b) For purposes of this section, working hours of animals shall include time spent on rest breaks and all the time animals are available for hire, and the term "slow trot" means a speed of five to 15 miles per hour.

Sec. 12-467. Use of harness.

- (a) No animal will be worked without a padded saddle or bit that is approved by the Gwinnett County S.P.C.A.
- (b) The harness must be oiled and cleaned so as to be soft at all times.
- (c) The harness will be properly fitted and maintained, and kept free of makeshift material, such as wire, sisal rope, and hazardous rusty chain.

Sec. 12-468. Vehicles for hire pulled by animals.

- (a) Vehicles for hire pulled by animals must be properly lubricated and wheels must spin freely.
- (b) Vehicles used for the purposes as outlined above shall conform to the following vehicle specifications:
 - (1) The wheel base shall be equal to or less than 14 feet.
 - (2) The total overall length of the vehicle shall be equal to or less than 28 feet.
 - (3) The maximum overall width of the vehicle shall be equal to or less than 78 inches.
 - (4) The tires shall be rubber or other resilient material. Metal tires or wheels are prohibited.
 - (5) The vehicle right turn radii shall not be greater than 12 feet for the right rear wheel and 24 feet for the left front wheel.
 - (6) The vehicle shall be drawn by no more than two animals, except at parades and at special events approved by the City.
 - (7) Vehicles shall be equipped with one red light on each outer extremity of the rear of the vehicle body and mounted between two and five feet above the road surface. Similarly mounted yellow lights shall

be mounted on the front of the vehicle body. Each light shall be no less than four inches in diameter. Vehicles shall also be equipped with a slow-moving vehicle emblem as required by O.C.G.A. § 40-8-4.

Sec. 12-469. Use of whips.

No driver may whip an animal with more than a light touch by a light whip.

Sec. 12-470. Diapers.

- (a) No animal shall pull a vehicle for hire unless such animal is wearing a diaper. Diapers must be properly fitted and constructed of a sturdy material to ensure comfort to the animal and complete waste disposal.
- (b) Should a diaper fail for any reason, manure and urine shall be immediately treated with a chemical deodorizing solution, and manure must be removed immediately from the street by the carriage operator. Each carriage must be equipped with a suitable scoop shovel and airtight container.

Sec. 12-471. Trailers.

Any trailer or vehicle involved in transporting animals governed in this division must be in good working order and must be near the working location, so as to provide speedy removal of any animal in an emergency situation.

Sec. 12-472. Drivers of animal-drawn vehicles.

Drivers of animal-drawn vehicles shall be required to comply with the following:

- (1) Each driver must have in his possession a completed trip sheet for the vehicle he is driving and his current shift. Said trip sheet shall be kept with the carriage and available for inspection by the City.
- (2) Drivers must have a working knowledge and general experience involving livestock and driving carriages or animal-drawn vehicles.
- (3) Companies must provide new drivers with a driver-apprentice training program.

Sec. 12-473. Animal-drawn vehicle route system.

A proposed detailed route system shall be submitted to the City for review, recommendation and approval. The City shall designate streets and hours of the day that animal-drawn vehicles will be prohibited. A route system shall be submitted for each vehicle to be placed into operation. This detailed route system shall include the following information:

- (1) The hours of operation for the vehicle;
- (2) The days of the week the vehicle will be in operation;
- (3) The duration of the operation (i.e., summer only or year round);
- (4) All locations for loading and unloading passengers.

Sec. 12-474. Animal-drawn vehicle operating specifications.

Animal-drawn vehicles shall adhere to the following operating specifications during the hours of operation:

- (1) Vehicles shall not make any left turn movements except from one-way streets.
- (2) Vehicles shall travel in the curb lane except when passing parked vehicles or other obstructions which prevent use of the curb lane.

- (3) Vehicles shall not travel on streets with grades equal to or greater than ten percent without approval of the City.
- (4) Vehicles shall not stop within the roadway other than at designated loading and unloading areas except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- (5) Vehicles shall observe all applicable rules of the road as set forth in the State of Georgia rules of the road.

Sec. 12-475. Identification and marking generally.

Every animal-drawn carriage shall have a sign plainly painted on each side of the vehicle, in letters not less than four inches high, containing the full name of the animal-drawn carriage company operating the vehicle.

Sec. 12-476. Registration of number and names of owner and operator; tag required.

- (a) *Registration.* The number assigned an animal-drawn carriage in accordance with this division together with the names of the owner and operator of the animal-drawn carriage shall be registered with the City in a book to be kept for that purpose.
- (b) *State license tag for animal-drawn carriage required.* Prior to the use and operation of any vehicle as an animal-drawn carriage under the provisions of this division, the owner of the vehicle shall secure and display on the vehicle a current Georgia license registration tag.

Sec. 12-477. Condition of animal-drawn carriages.

- (a) *Safe mechanical condition of animal-drawn carriage required.* Every animal-drawn carriage operated on the streets of the City shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operating at all times when the animal-drawn carriage is in service.
- (b) *Cleanliness of animal-drawn carriage required.* Each vehicle operating under this division shall be kept painted, and in a clean and sanitary condition, free of litter and debris and at all times suitable for public transportation of passengers.

Sec. 12-478. Authority for removal of animal-drawn carriages from streets.

The Chief Financial Officer shall have the authority to remove from operation on the streets of the City any vehicle used as an animal-drawn carriage which is in violation of this division and to prohibit operation of the animal-drawn carriage until all deficiencies have been corrected. An order of the City to remove a vehicle from the streets may be appealed to the City Manager.

Sec. 12-479. Rates of fare; rate card required.

No owner or driver of an animal-drawn carriage shall charge a greater sum for the use of the animal-drawn carriage than in accordance with the published and advertised rates which shall be displayed in each vehicle. Rates shall be displayed in such place as to be conspicuous and to be in clear view of all passengers.

Sec. 12-480. Stands generally.

- (a) No parking shall be permitted in the corporate limits of the City except at such stands as may be established by the City. Whenever any stand is established, the stand may be used by animal-drawn carriages upon a rotation basis of first come-first serve. Fees for the use of stands shall be set by the Council.

- (b) Drivers of animal-drawn vehicles operated under this division shall maintain stands in a sanitary condition at all times. Any failure on the part of the driver to conform to the requirements of this section shall be unlawful and shall subject the driver and owner to the penalties provided in this division.
- (c) Any person desiring to have a place designated as a regular stand for animal-drawn carriages in the City shall make application by written petition to the City for the establishment of the animal-drawn carriage stand, setting out the location desired for the stand.

Sec. 12-481. Driver not to leave vehicle while waiting to be hired.

It shall be unlawful for any driver of any animal-drawn carriage to leave the vehicle, or the immediate premises thereof, while the vehicle is parked in an animal-drawn carriage stand while waiting to be hired.

Sec. 12-482. Reserved.

Sec. 12-483. Animal-drawn carriage movement prohibited under certain circumstances.

No driver shall collect fares, make change, or take on or discharge passengers while his animal-drawn carriage is in motion.

Sec. 12-484. Property left in animal-drawn carriage by passenger.

Any animal-drawn carriage driver or operator discovering in any animal-drawn carriage under his control, personal property which was lost or left therein by a passenger of such animal-drawn carriage, shall report the loss, and deliver all the property to the office of the animal-drawn carriage company within 12 hours after the discovery of the property. The driver's report shall include brief particulars to enable the company to identify the owner of the property. The company shall retain the property on behalf of the owner for at least 60 days.

Sec. 12-485. Safety equipment required.

Each animal-drawn carriage shall be equipped with electrically powered lights or lanterns and reflectors when operating during the hours of darkness. The lights and reflectors shall be mounted so that they are visible from any direction. Each animal-drawn carriage shall have on board at all times a four-pound all-purpose fire extinguisher and a first aid kit.

Sec. 12-486. Hours of operation.

No animal-drawn carriage shall be operated on City streets between the hours of 12:00 midnight and 8:30 a.m. on any day. No animal-drawn carriage shall be operated between the hours of 4:30 p.m. and 6:00 p.m., Monday through Friday, except that such restriction shall not apply on legal holidays.

Sec. 12-487. Traffic violations.

- (a) Animal-drawn carriages shall be prohibited from stopping in traffic or delaying any on-street traffic for the purposes of loading or unloading passengers or for any other purposes.
- (b) Every person riding any animal upon a roadway and every person driving any animal-drawn vehicle within the City limits of the City of Lawrenceville shall be subject to the provisions of this division and shall operate the vehicles in accordance with the traffic laws of the City of Lawrenceville.
- (c) Due to the nature of operating animal-drawn vehicles in areas of congestion and heavy traffic within the City, it shall be unlawful to operate the animal-drawn vehicles except when the animals are under complete control at all times and shall be operated with extra caution and due care for the safety of others.

Sec. 12-488. Compliance required.

Failure to comply with this division or any of the laws, ordinances and regulations of this City can result in revocation of permit and citation and punishment at Municipal Court. Owners, operators, and all of their agents and employees, including drivers shall comply with any ordinance or laws of this City, and any county, state or federal agency which governs the treatment of animals, including horses or other oxen of burden.

Sec. 12-489. Penalty.

Any citation to Municipal Court for violation of any part of this division shall be punishable by fines not to exceed \$1,000.00 per violation, six months in jail or community service, or any combination thereof.

Secs. 12-490—12-516. Reserved.

DIVISION 15. BODY ART STUDIOS

Sec. 12-517. Scope.

This division shall apply to any person, corporation or other organization which, for a fee, practices "body art" as defined by O.C.G.A. § 31-40-1 within the City limits.

Sec. 12-518. Definitions.

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

- (1) "Body art" means a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes.
- (2) "Body artist" means any person who performs body art. Such term shall not include in its meaning any physician or osteopath licensed under Chapter 34 of Title 43 of the O.C.G.A., nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71 of the O.C.G.A.
- (3) "Body art studio" means any facility or building on a fixed foundation wherein a body artist performs body art.
- (4) "Microblading of the eyebrow" means a form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powered tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.
- (5) "Tattoo" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. Such term includes microblading of the eyebrow.

Sec. 12-519. License, application; information to be given.

Any person desiring to engage in the business, trade or profession of a body artist or practitioner or similar trade or business shall, before engaging in that business trade or profession, file an application for a license addressed to the Chief Financial Officer. The application shall be in writing and shall set forth the following:

- (1) Applicant shall first obtain a body art studio permit and/or a body artist permit from the Gwinnett County Board of Health pursuant to the "Rules of Gwinnett County Board of Health Body Art Studios

and Artists" hereby incorporated by reference into this division. A copy of the required permits shall be attached to the city application;

- (2) Operator and employees must be fingerprinted by the City and a character reference supplied for all persons to operate as a tattoo artist or practitioner and all employees;
- (3) Name and address of operator;
- (4) Name and address of any person having previously employed the operator for a space of two years or longer;
- (5) If the operator is a corporation, the address of the corporation as well as the names and addresses of the agents and employees of the corporation for a period of two years immediately prior to the filing of the application;
- (6) Qualifications must be plainly stated together with required exhibits annexed to the application;
- (7) A certificate certifying as to the good moral character of the operator, signed by three currently qualified and registered voters of good moral character of the City. These letters shall not be required for annual renewals of licenses issued under this division. For the purpose of this division, the term "good moral character" means that the person to whom the phrase refers shall not have been convicted of a felony or crime involving moral turpitude;
- (8) Fingerprints must be submitted to the City at least 60 days prior to issuance of license to allow for investigation of operator and employees and processing of fingerprints by GCIC;
- (9) Should the operator be a corporation, it shall also submit with the application a certificate, executed as described in subsection (7) of this section, certifying as to the good moral character of each employee and agent of the corporation who is actually engaged in the business of the corporation.

Sec. 12-520. License requirements; restrictions; issuance; fee.

- (a) *Qualifications.* Each operator and all employees under this division, prior to making application for a license must have the following qualifications:
 - (1) The operator and all employees must be of good moral character, and in case the operator is a corporation, it must be created in or domesticated by the laws of the State of Georgia.
 - (2) The operator must be at least 18 years of age and have received a high school diploma or graduate equivalency diploma.
 - (3) The operator and each employee must furnish a current health certificate from a medical doctor which shall accompany the application as an exhibit. Should the operator be a corporation, it shall furnish a certificate for all its agents and employees actually engaged and working under the license. The certificate shall recite that the operator or employee is in good health and is free from infectious or contagious disease.
 - (4) The operator, or the manager in the event the operator is a corporation, must furnish with the application their affidavit of previous employment, together with an affidavit of the persons under whom the apprenticeship or practical experience was obtained, specifying that the operator has satisfied the requirements of this section.
 - (5) The operator must submit proof of licensure, certification or permitting by the State pursuant to O.C.G.A. § 31-40-1 et seq.
- (b) *Issuance; fee.* If the application is submitted in proper form and is approved by the City, then the Finance department is authorized to issue a license to the operator upon the payment of any occupation taxes and any regulatory fees due.

Sec. 12-521. Information concerning employees to be filed with the City.

It shall be the duty of all persons holding a license under this article to file with the City Finance Department the names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees with the names of new employees must be filed with the City within three days from the date of any such change.

Sec. 12-522. Record of treatments to be kept.

It shall be the duty of any person granted a license under this article to maintain correct and accurate records of the names and addresses of the persons receiving treatment at an establishment, the type of treatment administered, and the name of the employee administering the treatment. The records shall be subject to inspection at any time by any duly authorized City employee or agent.

Sec. 12-523. Grounds for suspension or revocation; notice; hearings; refund.

- (a) No license which has been issued or which may hereafter be issued by the City to any licensee hereunder shall be suspended or revoked except for due cause as defined in this division, except that the suspension or revocation of the State permit or license shall cause the City license to be suspended or revoked automatically.
- (b) Due cause for the suspension or revocation of the license shall consist of the violation of any laws or ordinances regulating the business, or violation of regulations made pursuant to authority granted for the purpose of regulating the business.
- (c) The City Chief Financial Officer is delegated the authority to suspend any license issued under this division for due cause in any emergency situation, and said suspension may be made effective immediately and remain in force until the next session of the Municipal Court.
- (d) When a license is revoked under any of the provisions of this section, the City shall not be required to refund any portion of the occupation tax or regulatory fee.

Sec. 12-524. Patronage of establishments by minors.

- (a) *Restricted.* It shall be unlawful for any person under the age of 18 to patronize any body art establishment unless that person carries with him or her, at the time of the patronage, a written order directing the treatment to be given signed by a licensed physician or unless that person carries the written permission of their parent or legal guardian.
- (b) *Duty of operator.* It shall be the duty of the operator of the establishment to determine the age of the persons patronizing the establishment, and a violation of this section shall be grounds for revocation of the license of the establishment.

Sec. 12-525. Treatment by unlicensed persons to be given only under supervision of license holder.

Tattoo treatments may be given by persons not holding a license as a body artist or practitioner, provided that the treatments are given under the direct supervision of a person having such a license, and further provided that a person holding the license shall be in the same room where the treatment is being administered during the entire time of the giving of the treatment.

Sec. 12-526. Hours of operation.

No body artist shall engage in the business or profession except within and between the hours of 8:30 a.m. and 10:00 p.m. nor shall any operator of a body artist studio, parlor, establishment or business operate the same except within and between the aforesaid hours.

Sec. 12-527. Signed copy of ordinance to be filed with license application.

A signed copy of the ordinance from which this division is derived shall be filed with any license application.

Sec. 12-528. Regulatory fee.

To perform the investigation required by this division, the operator shall pay the City a regulatory fee of \$300.00 at the time the application is filed.

Secs. 12-529—12-549. Reserved.

DIVISION 16. SOLICITING

Sec. 12-550. Intent.

The intent of the City Council in enacting this division is to regulate the sale of goods and services by canvassing, soliciting, or peddling at residences in the City, to the end that criminal activity in the City and abusive techniques utilized by any such canvassers, solicitors or peddlers which adversely affect the public health, safety, and welfare in the City will be curtailed. This division is not intended as a de facto prohibition of door-to-door solicitation, nor is it an attempt to adversely affect interstate commerce. Instead, this division is intended to balance competing interests, reduce criminal activity and protect City citizens from abusive sales techniques versus the conduct of proper commercial sales activity. This division is not intended to allow any business activity which would otherwise be unlawful.

Sec. 12-551. Definitions.

For purposes of this division, the terms "canvasser," "solicitor" or "peddler" include any person who solicits orders door-to-door or house-to-house on behalf of a business, entity, individual, vocation or occupation.

Sec. 12-552. Exempt activities or organizations.

- (a) Persons, businesses and organizations 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 division.
- (b) Bona fide charitable or nonprofit organizations whose field sales representatives are under the age of 15 are not required to obtain an occupation tax certificate, canvasser's or solicitor's permit.
- (c) Federal, State or local government employees or public utility employees in the performance of his or her duty for his or her employer.

Sec. 12-553. Occupation tax certificate required, application.

- (a) All persons, firms, companies, corporations or other entities engaging or offering to engage in business as a canvasser, solicitor or peddler involving going from door-to-door or house-to-house, without an appointment or invitation, in residential areas or businesses of the City, for the purpose of soliciting orders,

sales, subscriptions, or conducting business of any kind, shall file an application in the required form, and obtain a permit for such activity from the City Chief Financial Officer. Provided, however, that nonprofit agencies, entities, or organizations which are certified as exempt from payment of U.S. Income Taxes by the Internal Revenue Service may canvass or solicit without permits, upon registering with the City Finance Department and furnishing the City written confirmation of their tax exempt status and a list of their representatives including names, addresses, date of birth, , and telephone numbers.

- (b) The application shall include but shall not be limited to the following information:
 - (1) Full name, date of birth, and address of applicant.
 - (2) Full name(s), date(s) of birth, of any other person(s) having an ownership interest in the proposed business. In the case of a corporation, this list shall include owners of 20 or more percent of the common or preferred stock.
 - (3) Full names, dates of birth, and titles of corporate officers where appropriate.
 - (4) Full name, address, telephone number, date of birth, title, of individuals to be employed.
- (c) It shall be the duty of all persons holding a permit under this section to annually file, along with the renewal application for the permit, the names, home address, home telephone number, date of birth, Social Security number and place of employment for all employees so engaged in canvassing, soliciting or peddling.

Sec. 12-554. Work permits required, annual list.

- (a) Prior to the issuance of an entity permit, a work permit shall be required for individual owner(s), manager(s) and employee(s).
- (b) Applications for work permits shall be submitted to the Finance Department. The application shall be submitted along with a fee of \$25.00. The application shall include the following information: full name, home address, home telephone number, date of birth and Social Security number. The Finance Department shall conduct a background check and shall issue permits subject to the requirements and limitations contained in sections 12-555 and 12-557.
- (c) If an application for a work permit is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the Finance Department to the City Manager. Such appeal shall be by written petition, filed in the office of the City Chief Financial Officer within 15 days after the final order or action of the Finance Department and in order to defray administrative costs, must be accompanied by a filing fee of \$50.00.

Sec. 12-555. Applicant disqualification.

No entity permit or work permit shall be granted to any person under the age of 18 or who has been convicted, pled guilty or entered a plea of nolo contendere under any federal, state or local law of any crime involving moral turpitude, illegal gambling, any felony, criminal trespass, public indecency, misdemeanor involving any type of sexual related crime, any theft or violence against person or property, any crime of possession or sale, or distribution of illegal drugs, distribution of material depicting nudity or sexual conduct as defined under state law, criminal solicitation to commit any of these listed offenses, attempts to commit any of these listed offenses, for a period of ten years prior to the date of application for such certificate or work permit and has been released from parole or probation.

Sec. 12-556. General operating provisions.

It shall be the duty of any person granted a permit under this division to maintain correct and accurate records concerning proposed method of operation in the City, including the dates and times and area of operation, and employee's assignments by geographic area and dates. Such record shall be kept for a minimum of 12 months

beyond the expiration date of the permit and shall be made available for inspection by city employees or agents. A copy of such record shall be forwarded to the City Chief Financial Officer or his or her designee quarterly.

Sec. 12-557. Suspension or revocation of permit.

- (a) The work permit or entity permit of any canvasser, solicitor or peddler charged with any felony, criminal trespass, public indecency, misdemeanor involving any type of sex crime, theft or violence against person or property, criminal solicitation to commit any of these offenses, or violation of this chapter or any other City ordinance while canvassing or soliciting shall be deemed suspended and subject to seizure from the time of lawful arrest, or an arrest for any violation of the Georgia Criminal Code by any law enforcement agency within Gwinnett County. Such suspension shall remain in effect until the canvasser, solicitor or peddler is convicted or acquitted, or until the charge is dismissed, "dead-docketed," "nolle prossed," or "no-billed." It shall be the responsibility of the canvasser or solicitor to present the Finance Department with proof that the arrest which led to the suspension was dismissed, "dead-docketed," "nolle prossed," or "no-billed." Upon presentation of proof of such dispositions, the permit or the canvasser or solicitor permit will be reinstated and will be valid until date of original expiration.
- (b) The permit of any canvasser, solicitor or peddler who is convicted, has entered a plea of guilty, or has received a nolo contendere to a felony, criminal trespass, public indecency, misdemeanor involving any type of sex crime, theft or violence against person or property, or criminal solicitation to commit any of these offenses, shall be deemed revoked and subject to seizure by the City from the time of such conviction, guilty, or nolo contendere sentencing.
- (c) The permit of any canvasser, solicitor or peddler who is convicted, has pled guilty, or received nolo contendere sentencing for any violation of this chapter shall be deemed revoked and subject to seizure by the City from the time of such sentencing.
- (d) If a permit is denied, revoked or suspended for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision to deny, revoke or suspend the certificate or permit to the City Manager. Such appeal shall be by written petition, filed in the office of the City Chief Financial Officer within 15 days after the final order or action of the Finance Department and in order to defray administrative costs, must be accompanied by a filing fee of \$50.00.

Sec. 12-558. Unlawful or prohibited activities.

The following are prohibited practices for canvassers, solicitors, and/or peddlers and any violation shall constitute grounds for suspension, revocation, or denial of renewal of permit, and/or arrest:

- (1) Canvassing, soliciting or peddling on Sunday, or between the hours of 9:00 p.m. and 9:00 a.m. Monday through Saturday.
- (2) Canvassing, soliciting or peddling at any location where a sign is posted at or near the main entrance or driveway to the residence or business prohibiting such activity.
- (3) Using any entrance, or part of the building, other than the main entrance to the residence or business.
- (4) Entering a residence except at the express invitation of the occupant.
- (5) Failure of the canvasser, solicitor or peddler to inform the occupant in plain terms of the purpose of the call.
- (6) The canvasser, solicitor or peddler to represent that they are participating in any contest, game or other competitive endeavor, or that they are offering the occupant an opportunity to participate in any such contest, game or endeavor.
- (7) The canvasser, solicitor or peddler to use vulgar, insulting or threatening language in the course of any solicitation.

- (8) The canvasser, solicitor or peddler to remain upon the property of the residence or business after the occupant has verbally indicated that they do not wish to make a purchase or donation. For the purpose of this chapter, a solicitation shall be deemed to continue until the solicitor has left property of the residence or business.
- (9) Canvassing, soliciting or peddling anyone under the age of 18 years.
- (10) Failure of canvasser or solicitor to have a valid permit prominently displayed on their person (upper front portion of the body commonly referred to as the top of the shoulders down to the waist) or refuse any customer or prospective customer's request to examine same. All canvassers or solicitors of nonprofit organizations who solicit funds without a permit shall have prominently displayed documentation identifying themselves, their organization including tax exempt status, and shall not refuse any customer or prospective customer the right to examine same upon request. Except that canvassers or solicitors of nonprofit organizations who are under the age of 15 are not required to display or produce for examination any documentation.
- (11) For more than two canvassers, solicitors or peddlers to engage in solicitation upon any residence or business at the same time for the same goods or services.
- (12) Canvasser, solicitor or peddler to make more than one solicitation call at the same residence within any consecutive two-week period without receiving prior invitation from the occupant of such residence.
- (13) Canvasser, solicitor or peddler to violate any of the provisions of this article, or to violate any other applicable county ordinance while engaging in any of the activities described.
- (14) Canvasser, solicitor or peddler to engage in any of the conduct described in this article during a period in which their permit is denied, suspended, or revoked.
- (15) Canvasser, solicitor or peddler to lend, rent, or sell their permit card to another, or canvass or solicit using the permit card of another.
- (16) The canvasser, solicitor or peddler to deviate from the stated guidelines as set out in the permit application or amendments thereto filed by applicant.

Secs. 12-559—12-584. Reserved.

DIVISION 17. RESERVED

Secs. 12-585—12-615. Reserved.

DIVISION 18. SOLICITATION OF CONTRIBUTIONS ON STREETS AND HIGHWAYS BY CHARITABLE ORGANIZATIONS

Sec. 12-616. Registration and permit; qualifications.

- (a) *Registration and permit.* Any person who wishes to organize, form, or conduct a solicitation of contribution on streets and highways within the City shall be required to apply for a permit for such activity at least seven days in advance of the date on which the solicitation shall take place and to obtain a permit therefor. A separate application shall be required for each day of soliciting.
- (b) *Qualifications.* In order to receive such permit, the applicant must produce evidence satisfactory to the City that the organization is a charitable organization registered in accordance with O.C.G.A. § 43-17-5 or is a

charitable organization exempt from such registration in accordance with O.C.G.A. § 43-17-9. The City shall not process any application which does not contain certification of the registration or exemption of the charitable organization.

Sec. 12-617. Application; review of application; disposition; waiver.

- (a) *Application.* The application for a permit to conduct such solicitation shall be made to the Finance Director who shall consult with the Police Chief in writing, shall be signed by the person responsible for supervising the solicitation, and shall contain the following information:
- (1) The proposed date and time of the solicitation;
 - (2) The proposed location of the solicitation;
 - (3) The number of persons who are expected to participate in the solicitation, the name and address of each participant, and an executed agreement from each participant agreeing to hold harmless and indemnify the City;
 - (4) The name and address of the person or organization sponsoring or promoting the proposed solicitation;
 - (5) A certificate of insurance demonstrating that the organization sponsoring or promoting the proposed solicitation maintains general liability insurance in an amount not less than \$1,000,000.00, together with a certificate showing the City of Lawrenceville as a holder of the policy or an additional named insured;
 - (6) The name, address and phone number of the person making the application for a permit.
- (b) *Review of application.* The City shall review the information set forth in the application and ascertain the following: the extent of vehicular and pedestrian traffic anticipated at the time and place and on the route of the proposed solicitation; whether or not, in light of all circumstances the proposed solicitation will reasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public. The City shall consider the risk involved in soliciting to the participants and to others using the streets of the City in the selected areas.
- (c) *Disposition.* In the event the City determines, in view of all the circumstances, that the proposed solicitation will unreasonably burden and interfere with the normal use of the streets or sidewalks of the City by the general public, the City shall deny the request for a permit. If the City determines on the contrary that the proposed solicitation will not unreasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public, the City may grant the permit. In either case, the City shall indicate its disposition on the application in writing and shall notify the applicant of the action taken.

Sec. 12-618. Conduct during solicitation.

Each person participating in the solicitation shall wear reflective clothing and shall wear vests, hats or other material to identify the group soliciting. The applicant shall further post adequate notices at least 500 feet in front of the solicitation warning oncoming vehicular traffic of the presence of the solicitation.

Sec. 12-619. Revocation of permit.

Every permit issued under this division is subject to the right, which is hereby expressly reserved, to revoke the same should any solicitation occur contrary to the provisions of this division, any other ordinance of the City of Lawrenceville, the laws of the State of Georgia, or the public safety and welfare as determined by the City.

Sec. 12-620. Penalty.

Any applicant, participant, person or organization violating the provisions of this division, in addition to the revocation of his, her, or its license, shall be liable for a fine or penalty not less than \$200.00 no more than \$1,000.00 for each offense and up to six months of imprisonment.

Sec. 12-621. Repeal of conflicting laws.

All existing ordinances of the City of Lawrenceville are hereby repealed insofar as they may be inconsistent with the provisions of this division.

Secs. 12-622—12-645. Reserved.

DIVISION 19. RESERVED

Secs. 12-646—12-669. Reserved.

DIVISION 20. Reserved.

Secs. 12-670—12-700. Reserved.

DIVISION 21. PRECIOUS METALS DEALERS

Sec. 12-701. Definitions.

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

Nonpermanent location means any location used to conduct business in a temporary location or for a limited time. The term "nonpermanent location" includes, but is not limited to, moveable vehicles, temporary or moveable structures, tents, awnings, hotels or motels and the like.

Permanent location refers to a business domiciled within a properly constructed building located within an area zoned for such business.

Precious metals means any metals, including, but not limited to, in whole or in part, silver, gold and platinum.

Precious metals dealer means any person, partnership, sole proprietorship, corporation, association or other entity engaged in the business of purchasing, bartering or acquiring in trade any precious metals from persons or sources, other than from manufacturers of or licensed dealers in precious metals, for re-sale in its original form or as changed by melting, reforming, remolding, or for re-sale as scrap or in bulk.

Sec. 12-702. Hours and method of operation.

The hours during which precious metals dealers may conduct business shall be from no earlier than 7:00 a.m. to no later than 9:00 p.m. If dealing in precious metals is ancillary to the principal business, this provision shall only apply to dealings in precious metals and not to other portions of the business. Precious metals dealers may only

operate from a permanent location. Conducting business as a precious metals dealer in any nonpermanent location shall constitute a violation of this section.

Sec. 12-703. License required, supplementary to business license or occupational tax.

All persons, before beginning the business of operating a precious metal dealer business, shall first file an application with the City of Lawrenceville for an annual precious metals dealer license to conduct such business. The issuance of said precious metals dealer license shall be a requirement in addition to a business license or occupation tax certificate required by the City of Lawrenceville.

- (1) *Form of application.* The application for a precious metals dealer license shall be completed on a form prescribed by the City. At minimum, the application shall include the physical address at which the business is proposed to be operated and the full name, address, phone number, date of birth, photograph and social security number of managerial employees of the business. Additionally, the permit shall list the owner of the business. In the event the business is owned by a partnership or corporation, the partners or officers and registered agent shall be listed.
- (2) *License fee; separate license required for each physical location.* The completed form must be accompanied by an application and license fee of \$100.00. In the event an owner has more than one physical business location, each location will be required to obtain a separate license. The application fee is nonrefundable in the event the applicant, for any reason, is not issued a license, business license, or occupational tax certificate.
- (3) *Background check required.* Upon receipt of the application and fee, the City shall conduct a background check on the applicant. A precious metals dealer license may not be issued where the applicant has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of ten years immediately prior to the filing of such application.
- (4) *Falsified applications.* No license shall be issued if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.
- (5) *Denial of license; appeal process.* If an application for a precious metals dealer license is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the Chief Financial Officer to the City Manager. Such appeal shall be by written petition, filed in the office of the City Clerk within 15 days after the final order or action of the Chief Financial Officer and in order to defray administrative costs, must be accompanied by a filing fee of \$100.00.
- (6) *Renewal.* Owners are required to renew the license upon expiration thereof and shall be required to pay a renewal fee of \$100.00.
- (7) *Replacement license.* In the event a license is lost or destroyed, a replacement license may be issued for the unexpired term of the initial license.
- (8) *Display of license.* Operators of precious metals dealer businesses shall conspicuously display the license at all times while the business is in operation.
- (9) *License issued in error; license the property of the City.* Any precious metals dealer license issued through administrative oversight or error may be terminated and seized by the City. All precious metals dealer licenses remain the property of the City of Lawrenceville. Upon notice by the City, the holder of a precious metals dealer license must surrender said license.
- (10) *Suspension or revocation of license; appeal.* The Chief Financial Officer or his or her designee may suspend or revoke any license issued under this section for falsifying an application, violation of this section, or if the applicant has otherwise become ineligible to hold a license under this section. The license holder may appeal the decision of the Chief Financial Officer to the City Manager.

- (11) *Exclusions.* Businesses holding a valid pawn license issued in accordance with division 7 of this chapter shall not be required to obtain a separate precious metals dealer license.

Sec. 12-704. Work permits required of employees.

No person shall be employed by a precious metals dealer in any capacity that receives precious metals from others, other than from manufacturers of or licensed dealers in precious metals, until such person has obtained a work permit from the City.

- (1) *Form of application; fee required.* An application for a work permit shall be made on a form prescribed by the Police Chief or his designee. Such application form shall include, at a minimum, the applicant's name, date of birth, and social security number. The applicant must also provide positive identification (only official government-issued pictured identification accepted, e.g., driver's license, passport, military card, or State-issued identification card) at the time of application.
- (2) *Fee for permit.* The completed permit application form must be accompanied by an application and permit fee of \$100.00. The application fee is nonrefundable.
- (3) *Background check required.* Upon receipt of the application and fee, the City shall conduct a background check on the applicant. A permit may not be issued where the applicant has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of five years immediately prior to the filing of such application.
- (4) *Falsified applications.* No permit shall be issued if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.
- (5) *Denial of permit; appeal process.* If an application for a work permit is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the Chief Financial Officer to the City Manager. Such appeal shall be by written petition, filed in the office of the City Clerk within 15 days after the final order or action of the Police Department and in order to defray administrative costs, must be accompanied by a filing fee of \$50.00.
- (6) *Renewal.* Permit holders are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee of \$50.00.
- (7) *Replacement permit.* In the event a permit is lost or destroyed, a replacement permit may be issued for the unexpired term of the initial license upon the payment of a permit replacement fee of \$20.00.
- (8) *Permit in possession while working; inspection by City.* Permit holders must have a valid permit on their person at all times while working within a precious metals dealer establishment. The permit shall be displayed upon the request of a designated employee or agent of the City.
- (9) *Permits issued in error; permit the property of the City.* Any work permit issued through administrative oversight or error may be terminated and seized by the City. All permits remain the property of the City of Lawrenceville. Upon notice by the City, the holder of a permit must surrender said permit.
- (10) *Suspension or revocation of permit; appeal.* The City may suspend or revoke any permit issued under this section for falsifying an application, violation of this section, or if the applicant has otherwise become ineligible to hold a license under this section. The permit holder may appeal the decision of the Chief Financial Officer to the City Manager.
- (11) *Exclusions.* Persons whose work is substantially that of a precious metals dealer who work at a pawnshop as defined in section 12-200 are not required to have a precious metals work permit in addition to the pawn work permit.

Sec. 12-705. Records of transactions; required information; method of transmittal.

Engaging in the business of dealing in precious metals within the City limits of Lawrenceville is hereby declared to be affected with the public interest due to the opportunity it affords for the disposal of stolen property. In the public interest and as set forth in this section, all precious metal dealers shall document all transactions as required by this division. A transaction number will be assigned to every transaction to document the transaction.

- (1) *Identification of persons pledging items.* Employees of precious metals dealers shall require all persons pledging, trading, pawning, exchanging, or selling precious metals to show proper identification prior to conducting a transaction. For purposes of this section, the term "proper identification" consists of a government-issued identification document, such as a driver's license, state identification card, military identification card or passport.
- (2) *Required documentation of identifying data.* Employees of precious metals dealers shall document the name, address, telephone number, race, gender, height, weight, driver's license number, date of birth, social security number, and identifying number from the presented identification of the person pledging, trading, pawning, exchanging, or selling precious metals along with the date and time of the transaction. This documentation shall be made at the time of the transaction.
- (3) *Photographs required.* Employees of precious metals dealer shall photograph all persons pledging, trading, pawning, exchanging, or selling precious metals. Such photograph will be made with a digital camera or web camera. Such photograph shall clearly show a frontal view of the subject's face along with the precious metals dealer transaction number. Additionally, photographs of the items being pledged, traded, pawned, exchanged or sold shall be made. The photographs shall be appended to the record of the transaction in a manner prescribed by the City.
- (4) *Fingerprint and signature required.* Employees of precious metals dealers shall obtain from all persons pledging, trading, pawning, exchanging, or selling property the fingerprint of the right hand index finger. The fingerprint shall be appended to the record of the transaction in a manner prescribed by the City. The subject shall also sign the transaction. In the event the indicated finger is missing, the next finger available on the right hand will be used and the finger used will be noted on the transaction record. If the right hand is amputated, congenitally deformed, or otherwise unavailable due to medical condition, the left hand may be used and noted on the record. If neither hand is available due to medical condition, amputation or congenital deformity, that fact will be noted on the transaction record. Fingerprints and the information required in this section shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any precious metals.
- (5) *Accurate property descriptions required.* Employees of precious metals dealers shall document an accurate description of all items pledged, traded, pawned, exchanged or sold to the precious metals dealer. Such description shall include, at a minimum and to the extent possible, manufacturer, model, serial number, style, material, kind, color, design, number of stones (if jewelry), and any identifying names, marks, numbers or engravings.
- (6) *Tags required.* Each item received by a precious metals dealer as a pledge, trade, pawn, exchange, or purchase shall be tagged with the transaction number. Such tag must remain attached to the item until the item is disposed of by sale, trade or other lawful means.
- (7) *Wholesale purchases excluded.* The requirements of this section shall not apply to property purchased from licensed wholesale or distributor businesses for the purpose of retail sale; however, the precious metals dealer employees shall maintain purchasing records for property exempted under this subsection while the property remains in inventory.
- (8) *Special requirements for new or unused goods.* Items of property that appear to be new, unused, and in their original packaging may not be accepted by a precious metals dealer unless the customer can

supply a copy of the original sales receipt or other proof of purchase. Precious metals dealers shall retain a copy of such receipt or proof of purchase on file while the item is in inventory.

- (9) *Entry of transactions for electronic transmittal.* Each precious metals dealer shall enter each transaction into the electronic automated reporting system as it occurs. In the event the electronic transmittal system is unavailable, precious metals dealers shall make records in paper form as prescribed by the Chief Financial Officer. Such paper forms shall include all information otherwise required. Precious metals dealers shall keep a supply of paper forms available at all times.
- (10) *Automated reporting system; mandatory use.* The Chief Financial Officer shall select and designate an automated electronic reporting system for use by precious metals dealers to record and transmit transactions. The precious metals dealer will be assessed a fee for each transaction entered into the system. This fee may be assessed to the person pledging, trading, pawning, exchanging, or selling property. Said fee will be collected by the Chief Financial Officer or his or her designee, which may be a third-party administrator of the automated reporting system.

Sec. 12-706. Retention of property; storage; police holds.

- (a) All property received through any precious metals dealer transaction shall be held for at least 30 days before being disposed of by sale, transfer, shipment, smelting, reforming, reshaping or otherwise.
- (b) All property pledged, traded, pawned, exchanged or sold to the precious metals dealer shall be held and maintained on the premises of the licensed precious metals dealer that completed the transaction, or, if impractical, at such other location as may have been previously approved in writing by the Chief Financial Officer or his or her designee. No off-site locations will be approved which are outside of the City limits of Lawrenceville.
- (c) The Lawrenceville Police Department shall have the authority to place property that is the subject of a law enforcement investigation on police hold. In that event, the Police Department shall notify the precious metals dealer of the need for the police hold and identify all property subject to the police hold. Such notification may be made verbally; however, written notice shall be provided within 24 hours of the verbal hold. Upon notification, it shall be the responsibility of the precious metals dealer to maintain the subject property until such time as the property is released from the police hold or the property is confiscated as evidence.

Sec. 12-707. Dealing with minors.

It shall be unlawful for any precious metals dealer, his agents or employees, to receive, from minors, goods of any character or description. A minor, for the purpose of this section, is an individual under the age of 18.

Sec. 12-708. Responsibility for enforcement.

The Finance Department shall have the responsibility for the enforcement of this section. Sworn officers of the Lawrenceville City Police Department, and civilian employees designated by the Chief Financial Officer shall have the authority to inspect establishments licensed under this section during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this section and State law.

Sec. 12-709. Penalty for violation.

Any person, firm, company, corporation or other entity who violates any provision of this division may be subject to arrest or summoned to appear in the Lawrenceville Municipal Court and, upon conviction or other finding of guilt, may be punished by a fine of up to \$1,000.00 or six months imprisonment, or both.

DIVISION 22. ESTATE SALES

Sec. 12-710. Definitions.

Estate sale means the sale of personal property, which is open to the public and conducted from or on any property located on any residential lot by an individual, company, firm, corporation or other entity for a profit and on behalf of another person or persons. The term "estate sale" shall not include yard sales, garage sales or carport sales which are conducted directly by individuals who own the goods or merchandise to be sold.

Personal property means any property which is owned, utilized and maintained by an individuals and acquired in the normal course of living in or maintaining a residence. Such term includes, but is not limited to, clothing, furniture, jewelry, artwork, household items, dishes, antiques and other similar goods owned by the person or persons who reside or formerly resided in the residence where such estate sale is to take place.

Sec. 12-711. Permit required.

It shall be unlawful for any person or entity to conduct an estate sale without first having obtained a license from the City of Lawrenceville. There shall be no fee charged for such permit; however, no permit will be granted unless all requirements set forth herein have been met.

Sec. 12-712. Application for permit.

At least five business days prior to the start date of an estate sale, the person or entity seeking to conduct such sale shall file a written application with the City of Lawrenceville Police Department, setting forth the following information:

- (1) Full name and address of the person or entity seeking the permit;
- (2) The address of the proposed estate sale;
- (3) The dates and times which the proposed sale will take place;
- (4) The estimated value of the goods to be sold;
- (5) The estimated number of attendees;
- (6) A traffic and parking plan detailing the proposed method for controlling traffic in order to ensure the flow of vehicular traffic will not be impeded during the proposed sale; and
- (7) An affirmative statement that the goods to be sold are owned by the person or persons with whom the applicant has contracted to conduct the sale, and that such goods were not acquired for the purposes of resale.

Sec. 12-713. Number and duration.

No estate sale shall be permitted on any premises more than two times in any 12-month period. A second sale on one premises shall not begin until at least 30 days after the last day of the first sale. Each estate sale shall be limited to four consecutive days and shall be allowed only between the hours of 8:00 a.m. and 6:00 p.m.

Sec. 12-714. Display area.

All personal property offered for sale shall be displayed within the residence, garage, carport or rear yard. However, a vehicle offered for sale may be displayed on the paved driveway within the front yard.

Sec. 12-715. Conditions of permit.

Any estate sale permit issued to an applicant shall be subject to the following additional conditions:

- (1) Parking of motor vehicles is restricted to one side of the street, and where practical, shall be restricted to the same side of the street which the sale will be conducted.
- (2) No permit holder shall allow vehicles to impede the passage of traffic on any roads or streets in the vicinity of the sale. Permit holders shall report to the Police Department any vehicles which are parked in violation of this division.
- (3) Permit holders shall keep the streets, sidewalks and general vicinity of the sale location free from trash and litter.
- (4) No permit holder shall permit any loud or boisterous conduct on or near the premises.
- (5) No permit holder shall permit persons to line up or congregate, either on foot or in automobiles, prior to the start of the estate sale.
- (6) All signs advertising an estate shall meet the requirements of article 7 of the City of Lawrenceville Zoning Ordinance.
- (7) Such further conditions as the City shall deem necessary to ensure the general health, safety and welfare of the public.

Sec. 12-716. Revocation of permit.

- (a) Any permit issued under this division may be revoked or any application for issuance of a permit may be refused by the City if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading information or statements.
- (b) The City may revoke any estate sale permit and order the sale stopped upon a determination that any of the conditions of this division have been violated.

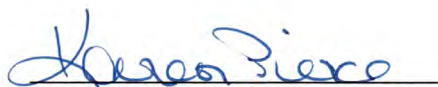
Except as specifically amended herein, all other provisions of the Code of Ordinances of the City of Lawrenceville, Georgia shall remain in full force and effect.

IT IS SO ORDAINED, this 23rd day of October, 2023.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk

MAYOR AND COUNCIL
CITY OF LAWRENCEVILLE, GEORGIA
ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville, held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
<u>David R. Still</u> , Mayor	<u>Yes</u>
<u>Austin Thompson</u> , Mayor Pro Tem	<u>No</u>
<u>Glenn Martin</u> , Council Member	<u>Yes</u>
<u>Victoria Jones</u> , Council Member	<u>Yes</u>
<u>Marlene Taylor-Crawford</u> , Council Member	<u>Abstain</u>

On motion to DENY the requested Special Use Permit by Council Member Jones, seconded by Council Member Martin, which carried 3-1, the following ordinance was ADOPTED:

AN ORDINANCE TO DENY A SPECIAL USE PERMIT

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application for a Special Use Permit from Reece Plumbing for the proposed use of Outdoor Storage on a tract of land described by the attached legal description, which

is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on October 23, 2023, and objections were not filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 23rd day of October 2023, that the aforesaid application for a Special Use Permit is hereby DENIED.



David R. Still, Mayor

Date Signed: 10/31/2023

ATTEST:



Karen Pierce, City Clerk

SURVEY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 11, 7TH DISTRICT OF GWINNETT COUNTY, CITY OF LAWRENCEVILLE, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE HALF INCH REBAR SET ON THE SOUTHEASTERLY RIGHT-OF-WAY OF PARK ACCESS DRIVE (60' R/W), SAID REBAR BEING LOCATED A DISTANCE OF 211.13 FEET NORTHEASTERLY AS MEASURED ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF PARK ACCESS DRIVE FROM THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID DRIVE WITH THE NORTHEASTERLY RIGHT-OF-WAY OF COLLINS HILL ROAD (80' R/W); THENCE PROCEED NORTH 36 DEGREES 49 MINUTES 57 SECONDS EAST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF PARK ACCESS DRIVE, A DISTANCE OF 64.53 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 132.47 FEET (SAID CURVE HAVING A RADIUS OF 220.00 FEET AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 54 DEGREES 15 MINUTES 00 SECONDS EAST A CHORD DISTANCE OF 130.48 FEET) TO A POINT; THENCE NORTH 71 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 28.47 FEET TO A ONE HALF INCH REBAR SET; THENCE, LEAVING SAID RIGHT-OF-WAY, PROCEED SOUTH 30 DEGREES 37 MINUTES 00 SECONDS EAST A DISTANCE OF 301.83 FEET TO A ONE HALF INCH REBAR SET; THENCE SOUTH 59 DEGREES 23 MINUTES 46 SECONDS WEST A DISTANCE OF 200.00 FEET TO A ONE HALF INCH REBAR FOUND; THENCE NORTH 30 DEGREES 37 MINUTES 00 WEST A DISTANCE OF 229.00 FEET TO A ONE HALF INCH REBAR FOUND; THENCE NORTH 52 DEGREES 56 MINUTES 39 SECONDS WEST A DISTANCE OF 45.77 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINING **1.40 ACRES** (61,157 SQ FT)

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Aircraft Landing Field, Heliport, Helipad												S		S	S	P
Ambulance or Medical Transport Company												S		S	P	P
Animal Hospital or Veterinary Clinic	√	S								S	S	P		P	P	P
Antique Shop										P		P	P	P	S	
Art and School Supply Store										P		P	P	P	S	
Art Gallery										P		P	P	P		
Asphalt Plant																S
Auction House										S		S	S	P	P	P
Automatic Teller Machine, Attached										P	P	P	P	P	P	P
Automatic Teller Machine-Freestanding	√									P		P	P	P		
Automobile Accessories Sales and Installation												S		S	P	P
Automobile Body Repair, Painting or Rebuilding	√											S		S	P	P
Automobile Manufacturing Plant																P
Automobile, Truck or Vehicle Storage Lot (excl. junk/wrecked vehicles)	√											S		S	S	P
Automobile Parts Store (with installation)												S		S	P	P
Automobile Parts Store (without installation)												P		P	P	P
Automobile Repair and Maintenance	√											S		S	P	P
Automobile Sales or Auction and Related Service (outdoor)	√											S		S	S	P

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Cabinet Shop												S			P	P
Call Center											S	P		P	P	P
Carpet and Upholstery Cleaning Service												P		P	P	P
Catering Service												P	P	P	P	P
Cement, Concrete or Masonry Plant																S
Cemetery or Mausoleum	√	S														
Cemetery, Family	√	P	P	P												
Check Cashing, Payday Loan and Wire Transfer Facilities	√											S		S		
Chemical Plant (non-pharmaceutical)															S	S
Child Caring Institutions (CCI)	√	S	S	S												
Clothing, Apparel and Shoe Stores										P		P	P	P	S	
Clothing, Apparel or Shoe Manufacturing															P	P
Club, Lodge or Fraternal Organization										S	S	P	P	P	S	
Cold Storage Plant															P	P
Community Center or Cultural Facility	√	P	P	P						P	P	P	P	P	S	S
Community Garden	√	P	P	P	P	P	P	P	P	P					P	P
Community Living Arrangement (CLA)	√	S	S	S												
Composting Facility (municipal solid waste)																S
Composting Facility (yard trimmings)	√														S	P
Consignment Shop, Clothing										P		P	P	P	S	
Consignment Shop, General										P		P		P	S	

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Contractors Office, Building Construction	√											P		P	P	P
Contractors Office, Heavy/Civil	√														S	P
Contractors Office, Landscape	√											S		S	P	P
Convenience Store (with fuel pumps)												P		P		
Convenience Store (without fuel pumps)												P	S	P		
Convention Facility												P			P	P
Copy Shop and Parcel Shipping Store										P		P	P	P	P	
Corporate Training and Education Centers										P	S	P	P	P	P	P
Crematory (principal use)															S	P
Customary Home Occupation	√	P	P	P	P	P	P	P	P							
Data Center											P	P		P	P	P
Day Care Facility										S	S	P	P	P	S	S
Day Care Facility (family)	√	S	S	S												
Department Store, Big Box Specialty Store or Supercenter	√											S		P		
Depot / Passenger Terminal (bus or rail)												S		S	P	P
Die Casting															P	P
Distribution Facility															P	P
Dollar or Variety Store												S		S		
Driving Instruction/DUI School												P		P		
Drug Abuse Treatment Facility	√											S		S		

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Dry Cleaning										P		P	P	P	P	
Dump, Junkyard, Salvage Yard, or Automobile Junk/Salvage Yard	√														S	S
Dwelling - Mobile or Manufactured Home		S							P							
Dwelling - Multifamily							P	P		P						
Dwelling - Single-Family Detached		P	P	P	P					P						
Dwelling - Townhouse						P				P						
Electronics, Cell Phone and Computer (Retail)										P		P	P	P	P	
Emissions Inspection Station	√											P		P	P	P
Equestrian Facility, Riding Stables or Academy	√	P														
Estates Sales	√	P	P	P	P											
Explosives Plant/Storage															S	S
Farmer's Market (including off-site products)		S										S	S			
Farmer's Market (on-site products only)		P										S	S			
Fat and Bone Rendering Plant																S
Feed Processing Facility															S	P
Fertilizer Plant																S
Fireworks Sales (accessory use)	√											P		P		
Fireworks Sales (principal use)	√											S		S		
Florist or Flower Shop										P	S	P	P	P	P	P

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Food Processing/Packaging/Canning Plant															S	P
Food Store, Specialty (butcher, greengrocer, bakery)										P		P	P	P	P	
Funeral Home (including accessory crematory)												S		P	P	P
Furniture or Home Furnishings Store										P		P	P	P	P	S
Garage, Rummage, Yard, and Similar Sales	√	P	P	P	P											
Garden Supply Center												S		P	P	P
Gift Shop or Greeting Card Shop										P		P	P	P		
Golf Course		S	S	S												
Golf Driving Range		S										S		S	S	S
Greenhouse or Plant Nursery (wholesale)		P													P	P
Grocery Store										P		P	P	P	S	
Hair Salon, Beauty Parlor or Barber Shop	√									P	S	P	P	P		
Handwriting Analysts and Fortune Tellers	√													P		
Hardware Store										P		P	P	P	S	
Health Club, Spa, or Fitness Center										P		P	P	P	S	S
Heavy or Farm Equipment Sales and Service															S	P
Home Improvement Center												S		P	S	
Hookah/Vapor Bar or Lounge	√											S	S	S		
Hospice Home											S	S		P		
Hospital												P		P	P	P
Hotel or Motel	√											S	S	P		

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Human Services Ministry												P		P	P	P
Interior Decorating Shop										P		P	P	P	P	P
Janitorial and Maid Services												P		P	P	P
Jewelry Store										P		P	P	P		
Joint Living Residence	√					S					S					
Kennel or Pet Boarding, Indoor	√	P										P		P	P	P
Kennel or Pet Boarding, with Outdoor Facilities	√	S										S		S	S	S
Laboratory (medical or dental)											S	S			P	P
Landfill	√	S														S
Laundry / Dry Cleaning Plant															P	P
Lawn Treatment Service														P	P	P
Liquid Waste Treatment/Recycling															S	S
Livestock Sales Pavilion or Auction Facility	√	S														
Livestock, keeping of (for personal utility)	√	P	S	S												
Live/Work	√									P			P			
Locksmith												P		P	P	P
Machine Shop												S			P	P
Maintenance Shop (fleet vehicles)															P	P
Manufactured Building or Mobile Home Sales	√													S	S	P
Manufacturing, General												S	S	S	P	P

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Massage Therapy Businesses	√										P	P	P	P		
Medical Office or Clinic											P	P	P	P	P	P
Metal Smelting / Forging Works																P
Motorcycle and Personal Watercraft Sales and Related Service												S		S	P	P
Motorcycle and Personal Watercraft Service and Repair												S		S	P	P
Motorcycle Parts, Accessories and Apparel Store												P		P	P	P
Movie Studio															P	P
Movie Theater, Cineplex, or Multiplex										P		P	S	P		
Moving Company												S		P	P	P
Museum or Library										P		P	P	P	P	P
Musical Instrument Store										P		P	P	P	P	P
Nightclub, Dance Club, or Lounge										S		S	S	P		
Nursing Home											S	P		P	S	S
Showroom Facility (accessory)												P		P	P	P
Outdoor Sales, or Display (retail)	√											S		S	S	S
Outdoor Storage (other than junk/salvage yards)	√														P	P
Paper / Pulp Mill																S
Parking Garage or Lot (principal use)										S		P	P	P	P	P
Pawnbrokers and Secondhand Dealers	√											S		S		
Personal Care Home, Commercial											S	P	S	P		

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Personal Care Home, Family	√	S	S	S												
Pest Control / Extermination Business												P		P	P	P
Pet Grooming										P		P	P	P	S	
Pet Shop or Pet Supply Store										P		P	P	P		
Petroleum Refinery / Processing Plant	√															S
Pharmaceutical Manufacturing															P	P
Pharmacy or Drug Store										P		P	P	P		
Photo Processing Plant															P	P
Place of Worship	√	S	S	S						S	P	P	P	P	S	S
Plastics Extrusion															P	P
Plumbing Equipment Dealer	√											S		S	P	P
Pool or Billiards Halls										S		S		S		
Poultry / Meat Processing Plant																S
Precious Metal Dealers	√									P		P	P	P		
Printing, Bookbinding or Publishing Plant												S			P	P
Quarry, Mining, Borrow Pit	√														S	S
Radio and Television Station or Studio												P		P	P	P
Railroad Repair or Storage Yard															S	P
Recording / Rehearsal Studio												P	S	P	P	P
Recovered Materials Processing Facility	√														S	P
Recreation and Entertainment Facility (indoor)												P	P	P	P	S

ORDINANCE NO.: ZON-ORD-2023-20

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
School or College, Business											S	P		P	P	P
School, Montessori											P	P	P	P	P	S
School, Private (College or University)		S									P	P	P	P	P	P
School, Private (Primary and Secondary)	√	S									P	P	P	P	P	P
School, Trade or Vocational												S		P	P	P
Scrap Tire Processing, Grinding or Retreading															S	S
Self-Storage or Mini-Warehouse Facility	√											S		P	P	P
Septic Tank Pumping Company															S	P
Shelter, Homeless												S		S	S	S
Shooting or Archery Range, and similar outdoor recreation		S										S		S	S	S
Shooting Ranges, Indoor												S	S	S	P	
Sign Shop (General Fabrication)												S			P	P
Sign Shop (Graphic Printing, Screen Printing)												P	P		P	P
Smoke or Novelty Shop												S		S		
Soft Drink Bottling / Distribution Plant															P	P
Solid Waste Transfer Station																S
Special Events Facility	√											S	S	S		
Sporting Goods Store										P		P	P	P		
Sports Training Facility (indoor)												P		P	P	P
Sports Training Facility (outdoor)												S		S	P	P

Section 2. Delete Article 2 Supplemental and Accessory Use Standards in its entirety, and replace it as follows:

Supplemental and Accessory Use Standards

200.1 Purpose and Intent

- A.** The purpose of these standards is to supplement the Use Table by providing more specific standards for certain uses to ensure that they will be compatible with surrounding uses; have minimal impact on the environment; promote the health, safety, and welfare of the community; and meet the intent of the Comprehensive Plan.
- B.** These standards apply to specific uses in all zoning districts unless otherwise noted.
- C.** Any use that is regulated by this Article and is authorized in a zoning district shall be developed in compliance with the applicable Supplemental Use or Accessory Use Standards for that use. In addition to the Supplemental and Accessory Use Standards, any proposed use shall be developed in compliance with the rules and regulations of the Building and Building Regulations, Development Regulations, Subdivision Regulations, and Zoning Ordinance of the City of Lawrenceville
- D.** No permit shall be issued for a use, building, or structure that does not conform to applicable provisions of this Article; except that, where any requirement of the Supplemental Use or Accessory Use Standards conflicts with a condition of rezoning, special use permit, or other action of the City Council, the conditions per the approval shall prevail.

200.2 Applicability

The Supplemental Use Standards and Accessory Use Standards listed in [Section 200.3](#) are applicable as indicated by a check mark (√) in the [Article 1, Section 103.2, Use Table](#), as requiring Supplemental or Accessory Use Standards.

Upon passage of this Resolution, any existing regulated use is deemed a nonconforming use. Such nonconforming regulated uses shall be subject to the requirements of [Article 3, Nonconformities](#), of this Ordinance.

200.3 Supplemental Use Standards (As Per Section 103.2, Use Table)

200.3.1 ACCESSORY BUILDINGS AND STRUCTURES

- A.** Limited to one Accessory Building or Structure per zoning lot, provided that each of the following conditions is met:
- 1.** A Principal Permitted Use has already been permitted and constructed on the zoning lot.
 - 2.** It has a maximum height of 18 feet.
 - 3.** No Accessory Building or Structure can cover more than 400 square feet and shall be limited to one Accessory Building/Structure on the same zoning lot. Accessory buildings/structures over 400 square feet shall require the approval of a Special Use Permit.
 - 4.** It is located in the Rear Yard; and
 - 5.** The Accessory Building or Structure shall be constructed from a wood frame with wood siding, including hardy plank style siding, masonry, stucco, or some combination thereof and shall be constructed to match the primary structure in percentage and type of materials.
 - 6.** A permit for the Accessory Building or Structure is required.

200.3.2 ADULT ENTERTAINMENT

Adult Entertainment shall comply with the following:

A. Permitted Use

Adult Entertainment may be permitted in the HM zoning classification.

B. Area

Lot Area shall be a minimum of three (3) acres or 130,680 square feet.

C. Location

Adult Entertainment business or use restricted under this Sub Section shall not be located:

- 1.** Within one thousand (1,000) feet of any parcel of land which is either named or used for residential uses or purposes.
- 2.** Within one thousand (1,000) feet of any parcel of land upon which consist of a civic center, governmental building, library, place of worship, public park or playground, school (private or public).
- 3.** Within one thousand (1,000) feet of any parcel of land upon which another Adult Entertainment business or use regulated or defined under this Sub Section.
- 4.** Within one thousand (1,000) feet of any parcel of land upon which any establishment selling alcoholic beverages is located.

For the purposes of this Sub Section, distance shall be by straight line measurement from the property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated, and used or to be used as a unit.

D. Interior Lighting

The interior lighting in the premises will provide adequate visibility for patrons and public safety personnel with a minimum of 10 candles at all times, as measured from the floor.

E. Road Classification

Adult Entertainment shall be located adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

F. Road Frontage

Adult Entertainment shall be located on a legal lot of record consisting of a minimum of one hundred fifty (150 ft.) feet immediately adjacent to an Arterial or Collector Street, or a State Highway.

G. Businesses and Business Regulations

Adult Entertainment shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 13. – Adult Entertainment.

200.3.3 AGRICULTURAL USES (LIVESTOCK)

In agricultural zoning districts, the following shall be located no closer than 100 feet to any property line: corrals, stables, barns, pens, coops, chicken houses, and other similar livestock quarters.

200.3.4 ANIMAL HOSPITAL OR VETERINARY CLINIC

A Special Use Permit shall be required if any outdoor run or pen is used to house or exercise animals.

200.3.5 AUTOMATIC TELLER MACHINE - FREESTANDING

- A.** Only one free-standing ATM may be installed per parcel.
- B.** The structure built to house the ATM shall be architecturally compatible with the primary structure and incorporate similar construction materials.
- C.** The structure shall not exceed a height of 12 feet.
- D.** The structure shall be setback from any right-of-way at least as required by the applicable zoning district.
- E.** The structure may not be installed in any required parking spaces.
- F.** A permanently installed trash receptacle shall be located within five feet of the structure which shall be maintained by the property owner on a regular scheduled basis.
- G.** Installation shall not reduce any required or existing landscaping.
- H.** All requirements of O.C.G.A. § 7-8-1 et seq. shall be met.
- I.** A marked and designated travel lane shall be provided with a landscape island buffer.

200.3.6 AUTOMOBILE, TRUCK, OR VEHICLE STORAGE LOT (OTHER THAN IMPOUND LOT)

See section 200.3.55 Outdoor Storage (Industrial)

200.3.7 AUTOMOBILE BODY, REPAIR, PAINTING, REBUILDING, OR REPAIR AND MAINTENANCE FACILITIES

Automobile Body, Repair, Painting, Rebuilding or Repair and Maintenance Facilities shall comply with the following:

A. Permitted Use

Automobile Body, Repair, Painting, Rebuilding or Repair and Maintenance Facilities may be permitted in the LM and HM zoning classifications.

B. Special Use Permit

Automobile Body, Repair, Painting, Rebuilding or Repair and Maintenance Facilities may be permitted in the BG and HSB zoning classifications with the approval of a Special Use Permit allowing Outdoor Storage, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing

C. Outdoor Storage

Outdoor Storage, as defined by this Zoning Ordinance, Article 10 Definitions, shall conform to this Article, Sub Section(s) 200.3.53 Outdoor Storage – Retail, and 200.3.55 Outdoor Storage – Industrial, as applicable.

D. Automobile service bays shall not be adjacent to or visible from a public right-of-way.

E. A 15-foot landscaped buffer shall be required adjacent to a public right-of-way.

F. Overnight parking is permitted in a side and rear yard area, but the parking must be screened from view with minimum six-foot opaque fencing.

G. No work shall be conducted on the outside grounds of the establishment; and

H. No metal building facades.

200.3.8 AUTOMOBILE SALES OR AUCTION AND RELATED SERVICE (USED OR NEW CAR OUTDOOR SALES LOT)

- A.** No used car lots are permitted within 100 feet of any residential property.
- B.** No lots smaller than 25,000 square feet.
- C.** All buildings must have a permanent foundation. Architectural exterior treatments must consist of brick, or stone.
- D.** The building must be at least 1000 square feet.
- E.** No metal building facades; and
- F.** A 15-foot landscape buffer shall be provided fronting the street.

200.3.9 AUTOMOBILE SALES (INDOOR) OR AUCTION AND RELATED SERVICE

- A.** No used car lots are permitted within 100 feet of any residential property.
- B.** No lots smaller than 25,000 square feet.
- C.** All buildings must have a permanent foundation. Architectural exterior treatments must consist of brick, or stone.
- D.** The building must be at least 1000 square feet.
- E.** No metal building facades; and
- F.** A 15-foot landscape buffer shall be provided fronting the street.
- G.** Auto repair shall be prohibited.
- H.** Display and outdoor storage shall be prohibited.

200.3.10 AUTOMOBILE WASH - AUTOMATIC AND SELF SERVICE

- A.** Metal building facades are prohibited; and
- B.** Prefabricated awning type structures are only permitted at automatic facilities.

200.3.11 BAIL BONDING

- A.** The use is only allowed with a Special Use permit on properties which front Buford Drive from SR 316, north of the city limits.
- B.** The color of the building and signage must be approved through the Special Use Permit process.
- C.** Parking of commercial vehicles is prohibited.
- D.** Vehicle signage is prohibited.

200.3.12 BAKERY (INDUSTRIAL; RETAIL BAKERY AS AN ACCESSORY USE)

- A.** Accessory retail sales of baked goods produced on-site shall be limited to 15-percent of the gross floor area.
- B.** All activities associated with accessory retail sales of baked goods produced on-site shall be conducted indoors.
- C.** Accessory retail sales of baked goods produced on site shall be limited to Monday through Friday from 8 AM to 5 PM, and Saturday from 8AM until 1 PM.
- D.** Accessory retail sales of baked goods produced off-site shall be prohibited.

200.3.13 BED AND BREAKFAST INN

- A.** Bed and Breakfast Inns shall be subject to the following requirements:
- 1.** The operator of the establishment shall reside in the dwelling.
 - 2.** The use shall have a lot area of not less than 20,000 sq. ft. and a floor area of the dwelling unit of no less than 2,500 sq. ft.
 - 3.** No guest shall reside in a Bed and Breakfast Inn for a period in excess of 14 days.
 - 4.** If located in a residential zoning district, the structure shall be compatible with the character of the neighborhood in terms of height, setbacks, and bulk. Any modifications to the structure shall be compatible with the character of the neighborhood.
 - 5.** Guestrooms may not be equipped with cooking facilities.
 - 6.** In residential zoning districts, food may be served on the premises only for overnight guests and employees of the Bed and Breakfast Inn. However, a restaurant serving up to 50 additional guests may be permitted subject to approval of a Special Use Permit (Article 9, Administration and Enforcement).

200.3.14 BODY ART STUDIOS

Body Art Studios shall comply with the following:

A. Permitted Use

Body Art Studios may be permitted in the HSB zoning classification.

B. Road Classification

Body Art Studios shall be located adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

C. Businesses and Business Regulations

Body Art Studios shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 15. – Body Art.

200.3.15 BUSINESS AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

- A.** A maximum of two Business Vehicles (as defined in Article 10, Definitions) shall be allowed per residence with the exception that any ladders must be removed from the Business Vehicles while parked at the residence.
- B.** Commercial Vehicles (as defined in Article 10, Definitions) are prohibited in all residential zoning districts.

200.3.16 CEMETERY, FAMILY CEMETERY, OR MAUSOLEUM

- A.** Except when used as an accessory to a place of worship, cemeteries, family cemeteries, and mausoleums shall conform to the following requirements:
 - 1.** The cemetery may front only on a street classified as a Collector or Arterial roadway in the Comprehensive Plan or along a State Highway, and the entrance and exits to the cemetery shall only be from the classified street on which it fronts.
 - 2.** The cemetery shall be bordered by a 15-foot-wide buffer and a minimum six-foot-high decorative fence or wall along all of its exterior property lines and frontage streets and not extending into the required front yard. The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight feet tall and provide an effective visual screen.
 - 3.** Prior to the approval of a request to use property as a cemetery, a site plan and a covenant for perpetual care shall be submitted to the Planning and Development Department. The covenant for perpetual care shall include measures to be undertaken to preserve, protect, and provide for ongoing maintenance, including fencing, landscaping, and gravesites.
 - 4.** The covenant for perpetual care and a plat of survey delineating the limits of the cemetery shall be recorded by the Gwinnett County Clerk of Superior Court (Deeds and Records).

200.3.17 CHECK CASHING, PAYDAY LOAN, AND WIRE TRANSFER FACILITIES

A. Permitted Use

Check Cashing, Payday Loan and Wire Transfer Facilities may be permitted as an Accessory Use to a Principal Use (e.g., Convenience Store, Department Store, Discount Store, Grocery Store, Supercenter) in the BG and HSB zoning classifications.

B. Special Use Permit

Check Cashing, Payday Loan, and Wire Transfer Facilities as Principal Use may be permitted in the BG and HSB zoning classification with the approval of a Special Use Permit, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing Process.

C. Location

Check Cashing, Payday Loan, and Wire Transfer Facilities businesses or uses restricted under this Sub Section shall not be located:

1. Within one thousand five hundred (1,500) feet of a Check Cashing, Payday Loan, and Wire Transfer Facilities businesses or uses.
2. Within one thousand (1,000) feet of any parcel of land upon which consist of a civic center, governmental building, library, place of worship, public park or playground, or school (private or public).
3. Within five hundred (500) feet of an RS-180, RS-150, RS-60, RS-50, RS-TH, RM-12, RM-24, and CMU zoning classification.

For the purpose of this Section, distance shall be by straight line measurement from the property line, using the closet property lines of the parcels of land involved. The term “parcel of land” means any quantity of land capable of being described by location and boundary, designated, and used or to be used as a unit.

D. Road Classification

Check Cashing, Payday Loan, and Wire Transfer Facilities shall be located adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

E. Exemptions

Grocery Stores that do not charge a fee to cash a check as cashing customer's checks as a convenience is incidental to their main business of selling food and household items. This Sub Section shall also exempt tax preparation services such as H&R Block.

200.3.18 CHILD CARING INSTITUTIONS (CCI)

- A.** Child Caring Institutions (CCI) facilities shall be located on a lot of at least 1 acre in size.
- B.** Shall be limited to no more than eight residents.
- C.** A Special Use permit is required.

200.3.19 COMMUNITY CENTER OR CULTURAL FACILITY

- 1.** In residential zoning districts, community centers or cultural facilities shall conform to the following requirements and restrictions. Residentially zoned properties not meeting these requirements shall be required to obtain a Special Use Permit.
- 2.** Community Center or Cultural Facilities shall be located on a parcel of land adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.
- 3.** Community Center and Cultural Facilities shall have a minimum acreage of five acres.
- 4.** Community Center and Cultural Facilities shall have a minimum of two hundred fifty (250) feet of road frontage.
- 5.** The buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
- 6.** Parking shall not be provided in the front yard setback area.

7. A minimum 50-foot-wide buffer shall be provided adjacent to residentially zoned properties.
8. Accessory Uses Requiring Special Use Permit. In residential zoning, the following additional uses may be permitted as accessory to a community center or cultural facility only upon approval of a Special Use Permit:
 - a. Lighted outdoor ball fields, pools, or similar recreation facilities.
 - b. Cemeteries or mausoleums.
 - c. Day Care Centers.
 - d. Kindergartens.
 - e. Private schools (K-12).
 - f. Health and social services including out-patient clinics, transitional housing, shelters, and other similar facilities.

200.3.20 COMMUNITY GARDEN

- A. Community gardens shall be subject to the following requirements:
 1. The garden shall not be located within any required buffer.
 2. Outdoor lighting shall be prohibited.
 3. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
 4. Gardening equipment and machinery must be stored in an enclosed, secure building or shed. Retail sales shall be prohibited.
 5. Composting is permitted on the premises if stored in a manner that controls odor, prevents insect or rodent infestation, and minimizes runoff into waterways and onto adjacent properties.
 6. The garden must maintain an orderly appearance and may not be neglected or allowed to become overgrown or eroded.
 7. If a community garden ceases operation, and is no longer desired by the owners, it shall be stabilized with grass, trees, and/or shrubbery in accordance with a plan submitted for approval by the Director.

200.3.21 COMMUNITY LIVING ARRANGEMENT (CLA)

Community Living Arrangement (CLA) facilities shall be located on a lot of at least one acre in size and shall be limited to no more than eight residents.

200.3.22 COMPOSTING FACILITY, YARD TRIMMINGS

- A.** Yard Trimmings Composting Facilities shall meet the following design standards:
- 1.** Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings, or similar putrescent vegetative materials. Composting materials shall not include animal products or inorganic materials such as bottles, cans, plastics, metals, or similar materials.
 - 2.** Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a landscape earthen berm and/or a fence or masonry wall. Landscape earthen berms shall be three feet high with a maximum slope of three-to-one. Fences or masonry walls shall be a minimum of six feet high and composed of 100-percent-opaque solid wood. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a wall shall face the exterior property lines.

200.3.23 CONTRACTOR'S OFFICE

See Section 200.3.54 Outdoor Storage - Retail and 200.3.55 Outdoor Storage - Industrial.

200.3.24 CONSTRUCTION TRAILER/TEMPORARY BUILDING

A temporary building or buildings for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period.

200.3.25 CUSTOMARY HOME OCCUPATION

- A.** Any use, such as a home-based business, customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- B.** No person other than members of the family residing on the premises shall be engaged in such home occupation.
- C.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. No home occupation shall be conducted in any accessory building.
- D.** There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- E.** There shall be no receipt or delivery of goods sold in connection with such home occupation nor shall any inventory of goods for sale be stored or maintained in or about the premises.
- F.** No traffic shall be generated by such home occupation than would normally be expected in a residential neighborhood. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of home occupation.
- G.** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at the lot line of the operation conducted in a single-family residence, or outside the dwelling unit if conducted somewhere other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in electrical line voltage off the premises.
- H.** A Special Use Permit shall be required if the above minimum restrictions are not met.

200.3.26 DAY CARE FACILITY (FAMILY)

- A.** Day Care Facility (family) must meet the following criteria:
- 1.** The day care facility (family) must be properly licensed through the Department of Early Care and Learning.
 - 2.** Proof of owner consent to operate a family day care home must be provided to the Department of Planning and Development if the property is leased.
 - 3.** A drop-off and pick-up plan must be provided to the Department of Planning and Development which illustrates that the operation will not have adverse effects on the flow of traffic; and
 - 4.** No more than five children under 18 years of age, including children residing in the home, may be cared for at one time.

200.3.27 DEPARTMENT STORE OR SUPERCENTER

Such stores may offer automobile maintenance and tire service as a by-right accessory use, provided that junked or wrecked vehicles shall not be allowed on-site, and vehicles undergoing routine service are not kept on the property for more than 48 hours. Maintenance bay doors shall not face a public right-of-way.

200.3.28 DRIVE-THROUGH SERVICE WINDOWS

- A.** Drive-through service windows shall provide adequate queue space for a minimum of three cars per lane.
- B.** Stacking lanes shall be delineated from traffic aisles, other stacking lanes, and parking areas with striping, curbing, landscaping, and the use of alternative paving materials or raised medians.
- C.** Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall:
 - 1.** Separate drive-through traffic from site circulation.
 - 2.** Not impede or impair access into or out of parking spaces.
 - 3.** Not impede or impair vehicle or pedestrian traffic movement; and
 - 4.** Minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.
- D.** Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency bypass or exit shall be provided.
- E.** No outdoor speakers shall be employed within 200 feet of any single-family residential use.

200.3.29 DRUG ABUSE TREATMENT FACILITY

- A.** The Drug Abuse Treatment Facility must, at all times, be approved and properly licensed through the Georgia Department of Community Health.
- B.** No Drug Abuse Treatment Facility may be located within 1,000 feet of any residential property, measured from property line to property line.
- C.** No Drug Abuse Treatment Facility may be located within 1,000 feet of any other Drug Abuse Treatment Facility, measured from property line to property line.
- D.** No Drug Abuse Treatment Facility may be located within 1,000 feet of any school or university; and
- E.** The Drug Abuse Treatment Facility must be located on a major thoroughfare.

200.3.30 DUMP, JUNKYARD, SALVAGE YARD, AUTOMOBILE JUNK/SALVAGE YARD

Dump, Junkyard, Salvage Yard, Automobile Junk/Salvage Yard facilities shall comply with the following:

A. Special Use Permit

Dump, Junkyard, Salvage Yard, Automobile Junk/Salvage Yard facilities may be permitted in the LM and HM zoning classification with the approval of a Special Use Permit allowing Outdoor Storage, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing

B. Location

Dump, Junkyard, Salvage Yard, Automobile Junk/Salvage Yard facilities restricted under this Sub Section shall not be located:

1. Within three hundred (300) feet of any parcel of land which consists of a commercial, mixed-use, multifamily, office institutional or single-family zoning classification.
2. Within one thousand (1,000) feet of a public right-of-way having a right-of-way of 100 feet or greater.

For the purposes of this Sub Section, distance shall be by straight line measurement from the property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated, and used or to be used as a unit.

C. Screening

Dump, Junkyard, Salvage Yard, Automobile Junk/Salvage Yard facilities shall be completely enclosed with a solid (opaque) fencing, no less than eight feet high, and in no case less than such height as will effectively screen all storage and other operations from view.

D. Road Classification

Dump, Junkyard, Salvage Yard, Automobile Junk/Salvage Yard facilities shall be accessed from a roadway classified as an Arterial or Collector Street, or a State Highway.

200.3.31 ELECTRONIC MESSAGE CENTER (EMC)

Electronic Message Centers (EMC) shall require a Special Use Permit unless it meets all of the standards in [Article 7, Signs](#), as it relates to EMC's.

200.3.32 EMISSIONS INSPECTION STATIONS

- A.** Emissions inspection stations shall meet the following design standards:
- 1.** The facility shall be located in a permanent non-combustible structure.
 - 2.** The structure shall include a designated indoor public waiting area (minimum three fixed seats) with restrooms; or as an alternative, shall provide the required designated indoor waiting area and restrooms upon the same lot, within 500 feet of the testing facility.
 - 3.** The facility shall provide a minimum of four paved parking spaces. Drive-through facilities shall also provide a paved stacking lane for a minimum of four vehicles. Parking spaces and stacking lane shall be striped.
 - 4.** If constructed in an existing parking lot, the facility and stacking lane(s) shall not occupy any required on-site parking space or encroach into any minimum required driveway width.

200.3.33 EQUESTRIAN FACILITIES, RIDING STABLES, OR ACADEMIES

Stables, corrals, riding rings, and other similar facilities shall not be located closer than 100 feet to any property line.

200.3.34 ESTATE SALES

Estate Sales shall comply with the following:

A. Permitted Use

Estate Sales may be permitted in the AR, RS-180, RS-150, and RS-60 zoning classification.

B. Businesses and Business Regulations

Estate Sales shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 22. – Estate Sales.

200.3.35 FENCES AND WALLS

200.3.35.1 HEIGHT OF FENCING OR WALLS

Except as provided in Section 200.3.35.2, no wall or fence in a residential zoning district shall exceed 4 feet in height within a required front building setback line or 6 feet in height in the balance of the yard.

200.3.35.2 EXCEPTIONS TO SECTION 200.3.34.1 ARE AS FOLLOWS:

- A.** A fence or wall that encloses an approved stormwater management facility may be a maximum of 6 feet in height.
- B.** A fence or wall enclosing a tennis court may be a maximum of 12 feet in height.
- C.** The City Council may condition the approval of a Rezoning or Special Use Permit to require that walls or fences of a height in excess of these regulations may be placed in any yard where such walls or fence is necessary to provide screening.
- D.** Lots with double frontage may have a fence up to 6 feet in height in the no access easement.

200.3.35.3 SUBDIVISION ENTRANCE FEATURES

Walls or fences incorporated into a subdivision entrance feature shall not exceed ten feet in height and shall be subject to review and approval by the Director after the submission of a landscape plan, site plan and architectural elevations to the Department.

200.3.35.4 FENCE MATERIALS

- A.** Any wall or fence which extends into the required front yard on property less than 3 acres in area shall be ornamental or decorative and constructed of brick, stone, wood, wrought iron, or split rail.
- B.** No wall or fence constructed of woven wire or metal fabric (chain link, hog wire or barbed wire) shall extend into a front yard, except fences enclosing stormwater facilities shall consist of vinyl coated chain link fencing material. Woven wire or metal fabric fences may extend into a front yard when property contains a minimum of 3 acres.
- C.** Electric and barb wire fences shall be prohibited in residential districts except on lots which meet or exceed the minimum requirements for raising and keeping of livestock (3 acres).
- D.** Exposed concrete blocks, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items shall be prohibited as fence material in residential and non-residential districts.

200.3.36 FIREWORKS SALES

Retail sales of fireworks shall be subject to the following restrictions:

- A.** Sales and storage of fireworks shall comply with all applicable federal, state, and local regulations.
- B.** The sale of consumer fireworks as a principal use shall require approval of a Special Use Permit.
- C.** Accessory sale of consumer fireworks shall be limited to convenience stores, discount stores, dollar or variety stores, grocery stores, hardware stores, pharmacy and drug stores, sporting goods stores, and wholesale membership clubs.
- D.** Outdoor sales shall be in accordance with section 200.3.49.

200.3.37 FOOD TRUCKS

- A.** Food Trucks may only be located on a lot with a principally permitted use on the same zoning lot, and shall be a special use permitted in an OI Office/Institutional, any B Business District, or M Manufacturing District provided the following conditions can be met:
- 1.** A food truck operator shall have written permission from the property owner to conduct business. Such permission shall identify the dates and times of operation.
 - 2.** Unless otherwise specified or permitted by the City, food truck hours shall only be between the hours of 10:00 am and close of business of the primary use of the lot on which the food truck is operating.
 - 3.** The food truck must be licensed by the Gwinnett County Health Department and have a valid business license for food truck operations.
 - 4.** A maximum of 2 food trucks on lots of one-half acre to one acre in size.
 - 5.** A maximum of 3 food trucks on lots greater than one acre.
 - 6.** Temporary outdoor seating is only permitted upon review and approval of the Planning and Development Department.
 - 7.** Food trucks shall not block any ingress/egress or vehicular circulation in a parking lot, loading/unloading area, or building entrance.
 - 8.** Food trucks shall not block any fire hydrant or fire lane.
 - 9.** Food truck operations shall be located a minimum of 100 feet from a residential dwelling.
 - 10.** No audio speakers or on-site/off-site signage shall be permitted other than what is displayed on the food truck.
 - 11.** Grease, liquid waste, and garbage shall not be disposed of on-site.
 - 12.** Food trucks shall be subject to all other applicable City and County Ordinances related to food operations.
 - 13.** Food trucks may not conduct sales when parked on a public street unless approved by the Planning Director and City Engineer.
 - 14.** Food trucks shall not locate on a vacant lot or on a lot where the principal building is vacant or unoccupied.

200.3.38 GARAGE, RUMMAGE, YARD, AND SIMILAR SALES

A. Permitted Use

Garage, Rummage, Yard, and Similar Sales may be permitted in the AR, RS-180, RS-150, and RS-60 zoning classification.

Garage, yard, rummage, and similar sales may be permitted from an occupied residence, or group of residences in the case of a neighborhood event, subject to the following requirements and limitations:

B. Authorization

It shall be unlawful for any person or entity to conduct a yard sale from property zoned or used for residential purposes unless the person or entity conducting the yard sale shall have received a Garage, Rummage, Yard, and Similar Sales Permit from the city authorizing sale. Failure to obtain a permit could result in additional fees, fines, and court costs.

C. General Requirements

1. Yard Sales Permit shall not be permitted on any premises more than two times in a calendar year.
2. A second Yard Sales Permit on the premises shall not be issued until thirty (30) days after the last day of the previously issued permit.
3. Yard Sales Permits shall be limited to four consecutive days and shall be allowed only between the hours of 8:00 a.m. and 6:00 p.m.

D. Display Area

1. All personal property offered for sale shall be displayed within the residence, garage, carport, or rear yard area.
2. Items sold must be used goods from the participating household(s), and not goods purchased for resale. Items for sale may not be displayed on the public sidewalk, street, or right-of-way.

E. On-Street Parking and Sidewalks

1. Parking motor vehicles is restricted to one side of the street, and where practical, shall be restricted to the same side of the street which the sale will be conducted.
2. No permit holder shall allow vehicles to impede the passage of traffic on any public right-of-way in the vicinity of the sale.

3. Permit holders shall keep the public right-of-way and general vicinity of the sale free from trash and litter.
4. No permit holder shall permit persons to line up or congregate, either on foot or in automobiles, prior to the start of the event.
5. Permit holders shall report to the Police Department any vehicles which are parked in violation of this Subsection.

F. Noise Control

Noise Control shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 20, Environment, Article III. Noise Control.

G. Signs

1. Any signs for the sale shall be removed immediately upon closing of the sale. Signs may not be posted on telephone poles, streetlights, traffic signs, or any other structure in the public right-of-way.
2. All signs placed off-site shall have the permission of the owner of the property on which the sign is to be placed. Signs may be posted the morning of the sale and must be taken down daily.
3. No sign may be larger than four (4) square feet.

200.3.39 HAIR SALON, BEAUTY PARLOR, OR BARBER SHOP

All hair salons, beauty parlors, and/or barber shops must have a posted up-to-date certification from the Georgia State Board of Cosmetology and Barbers.

200.3.40 HANDWRITING ANALYSTS AND FORTUNE TELLERS

Handwriting Analysts and Fortune Tellers shall comply with the following:

A. Permitted Use

Handwriting Analysts and Fortune Tellers may be permitted in the HSB zoning classification.

B. Road Classification

Handwriting Analysts and Fortune Tellers shall be located adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

C. Businesses and Business Regulations

Handwriting Analysts and Fortune Tellers shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 10. – Handwriting Analysts and Fortune Tellers.

200.3.41 HELICOPTER LANDING PAD

1. Air services are not permitted to be the primary business or use of the property.
2. No commercial air services are permitted (i.e.: air taxi, sightseeing, crop dusting, aircraft sales, etc.).
3. The owner must hold a valid permit from the Federal Aviation Administration.

200.3.42 HOOKAH/VAPOR BAR OR LOUNGE

1. Smoking of Hookah in any establishment that serves alcohol shall be prohibited.
2. Hours of operation shall not exceed 11:00pm.
3. Hookah bars and lounges shall not serve patrons under the age of 18.
4. Accessory sale of consumer hookah/vapes shall be limited to convenience stores, discount stores, dollar or variety stores, grocery stores, hardware stores, pharmacy and drug stores, sporting goods stores, and wholesale membership clubs.

5. Sales and storage of hookah/vapes shall comply with all applicable federal, state, and local regulations.

200.3.43 HOTEL OR MOTEL

Hotels and motels shall meet the following design standards:

1. All guestrooms which have facilities for both storage and preparation of food shall have a minimum of 250 square feet of floor area.
2. No hotel or motel under this section may be converted to or used as an apartment or condominium.
3. Each guestroom must be protected with a sprinkler system and hard-wired smoke detector.
4. No facility may contain more than fifty (50) guest rooms per gross acre of development.
5. No outside storage or permanent parking of equipment or vehicles shall be permitted.
6. No permanent business license shall be issued for the conduct of any business from any guest room of the facility.
7. An active recreation area shall be provided which meets the following criteria:
8. The size of each recreation area shall be calculated at a ratio of five square feet per room with a minimum area of 750 square feet.
9. All recreation areas must be approved by staff prior to development.
10. The recreation area may be indoors or outdoors.
11. All hotels and motels shall provide a one-hundred-foot buffer from any property zoned for residential purposes.
12. There shall be no access to any guestrooms from the exterior of the building.
13. No individual guest shall register, reside in, or occupy a room or rooms within the same facility for more than forty-five days in any ninety-day period, nor shall any guests move from one room to another without a three-day vacancy in between.

200.3.44 JOINT LIVING RESIDENCE

- A.** The following shall be considered for the application for a Joint Living Residence:
- 1.** Whether there are extraordinary or exceptional conditions pertaining to the application.
 - 2.** Whether, if granted, a joint living residence would cause a substantial detriment to the public good.
 - 3.** The number of persons applying to live together in the joint living residence.
 - 4.** The square footage of bedroom space per occupant in the proposed joint living residence, not including kitchens, dining rooms, living rooms, garages, hallways, bathrooms, or non-heated spaces.
 - 5.** The number of bathrooms in the proposed joint living residence.
 - 6.** Whether the proposed joint living residence is served by public water and sewer service.
 - 7.** The lot size upon which the proposed joint living residence is located; and
 - 8.** The area of the paved parking area serving the proposed joint living residence and the number of cars to be parked in such area.

200.3.45 KENNELS AND PET BOARDING

In agricultural zoning, dog runs, pens, and other similar facilities shall be located no closer than 100 feet to any property line. Any property where there are 4 or more dogs over the age of 3-months kept, maintained, or housed shall be deemed to constitute a kennel, regardless of whether such dogs are kept for business or profit purposes.

200.3.46 LANDFILLS

- A.** A landfill may be permitted in certain zoning districts provided the following conditions are met:
- 1.** A minimum twenty-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.
 - 2.** A minimum seventy-five-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
 - 3.** The limits of an existing one-hundred-year floodplain or a stream buffer of two hundred feet, whichever is greater, shall be preserved as a natural, undisturbed area except for approved perpendicular access and utility crossings.
 - 4.** The entire site shall be fenced with a minimum six-foot-high chain-link security fence.
 - 5.** The landfill shall be located adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.
 - 6.** The applicant shall include with the Special Use Permit application a report detailing the phasing of the landfill and plans for closure and reclamation.
- B.** The following waste disposal activities, recycling facilities, and recovery activities shall be permitted as accessory uses to landfills, unless otherwise stipulated by the City Council:
- 1.** Composting, Municipal Solid Waste.
 - 2.** Composting, Yard Trimmings.
 - 3.** Consumer Recycling Centers.
 - 4.** Gas Recovery/Gas Co-Generation Plant.
 - 5.** Recovered Materials Processing Facility.
 - 6.** Solid Waste Transfer Stations.

200.3.47 LIVESTOCK - KEEPING OF (FOR PERSONAL UTILITY)

- A.** In the agricultural zoning district: corrals, stables, barns, pens, coops, chicken houses, and other similar animal quarters shall be located no closer than 100 feet to any property line.
- B.** A Special Use Permit shall be required in the RS-180 and RS-150 zoning classifications for the raising and keeping of livestock for personal pleasure or utility on a parcel which contains the dwelling of the owner, provided that the parcel is at least 3 acres in area and all animal quarters are located no closer than 100 feet to any property line.
- C.** A Special Use Permit shall be required in the RS-180 and RS-150 zoning classifications for the keeping of chickens for personal pleasure or utility on a parcel which contains the dwelling of the owner, subject to the following requirements:
 - 1.** The minimum lot size for the keeping of chickens shall be ten thousand five hundred (10,500) square feet.
 - 2.** Chickens must be kept securely in an enclosed yard or 6-sided pen at all times.
 - 3.** Minimum pen area for chickens shall be 10 square feet per chicken.
 - 4.** Chickens must be housed at least 20 feet from any property line, and 50 feet from any residence other than the owners.
 - 5.** Any structure housing chickens must be located in the rear yard.
 - 6.** The keeping of roosters is not allowed.
 - 7.** The maximum number of chickens shall be as follows: Lots 10,500 square feet to 12,499 square feet: maximum of three chickens; lots 12,500 square feet to 24,999 square feet: maximum of five chickens; lots 25,000 square feet to 39,999 square feet: maximum of eight chickens; lots of 40,000 square feet to 2.99 acres: maximum of 10 chickens; lots 3 acres or larger: no maximum.
 - 8.** Each coop shall have at least 4 square feet of floor space per chicken over 4 months old.
 - 9.** Chickens are only permitted as pets or for egg laying production; chickens cannot be kept for slaughter.

10. Chickens shall be kept under sanitary conditions and shall not be a public nuisance as defined by State law.

200.3.48 LIVESTOCK - SALES PAVILIONS OR AUCTION FACILITIES

- A.** Livestock sales pavilions, auction facilities, show rings or other arenas for the display, exhibition training, or sale of livestock, and animal quarters, shall be located no closer than 100 feet to any property line.
- B.** Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc., associated with the use.
- C.** A Special Use Permit is required if any of the following apply:
 - 1.** The event is held more than three days per month.
 - 2.** Hours of operation extend beyond 6:00 p.m.
 - 3.** A public address system is utilized.
 - 4.** Permanent concession facilities are provided.
 - 5.** Portable restroom facilities are provided.
 - 6.** Seating facilities for more than 100 people are provided.
 - 7.** Parking facilities for more than 50 vehicles are provided.
 - 8.** An admission fee is charged.

200.3.49 LIVE/WORK

Live/Work shall comply with the following:

A. Permitted Use

Live/Work may be permitted in the BGC and CMU zoning classification.

200.3.50 MANUFACTURED HOUSE/MOBILE HOME SALES LOT

- A.** No mobile home sales lots are permitted within 100 feet of any residential property.
- B.** Sales shall not be conducted on lots smaller than 25,000 square feet.
- C.** All lots must have a permanent building made of brick, stone, or wood frame of no less than 1000 square feet.
- D.** Sales units shall not have metal building facades; and
- E.** A 15-foot landscape buffer shall be provided fronting the street.

200.3.51 MASSAGE THERAPY BUSINESSES

Massage Therapy Businesses shall comply with the following:

A. Permitted Use

Massage Therapy Businesses may be permitted in the OI, BG, BGC, and HSB zoning classifications.

B. Location

Massage Therapy Businesses or use restricted under this Section shall not be located:

Within one hundred fifty (150) feet of an RS-180, RS-150, RS-60, RM-12, RM-24, and CMU zoning classification.

Upon application for a massage therapy practice business license, the applicant will provide to the City a survey showing the distances to each residentially zoned property within a one hundred fifty (150) feet of the front door of the massage therapy practice.

For the purpose of this Section, distance shall be by straight line measurement from the front door of the structure where massage therapy practice occurs to the nearest parcel boundary line of any residentially zoned property as measured by a straight line on the ground.

C. Road Classification

Massage Therapy Businesses shall be located on a roadway classified as an Arterial or Collector Street, or a State Highway.

D. Businesses and Business Regulations

Massage Therapy Businesses shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 11. – Massage Therapy Businesses.

200.3.52 OUTDOOR SALES OR DISPLAY

- A.** Outdoor display or sales of merchandise shall be subject to approval of a Special Use Permit, with the following exceptions:
- 1.** Merchandise may be displayed on the front sidewalk immediately adjacent to a retail building or immediately beneath an actively operating fuel island canopy, subject to the following restrictions and requirements:
 - 2.** Merchandise shall be permitted only along the business' tenant bay or storefront façade.
 - 3.** Merchandise shall not block an entrance or exit to or from the building.
 - 4.** Merchandise displayed for sale shall be that normally found within the on-premises business.
 - 5.** Merchandise shall not be located on sidewalks that are less than six feet in depth and may not extend beyond the limits of the sidewalk.
 - 6.** All such display or sales shall meet applicable building, fire and safety codes.
 - 7.** Merchandise displayed or sales shall not be allowed within a required building setback, buffer, driveway, easement, landscape strip, parking space or right-of-way.
 - 8.** The Outdoor Display or Sales of Merchandise shall be kept neat and orderly.

200.3.53 OUTDOOR SEATING

- A.** Outdoor seating for restaurant service is permitted subject to the following requirements and restrictions:
- 1.** The perimeter of the outdoor seating area be outside of any public right-of-way, and shall be delineated using fixtures such as walls, railings, planters, or other similar decorative fixtures, and that do not present a safety hazard.
 - 2.** Tables, chairs, umbrellas, canopies, awnings, and other similar fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
 - 3.** Design, materials, and colors shall be compatible with the abutting building for all locations, and any applicable design guidelines.

200.3.54 OUTDOOR STORAGE - RETAIL

In non-residential zoning districts (other than industrial), outdoor storage of equipment, materials and/or merchandise shall be subject to approval of a Special Use Permit.

200.3.55 OUTDOOR STORAGE - INDUSTRIAL

- A.** Outdoor storage of items, equipment, materials, and supplies which are not offered for sale, but which are normally appurtenant to a permitted use, provided that such storage meets the following requirements:
- 1.** Such property is not directly adjacent to a residential property.
 - 2.** Such property is not located within the boundary of the geographical area of the Lawrenceville Downtown Development Authority.
 - 3.** Storage shall be in the rear or side yard, except where any part of the property is adjacent to, or the storage is visible within a distance of two hundred and fifty (250) feet from, Pike Street, Five Forks-Trickum Road, Scenic Highway, Lawrenceville Highway, Buford Drive (Hwy. 20), Hurricane Shoals Road, Lawrenceville Suwanee Road, Sugarloaf Parkway, Grayson Highway, or Gwinnett Drive, in which case all items shall be stored in a rear yard only.
 - 4.** Stored items shall be screened by a solid opaque fence at least six (6) feet height, by landscaping creating a complete visual buffer, or by a combination of fencing and landscaping, and no item shall be placed at a height exceeding that of the screening fence or landscaping materials; and.
 - 5.** Under no circumstances shall an owner or occupant of any property store any junk, scrap metal, rags, paper, or abandoned, wrecked, junked or scrap material, or any part thereof, outdoors.

200.3.56 OUTDOOR STORAGE - RESIDENTIAL

Outdoor Storage in residential zoning districts shall be part of, and strictly used for the residential purpose of the owner or occupant of the residential zoned property. Outdoor Storage in residential zoning districts shall be governed by the following restrictions and requirements:

- A.** Outdoor storage of appliances, building materials, construction equipment, debris, garbage, glass, materials, merchandise, rubbish, trash, or other similar materials shall not be allowed on any residential zoned property.
- B.** Outdoor Storage shall be stored in an approved accessory structure (see Accessory Structure), an enclosed garage connected to the principal structure, or in the rear or side yard areas.
- C.** Outdoor Storage stored in the rear or side yard area shall be screened with either landscaping or fencing that provides an effective year-round visual screen from neighboring properties and/or public right-of-way; Garbage, rubbish, trash, or other similar items placed outside for collection by an authorized waste hauler not more than 24 hours prior to the designated collection date for a residential zoned property.

200.3.57 PAWNBROKERS AND SECONDHAND DEALERS

Pawnbrokers and Secondhand Dealers shall comply with the following:

A. Permitted Use

Pawnbrokers and Secondhand Dealers may be permitted in the HSB zoning classification.

B. Special Use Permit

Pawnbrokers and Secondhand Dealers may be permitted in the BG zoning classification with the approval of a Special Use Permit, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing Process.

C. Location

Pawnbrokers and Secondhand Dealers businesses or uses restricted under this Sub Section shall not be located:

4. Within one thousand (1,000) feet of a regulated Pawnbrokers and Secondhand Dealers businesses or uses.
5. Within five hundred (500) feet of any parcel of land upon which consist of a civic center, governmental building, library, place of worship, public park or playground, or school (private or public).
6. Within one hundred (100) feet of an RS-180, RS-150, RS-60, RS-50, RS-TH, RM-12, RM-24, and CMU zoning classification.

For the purpose of this Section, distance shall be by straight line measurement from the property line, using the closet property lines of the parcels of land involved. The term “parcel of land” means any quantity of land capable of being described by location and boundary, designated, and used or to be used as a unit.

D. Road Classification

Pawnbrokers and Secondhand Dealers facilities shall be located adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

E. Businesses and Business Regulations

Pawnbrokers and Secondhand Dealers shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 7. – Pawnbrokers and Secondhand Dealers.

200.3.58 PERSONAL CARE HOME, FAMILY

The Personal Care Home shall:

1. Requires the approval of a Special Use Permit.
2. Family Personal Care Homes shall be located on a lot of at least one acre in size, and shall be limited to no more than six residents.
3. Contain a residential facade which is architecturally similar to adjacent buildings.
4. Have at least one employee on-site at all times.
5. Not exceed one percent (1%) of the total number of homes in the subdivision, provided that any subdivision with less than 100 homes shall be allowed one Personal Care Home.

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6. Not be located within 1,000 feet of another Personal Care Home.
7. Be licensed by and operate in accordance with the rules of the State of Georgia and the Georgia Department of Community Health at all times; and
8. Meet all requirements of the International Building Code, as well as all City zoning requirements and building codes, including minimum dwelling space requirements.

200.3.60 PETROLEUM OR CHEMICAL STORAGE - ABOVE GROUND

This use shall be considered a special use when more than 150,000 gallons are stored on one lot of less than one acre in size or when more than 25,000 gallons are stored in any one tank.

200.3.61 PLACES OF RELIGIOUS WORSHIP

- A.** In all residential zoning districts, places of worship shall conform to the following requirements. Residentially zoned properties not meeting these requirements shall be required to obtain a Special Use Permit.
- 1.** Places of Religious Worship shall be located on a parcel of land adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.
 - 2.** Places of Religious Worship shall be located on a parcel of land with two hundred fifty (250) feet of road frontage.
 - 3.** The buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
 - 4.** Parking shall not be provided in the front yard setback area.
 - 5.** A minimum 20-foot-wide buffer shall be provided adjacent to residentially zoned properties. This buffer shall be increased to 50 feet in width adjoining any outdoor church recreation facilities.
 - 6.** The proposed site contains at least five acres of land with at least four acres lying outside of any 100-year FEMA Flood Hazard area.
 - 7.** Proposed buildings are setback not less than 50 feet from any street and not less than 30 feet from any side or rear property line. If an abutting property is zoned non-residential, the minimum side and rear yard setbacks for the buildings shall match the minimum setbacks required of the adjacent zoning category where it abuts the non-residential category.
 - 8.** The tract shall be one contiguous zoning classification.
- B.** Accessory Uses Requiring Special Use Permit:
- 1.** In residential zoning, the following additional uses may be permitted as accessory to a place of worship only upon approval of a Special Use Permit.
 - 2.** Lighted outdoor ball fields, pools, or similar recreation facilities.
 - 3.** Day Care Centers.
 - 4.** Kindergartens.

5. Private schools (K-12).

200.3.62 PLUMBING EQUIPMENT DEALER

Plumbing Equipment Dealer shall comply with the following:

A. Permitted Use

Plumbing Equipment Dealer may be permitted in the LM and HM zoning classifications.

B. Special Use Permit

Plumbing Equipment Dealer may be permitted in the BG and HSB zoning classifications with the approval of a Special Use Permit allowing Outdoor Storage, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing

C. Outdoor Storage

Outdoor Storage, as defined by this Zoning Ordinance, Article 10 Definitions, shall conform to this Article, Sub Section(s) 200.3.53 Outdoor Storage – Retail, and 200.3.55 Outdoor Storage – Industrial, as applicable.

200.3.63 PRECIOUS METALS DEALERS

Precious Metals Dealers shall comply with the following:

A. Permitted Use

Precious Metals Dealers may be permitted in the CMU, BG, BGC, and HSB zoning classification.

B. Road Classification

Precious Metals Dealers shall be located on a parcel of land adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

C. Businesses and Business Regulations

Precious Metals Dealers shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 21. – Precious Metals Dealers.

200.3.64 QUARRY, MINING, BORROW PIT

- A.** Quarry, Mining, Borrow Pit areas being evacuated shall be entirely enclosed within a fence located at least 10 feet back from the edge of any excavation and of such constructions and height as to be demonstrably able to exclude children and animals from the quarry area.
- B.** The operators and owners of the quarry present to the Mayor and Council an acceptable comprehensive plan for the reuse of the property at the cessation of the quarry operations.
- C.** In the case of an existing quarry, an extension of the quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Ordinance shall be permitted and shall not be considered a new operation (provided that said extension does not extend to within 1,000 feet of a residential or commercial zoning district boundary line).

200.3.65 RECOVERED MATERIALS PROCESSING FACILITY

- A.** Recovered Materials Processing Facilities shall meet the following design standards:
 - 1.** Activities shall be limited to collection, sorting, compaction, and shipping.
 - 2.** The facility shall not be located adjacent to or across the street from any property used for or zoned for single-family residential use.
 - 3.** Any outside storage areas shall be screened by a minimum eight-foot-high solid wood fence; masonry wall; or slatted chain-link fence. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.

200.3.66 RECREATIONAL VEHICLES AND VESSELS

- A.** Vehicle, Fully Autonomous Vehicle; Vehicle, Golf Car/Cart; Vehicle, Recreational; Vehicle Recreational Off-Highway Vehicle; Vessel, Homemade; Vessel, Mechanically Propelled; Vessel, Non-motorized; Vessel, Power Boat
- 1.** A maximum of one Recreational Vehicle or Vessel, provided that:
 - 2.** Has a maximum length of 45 feet;
 - 3.** Is stored or parked in a side or rear yard on a hard surface as wide and long as the vehicle.
 - 4.** The Recreational Vehicle may be connected to an outlet but may not be occupied.
 - 5.** The setback for a Recreational Vehicle shall be five feet on the side yard, and 10 feet in the rear yard.
 - 6.** A Recreational Vehicle may not be parked or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety.

200.3.67 RECYCLING AND DONATION CONTAINERS

Recycling and donation containers shall be prohibited in the City.

200.3.68 RETIREMENT COMMUNITY - CONTINUING CARE

Retirement Community – Continuing Care facilities shall comply with the following:

A. Permitted Use

Retirement Community – Continuing Care may be permitted in the RM-24 and CMU zoning classification.

B. Special Use Permit

Retirement Community – Continuing Care may be permitted in the OI zoning classification with the approval of a Special Use Permit allowing Outdoor Storage, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing

C. Area

Lot Area shall be a minimum of five (5) acres or 217,800 square feet.

D. Road Classification

Retirement Community – Continuing Care facilities shall be located on a parcel of land adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

E. Prohibition

Duplexes shall be prohibited.

200.3.69 RETIREMENT COMMUNITY - INDEPENDENT LIVING

Retirement Community – Independent Living facilities shall comply with the following:

A. Permitted Use

Retirement Community – Independent Living facilities may be permitted in the RM-12, RM-24, and CMU zoning classification.

B. Special Use Permit

Retirement Community – Independent Living facilities may be permitted in the OI zoning classification with the approval of a Special Use Permit allowing Outdoor Storage, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing

C. Area

Lot Area shall be a minimum of five (5) acres or 217,800 square feet.

D. Road Classification

Retirement Community – Independent Living facilities shall be located on a parcel of land adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

E. Prohibition

Duplexes shall be prohibited.

200.3.70 SCHOOLS AND COLLEGES (PRIVATE)

- A.** The proposed facility shall be located on a parcel of land adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.
- B.** The proposed facility shall be located on a parcel of land with a minimum of two hundred (200) feet of road frontage.
- C.** The proposed site contains at least five acres of land with at least four acres lying outside of any 100-year FEMA Flood Hazard area.
- D.** Proposed buildings are setback not less than 50 feet from any street and not less than 20 feet from any side or rear property line. Note: If an abutting property is zoned non-residential, the minimum side and rear yard setbacks for the buildings shall match the minimum setbacks required of the adjacent zoning category where it abuts the non-residential category.
- E.** Parking is not to be located within the 50-foot front yard setback.
- F.** When adjacent to a property zoned for a single-family detached residential use, a buffer of at least 40 feet shall be provided along the common property line(s).
- G.** The tract shall be one contiguous zoning classification.
- H.** A Special Use Permit is required in AR zoning districts.

200.3.71 SELF-STORAGE AND MINI-WAREHOUSE FACILITIES

- A.** Self-Storage and Mini-Warehouse Facilities shall meet the following restrictions and design standards:
 - 1.** Storage units shall not be used for manufacturing, retail, or wholesale selling, office, other business or service use, or human habitation.
 - 2.** Site access shall not be onto roadways classified as local residential streets.
 - 3.** Outdoor speakers or sound amplification systems shall be prohibited.
 - 4.** Such a facility may include one accessory manager's office/apartment which is clearly subordinate to the primary use of the facility for warehousing purposes.

5. Provide adequate loading and unloading areas outside of fire lanes, required parking lanes, and travel lanes.
6. Access to all storage units shall be from the interior of the main building. No access to a storage unit shall lead directly to the exterior of the building.
7. No outdoor storage of any type shall be allowed at the facility.

200.3.72 SOLAR PANELS

Solar panels are permitted as an accessory use in all districts to promote clean, sustainable, and renewable energy resources. The intent of these regulations is to establish general guidelines to prevent off-site nuisances including unreasonable visual interference, light glare, and heat that the incorrect placement of solar panels may create. Furthermore, no solar panel system shall be constructed, erected, installed, or located before proper approval has been obtained pursuant to this Section.

- A. Requirements and Regulations.** Solar panel systems shall conform to or be evaluated for compliance with the following standards:
1. The proposed system is no larger than necessary to provide 120 percent of the electrical energy requirements of the primary structure to which it is accessory to as determined by a contractor licensed to install solar and photovoltaic energy systems.
 2. If roof mounted, the solar panel system shall:
 - a. Be flush mounted on the roof unless good cause is shown by the applicant that the solar panel is not at an appropriate angle to obtain sufficient sun exposure.
 - b. Be located in the most inconspicuous location on the roof so as not to be seen from the street, if possible, and still be able to function as designed; and
 - c. Not extend higher than the peak of a sloped roof or higher than 5 feet from the top of a flat roof.
 3. If freestanding, the solar panel system shall:
 - a. Not extend more than 10 feet above the existing grade in residential districts. In all other districts, the maximum height of a

solar panel system will be determined on a case-by-case basis upon plan review.

- b.** Not be located in a front yard.
 - c.** Not be located in any required side or rear yard setback areas for accessory uses.
 - d.** Not be positioned so as to reflect sunlight onto neighboring property, public streets or sidewalks, including onto any neighboring structures.
 - e.** Be landscaped at the base and the back of the panel structure if the structure is visible from neighboring property.
- 4.** All signs, both temporary and permanent, are prohibited on solar panel or solar collection systems, except as follows:
- a.** Manufacturer or installer's identification information on the system.
 - b.** Appropriate warning signs and placards.
- 5.** Solar panel systems shall comply with all applicable sections of the [City of Lawrenceville Building Code](#), [International Building Code \(IBC\)](#), and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL), or an equivalent third party.
- 6.** All electrical transmission wires and connections on freestanding solar panel system shall be located underground.
- B.** Utility Connection. Solar panel systems proposed to be connected to the local utility power grid shall adhere to corresponding statutory provisions of the Georgia Statutes. Maintenance. All solar panel systems shall be maintained in good working order.

200.3.73 SPECIAL EVENT FACILITY

- A.** Such facilities shall be located on a principle arterial, major arterial, minor arterial, major collector street, or a state highway.
- B.** During inclement weather, there shall be sufficient space to safely shelter guests.
- C.** Adequate permanent restroom facilities shall be provided, which shall meet the minimum requirements of the Gwinnett County Environmental Health section and building code requirements.
- D.** Adequate off-street parking facilities shall be provided on-site.
- E.** Such facilities shall meet the Lawrenceville Code of Ordinance: Special Events Facilities.
- F.** Alcohol sales and consumption on the premises of a special event facility outside the Downtown Entertainment District is prohibited in HSB and HM zoning district.

200.3.74 SWIMMING POOL, PRIVATE

Private swimming pools exclusively for the use of residents of the premises and their non-paying guests subject to any other regulations and Ordinances of the City of Lawrenceville.

200.3.75 TALL STRUCTURE PERMITS

1. Required

- a.** Approval of a Special Use Permit.
- b.** Any person shall obtain a Tall Structure Permit from the City prior to commencement of the erection within the city limits of Lawrenceville of a chimney, cooling tower, elevator bulkhead, fire tower, gas tank, solarium, steeple, stacks, stage tower or scenery loft, tank, water tower, ornamental tower and spire, wireless communication tower, television tower or radio tower or necessary mechanical appurtenances that would be fifty (50) feet or greater in height from the ground.

2. Applications; Contents; Fee

All applications for Tall Structure Permit shall be submitted to the Planning and Development Department. Each application shall contain as a part thereof detailed plans and specifications which show the nature of the Tall Structure Permit, its proposed use, height of the Tall Structure Permit and its proposed location, with all property lines being clearly defined and distances from the proposed Tall Structure Permit to all property lines. An application for a Tall Structure Permit shall not be accepted for processing without the information required in this article. An application fee shall be charged by the department in an amount stated in the schedule of fees and charges.

3. Review of application by Planning Department

If, upon receipt of an application for a Tall Structure Permit , the department deems that the proposed Tall Structure Permit may interfere with the use of the airways of the county by the public or interfere with the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the department to the Gwinnett County Airport Division of the County Department of Transportation for review and recommendation.

4. Public Hearing

Before taking action upon the proposed Tall Structure Permit, the City Council shall hold a public hearing on the matter. At least fifteen (15) days prior to the date of the public hearing, the City Council shall

cause the following notice requirements to be instituted by the Planning and Development Department:

- a.** A sign shall be erected in a conspicuous location, on or adjacent to the property under consideration. The sign shall state the time, place location, and purpose of the public hearing.
- b.** A letter shall be sent by regular mail to all abutting property owners of record, as indicated by the county tax commissioners' records, giving notice of the public hearing. The letter shall state the same information as required for the sign permit.

5. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards.

6. Building Codes and Safety Standards

To ensure the structural integrity of the towers, the owner of a tower shall maintain the tower in compliance with all City building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City determines that 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 owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with the standards. If the owner fails to bring the tower into compliance within thirty (30) days, the City may remove the tower at the owner's expense, in the manner provided in O.C.G.A. Section 41-2-8 through 41-2-17.

7. Criteria for Disapproval

All applications for a Tall Structure Permit shall be considered by the City and in the exercise of its discretion under the police power vested in the City Council may disapprove any application where the

proposed Tall Structure Permit could interfere with or endanger the public using the existing or proposed air facilities located within the county, or where the Tall Structure Permit to be erected could endanger the person or property of citizens of the county, or where the Tall Structure Permit to be erected would not be compatible from an aesthetic viewpoint with existing or proposed development in the area of the proposed facility, or where the Tall Structure Permit to be erected would not be acceptable or after evaluation would be found to be incompatible from an architectural standpoint with existing or proposed Tall Structure Permits in the area.

8. *Penalty for violation of Article*

- a.** Any person who attempts to erect or erects a Tall Structure Permit described in this article without having first obtained a Tall Structure Permit from the City in the manner provided in this article shall be deemed in violation of this article. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted Ordinance of the county and shall be punished either by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days, or both. The court shall have the power and authority to place any person guilty of violation of this article on probation and to suspend or modify any fine or sentence. As a condition of the suspension, the court may require payment of restitution or impose other punishment allowed by law.
- b.** If any Tall Structure Permit is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this article or without obtaining the required permits, or if any building, Tall Structure Permit or land is used in violation of this article, the City Attorney or other appropriate authority of the City, in addition to any other remedies, may institute an injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues may be deemed a separate offense.

9. Governmental Exemption

The provisions of this article shall not apply to City owned facilities and Tall Structure Permits.

10. Zoning

No permit shall be issued for any Tall Structure Permit unless said Tall Structure Permit is to be located on property with a zoning classification of BG, BGC, HM, HSB, LM, or O-I.

11. Severability

If any portion of this regulation is determined to be unconstitutional or otherwise unenforceable, the rest and remainder of this Ordinance shall remain in full force and effect.

200.3.76 TAXI OR LIMOUSINE SERVICE

- A.** All vehicles associated with the business shall be parked in the side or rear of the property, away from all public right-of-way, and not in areas normally utilized by customers.
- B.** No more than 10 vehicles associated with the business shall be parked on site.
- C.** Outdoor storage of anything other than the vehicles associated with this use shall be prohibited.

200.3.77 TEMPORARY OUTDOOR ACTIVITY

Temporary Outdoor Activity shall comply with the following:

A. Permitted Use

Temporary Outdoor Activities may be permitted in the BG, BGC, and HSB zoning classification.

B. Businesses and Business Regulations

Temporary Outdoor Activity shall conform to the Code of the City of Lawrenceville, Georgia, Part I – Charter, Chapter 12, Business and Business Regulations, Article II. Business Regulations, Division 8. – Temporary Outdoor Activity.

200.3.78 TITLE LOAN FACILITIES

Title Loan Facilities shall comply with the following:

A. Permitted Use

Title Loan Facilities may be permitted in the HSB zoning classification.

B. Special Use Permit

Title Loan Facilities may be permitted in the BG zoning classification with the approval of a Special Use Permit, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing Process.

C. Location

Title Loan Facilities businesses or uses restricted under this Sub Section shall not be located:

7. Within one thousand (1,000) feet of a regulated Title Loan Facilities businesses or uses.
8. Within five hundred (500) feet of any parcel of land upon which consist of a civic center, governmental building, library, place of worship, public park or playground, or school (private or public).
9. Within one hundred (100) feet of an RS-180, RS-150, RS-60, RS-50, RS-TH, RM-12, RM-24, and CMU zoning classification.

For the purpose of this Section, distance shall be by straight line measurement from the property line, using the closet property lines of the parcels of land involved. The term “parcel of land” means any quantity of land capable of being described by location and boundary, designated, and used or to be used as a unit.

D. Road Classification

Title Loan Facilities shall be located on a parcel of land adjacent to and directly accessed from roadway classified as an Arterial (Principal, Major, Minor), Collector Street (Major, Minor), or a State Highway.

200.3.79 TRUCK SALES, LEASING, AND/OR SERVICE, HEAVY

See section 200.3.8, Automobile Sales or Auction and Related Service (Used or New Car Outdoor Sales Lot)

200.3.80 VENDING MACHINES

- A.** Outdoor storage of vending machines, boxes, or other similar containers used to distribute food or beverages, newspapers, propane tanks, ice, videos, or other similar consumer product, provided that the following requirements are met:
- 1.** The vending machine is not greater than seven feet in height or more than four feet in width or depth and the number of vending machines, boxes, or other similar containers shall not exceed one machine for each 3,000 square feet of building area and a maximum of three machines, boxes, or other similar containers per lot; and
 - 2.** The machines shall be located against and parallel to the building facade.

200.3.81 WOOD CHIPPING AND SHREDDING, LOG SPLITTING FACILITY, AND YARD TRIMMING COMPOSTING FACILITY

- A.** Wood Chipping and Shredding and Log Splitting Facilities shall meet the following restrictions and design standards:
- 1.** Such facilities shall not be located closer than 1,500 feet from residentially zoned property.
 - 2.** Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a landscape earthen berm and/or a fence or masonry wall. Landscape earthen berms shall be three feet high with a maximum slope of three-to-one. Fences or masonry walls shall be a minimum of six feet high and composed of 100-percent-opaque solid wood. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.
- B.** When yard trimming composting facilities are present:
- 1.** Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings, or similar putrescent vegetative

materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.

2. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a landscape earthen berm and/or a fence or masonry wall. Landscape earthen berms shall be three feet high with a maximum slope of three-to-one. Fences or masonry walls shall be a minimum of six feet high and composed of 100-percent-opaque solid wood. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

Section 3. Delete Article 10 Definitions in its entirety, and replace it as follows:

DEFINITIONS

1000 GENERAL MEANING OF WORDS AND TERMS

For the purposes of the Lawrenceville Zoning Ordinance, the words and terms defined in this Article have the meanings ascribed to them.

1. Any word or term not specifically defined or described in this Article shall have their common definition by the Merriam-Webster dictionary.
2. Words used in the present tense shall include the future tense.
3. The singular form of the word shall include the plural, and the plural the singular.
4. The word “person” shall include a firm, association, organization, partnership, trust, company, or corporation.
5. The words “used or occupied” shall include the words “intended, designed, or arranged to be used or occupied”.
6. The word “shall” or “will” is mandatory, and the word “may” is permissive.
7. The word “zoning map” means the Official Zoning Map of the City of Lawrenceville, Georgia.
8. The word “lot” shall be construed to include “parcel”.
9. Whenever a conflict of definitions is considered to exist or an interpretation of these definitions is necessary, the Director of Planning and Development shall resolve the conflict and interpret the definition. The action of the Director shall be recorded.

A

ACCENT LIGHTING

The use of lighting or lighted bulbs to emphasize or draw attention to a building or portions of a building. This definition shall not include traditional landscape lighting, security lighting, or similar lighting shown on the building plans and specifications approved at the issuance of the building permit.

ACCESSORY DWELLING UNIT

A dwelling unit sharing ownership and utility connections with a single-family dwelling or townhouse.

ACCESSORY BUILDING

A building detached from a principal building on the same lot and customarily incidental to the principal building or use including but not limited to detached garages, carports and utility buildings, sheds, gazebos, or barns.

ACCESSORY STRUCTURE

A structure detached from a principal building on the same lot and customarily incidental to the principal building or use, but not including stormwater infrastructure or a fence, wall, or trellis which is customarily placed along a property line and not including HVAC equipment or similar utilities that occupy less than 30 square feet in footprint.

ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADULT ENTERTAINMENT - ADULT ENTERTAINMENT

For purposes of this Article Adult Entertainment shall include all of the following:

ADULT ENTERTAINMENT - ADULT ARCADE

A commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

ADULT ENTERTAINMENT - ADULT BOOKSTORE

A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35 percent of the establishment's displayed merchandise consists of said items, or
2. At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
3. The establishment maintains at least 35 percent of its floor space for the display, sale, and/or rental of said items; or
4. The establishment maintains at least 750 square feet of its floor space for the display, sale, and/or rental of said items.

ADULT ENTERTAINMENT - ADULT ESTABLISHMENT

An "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store."

ADULT ENTERTAINMENT - ADULT MOTION PICTURE THEATER

A commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger wherein films or videos characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas" are regularly shown.

ADULT ENTERTAINMENT - SEMI-NUDE LOUNGE

A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

ADULT ENTERTAINMENT - SEX PARAPHERNALIA STORE

A commercial establishment where more than 100 sexual devices are regularly made available for sale or rental. This definition shall not be construed to include

any establishment located within an enclosed regional shopping mall or any pharmacy or establishment primarily dedicated to providing medical products.

ADULT ENTERTAINMENT - VIEWING ROOM

The room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

All adult entertainment establishments must comply with all regulations set forth in Chapter 12 of the Code of Ordinances of the City of Lawrenceville, Georgia.

AGRICULTURAL DISPLAY STAND

A structure or vehicle used for the display and sale of products raised on the same premises.

AIR TRAFFIC CONTROL

Any person, partnership, joint venture, or company engaged in the business of directing and/or controlling the taxi, take off, approach, landing, scheduling, clearing, or otherwise managing flights from an airport for a fee.

AIRCRAFT

All equipment now or hereafter used for the navigation of or flight in air or space, including, but not limited to, airplanes, gliders, lighter-than-aircraft, helicopters, amphibians, and seaplanes.

AIRCRAFT MAINTENANCE OR SERVICE

Engaging in the business of providing goods, supplies, or services for the repairing, refurbishing, rebuilding, constructing, altering, fueling, refueling, cleaning, inspecting, testing, or otherwise modifying any aircraft for a fee.

AIRLINE

Any person, partnership, joint venture, or company engaged in the business of transporting passengers, baggage, and/or cargo by aircraft for profit.

AIRPORT

A tract of land or water equipped with facilities for the taxi, take off, approach, landing, shelter, storage, supply, maintenance and/or service of aircraft. Airports may be used, but are not required to be used, for the transportation of passengers, baggage, and/or cargo for a fee.

ALLEY

A public or private way, at the rear or side of the property, permanently reserved as a means of secondary vehicular access to abutting property.

AMENITY

Something that helps to provide comfort, convenience, and/or enjoyment.

ANIMAL HOSPITAL

See VETERNARIAN CLINIC.

ANTENNA

A system of poles, panels, rods, or other similar devices used for the transmission or reception of radio frequency signals.

APPEAL

A request for a review of the Department's interpretation or decision of any provision of this Ordinance.

ATTIC

The unfinished space between the ceiling joist of the top story and the roof rafters.

AUCTION HOUSE

A place where the sale of property to the highest bidder occurs.

AUTOMOBILE AUCTION

The sale of automobiles to the highest bidder.

AUTOMOBILE BODY SHOP

A building, lot, or portion of a lot used or intended to be used for the business of collision service, which shall include body, frame, or fender-straightening or repair; painting; and glass replacement. It also includes the reconditioning of motor vehicles, which may include repainting, re-sculpturing, rust repair, engine, underbody steam cleaning, and undercoating.

AUTOMOBILE REPAIR

A building and/or lot where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where services are provided on motor vehicles, including greasing and oiling on

the premises, including vehicle washing; and where repair services may be incidental to the use.

AUTOMOBILE WASH

A building, lot, or portion of a lot used or intended to be used exclusively for exterior washing and interior cleaning of motor vehicles.

AVIATION

The operation of aircraft.

AVIATION BUSINESS

Any business engaged in the operation, service, support, maintenance, repair, management, or control of aircraft for a fee.

AWNING

A rooflike structure with a rigid frame which cantilevers from the elevation of a building designed to provide continuous overhead protection.

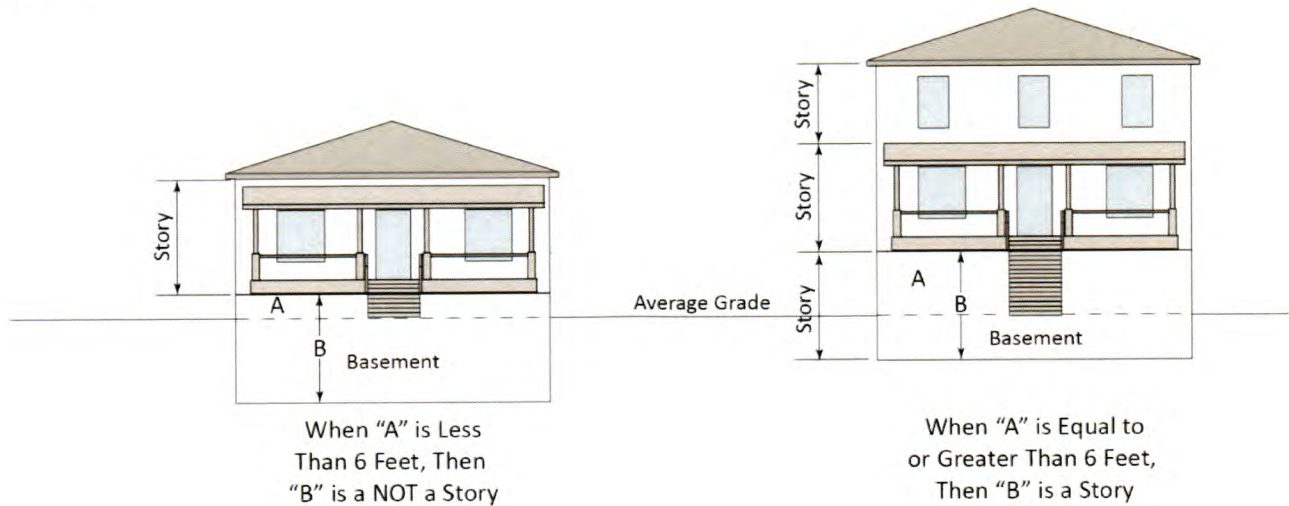
B

BAR, TAVERN, OR LOUNGE

A business enterprise physically separated into a free-standing building or separated by a permanent or temporary wall from the restaurant portion of an establishment permitted to sell beer, wine, and spirituous liquor.

BASEMENT

That portion of a building that is partly or completely below grade. A basement is not deemed a story unless the ceiling is six (6) feet or more above the average grade.



BED AND BREAKFAST ESTABLISHMENT

An owner-occupied residential single-family, detached structure where lodging and breakfast only are provided to transient guests for compensation and the provision of lodging and breakfast are subordinate to the principal use of the structure. The provision of lodging and breakfast shall be subordinate to the principal use of the structure.

BOARD

The Board of Appeals of the City of Lawrenceville, Georgia.

BODY ART STUDIOS - BODY ART

A tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes.

BODY ART STUDIOS - ARTIST

Any person who performs body art. Such term shall not include in its meaning any physician or osteopath licensed under O.C.G.A. Chapter 34 of Title 43, nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

BODY ART STUDIOS - STUDIO

Any facility or building on a fixed foundation wherein a body artist performs body art.

BODY ART STUDIOS - MICROBLADING OF THE EYEBROW

A form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powered tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.

BODY ART STUDIOS - TATTOO

To mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. Such term includes microblading of the eyebrow.

BREWERY

An establishment where malt liquors are produced.

BUFFER

A strip of land, identified in this Ordinance, established to protect one type of land use from another with which it is incompatible. A buffer may include additional transition uses, yard space, fences, landscapes areas, or height restrictions.

BUILDABLE AREA

The portion of a lot remaining after required yards have been provided.

BUILDING AREA

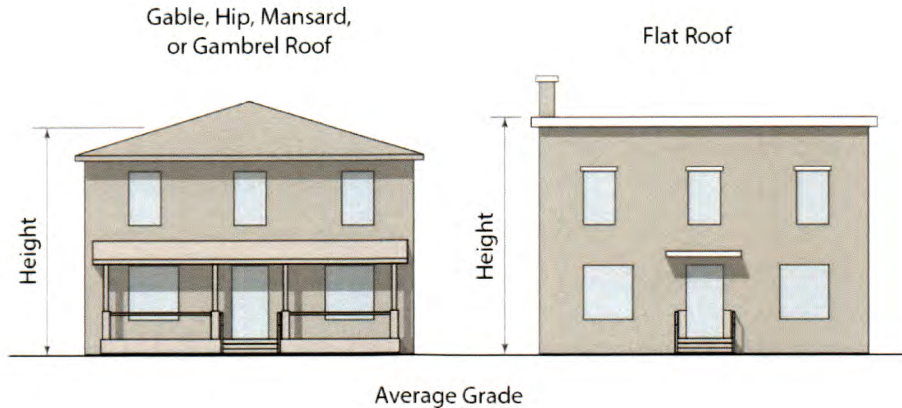
The area of the face of a building (height x width), not including the roof.

BUILDING FRONTAGE

The side of the building on the primary roadway.

BUILDING HEIGHT

The vertical distance from the average grade at the exterior wall to the average height of the highest roof surface of a gable, hip, mansard, or gambrel roof, or to the highest point of the roof surface of a flat roof.



BUILDING AND CONSTRUCTION MATERIALS AND HARDWARE

Retailing, wholesaling, or rental of building supplies or construction equipment, typically with outdoor bulk materials and lumberyards. This classification includes lumberyards, home improvement sales and services, tool and equipment sales, and rental establishments.

BUILDING OFFICIAL

The individual appointed by the City Council of the City of Lawrenceville, Georgia, and charged with the responsibility of building permit and certificate of occupancy issuance.

C

CANOPY

See AWNING.

CAR WASH

See AUTOMOBILE WASH.

CARPORT

A permanent, open-sided shelter for an automotive vehicle, usually formed by a roof projecting from the side of a building.

CEMETERY

An area and use of land set apart for the purpose of burial plots for deceased persons or animals and for the erection of customary markers, monuments and/or mausoleums related thereto; and which may be maintained by a church or other place of worship, or a private corporation.

CERTIFICATE OF COMPLETION

Document issued by the Department to indicate that the construction work authorized by a building permit has been completed which is either applicable to a non-occupied building, structure, building/structure addition, or any portion thereof, or involves a limited scope of renovation that does not change the occupancy or configuration of the affected space.

CERTIFICATE OF OCCUPANCY

A permit issued by the Department indicating that the use of the building or land in question is in conformity with this Ordinance or that there has been a legal variance therefrom as provided by this Ordinance.

CHECK CASHING, PAYDAY LOAN, AND WIRE TRANSFER FACILITIES

An establishment primarily engaged in facilitating credit intermediation (e.g., check cashing services, loan servicing, money order issuance services, money transmission services, payday lending services, traveler's check issuance services)

Exceptions: mortgage and loan brokerage; and financial transactions processing, reserve, and clearinghouse activities.

CHILD-CARING INSTITUTION (CCI)

See also “Group Home.” A State licensed child-welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful oversight) for children through 18 years of age outside of their own homes. (Source: Georgia Department of Human Resources)

CIVIC USES

Public parks, squares, plazas, greens, lawns, amphitheatres, stages, churches, or places of worship, public or private schools, gymnasiums, assembly halls, community meeting rooms, community service centers, post offices, fire stations, libraries, museums, public libraries, or other government or public service buildings and facilities except for those requiring outdoor storage or maintenance yards.

CLUB

A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to provide a place of residence or render a service customarily carried on as a commercial enterprise.

CLUSTER

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation and/or common open space, as well as to preserve environmentally sensitive features.

CLUSTER SINGLE-FAMILY DEVELOPMENT

A form of development for single-family residential subdivisions that permits a reduction in lot area requirements, provided there is no increase in the number of lots that would normally be permitted under conventional zoning and subdivision requirements and the resultant land area is devoted to open space.

COMMERCIAL EQUIPMENT AND MACHINERY SALES, RENTAL, LEASING, AND REPAIR

A business primarily engaged in renting or leasing machinery for use in general business or residential activity. Examples include the leasing of furniture, trucks and trailers, moving and storage services, party supplies, limousines, etc.

COMMERCIAL ENTERTAINMENT

A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, motion picture theaters, live performances, bowling alleys, video game rooms, billiard halls, indoor skating rinks, bingo parlors, and similar entertainment activities. Commercial entertainment shall not include Adult Uses.

COMMISSION

The Planning Commission of the City of Lawrenceville, Georgia.

COMMON SPACE

Natural or improved land that provides continuous public access.

CONVALESCENT FACILITY

See NURSING HOME.

CONVENIENCE STORE

A facility primarily engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks.

COMMUNITY GARDEN

A private, public, or non-profit facility for cultivation of fruits, vegetables or ornamental plants cultivated by more than one household.

COMMUNITY LIVING ARRANGEMENT (CLA)

A State-licensed residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, support, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Georgia Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases. (Source: Georgia Department of Human Resources)

CONDITIONAL ZONING

The granting or adoption of zoning for a property subject to compliance with restrictions as to use, size, project design, or timing of development, stipulated by the City Council to mitigate adverse impacts that could be expected without the imposition of such conditions.

CONDOMINIUM

A form of property ownership in which the buildings or portions of the buildings, whether residential or non-residential in use, are owned by individuals separate from the lands which surround the buildings, said lands held in common ownership by the owners of the several buildings.

CONTINUING CARE RETIREMENT COMMUNITY

See RETIREMENT COMMUNITY, CONTINUING CARE.

COUNCIL

The City Council of the City of Lawrenceville, Georgia.

CORNER LOT

See LOT, CORNER.

CULTURAL INSTITUTION

A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis, with or without a charge for admission. Cultural institutions include performing arts centers for theater, dance and events, museums, historical sites, art galleries, aquariums, and the like.

D

DAYCARE CENTER

A private establishment that provides supervision and care of more than six children or adults for periods of less than twenty-four (24) hours per day. The facility typically charges tuition, fees, or other forms of compensation for the care of the children or adults and is licensed or approved to operate as a care facility in the State of Georgia. (Source: Georgia Department of Human Resources)

DEVELOPMENT REGULATIONS

The adopted regulations providing for the subdivision and development of real property within the City of Lawrenceville, as amended from time-to-time by the City Council of the City of Lawrenceville.

DIRECTOR

See PLANNING AND DEVELOPMENT DIRECTOR.

DIRECT BURIAL GROUND FIXTURE

Upward directed lighting assembly that is installed such that the lens or outermost portion of the fixture is flush with the grade of the ground or surrounding surface in which it is installed.

DIRECT LIGHT

Light or illumination emitted directly from a fixture's light source, including the lens and globes associated with the fixture.

DISTRIBUTION FACILITY

A warehouse established where individual tenants engage in the receipt, storage, and distribution of their goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DISTILLERY/WINERY

A facility that: (1) ferments juices from grapes and/or other fruit; (2) blends wines; (3) distills and/or blends alcoholic liquors; (4) manufactures, bottles, labels, and packages wine and/or alcoholic liquors; and/or (5) performs any other similar activity authorized by the Alcohol and Tobacco Division of the Georgia Department of Revenue.

DOUBLE FRONTAGE LOT

See LOT, DOUBLE FRONTAGE.

DRIVE-IN or DRIVE-THRU

A facility at which the service or business transaction occurs while the customer remains sitting in a vehicle.

DRUG ABUSE TREATMENT FACILITY

A residential facility staffed by professional and paraprofessional persons offering treatment or therapeutic programs for drug-dependent persons who live on the premises. A Drug Abuse Treatment Facility must be approved and licensed by the Georgia Department of Community Health.

DUMP

A commercial operation of a parcel of land on which junk, waste material, inoperative vehicles, and/or other machinery are collected, stored, salvaged, or sold. This includes the terms junkyard and landfill.

DUMPSTER, RECYCLING, OR TRASH CONTAINER

A mobile bin designed to be brought and taken away, or lifted and emptied, by a special truck for the disposal of trash, refuse, garbage, and junk.

DWELLING

A building which is designed or used exclusively for residential purposes, including single-family, multifamily residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, but not including hotels and motels.

DWELLING - APARTMENT

A multifamily dwelling unit constructed in a group of twelve attached units or more, including single-level units located in a multistory building. Each unit is accessed internally, via a double-loaded corridor; a building design in which there are apartments or other individual units on both sides of a passage corridor connecting twelve or more attached units. This definition shall not include Dwelling Duplex, Dwelling Residential/Business, Dwelling Townhouse or Dwelling Villa.

DWELLING - ATTACHED

See Dwelling Apartment, Dwelling Duplex, Dwelling Unit Studio, Dwelling Residential/Business, Dwelling Townhouse or Dwelling Villa.

DWELLING - DUPLEX

A dwelling containing two and only two dwelling units. This definition shall not include Dwelling Apartment, Dwelling Residential/Business Dwelling Townhouse or Dwelling Villa).

DWELLING - FOURPLEX

A residential building designed for four (4) or more families or housekeeping units, living independently of each other in separate dwelling units.

DWELLING - LIVE-WORK

A dwelling in which a significant portion of the space includes non-residential use that is operated by the tenant. A dwelling or sleeping unit that includes an office that is less than 10 percent of the area of the dwelling unit shall not be classified as a live/work unit.

DWELLING - MOBILE HOME

A detached single-family dwelling unit having all of the following characteristics:

- A.** Designed for long term occupancy as opposed to transient location, containing sleeping accommodations, toilet facilities, with plumbing and electrical connections provided.
- B.** Designed to be transported after fabrication on its own wheels or flatbed or other trailer or on detachable wheels; and
- C.** Built to arrive at the site where it is to be occupied as a dwelling unit complete, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on a permanent foundation, or integration into a prepared structure.

DWELLING - ONE-FAMILY

See “Dwelling Single-Family”.

DWELLING - RESIDENTIAL/BUSINESS

A type of attached dwelling in which a commercial business or office may be operated in the basement or first floor/story of the structure. Each unit is separated from any other unit by one or more vertical common fire-resistance-rated walls. The business need not be operated by the resident of the dwelling. This definition shall not include Dwelling Apartment, Dwelling Duplex, Dwelling Residential/Business, Dwelling Townhouse or Dwelling Villa.

DWELLING - SINGLE-FAMILY

A dwelling containing one and only one dwelling unit, other than a manufactured home.

DWELLING - TOWNHOUSE

A multifamily dwelling unit constructed in a group of three attached units, but not more than eight attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. Each unit is separated from any other unit by one or more vertical common fire-resistance-rated walls. A townhouse shall have at least two stories. This definition shall not include Dwelling Apartment, Dwelling Duplex, Dwelling Residential/Business or Dwelling Villa.

DWELLING - TWO-FAMILY

See “Dwelling, Duplex”.

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING - APARTMENT STUDIO

A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities (see Dwelling Attached).

DWELLING - VILLA

A multifamily one-family dwelling unit with at least three, but no more than four, attached units in which each unit has at least two exterior walls and each unit is separated from any other unit by one or more vertical common fire resistance-rated walls. Villas are exclusively single-story but may include a bonus room over a garage or covered porch. This definition shall not include Dwelling Apartment, Dwelling Duplex, Dwelling Residential/Business, Dwelling Townhouse or Dwelling Villa).

E

EASEMENT

The Right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

ELECTRONIC MESSAGE CENTER (EMC)

A computer programmable sign capable of displaying words, symbols, figures, or picture images that can be altered or rearranged on-site or by remote means without altering the face or surface of the sign.

ENFRONT

To place an element along a build-to-line.

ESSENTIAL PUBLIC SERVICES AND UTILITIES

An agency that, under public franchise or ownership or governmental control, provides essential services such as electricity, natural gas, heat, steam, communications, transportation, water sewage collection or another similar service to the general public. This includes transmission lines, generation buildings, stations, substations, lay down, and maintenance yards.

ESTATE SALES - ESTATE SALE

The sale of personal property, which is open to the public and conducted from or on any property located on any residential lot by an individual, company, firm, corporation, or other entity for a profit and on behalf of another person or persons. The term "estate sale" shall not include yard sales, garage sales or carport sales which are conducted directly by individuals who own the goods or merchandise to be sold.

ESTATE SALES - PERSONAL PROPERTY

Any property which is owned, utilized, and maintained by an individual and acquired in the normal course of living in or maintaining a residence. Such term includes, but is not limited to, clothing, furniture, jewelry, artwork, household items, dishes, antiques, and other similar goods owned by the person or persons who reside or formerly resided in the residence where such estate sale is to take place.

F

FACADE

The face or elevation of a building.

FAMILY

One or more people living together as a single housekeeping unit. No more than two unrelated persons shall reside in a single housekeeping unit. The term “family” does not include any organization or institutional group and is distinguished from “joint living,” defined below.

FAMILY DAY CARE HOMES

A private residence operated by any person who receives therein for pay for supervision and care fewer than twenty-four hours per day, without the transfer of legal custody, at least three but not more than six children under thirteen years of age, who are not related to such person and whose parents or guardians are not residents of the same private residence; provided however, that the total number of unrelated children cared for in such home for pay and not for pay may not exceed six children under thirteen years of age at one time. (Source: Georgia Department of Human Resources).

FAMILY PERSONAL CARE HOME

See PERSONAL CARE HOME, FAMILY.

FEE SIMPLE

A form of property ownership in which the buildings and surrounding lands are owned with absolute title without limit to inheritance or heirs, and unrestricted as to transfer of ownership.

FENCE

A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituent members; also, a wall separate from or extending from a building.

FINANCIAL INSTITUTION

A state or federally chartered bank, savings association, credit union, or industrial land company located in a building, or portion of a building, which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan lenders, title loan companies, or check cashing facilities.

FINANCIAL INSTITUTION, SMALL

A company that specializes in consumer loans of any type, and that may accept as security an interest in personal property (e.g. a lien on an automobile, tax refunds, checks, notes, or any other chattel or intangible property). This definition shall exclude insured, full-service banking institutions and licensed credit unions. These shall include but are not limited to, Pawn Shop, Check Cashing Facility, Title Loan Facility, Small Loan Lender (see definitions).

FLAG LOT

A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

FLOOD PLAIN

That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the Department of Housing and Urban Development.

FLOODLIGHTS

Fixtures that project light in a broad, directed beam, typically of two lamp types:

Simple lamps where the supporting optic elements are part of the fixture casement, having wide beam angles up to 110 degrees; or

Sealed-beam lamps with internal parabolic reflectors, having narrower beam-spread angles of 25 to 55 degrees.

FLUORESCENT LIGHTING

A lamp that produces visible light by fluorescence, especially a glass tube whose inner wall is coated with a material that fluoresces when an electrical current causes a vapor within the tube to discharge electrons.

FOOD TRUCK PARK

An area where two or more licensed, motorized vehicles which prepare and sell food on a lot privately or publicly owned to the general public.

FOOT-CANDLE

Measure of illumination equivalent to one lumen produced uniformly on a surface of one square foot, as measured by a light meter.

FOURPLEX

See DWELLING, FOURPLEX.

FREE-STANDING AUTOMATED TELLER MACHINE (ATM)

An automated device which performs banking and financial functions at a freestanding location which is remote from the controlling financial institution.

FRONT YARD

See YARD, FRONT.

FULL-CUTOFF LIGHT FIXTURE

The class of lighting fixture defined by the Illuminating Engineering Society of North America (IESNA) according to technical photometric criteria. Included among those design criteria is a pattern of light distribution which does not permit any light to project at or above the horizontal plane from the lowest light-emitting point of the lighting fixture either dispersed directly from the lamp source or an integrated diffusing element, or indirectly from an integrated reflector surface, refractive lens, or refractive globe. These fixtures are also often referred to as "horizontally cutoff fixtures".

FUNERAL HOME

An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. Typical uses include funeral parlors, crematories, mortuaries, or columbaria.

G

GARAGE

A permanent enclosed area primarily for parking or storing motor vehicles.

GARAGE, RUMMAGE, YARD, AND SIMILAR SALES

The sale of personal property, which is open to the public and conducted from or on any property located on any residential lot by an individual company, firm, corporation, or other entity for a profit and on behalf of another person or persons. The term "garage, rummage, yard, and similar sales" shall not include estate sales which are conducted directly by individuals who own the goods or merchandise to be sold.

GARAGE, RUMMAGE, YARD, AND SIMILAR SALES - PERSONAL PROPERTY

Any property which is owned, utilized, and maintained by an individual and acquired in the normal course of living in or maintaining a residence. Such term includes, but is not limited to, clothing, furniture, jewelry, artwork, household items, dishes, antiques, and other similar goods owned by the person or persons who reside or formerly resided in the residence where such garage, rummage, yard, and similar sales is to take place.

GOVERNMENT OFFICE BUILDING

Administrative, clerical, or public contact offices of a government agency.

GREEN

A type of public space

GROSS FLOOR AREA

The total floor area is included within surrounding exterior walls of a building. Areas of a building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

GROUP HOME

A state-licensed Child Care Institution (for six or more children) or Child Care Institution for Medically Fragile Children (up to 12 children) either residential or institutional in character that provides full-time group home care for children through 18 years of age outside their own homes. (Source: Georgia Department of Human Resources)

GROUND COVERAGE

The area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.

GROUND TRANSPORTATION

The transportation of passengers, baggage, cargo, goods, products, or other items for a fee.

GROUP LIVING

A dwelling including shared living quarters such as rooming houses, dormitories, sororities, fraternities, and patient family homes.

GROWLER

Any glass, plastic, or other types of containers, not less than 12 ounces or more than 64 ounces, used to hold specialty malt beverages such as beer and hard cider, which are dispensed from a tap and sealed airtight before being sold to the customer for off-premises consumption.

GROWLER RETAILER

A person or entity that holds a current retail package (malt beverage) license from the city for the sale of malt beverages pursuant to the laws of the State of Georgia and a valid current alcohol license from the state and sells specialty malt beverages in growlers. A growler retailer does not include any retailer that sells distilled spirits or that holds a consumption license from the city.

H

HABITABLE SPACE

Covered building floor area utilized for any principal permitted use except parking, storage, digital industry switchboards, power generators, and other relay equipment.

HANDWRITING ANALYSTS AND FORTUNE TELLERS - FORTUNE TELLING

The prediction of the future for a fee, gift, or donation.

HANDWRITING ANALYSTS AND FORTUNE TELLERS - HANDWRITING ANALYSIS

The interpretation of human experience based upon an examination of handwriting or other inscription done by hand for fee, gift, or donation.

HARD SURFACE

A surface made of solid, impermeable material that significantly impedes or prevents the natural infiltration of water into soil such as asphalt, concrete, or traditional pavers.

HELIPORT OR HELICOPTER LANDING PAD

A facility or landing place for helicopters.

HOME OCCUPATION

Any use conducted entirely within a dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for residential purposes and operated in accordance with applicable provisions. Distinguished from Office.

HOSPITAL

An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices which are an integral part of the facility.

HOTEL OR MOTEL

A facility offering transient lodging accommodations to the general public which may provide additional, accessory services such as restaurants, bars, meeting rooms, entertainment, and recreation facilities.



IESNA

Abbreviation for Illuminating Engineering Society of North America, a professional society of individuals, academics, and businesses engaged in the lighting industry.

INDEPENDENT LIVING FACILITY

See RETIREMENT COMMUNITY (INDEPENDENT LIVING).

INDUSTRIAL EQUIPMENT SALES, RENTAL AND LEASE

A building, lot, or portion of a lot used or intended to be used for the display, sale, rent, or lease of new or used truck and industrial equipment, in operable condition and where repair service is accessory to the sale, rental, or lease. This includes semi-tractors, trailers, and construction equipment. This excludes body work.

INDOOR CLIMATE CONTROLLED STORAGE FACILITY

A storage facility where all storage units are climate controlled.

INDUSTRIALIZED HOME

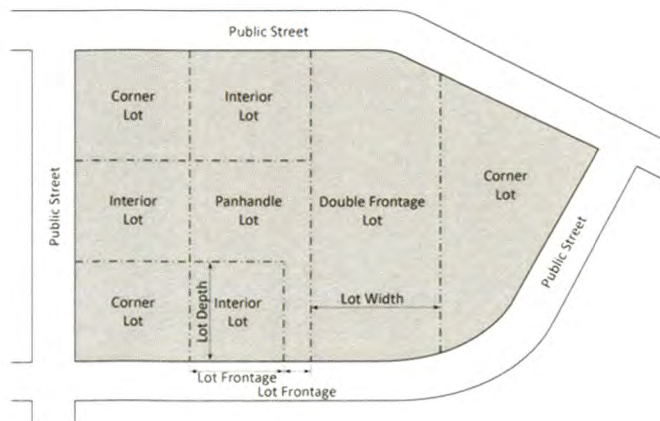
An industrialized home or modular home is a factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.

INTERIOR LOT

See LOT, INTERIOR.

INTERMEDIATE CARE FACILITY

See NURSING HOME.



J

JUNK

Old, dilapidated, scrap, or abandoned materials that shall include, but are not limited to, metal, paper, building material and equipment, bottles, glass, appliances, rags, rubber, motor vehicles, and parts thereof.

JUNK VEHICLE

Any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored, or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

JUNK OR SALVAGE YARD

A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, used cars or trucks in inoperable condition, are bought, sold, exchanged, stored, baled, or cleaned.

K

KENNEL

An establishment for the breeding or boarding of dogs or cats. Any property where there are four (4) or more dogs or cats over the age of three (3) months kept, maintained, or housed shall be deemed to constitute a kennel, regardless of whether such dogs are kept for business or profit purposes.

L

LABORATORY, RESEARCH OR TESTING ESTABLISHMENT

A facility primarily conducting medical, pharmaceutical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services or a facility engaged in the research, development, and controlled production of high technology electronics, industrial, or scientific products or commodities.

LAMP

Component, tube, or bulb of a lighting fixture that produces the light. Multiple lamps within a single fixture are lumen-rated cumulatively as if a single lamp.

LAND DISTURBANCE

Any activity that comprises, facilitate, or result in land disturbance, and which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, clearing and grubbing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices. Each clearing, clearing, and grubbing, grading, or development permit shall include the required erosion and sediment control measures and practices.

LANDSCAPE STRIP

Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

LANDFILL

See DUMP.

LIGHT FIXTURE

Complete lighting assembly consisting of a lamp or lamps, together with the parts designed to power, position, house, and protect the lamp; and other parts (such as a lens, reflector, or globe) which function together with the lamp as a light source to emit, control, direct, and disperse light. Not included is the support assembly (pole, arm, or mounting bracket) to which the lighting unit is attached. If multiple lighting units are attached to a common support assembly, each unit shall be considered to be an individual lighting fixture. A fixture with multiple lamps comprises only a single fixture.

LIGHT POLLUTION

A general expression for any and all uncontained light; both directed and reflected, that increases ambient light.

LIGHT SOURCE

The point of origin from which illumination emanates, usually a lamp.

LIGHT TRESPASS

Intrusion of direct light projected from one property or roadway onto another property or roadway.

LIMITED USE

Principal permitted uses subject to additional restrictions that are identified in this Zoning Ordinance.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries.

LOT

A zoning lot unless the context shall clearly indicate a contrary definition.

LOT - CORNER

A lot situated at the intersection of two (2) streets or bounded on two or more adjacent sides by street right-of-way lines.

LOT - DOUBLE FRONTAGE

A lot, other than a corner lot, which fronts on two streets that are parallel to each other. Also known as a “through lot”.

LOT - INTERIOR

A lot other than a corner lot.

LOT - LOT DEPTH

Considered to be the distance between midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT - LOT FRONTAGE

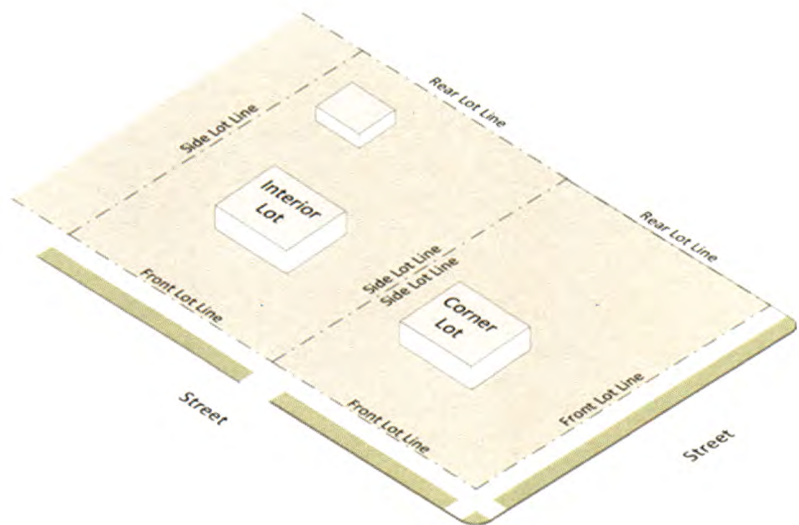
The portion of a lot adjacent to a street.

LOT - LOT LINE

A boundary of a lot. Lot line is synonymous with property line.

LOT - LOT OF RECORD

Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the Clerk of the Superior Court of Gwinnett County, or a parcel of land, the deed to which was recorded in said office prior to the adoption of this Ordinance.



LOT - LOT WIDTH

The distance between side lot lines measured at the rear of the required front yard line on a line parallel with a line tangent to the street right-of-way line.

LOT - PANHANDLE

A lot that is setback from the street and is only accessible via a long, narrow drive. Also known as a “flag lot”.

LUMEN

Unit of illumination measuring the rate at which a lamp emits light where one lumen per square foot is one foot-candle.

M

MAINTENANCE

The act of keeping property, structures, or vegetation in a proper condition so as to prevent their decline, failure, or uncontrolled growth.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems connected therein. The term "manufactured home" includes the term "mobile home".

MANUFACTURED HOME LOT

A parcel of land for the exclusive use of the occupants of a single manufactured home.

MANUFACTURED HOME PARK

A manufactured home park is a parcel of land that has been planned and improved for the placement of manufactured homes for non-transient use.

MANUFACTURED HOME SUBDIVISION

A tract of land that is used, designated, maintained, or held out for sale of lots to accommodate manufactured homes. Services such as water, sewage, recreational facilities, and solid waste collection may be provided for a service charge.

MANUFACTURING - ARTISAN

A business primarily engaged in the limited on-site production of goods, by-hand manufacturing, which involves the use of hand tools and small-scale equipment.

MANUFACTURING - GENERAL

A facility engaged in the production of products, from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes food, beverage, and tobacco product manufacturing; textiles, apparel, leather, and allied products; wood products, paper, chemicals, plastics, rubber, nonmetallic mineral products, fabricated metal products, and transportation equipment.

MANUFACTURING - HIGH INTENSITY

A business engaged in the production of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This group also includes smelting, animal slaughtering, and oil refining.

MARQUEE SIGN

Any sign attached to, in any manner, or otherwise made a part of any permanent roof-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MASSAGE THERAPY BUSINESSES - ACT

The Georgia Massage Therapy Practice Act, enacted by and defined in O.C.G.A. § 43-24A-1 et seq. as amended.

MASSAGE THERAPY BUSINESSES - BOARD

The Georgia Board of Massage Therapy, enacted by the provisions of O.C.G.A. § 43-24A-4.

MASSAGE THERAPY BUSINESSES - FOR HIRE

A reasonable expectation that the person to whom the massage is provided, or some third person on his or her behalf, will pay money, give other consideration, or provide any gratuity, therefore.

MASSAGE THERAPY BUSINESSES - LICENSED MASSAGE THERAPIST

A person who holds a valid, current, unrevoked, and unsuspended State license in the practice of massage therapy issued by the Board pursuant to the Act.

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPY

The application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term "massage therapy" includes complementary methods, including, without limitation, the external application of water, superficial heat, 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 "massage therapy" also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. The term "massage therapy" does not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities (O.C.G.A. § 43-24A-3).

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPY BUSINESS

A business with a location in the City at which any person engages in or offers massage therapy, regardless of the name of the business or the words used to describe the business through signage or advertisement or in filings with the Secretary of State. Massage therapy businesses are subject to regulation by a local government, pursuant to O.C.G.A. §§ 43-24A-22(a) and 48-13-9(b)(17), as amended.

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPIST, MASSEUSE, MASSEUR, MASSAGE PRACTITIONER, OR PERSON PRACTICING MASSAGE

A person who performs or engages in the practice of massage.

MASSAGE THERAPY BUSINESSES - PROVISIONAL PERMIT

A permit issued pursuant to Chapter 24A of Title 43 of the O.C.G.A. allowing the holder to practice massage therapy in this state.

MASSAGE THERAPY BUSINESSES - SEXUAL OR GENITAL AREA

The genitals, pubic area, anus, perineum of any person, or the vulva or breast of a female.

MASSAGE THERAPY BUSINESSES - STATE LICENSE

A license to practice massage therapy issued by the Board, pursuant to the Act.

MEDICAL OR DENTAL OFFICE OR CLINIC

A facility other than a hospital where medical, mental health, surgical, and other personal health services are provided on an outpatient basis. Examples of these uses include offices for physicians, dentists, chiropractors, or other health care professionals; outpatient care facilities; urgent care facilities; and other allied health services.

MOBILE HOME

See, DWELLING, MOBILE HOME.

ORDINANCE NO.: ZON-ORD-2023-20

MODULAR HOME

See INDUSTRIALIZED HOME.

N

NON-CONFORMING USE

A use which lawfully occupies a building or land at the time this Ordinance or an amendment thereto becomes effective but does not meet the requirements of this Ordinance or any amendment thereto.

NON-CONFORMING BUILDING

A building or structure or portion thereof, lawfully existing at the time this Ordinance or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking, loading, or other requirements of this Ordinance or any amendment thereto.

NON-CONSTANT LIGHTING

Light fixtures meant not to operate continuously, and operated only briefly, irregularly, intermittently, or occasionally by a switching device. Fixture activation by a motion sensor may provide non-constant lighting.

NURSING HOME

A State licensed facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; and otherwise complies with the rules and regulations of the Georgia Department of Human Resources. (Source: Georgia Department of Human Resources)

O

OCCUPANCY

The purpose for which a building is utilized or occupied.

OFFICE

A building or portion of a building wherein service is performed involving predominately administrative, professional, or clerical operations. Distinguished from Home-Based Occupation.

OFF-STREET PARKING

All parking accommodations that are not located on the street, including parking decks, driveways, parking garages, and/or parking lots that allow cars to park on or near the place of use.

OIL, GAS, AND CHEMICAL STORAGE, BULK

A tank farm or other similar outdoor facility for the storage of oil, gas, chemicals, and related bulk products.

ON-STREET PARKING

Spaces on the street that are officially designated for parking by street paint, signage, parking meters, or a combination of the three.

OUTBUILDING

An ancillary building or structure located towards the rear of the same lot as a principal structure.

OUTDOOR DISPLAY AND SALES OF MERCHANDISE

The placement of goods, materials, merchandise, or equipment for sale, rental, or lease in a location not enclosed by a structure consisting of walls and roof. "Outdoor display" shall not mean yard sales or vehicle sales lots.

OUTDOOR LIGHTING

Illumination of an exterior area. Included are open-air spaces which are under a roof or other cover and not fully enclosed, such as a canopy, pavilion, drive-through bay, or parking deck.

OUTDOOR STORAGE

The storage, outside of a fully enclosed lawful structure, of vehicles, items, equipment, materials, supplies, merchandise, vending machines, or similar items.

P

PARCEL

A designated lot, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

PARK

A publicly accessible open space that provides recreation and gathering places.

PARKING GARAGE

A structure or portion thereof, other than a private or storage garage, designed or used for the storage of motor-driven vehicles for a fee.

PARKING LOT

A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot.

PARKING SPACE, OFF-STREET

An off-street space for the temporary storage of a motor vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering spaces.

PAWNBROKERS AND SECONDHAND DEALERS - EMPLOYEE

Shall mean and include any of the following:

- A.** Any owner or pawnbroker who, in the performance of his duties or the management of the business affairs of a pawnshop, comes into contact with members of the public.
- B.** Any person working for an owner or pawnbroker; or
- C.** Any person who is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.

PAWNBROKERS AND SECONDHAND DEALERS - PAWN OR PLEDGE

A bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the power of sale on default.

PAWNBROKERS AND SECONDHAND DEALERS - PAWNBROKER

Any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he has charge of the business or daily operations of the pawnshop, and whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

PAWNBROKERS AND SECONDHAND DEALERS - PAWNSHOP

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

PERSONAL CARE HOME

Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. (Source: Georgia Department of Human Resources). The term Personal Care Home shall also encompass the term Assisted Living Facility.

PERSONAL CARE HOME - FAMILY

Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for up to eight adults who are not related to the owner or administrator by blood or marriage. (Source: Georgia Department of Human Resources)

PERMEABLE SURFACE

A surface made of material such as gravel, permeable pavers, turf, planting bed, or mulched beds that allows storm water to infiltrate into the ground.

PLANNING AND DEVELOPMENT DIRECTOR

The person responsible for the administration and enforcement of this Zoning Ordinance. This includes the Director's designee unless otherwise specified herein.

PLAT

A map indicating the subdivision, resubdivision, or recombination of land.

PLAZA

A publicly accessible open space that is available for civic and commercial activities but may have access limited for the purpose of providing outdoor dining areas.

PORTABLE STORAGE CONTAINER

Any secure portable container used for the temporary storage of personal or commercial goods that is filled on site and transferred to an off-site facility for storage.

PRECIOUS METALS DEALERS

Any person, partnership, sole proprietorship, corporation, association, or other entity engaged in the business of purchasing, bartering, or acquiring in trade any precious metals from persons or sources, other than from manufacturers of or licensed dealers in precious metals, for re-sale in its original form or as changed by melting, reforming, remolding, or for re-sale as scrap or in bulk.

PRECIOUS METALS DEALERS - NONPERMANENT LOCATION

Any location used to conduct business in a temporary location or for a limited time. The term "nonpermanent location" includes, but is not limited to, moveable vehicles, temporary or moveable structures, tents, awnings, hotels, or motels and the like.

PRECIOUS METALS DEALERS - PERMANENT LOCATION

A business domiciled within a properly constructed building located within an area zoned for such business.

PRECIOUS METALS DEALERS - PRECIOUS METALS

Any metals, including, but not limited to, in whole or in part, silver, gold and platinum.

PREMISES

A designed parcel, tract, lot, or area of land, together with improvements located thereon, if any, established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

PRIMARY ROADWAY

The public right-of-way, which is identified as the address of the premises.

PRINCIPAL PERMITTED USE

The primary use of a lot which is among the uses allowed as a matter of right under the zoning classifications.

PUBLIC SAFETY FACILITY

A facility for public safety and services, including police and fire protection, jail, reformatory and related training facilities.

PUBLIC SPACES

Exterior and interior spaces appropriately improved for pedestrian amenity or for aesthetic appeal and not including areas used for vehicles, except for incidental service, maintenance, or emergency actions only.

PUBLIC WORKS AND MAINTENANCE FACILITY

A government-owned facility providing maintenance and repair services for government vehicles and equipment and areas for storage of equipment and supplies. This classification includes government-owned construction yards, equipment service centers, and similar facilities.

Q

QUARRYING AND MINERAL EXTRACTION

The removal of minerals, aggregates, sand, limestone, gravel, stone, clay overburden, topsoil, and the like from the ground for storage, processing, and sales.

R

RAILROAD TRAIN YARD, SPUR, SIDING, RIGHT-OF-WAY

Land used for classification yards, switch tracks, team tracks, storage tracks, through tracks, and areas for the transfer and storage of freight, locomotives, and railcars.

REAR YARD

See YARD, REAR.

RECREATION FACILITY - PRIVATE

A place, indoor or outdoor, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities. Private recreational facilities are operated by a non-profit organization and open only to bona fide members and guests of such non-profit organization.

RECREATION FACILITY - PUBLIC

A place, indoor or outdoor, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities. Public recreational facilities are operated by a governmental unit and are open to the public for free or through a membership fee.

RECREATIONAL VEHICLE

A vehicle which is:

- A.** Built on a single chassis.
- B.** 400 square feet or less when measured at the largest horizontal projection.
- C.** Designed to be self-propelled or permanently towable by light-duty truck; and,
- D.** Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATED USE

Any building or structure or portion of any building or structure used or proposed to be used for adult use as defined in this Article.

RELIGIOUS PLACE OF WORSHIP

A permanently located church, cathedral, synagogue, temple, mosque, or other place dedicated to religious worship. As part of its functions, it may include the following incidental and subordinate uses subject to applicable federal, state, and local regulations: offices, residences for clergy, religious instruction, schools, daycare centers, shelters, and community and recreational activities.

RESTAURANT

An establishment that serves food prepared on-site and beverages primarily for consumption on- or off-premises.

RESOLUTION

Means by which a local legislature or other board expresses its policy or position on a subject.

RETAIL SALES AND SERVICE

A business engaged in sales of goods or the provision of services directly to consumers. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.

RETIREMENT COMMUNITY - CONTINUING CARE

A managed residential facility for elderly adults that allows residents to age in one community, with on-site access to healthcare services and a transition to greater levels of care over time. These facilities provide distinct levels of care: independent living in which residents live on their own and have access to a wide array of amenities; assisted living, which provides help with daily tasks such as bathing and dressing; and 24-hour nursing home-style care. As the resident's health needs increase, they transition from one level to the next, all within the same community.

RETIREMENT COMMUNITY - INDEPENDENT LIVING

A managed housing complex designed for older adults who are generally able to live independently and care for themselves. Limited or no personal or healthcare services are offered; however, activities and socialization opportunities may be provided.

ROAD FRONTAGE

The distance, measured in a straight line, from the two furthest property corners located on the same public right-of-way, excluding parcels.

RUNWAY

A paved or cleared strip of land on which aircraft may take off and land.

S

SCHOOL, COLLEGE, UNIVERSITY, VOCATIONAL AND TECHNICAL

An institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, licensure, or certifications. This classification also includes business and computer schools; management training; technical, vocational, and trade schools; but excludes personal instructional services.

SCHOOL, ELEMENTARY AND SECONDARY

An institution having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Georgia.

SCREENING

A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

SHELTER - EMERGENCY

A nonprofit institutional use, comprised of a building, institutional in nature, which provides overnight shelter, sleeping accommodations, and services, and not otherwise mandated by the state government for related or nonrelated individuals for a period of time not to exceed 15 hours every 24 hours. The stay of the individuals is presumed to be of a temporary nature.

SHELTER - HOMELESS

A type of homeless service agency which provides temporary residence for homeless individuals and families. Distinguished from emergency shelters, which are operated for specific circumstances and populations.

SIDE YARD

See YARD, SIDE.

SIGN

Any surface, fabric, device, or display which bears letters, numbers, symbols, pictures, or sculptured matter, whether illuminated or unilluminated; designed to identify, announce, direct, or inform; and that is visible, from a public right-of-way. For purposes of this Ordinance, the term "sign" does not include all structural members.

SIGN - ATTENTION GETTING DEVICE

Any balloon, figurine, inflatable sign (static), pennant, propeller, ribbon, searchlight, spinner, statue, streamer, or other similar device or ornamentation designed to or having the effect of attracting the attention of potential customers or the general public. An Attention-Getting Device shall be considered a sign and shall meet all requirements of this ordinance for a sign.

SIGN - ANIMATED SIGN

Any sign that utilizes the appearance of movement using lighting to depict action or to create a special effect or scene.

SIGN - BANDIT SIGN

Any sign of any material whatsoever that is attached or painted in any way to a natural object or feature, plant, post, rock, shrub, street sign or marker, traffic control sign or device, tree, utility pole or any object located or situated on any public road right-of-way, easements, or alleys. This shall include guerilla and snipe signs.

SIGN - BANNER

A sign either enclosed or not enclosed in a rigid frame and secured or mounted to allow movement caused by the atmosphere. Flags are not banners.

SIGN - BILLBOARD

A sign larger than 200 square feet in area.

SIGN - CONSTRUCTION SIGN

A temporary sign erected on premises where construction is taking place.

SIGN - DIRECTORY SIGN

A sign located on developed premises, adjacent to exits, entrances, driveways, or off-street parking facilities.

SIGN - DOOR SIGN

A sign that is applied to or attached to the exterior or interior of a door or located in such a manner within a building that it can be seen from the exterior of the structure through a door.

SIGN - DOUBLE POST SIGN

A sign located at a site during construction or sale where the primary support is supplied by two wooded posts.

SIGN - EXPOSED NEON

Any display which utilizes bulbs or glass to directly illuminate without any form of color translucent covering including, but not limited to, being placed directly on or in a sign structure or located on a building as accents. This definition shall include LED linear rope lights or similar devices intended to imitate Exposed Neon.

SIGN - FALL ZONE

A Fall Zone is defined as an area large enough and set back far enough from any buildings, structures, or property lines equal to 133% of the height of the entire structure in every direction.

SIGN - FLAG

A cloth with colors and patterns, which does not meet any other sign definition under this Ordinance. A flag is not a banner.

SIGN - FLASHING SIGN

A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, date, or any combination thereof shall not be considered as flashing signs.

SIGN - FREESTANDING SIGN

A permanent sign supported by any structure or support placed in or anchored in the ground and not attached to any building or structure. All freestanding signs must meet the requirements of a ground sign or a double post sign unless specifically approved through the granting of a variance.

SIGN - GROUND SIGN

A permanent, freestanding sign with a solid supporting base. This definition shall not include a Subdivision Sign.

SIGN - HEIGHT

The distance in vertical feet from the average elevation of the ground level at the base of the sign to the highest point of the sign structure.

SIGN - ILLUMINATED SIGN

A sign illuminated in any manner by an artificial light source.

SIGN - INFLATABLE-STATIC

Any sign inflated or supported by air, pneumatic noncombustible pressure or winds which is securely anchored to the ground and does not move.

SIGN - INFLATABLE-ANIMATED

Any sign inflated or supported by air, pneumatic noncombustible pressure or winds which moves or is caused to move in any way to thereby distract or draw attention.

SIGN - MOTOR VEHICLE SIGN

A sign mounted, placed, written, or painted on a vehicle or trailer whether motor-driven or not.

SIGN - MOVABLE PANEL SIGN

Any sign which utilizes movable discs, panels, or other similar methods, which allows a machine or device to change the message by a control rather than manually changing the message.

SIGN - MURAL-PUBLIC ART

A painted or otherwise attached or adhered image or representation on the exterior of a building that is visible from a public right-of-way or neighboring property, does not contain commercial advertisement, and is designed in a manner so as to serve as public art, to enhance public space, and to provide inspiration.

SIGN - PENNANT

Any long, narrow flag which does not meet any other sign definition in this Ordinance.

SIGN - POLE SIGN

A Ground Sign where the primary support is one post or column.

SIGN - PORTABLE SIGN

Any sign which is not permanently attached to the ground or other permanent structure including, but not limited to, signs attached to vehicles, trailers, securely anchored into the ground, or any sign which may be transported or is designed to be transported. Such signs include, but are not limited to, "A" and "T" type, sidewalk, sandwich, trailer signs, curb type signs, banners, balloons, or other commercial advertisement attached to vehicles.

Exceptions: Signs which are painted, bolted, screwed, or magnetically attached to the top, sides, or rear of the vehicle. Signs which are placed in the bed of a truck or trunk of an automobile, or a banner attached to the vehicle regardless of the information contained thereon or method of attachment are not included in this exception.

SIGN - PROJECTING SIGN

A sign that projects from a wall, that may be parallel or perpendicular to a wall or surface to which it is attached to.

SIGN - ROOF SIGN

A sign projecting over the coping of a flat roof, or wholly or partially over the ridge of a gable, hip, or gambrel roof, and erected or installed upon the roof of any building of a structure.

SIGN - SIGN AREA

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color-forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself.

SIGN - SURFACE AREA

The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border but excluding any supports. A curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letters or devices as well as spaces between each letter, words, lines, or device. The calculation for a double-faced sign shall be the area of one face only where the sign faces are parallel or whether the interior angle formed by the faces is 60 degrees or less. The area of the larger side shall be computed in cases in which the two sides do not coincide.

SIGN - TEMPORARY SIGN

A display, sign, banner, or other device with or without a structural frame, not permanently mounted, and intended to be displayed for only a limited time.

SIGN - WINDOW SIGN

A sign placed inside or upon the windowpanes of any window or door.

SINGLE-FAMILY ATTACHED DWELLING

See DWELLING, SINGLE-FAMILY ATTACHED.

SINGLE-FAMILY DETACHED DWELLING

See DWELLING, SINGLE-FAMILY DETACHED.

SKILLED NURSING FACILITY

See NURSING HOME.

SMALL LOAN LENDER

An establishment which is engaged exclusively in the business of making consumer loans of \$3000 or less.

SOLID WASTE

Putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludge, animal manures, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes, and other waste material in a solid or semi-solid state not otherwise defined in this Ordinance.

SOLID WASTE TRANSFER STATION

Any facility which collects, consolidates, and ships solid waste to a disposal facility or processing operation.

SPECIAL EVENTS FACILITY

A facility designed to accommodate guests, that can be rented by patrons as a venue for social or professional events or occasions.

SPECIAL USE

A use which is permitted if it meets stated conditions and is approved by the City Council of the City of Lawrenceville.

SPOTLIGHTS

Fixtures that project light in a narrow beam, contained and centered on a directional axis. Related lamps typically are sealed-beam with internal parabolic reflectors and beam-spread angles of 9 to 15 degrees.

STOP WORK ORDER

An order to cease and desist building, development, and land disturbing that is issued by the Department of Planning and Development pursuant to the requirements of this Ordinance and Construction Codes.

STORY

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

STREET FAÇADE

The exterior wall of a building that fronts the street.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

STRUCTURE - MIXED-USE AND OCCUPANCY

A mixed-use structure consisting of two or more distinct uses and occupancies. Each portion of a mixed-use structure is required to be classified in accordance with the use and occupancy classification groups and constructed to a minimum applicable standard.

STUDIO OR MEETING FACILITY

A building typically accommodating groups of students in multiple instructional spaces. Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. This definition also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

SUBDIVISION

The process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space, and public areas, and the designation of the location of utilities and other improvements.

T

TEMPORARY OUTDOOR ACTIVITY

For-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises is the principal use of the premises. The term "temporary outdoor activity" includes the sale of farm produce, carnivals, or sale of Christmas trees or Halloween pumpkins from property which is vacant, or which contains a separate and distinct primary use, such activities continuing for a period not exceeding 20 consecutive days, except Christmas tree sales shall be allowed between November 1 and December 31 and pumpkin sales shall be permitted from September 15 and October 31. Temporary outdoor activities shall occur in non-enclosed areas.

TEMPORARY OUTDOOR ACTIVITY - GOODS AND MERCHANDISE

Tangible or movable personal property, other than money.

TEMPORARY OUTDOOR ACTIVITY - TEMPORARY

A period of not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity.

TEMPORARY OUTDOOR ACTIVITY - TEMPORARY OUTDOOR ACTIVITY PERMIT

Written authorization by the Director of the Planning and Development Department or his/her designee, for the applicant to engage in temporary outdoor activities at a specific, fixed location meeting all the requirements of this division.

TITLE LOAN LENDER

Establishments which engage in the business of providing money to customers on a temporary basis, where such loans are secured by a car title or a lien against a car title. Includes Title Pawn Lenders.

TOP-SHIELDED LIGHT FIXTURE

A lighting fixture that, either by its top-most shielding or by its sheltered placement under a soffit, cornice, roof, canopy, or other structural element, limits light at or above the horizontal plane.

TRUCK TERMINAL - TRAFER FACILITY

A facility for the storage of commercial goods within an enclosed building for distribution by truck.

TUBE LIGHTING

Gas-filled glass tube that becomes luminescent in a color characteristic of the particular gas used, such as neon, argon, krypton, etc. Excluded from this lighting class are common fluorescent tubes.

U

UNDISTURBED

Land in its natural state of vegetation.

USE

The purpose or purposes for which land or a building is designed, arranged, or intended, or to which said land or building is occupied, maintained, or leased.

URGENT CARE FACILITY

An outpatient facility, operated by a hospital or health organization, and staffed with individuals that provide immediate emergency care services similar to what would be expected in a hospital.

V

VARIANCE

A resolution which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to make more money.

VEHICLE

Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

VEHICLE - ALL-TERRAIN VEHICLE

Any motorized vehicle originally manufactured for off-highway use which is equipped with three or more nonhighway tires is 80 inches or less in width with a dry weight of 2,500 pounds or less and is designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

VEHICLE - BUS

Any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

VEHICLE - BUSINESS

Any Vehicle, Passenger Car, SUV, Truck, or Van containing an exterior logo, design, lettering, or other depiction for advertising.

VEHICLE - COMMERCIAL

Any self-propelled or towed motor vehicle used on a highway in intrastate and interstate commerce to transport passengers or property when the vehicle:

1. Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more.
2. Is designed or used to transport more than eight passengers, including the driver, for compensation.
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation: or
4. Is used to transport material determined to be hazardous by the secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

VEHICLE - FORMER MILITARY MOTOR VEHICLE

A motor vehicle that operates on the ground, including a trailer, that was manufactured for use in any country's military forces and is maintained to represent its military design, regardless of the vehicle's size, weight, or year of manufacture. Such term shall not include motor vehicles armed for combat or vehicles owned or operated by this state, the United States, or any foreign government.

VEHICLE - FULLY AUTONOMOUS VEHICLE

A motor vehicle equipped with an automated driving system that can perform all aspects of the dynamic driving task without a human driver within a limited or unlimited operational design domain and will not at any time request that a driver assume any portion of the dynamic driving task when the automated driving system is operating within its operational design domain.

VEHICLE - GOLF CAR/CART

Any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour) on a level road surface with a 0.5% grade (0.3 degrees) comprising a straight course composed of a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface.

VEHICLE - GROSS WEIGHT

The weight of a vehicle without load plus the weight of any load thereon.

VEHICLE - LIMOUSINE

Any motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designed seating capacity for no more than ten passengers and with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and a limousine.

VEHICLE - PASSENGER CAR, SUV, TRUCK OR VAN

Any motor vehicle, except all-terrain vehicles, motorcycles, motor-driven cycles, multipurpose off-highway vehicles, personal vehicles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons.

VEHICLE - POLE TRAILER

Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle utilizing a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

VEHICLE - RECREATIONAL

Any vehicle designed for recreational use (e.g., camper, caravan, motor home, RV, trailer).

VEHICLE - RECREATIONAL OFF-HIGHWAY VEHICLE

Any motorized vehicle designed for off-road use which is equipped with four or more nonhighway tires and which is 65 inches or less in width.

VEHICLE - SEMITRAILER

Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

VEHICLE - SPECIAL MOBILE EQUIPMENT

Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatus, well-boring apparatus, and road construction and maintenance types of machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

VEHICLE - TAXICAB

Any motor vehicle for hire which conveys passengers between locations of their choice and is a mode of public transportation for a single passenger or small group for a fee. Such term shall also mean taxi or cab, but not a bus or school bus, limousine, passenger car, or commercial motor vehicle.

VEHICLE - TRACTOR

Any self-propelled vehicle designed for use as a traveling power plant or for drawing other vehicles but having no provision for carrying loads independently.

VEHICLE - TRAILER

Any vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

VEHICLE - TRUCK

Any motor vehicle designed, used, or maintained primarily for the transportation of property.

VEHICLE - TRUCK TRACTOR

Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

VEHICLE - WRECKER

Any vehicle designed, equipped, or used to tow or carry other motor vehicles utilizing a hoist, crane, sling, lift, or roll-back or slide back platform, by a mechanism of a like or similar character, or by any combination thereof, and the terms "tow truck" and "wrecker" are synonymous.

VEHICLE SALES - RENTAL, AND LEASE

A building, lot, or portion of a lot used or intended to be used for the display, sale, rent, or lease of new or used motor vehicles in operable condition and where repair service is accessory to the sale, rental, or lease. This excludes bodywork.

VEHICLE SERVICE AND REPAIR FACILITY

A building or premises where products necessary for automobile service or maintenance are sold, provided there is no storage of automobiles, and only minor services are rendered. An automobile service station is not a repair garage or a body shop.

VESSEL

A watercraft, other than a seaplane on the water or a sailboard, used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

VESSEL - HOMEMADE

Any vessel that is built by an individual for personal use from raw materials does not require the assignment of a federal hull identification number by a manufacturer according to federal law. A person furnishing raw materials under a contract may be considered the builder of a homemade vessel. Antique boats, boats reconstructed from existing boat hulls, and rebuilt or reconstructed vessels are not considered homemade vessels.

VESSEL - MECHANICALLY PROPELLED

Any vessel propelled by machinery using a volatile liquid for fuel.

VESSEL - NONMOTORIZED

Any vessel, other than a sailboat which has no motor attached in a manner to make it readily available for operation.

VESSEL - POWERBOAT

Any boat, vessel, or water-going craft which is propelled by mechanical rather than manual means whether or not such a propulsion device forms an integral part of the structure thereof.

VESSEL - WATERCRAFT

A vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion. This definition includes but is not limited to watercraft both mounted and not mounted, as well as boats, air boats, jet skis, wave runners, Sea Doo, and the like.

VETERINARIAN CLINIC

A facility or premises utilized for the diagnosis and treatment of ill and injured animals and the short-term boarding incidental to clinical use.

W

WAREHOUSE, PERSONAL STORAGE/MINI

A facility for the storage of personal property in a secure, individual unit with each unit having direct access to the service drive.

WAREHOUSING

A facility for the storage and distribution of property, merchandise, or equipment, without direct sales to the public.

WASTE INCINERATION

A building or facility used for the combustion of organic substances found in waste materials.

WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY OR TOWER

Public and private transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Wireless communication facilities include antennas, satellite dish antennas, and equipment buildings. Wireless communication facilities do not include telephone, telegraph and cable television transmission facilities that utilize hard-wired, fiber optic, or direct cable connections.

WRECKING YARD

See JUNK AND SALVAGE YARD.

WHOLESALE AND DISTRIBUTION

An establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

Y

YARD

A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses and for shrubs, fences, etc.

YARD - FRONT

The area of a lot extending across the full width of the lot and measured between the building line and the front lot line.

YARD - REAR

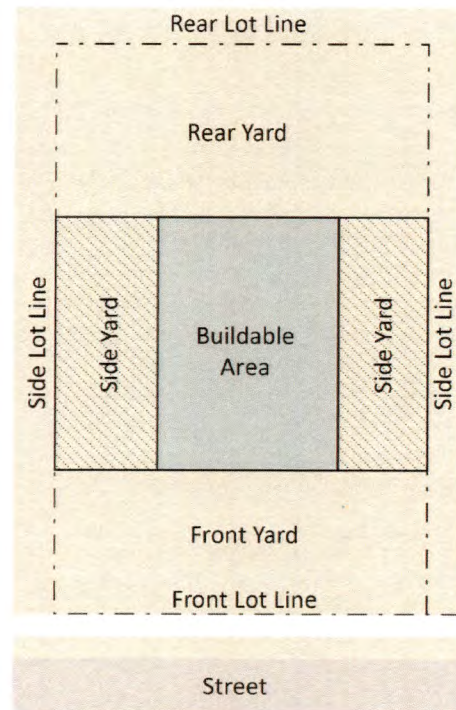
The area of a lot extending across the full width of the lot and measured between the building and the rear lot line.

YARD - SETBACK

Distance from property line to the nearest point of any sign or structure as defined by the Ordinance.

YARD - SIDE

The area of a lot extending from the front yard to the rear yard and measured between the building and the side lot line.



Z

ZONING DISTRICTS

Zoning districts defined in this Zoning Ordinance.

ZONING LOT

A single tract of land, located within a single block which, at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure, for which the building permit or certificate of occupancy is issued and including such area of land as may be required by the provisions of this Ordinance for such use, building or structure.

IT IS SO ORDAINED, this 23 day of October, 2023.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk

ORDINANCE ORD-2023-4

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA CHAPTER 4
ALCOHOLIC BEVERAGES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that Chapter 4 of the Code of the City of Lawrenceville, Georgia is hereby amended by deleting Chapter 4 – Alcoholic Beverages in its entirety and replacing it with the following:

Chapter 4 ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 4-1. Sale within City limits; license a privilege; severability.

- (a) Alcoholic beverages may only be sold in the City of Lawrenceville under a license granted by the City Manager upon the terms and conditions provided in this chapter.
- (b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this Code and State law.
- (c) All licenses issued pursuant to this chapter shall have printed on the front these words: "THIS LICENSE IS A PRIVILEGE SUBJECT TO BE REVOKED AND ANNULLED AND IS SUBJECT TO FURTHER ORDINANCES WHICH MAY BE ENACTED."
- (d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the State before any sales commence. Additionally, City licensees are required to abide by all applicable State regulations and laws.
- (e) It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the City to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$500.00 and/or up to 30 days in jail.
- (f) Severability. Should any part, paragraph or portion of this chapter be declared invalid for any reasons by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this chapter not so declared to be invalid, but all such remaining portions of this chapter shall remain in full force and effect as if they were separately adopted.

Sec. 4-2. 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:

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

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.

Alcoholic frozen consumables means a frozen consumable that contains any measurable amount of ethyl alcohol, which is regulated by and in accordance with Georgia Department of Revenue Policy Bulletin ATD-2019-01.

Art shop means a retail business located in the Downtown Entertainment District devoted exclusively to providing art education limited to instruction in painting, sculpture, and similar crafts. An art shop may also sell portraits, paintings, sculptures, art supplies, and similar crafts or display for viewing portraits, paintings, sculptures and similar artwork. An art shop shall not allow any activities that would cause the business to be an adult entertainment establishment, as defined in section 12-401.

Beer or 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 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider as may be defined by state law. Also included are beverages known as nonalcoholic beer, which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brewer means a manufacturer of beer or malt beverages.

Brewpub means a restaurant in which beer or malt beverages are manufactured or brewed, subject to State law barrel production limitations.

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

City Manager means the person holding the official title of Manager for the City or the Manager 's designee.

Distilled spirits or spirituous liquor means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

Distiller means a manufacturer of distilled spirits or spirituous liquor.

Fixed salary means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

Food means prepared meals or individual items that are required to be cooked, heated, or prepared on-site and does not include pre-packaged or processed items that are purchased and do not require preparation on-site.

Fortified wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

Frozen consumables means ice cream, frozen yogurt, frozen custard, popsicles or other frozen consumable or edible products.

Governing authority means the Mayor and City Council of the City of Lawrenceville.

Growler means a reusable container used to transport draft beer or wine for off-premises consumption that is not to exceed 68 ounces and not less than 12 ounces and is filled with beer or wine from a keg by a licensee or an employee of a licensee holding a license as a retail dealer of beer sold in original packages for consumption off the premises from the City or holding a license as a growler shop subject to the provisions of section 4-151.

High gravity beer means any beer or malt beverage containing six percent or more alcohol by volume.

Hotel means any building or other structure providing sleeping accommodations for hire to the general public. Such hotels shall maintain a minimum of 75 rooms available for hire and have one or more public dining rooms with an adequate kitchen. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this chapter and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.

Indoor commercial recreational establishment.

- (1) The term "indoor commercial recreational establishment" means and is limited to an establishment which:
 - a. Regularly serves prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by

the Gwinnett County health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and

- b. Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.
- (2) The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Neither outdoor commercial recreational activities, nor concession stand sales of alcoholic beverages are permitted under this provision. Dance halls, nightclubs, taverns, billiard parlors, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments. Furthermore, no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the State.
 - (3) Notwithstanding the limitations set forth in this definition, indoor commercial recreational establishments are allowed to have dancing, provided that the dancing is limited to a dance floor area of five percent of the public floor space of the establishment, or 200 square feet whichever area is smaller.
 - (4) Notwithstanding the limitations set forth in this definition, indoor commercial recreational establishments are allowed to have no more than two billiard tables in the establishment.

Indoor publicly owned civic and cultural center means and is limited to publicly owned establishments which the sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. The term "indoor publicly owned civic and cultural center" includes the City-owned Depot Building, the, the City owned Lawrenceville Arts Center and the Historic Courthouse.

Indoor special event facility means a privately-owned commercial establishment which:

- (1) Provides a gathering space for rental purposes for special events;
- (2) Serves prepared food at every event held at the facility at which alcohol is consumed and has a food or catering preparation area consisting of a sink and warming unit(s), where food is prepared and/or staged;
- (3) Charges a rental fee for use of the event facility for special events;

- (4) Has at least 2,700 square feet of enclosed heated space;
- (5) May allow professional, live, or musical entertainment to be performed on-site indoors during a private special event or a properly permitted special event; and
- (6) Does not allow sexually related adult entertainment as defined in City of Lawrenceville Ordinances Chapter 12 to be performed in the event facility.

The primary activity on the premises of the indoor special event facility shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to: corporate events, wedding receptions, birthday parties, holiday parties, and other similar uses. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, as defined in City of Lawrenceville Ordinances Chapter 12 and similar uses are specifically excluded from this definition of indoor special event facility.

License means an authorization granted by the City to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

Licensed location means a location for which the City of Lawrenceville has issued a permit allowing the sale of alcoholic beverages.

Licensee means the individual to whom a license is issued or the person designated by the application and approved by the City Manager to be responsible for the day to day operations of a licensed establishment to whom a license is issued or, in the case of closely held partnerships or corporations, all partners, officers, and directors of the partnership or corporation.

Liter means the metric measurement currently used by the United States.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term "manufacturer" also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

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

Performing arts facility means and is limited to an establishment:

- (1) Which is located in the Downtown Entertainment District;

- (2) Which operates in a building owned by the City of Lawrenceville;
- (3) Which has as its principal objective or business the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and
- (4) Which does not feature, show, allow, promote or advertise adult businesses as defined and regulated in chapter 12, including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments.

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.

Pouring permit means an authorization granted by the City to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed to serve beer, wine, or liquor for consumption on site (which shall specifically include brewers and distillers if they serve for consumption on site as allowed under Georgia law).

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

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members;
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
 - a. A suitable kitchen and dining room space and equipment;
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. 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 as established by its members at any annual meeting or by its governing board out of the general revenue of the club; except that for the purposes of this section, tips which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

Restaurant.

- (1) The term "restaurant" means any public place selling prepared food for

consumption by the public on the premises with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the Gwinnett County Health and Fire Departments. A restaurant will be prepared to serve food every hour they are open and will derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcoholic beverages. A restaurant shall not be permitted to charge a cover charge or fee of any kind for entrance into the premises or into any part of the premises.

- (2) Notwithstanding the limitations set forth in this definition, restaurants are allowed to have dancing, provided that the dancing is limited to a dance floor area of five percent of the public floor space of the establishment or 200 square feet, whichever area is smaller.
- (3) Notwithstanding the limitations set forth in this definition, restaurants are allowed to have no more than two billiard tables in the establishment.

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

School building or educational building shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and are accredited by the state or federal government.

Sports club means an association or corporation organized and existing under the laws of the State, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption dealer's license, a sports club must have been actively in operation within the City at least two years prior to an application for license under this chapter. The two-year operational requirement shall not apply to golf club associations or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be permitted to serve alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

Vintner means a manufacturer of wine. This includes a manufacturer of fortified wine if not considered a distiller.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to the definition of wine contained in this section.

Secs. 4-3—4-22. Reserved.

ARTICLE II. APPLICATION AND FEES

Sec. 4-23. License application, form and contents and advertising requirements.

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the City Manager. Separate applications must be made for each location and separate licenses must be issued.
- (b) The application shall include, but not be limited to, the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a corporation, the names of the officers; the names and address of the registered agent for service of process; the name and address of the manager; and the name of all shareholders holding more than ten percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought.
- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the City Manager and to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths. No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the City, applicable county regulations, the State Revenue Commissioner, and the State. The proposed building shall also be subject to final inspection and approval when completed by the Building Inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are visible. Each applicant for an alcoholic

beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.

(e) Licensing qualifications.

- (1) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or to any person who is not lawfully admitted and lawfully residing in the United States.
- (2) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all partners, officers and majority stockholders. In the case of a corporation the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to all the partners owning at least ten percent of the partnership; or if the no partner owns ten percent then the general partner, managing partner or the partner with the greatest ownership will be licensed.
- (3) No person shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City Manager that such person, partners, partners in the firm, officers, and directors of the corporation and on-site managers have not been convicted or pled guilty or entered a plea of nolo contendere to any felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First Offender Act shall not apply to such consideration. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or county ordinance shall not, by itself, make a person ineligible for an alcohol license. An applicant who is found to have falsified an application or any information therein shall be denied a permit.
- (4) Any licensee who is convicted or pleads guilty or pleads no lo contender to a felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime shall have the license immediately revoked and canceled.

- (5) It shall be unlawful for any City employee involved in the issuance of alcoholic beverage licenses under this article or elected City Official to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.
 - (6) No license for the sale of alcoholic beverages shall be granted to any person who has had any City license revoked within two years prior to the filing of the application.
 - (7) The City Manager may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the licensing qualifications set forth in this section.
 - (8) All applicants for an alcoholic beverage license must be of good character and all operators, managers, clerks, or other employees shall be of like good character. Corporate or firm applicants shall be of a good business reputation.
 - (9) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
 - (10) The City Manager may in the Manager 's discretion consider extenuating circumstances which may reflect favorably or unfavorably upon the applicant, application, or the proposed location of the business. If in the Manager 's judgment the circumstances are such that granting the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.
- (f) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the final date of such denial.
 - (g) All licensees shall list in their application their home address, home telephone number and places of employment. Thereafter, if any person other than the one listed in the application as manager shall be employed as manager, the name, address, and telephone numbers of the new Manager shall be filed with the City Manager within three days of the date of such employment.
 - (h) Each application for license under this chapter shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative cost. The City Manager shall have a complete search made of any police record of the applicant based on the information given in the application. Any person applying for more than one license shall

pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code.

- (i) Advertisement of intent to engage in business; signs posted. All applicants desirous of obtaining a license for the sale of alcohol shall give notice at their expense of the making of an application by advertisement at least twice a week for two consecutive weeks, said advertisement to begin no later than ten days following submission of the application required by this section, application; form; content; process; deposit. The advertisement shall be published in the newspaper in which the legal advertisements of the City are published. The advertisement referred to herein shall be of type not smaller than ten-point capital in lower case and shall be at least a two-inch, one-column advertisement in size. Said notice shall contain a complete description of the location of the proposed business and shall give the name of the applicant and if a partnership, the names of the partners, whether limited or general, and if a corporation, the names of the officers and all stockholders having more than ten percent of any class of corporate stock therein, and the date the application was filed with the City Manager. The advertisement shall contain the following additional statement:

"AN APPLICATION HAS BEEN FILED ON (date) WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO OPERATE _____ AT THE ABOVE LOCATION. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE."

- (1) Tear sheets and a publisher's affidavit shall be furnished to the City by the applicant(s) prior to the applicant's application being considered complete.
- (2) The applicant shall cause to be placed at their expense upon the location of the proposed business no later than ten days following submission of the application, a sign or signs stating the following:

AN APPLICATION HAS BEEN FILED ON (date) WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO SELL _____. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE."

- (3) The sign or signs required by subsection (i)(2) of this section shall be constructed

of wood or metal and shall be placed with the base of the sign not more than three feet from the ground and shall be not less than 36 inches by 36 inches in size and shall face toward all public streets, alleys, sidewalks, or other public property adjoining the proposed location. The statement above shall be printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen, and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be required to comply with the requirements of article 10 of the zoning ordinance pertaining to signs.

- (4) The advertising requirements of this section shall not be required for license renewals or in cases where the location of the proposed business has previously served as a location where alcoholic beverage sales have been licensed within five years of the date of the application for license.

Sec. 4-24. Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required in this article.

Sec. 4-25. Expiration; renewal of license.

- (a) All licenses granted under this article shall expire on March 1 of each year. Licensees who desire to renew their licenses shall file applications with the requisite fee with the City Manager on the form provided for renewal of the license for the ensuing year. All renewal applications shall contain an affidavit confirming that the information set forth on the initial application and the criminal history information of the applicant remains true and correct or shall provide an update for any information that has changed since the initial application or last renewal. Applications for renewal must be filed on or before January 31 of each year. Any renewal applications received after January 31 shall be subject to, in addition to the annual fee, a late charge of 20 percent. If the license application is received after March 1, such application shall be treated as an initial application and the application shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after March 1, investigative and administrative cost will be assessed. The establishment shall immediately stop selling alcohol and remove all alcoholic beverages offered for sale on the premises on March 2 of each year unless the establishment has applied for and received a renewal of its license.
- (b) All licenses granted under this article shall be for a period of no more than one year and shall expire on March 1 of each year. The full license fee must be paid for a license application filed prior to September 1 of the licensed year. One-half of a full license fee shall be paid for a license application filed after September 1 of the license year, except for

applications for temporary or event licenses authorized under this article.

Sec. 4-26. Automatic license forfeiture for non-use.

Any holder of any license under this article who shall, for a period of three consecutive months after the license has been issued, cease to operate the business and sale of the products authorized shall, after the three-month period, automatically forfeit the license without the necessity of any further action.

Sec. 4-27. Transferability of license.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (b) Nothing in this section, however, shall prohibit one or more of the partners holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.
- (c) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license pursuant to this article automatically, without the necessity of any hearing.
- (d) Violation of this section shall result in revocation of the license being used and a fine on both the new ownership and the old ownership of not less than \$1,000.00 and/or one year in jail. No license will be issued to the old or the new owner in the City for one year from the date of the violation.
- (e) Should a licensee make application to the City Manager for a transfer of location, and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in the amount of \$300.00.

Sec. 4-28. License fee scale.

Before a license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the Mayor and Council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the fees set forth in section 4-29.

Sec. 4-29. License fees enumerated.

License fees applicable to this article are set out as follows:

- (1) Retail dealers of distilled spirits to be consumed on the premises, \$4,000.00 per year

(subject to fixed bar/moveable bar regulations).

- (2) Retail dealers of beer to be consumed on the premises, \$1,000.00 per year (subject to fixed bar/moveable bar regulations).
- (3) Retail dealers of wine to be consumed on the premises, \$1,000.00 per year (subject to fixed bar/moveable bar regulations).
- (4) Retail dealers of beer and wine to be consumed on the premises, \$2,000.00 per year (subject to fixed bar/moveable bar regulations).
- (5) Retail dealers of beer sold in original packages for consumption off the premises, \$1,000.00 per year.
- (6) Retail dealers of wine sold in original packages for consumption off the premises, \$1,000.00 per year.
- (7) Retail dealers of beer and wine sold in original packages for consumption off the premises, \$2,000.00 per year.
- (8) Wholesale dealers in beer, whose principal place of business is in the City, \$300.00 per year.
- (9) Wholesale dealers in wine, whose principal place of business is in the City, \$300.00 per year.
- (10) Wholesale dealers in beer and wine, whose principal place of business is in the City, \$600.00 per year.
- (11) Any additional fixed bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$600.00 per year.
- (12) Any movable bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$200.00 per year.
- (13) Temporary license for nonprofit civic organizations, \$50.00 per day, maximum five days per year.
- (14) Nonprofit private club beer to be consumed on the premises, \$500.00 per year.
- (15) Nonprofit private club wine to be consumed on the premises, \$500.00 per year.
- (16) Nonprofit private club beer and wine to be consumed on the premises, \$1,000.00 per year.
- (17) Nonprofit private club distilled spirits to be consumed on the premises, \$2,000.00 per year.

- (18) Hotel-motel in-room service, \$100.00 per year.
- (19) Wholesale dealers in distilled spirits whose principal place of business is in the City, \$1,000.00 per year.
- (20) Retail dealers of distilled spirits, beer and wine by the drink to be consumed outdoors or in a public facility pursuant to a special use permit, \$2,000.00 per event.
- (21) Patio sales, \$200.00 per year.
- (22) Catering license, \$200.00 per year.
- (23) Catering permit for out-of-jurisdiction catering licensee, \$50.00 per event.
- (24) Wine shop license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (25) Performing arts facility license, \$1,500.00 per year (subject to fixed bar/moveable bar regulations).
- (26) Indoor special events facility license, \$2,000.00 per year.
- (27) Art shop license, \$500.00 per year.
- (28) Brewpub license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (29) Growler shop license, \$500.00 per year (subject to fixed bar/moveable bar regulations).
- (30) Brewer's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (31) Distiller's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (32) Alcoholic frozen consumables license, \$100.00 per year.

Sec. 4-30. Reporting of employees to the City Manager.

It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the City Manager the name of the establishment, the license number, and a list of all employees, including each employees' home addresses and a telephone number for each employee twice annually, once during the month of June and again during the month of December. Failure to file this report may result in the suspension or revocation of any license or permit issued under this chapter.

Secs. 4-31—4-46. Reserved.

ARTICLE III. ALCOHOL EXCISE TAX

Sec. 4-47. Per drink excise tax.

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such tax shall be collected by the licensee licensed under this article, and such licensee shall remit the same to the city on or before the 20th day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all sales regardless of method of payment, and shall be reported and taxes collected thereon shall be submitted to the City Manager to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from State tax under part V of the Georgia Retailer's and Consumer's Sales and Use Tax Act, O.C.G.A. § 48-8-50, as now written or hereafter amended, provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.
- (b) Excise taxes received in the Office of the City Manager after the 20th day of the month shall be charged interest and penalties in accordance with this section.
 - (1) Interest calculations that apply to late alcoholic beverage tax payments will be based on an annual calculation of the federal prime rate, plus three percent. Interest rate will change when the federal reserve announces the new bank prime loan rate each January.
 - (2) In addition to interest in (b)1 above, a five percent penalty will be assessed after 120 days with an additional five percent assessed after each successive 120 days, to a maximum of 20 percent of the principal amount due until all taxes are collected by the City.
- (c) Any licensee who violates any provision of this article may, upon conviction, be punished by a fine of not less than \$300.00 for each offense and/or 30 days in the common jail of the County and the license of such location may be suspended or revoked.

Sec. 4-48. Excise tax and bond requirement on wholesalers.

- (a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to

retailers in the City of Lawrenceville. Such tax shall be paid to the City Manager by the wholesale distributor on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in the City of Lawrenceville as follows: each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees under this article shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. The \$0.22 per liter shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful and a violation of this article for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting said tax. It shall be unlawful and a violation of this article for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of the said tax.

- (b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the City of Lawrenceville at the rate of \$0.05 per 12-ounce container and \$6.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

Size of Container	Tax Per Container
7 ounces	\$0.0291
8 ounces	\$0.0333
12 ounces	\$0.0500
14 ounces	\$0.0583
16 ounces	\$0.0666
32 ounces	\$0.1333
½ barrel (15½ gallons)	\$6.00
1 barrel (31 gallons)	\$12.00

- (c) *Collection of fees or taxes sums due.* Excise taxes received in the Office of the City Manager after the 20th day of the month shall be charged interest and penalties in accordance with this section.
- (1) Interest calculations that apply to late alcoholic beverage tax payments will be based on an annual calculation of the federal prime rate, plus three percent. Interest rate will change when the federal reserve announces the new bank prime loan rate each January.
 - (2) In addition to interest in (c)1 above, a five percent penalty will be assessed after 120 days with an additional five percent assessed after each successive 120 days, to a maximum of 20 percent of the principal amount due until all taxes are collected by the City.
 - (3) If any person shall fail to pay the sum due under this article, the City Manager shall

issue an execution against the person so delinquent and his property for the amount of the delinquent fee or tax.

- (d) The provisions of this section shall apply to brewers in accordance with O.C.G.A. §§ 3-5-24.1 and 3-5-81.
- (e) The provisions of this section shall apply to brewpubs in accordance with O.C.G.A. § 3-5-36.
- (f) The provisions of this section shall apply to distillers in accordance with O.C.G.A. §§ 3-4-24.2 and 3-4-61.

Secs. 4-49—4-69. Reserved.

ARTICLE IV. GENERAL REGULATIONS

Sec. 4-70. Drinking in public; consumption of alcohol on City streets prohibited or limited in certain areas.

- (a) Except as provided in subsection (b) of this section or in a licensed establishment, it shall be unlawful for any person to consume any alcoholic beverage in or upon any street, alley, sidewalk or other public way or place in the City or within any public building. Except as provided in subsection (b) of this section, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of an alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, or within any public building within the City limits.
- (b) Consumption of alcohol in an open container outside of a licensed establishment shall be allowed only in the locations specified below:
 - (1) Inside the Historic Courthouse Building by a licensed caterer as set forth in section 4-144;
 - (2) On the patio of a licensed establishment which meets all of the requirements and is specifically licensed for patio sales in accordance with section 4-146;
 - (3) Outdoor special event permit.
 - (i) This subsection shall apply to all events except those exempted by (ii) below. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by Mayor

and Council to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special event permit and license under this subsection. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises. A permit fee of \$1.00 per square foot or \$2,000.00, whichever is greater, shall be charged per event payable at the time of issuance of the permit. The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant. Security officers shall be off duty Police Officers or Sheriff's deputies from the County or one of its municipalities.

- (ii) This subsection shall apply only in the case of an event sponsored by the City. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by the City Manager to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special event permit and license under this subsection. An application fee of \$100.00 shall be submitted with the special event application. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises;
- (4) A person may remove an alcoholic beverage purchased from an establishment licensed for consumption on the premises and possess and consume said alcoholic beverage subject to the following requirements:
- (i) The alcoholic beverage shall be purchased from an establishment licensed for consumption on the premises and located within the Downtown Entertainment District;
 - (ii) The alcoholic beverage shall be in a shatterproof or plastic cup no larger than 16 ounces;
 - (iii) Only one drink at a time per person may be carried out of an establishment;
 - (iv) The hours of open carry under this paragraph shall be Monday through Sunday from 11:00 a.m. until 11:59 p.m.
 - (v) The beverage cannot be carried into an establishment that does not serve

alcohol unless permitted by the establishment; and

- (vi) The area in which this subsection applies shall be known as the Downtown Entertainment District. The boundaries of the Downtown Entertainment District are established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City Manager. If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the City to which this subsection applies.

Sec. 4-71. Outdoor special event permit minimum requirements.

- (a) The following are minimum special event permit requirements for the exemptions set forth in subsection 4-70(b)(3).
 - (1) The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant; however, there shall be a minimum of one security officer for all events. Security officers used to comply with this section shall be off-duty police officers or sheriff's deputies from Gwinnett County or one of its municipalities.
 - (2) An outdoor special event permit shall only be granted within the Downtown Entertainment District.
 - (3) A separate event application shall be required for any party/person/use seeking to obtain an outdoor special event permit.
- (b) The following additional regulations shall apply to dispensing and drinking alcohol pursuant to the exceptions set forth in section 4-70(b)(3) and shall be made conditions of each special event permit issued for such exceptions:
 - (1) *Two drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup or aluminum container, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time and provided the alcohol is consumed in the area specified in the special event permit granted in subsection 4-70(b)(3).
 - (2) *Size limitation.* No container in which an alcoholic beverage is dispensed or served pursuant to subsection 4-70(b)(3) shall exceed 16 fluid ounces in size; provided, however, that beer or a malt beverage may be dispensed or served in a container up to but not exceeding 24 fluid ounces in size. No person shall hold in possession within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size, except for a container of beer or a malt beverage which shall

not exceed 24 fluid ounces in size.

- (3) *Drinking from glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a glass container or to possess in a glass container any alcoholic beverage outside or in the defined area.
- (4) *Drinking outside the designated area.* It shall be a violation of this article to take an alcoholic beverage served in the designated area outside of the designated area for any reason.
- (5) *Hours and days.* It shall be unlawful for any person to purchase, distribute, or consume alcoholic beverages outside of the hours of sale provisions contained in this article.

Sec. 4-72. Public drunkenness.

It shall be unlawful for any person to be and appear in an intoxicated condition on any public or private street or highway within the City of Lawrenceville or within the curtilage of any private residence not in the exclusive possession of the person so intoxicated or at any place of business open to the public or at any other place or public gathering or assembly or place accessible to or visible to all members of the community. Said intoxication may be caused by the excessive use of intoxicating wines, beers, liquors, or opiates, or narcotics or other dangerous or hazardous drugs, and must be made manifest by boisterousness, or by indecent condition or actions or by vulgar, profane, or unbecoming language, or loud and violent discourse of the person so intoxicated, and further, a person may be deemed intoxicated within the meaning of this article where his excessive use of intoxicants produces such a material change in his normal mental status that his behavior becomes unpredictable and uncontrolled and, as a result, either:

- (1) Slight irritations, real or imaginary, cause outbursts of anger that find expression in acts of physical violence against another person, either police officers or citizens; or
- (2) The accused becomes unable to exercise any care for his own safety.

Sec. 4-73. Possession of alcoholic beverages by a minor.

It shall be unlawful for a person under the age of 21 to possess alcoholic beverages within the corporate limits of the City of Lawrenceville. The Municipal Court of the City of Lawrenceville shall have jurisdiction to try and dispose of cases where a person is charged with the possession of alcoholic beverages. No person under the age of 21 years of age shall attempt to purchase any alcoholic beverage or misrepresent his age in any manner whatever for the purpose of obtaining alcoholic beverages. Violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 and imprisonment not to exceed one year.

Sec. 4-74. Registered agent.

All licensed establishments must have and continuously maintain with the City a registered agent upon whom any process, notice or demand required or permitted by law or under this article to be served upon the licensee or owner may be served. This person must be a resident of Gwinnett County. The licensee shall file the name of such agent, along with the written consent of such agent, with the City Manager in such form as may be prescribed.

Sec. 4-75. Distance requirements.

- (a) For the purposes of this section, distance shall be measured by the most direct route of travel on the ground in a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale, to the front door of the building of a church, government owned treatment center, housing authority property, or to the nearest property line of the real property being used for school or educational purposes.
- (b) Within the boundaries of the Downtown Entertainment District, no license permitting the retail sale (package) of malt beverages or wine or both shall be issued for any proposed location which is:
 - (1) Within a distance of 100 yards of an alcoholic treatment center owned by the state or any county or municipal government.
- (c) Outside the boundaries of the Entertainment District, no license permitting the retail sale (package) of alcoholic beverages shall be issued for any proposed location which is:
 - (1) Within a distance of 100 yards of any private residence unless such residence is located in a commercially zoned (BN, BG, HSB) district;
 - (2) Within a distance of 100 yards of any church building;
 - (3) Within a distance of 100 yards of any public library or branch thereof;
 - (4) Within a distance of 100 yards of a public park;
 - (5) Within a distance of 200 yards of any school building, educational building, school grounds or college campus; or
 - (6) Within a distance of 100 yards of an alcoholic treatment center owned by the state or any county or municipal government.
- (d) No license permitting the retail sale of alcoholic beverages for consumption on the premises shall be issued for any proposed location which is within a distance of 100 yards of any housing authority property.
- (e) As used in this chapter, the Downtown Entertainment District shall mean the boundaries/area established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City Clerk. If no such resolution

and map has been adopted or if such resolution and map are repealed, there shall be no area in the City known as the Downtown Entertainment District.

- (f) As used in this section, the term "school building" or "educational building" shall apply only to State, County, City, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this State and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b).
- (g) As used in this section, the term "church building" shall mean the main structure used by any religious organization for the purpose of worship.

Sec. 4-76. Display of license at place of business.

- (a) Each license issued under this chapter shall at all times be kept in public in a public area plainly exposed to view upon the licensed premises.
- (b) All retail consumption dealers and retail dealers who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign that clearly reads: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."
- (c) Each retail business establishment which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place a notice which shall contain the provisions in the laws of this State which deal with the unlawful sale of such items to underage persons and the penalties for violating such laws.

Sec. 4-77. Advertising; location requirements; signs.

As a condition of the privilege of having a license and permit pursuant to this article, the holder agrees not to use any outdoor advertising or signs to promote the sale of alcoholic beverages or the prices of such beverages. No advertising or signs shall be permitted to be physically attached to the windows of any such establishment. Any signs or advertising inside the permitted location shall be of a size and type that is directed to customers inside the facility.

Sec. 4-78. Retailer to purchase from licensed wholesaler only.

- (a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed in accordance with State law. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this article; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (b) The City Manager may request from time to time information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

Sec. 4-79. Retail consumption dealers to store inventory only on premises.

No retail consumption dealer licensed under this article shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

Sec. 4-80. Adding to contents prohibited.

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner. Notwithstanding the foregoing prohibition, retail package malt beverage licensees may fill and refill growlers with draft beer at a licensed location for retail package sales so long as the growler is not less than 32 ounces in volume and that said growler is sealed on premises with a tamper-proof plastic cap. A Brewer is a manufacturer and may fill or refill kegs, bottles, or cans with products manufactured at the licensed premises.

Sec. 4-81. Familiarity with ordinance provisions; responsibility of licensee for violations.

Each licensee hereunder shall make this article available for review in the licensed premises and shall instruct any person working therein with respect to the terms hereof and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the State or of the rules and regulations of the State Revenue Commissioner.

Sec. 4-82. Employment of underage persons prohibited; exceptions.

- (a) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (c) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed under this article without written consent from the parents or guardian of the underage person. Written consent shall be maintained by the establishment until the entertainer is no longer working at the establishment or the entertainer has reached the age of 18 years old.

Sec. 4-83. Underage sales and sales to intoxicated persons prohibited.

No holder or employee of the holder of a license authorizing the sale of alcoholic beverages shall do any of the following upon the licensed premises:

- (1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
- (2) The prohibition in subsection (1) of this section shall not apply with respect to the sale of alcoholic beverages to a person when such person has furnished proper identification showing that the person to whom the alcoholic beverages are being sold is 21 years of age or older. For the purposes of this subsection, the term "proper identification" means any document issued by a government agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the Department of Public Safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
- (3) It shall be a violation not to require and properly check identification to ensure that an underage person is not sold, served, or does not have in his possession alcoholic beverages while in a licensed establishment. The term "identification," in this section, means any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or ID card issued by a governmental entity.
- (4) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian; and provided further that this section shall not apply to minors who are employees under the terms of this article.
- (5) It shall be unlawful to sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.
- (6) The penalty for violation of this section by an individual shall be as follows:
 - a. For the first offense, a minimum fine of \$250.00 and a requirement to attend a training class approved by the City.
 - b. For the second offense and subsequent violations, a minimum fine of \$500.00.
 - c. Any licensed establishment where three or more violations of this section,

or O.C.G.A. § 3-3-23, have occurred within any 36-month period shall be punished as follows:

1. For the third offense within any 36-month period, suspension of license for a period not to exceed 90 days.
2. For the fourth and any subsequent violation within any 36-month period, suspension of license for a period not to exceed one year.

Sec. 4-84. Promotions and sales.

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
 - (1) Offer or deliver any free alcoholic beverage to any person or group of persons.
 - (2) Deliver more than one alcoholic beverage to one 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 day, except at private functions not opened 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 of time for a fixed price, except at private functions not open to the public.
 - (6) 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.
 - (7) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (b) Each licensee shall maintain a written 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 licensee shall not vary the schedule of prices from hour to hour within a single day. The written schedule of prices shall be available to the paying public, and the schedule shall be effective for not less than one calendar day.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, to prohibit licensees from including an alcoholic

beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.

- (e) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately, and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.
- (f) Licensees guilty of violating this section may be subject to revocation proceedings.

Sec. 4-85. Sale on election days.

- (a) The sale of wholesale and retail of alcoholic beverages shall be lawful during the polling hours of any election; provided, however, nothing in this section shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.
- (b) All ordinances and parts of ordinances in conflict with this section are hereby expressly repealed.

Sec. 4-86. Bring your own bottle (brown bagging) prohibited.

It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages; provided, however, that the establishments that meet the definition of a restaurant set forth in this chapter and that are licensed pursuant to this chapter as a retail dealer of distilled spirits to be consumed on the premises, and/or a retail dealer of beer to be consumed on the premises, and/or a retail dealer of wine to be consumed on the premises may allow customers to bring in a bottle or bottles of wine and charge a corkage fee as a convenience charge for opening and serving the wine brought in by the customer. Facilities licensed as an art shop under this chapter may also allow customers to bring in a bottle or bottles of wine and/or beer subject to the specific provisions governing the operation of an art shop.

Sec. 4-87. Removing a partially consumed bottle of wine from a restaurant.

A partially consumed bottle of wine purchased with a meal from a restaurant and resealed may be removed from the restaurant by a patron as permitted by O.C.G.A. § 3-6-4 and Ga. Comp. Rules and Regs. 40-6-253(2).

Sec. 4-88. Package sales not permitted.

Nothing in this chapter shall be construed to permit the package sale of distilled spirits or spirituous liquor.

Sec. 4-89. Criminal gangs and criminal activity.

The Mayor and Council shall have the right to revoke any license or permit issued under this chapter after a hearing if by a preponderance of the evidence it is established that the licensed establishment is participating in helping, fostering, harboring, or encouraging the unlawful activities described in Chapter 26 or any other criminal activity.

Sec. 4-90. Fixed bar and moveable bar regulations.

All licensees are entitled to one bar. A licensee may permit additional fixed or moveable bar(s) subject to the fee schedule in this chapter and subject to the regulations set below:

- (1) A map showing the location of any additional fixed or moveable bar shall be submitted to the City Manager for approval.
- (2) The City Manager may limit the number of additional fixed or moveable bars based on the square footage of the licensed establishment.
- (3) A moveable bar shall be a temporary bar that is used occasionally and is not in regular operation.

Secs. 4-91—4-106. Reserved.

ARTICLE V. AUDITS, INSPECTION, PENALTIES AND REVOCATION/SUSPENSION OF LICENSE

Sec. 4-107. Records and audits of licensees.

- (a) All licensed establishments must maintain the following records for a three-year period and make them available to authorized City representatives for audit at the licensed premises:
 - (1) Monthly income or operating statements.
 - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
 - (3) Daily cash register receipts such as Z tapes or guest tickets.
 - (4) Monthly State sales and use tax reports.
 - (5) Daily purchase receipts for liquor, beer and wine.
 - (6) Federal and State income tax returns.
- (b) The City Manager is authorized to conduct an audit of the records and books of any

licensee at any time to ensure compliance with this chapter. The City Manager may designate a City employee or other designated person to perform the audits authorized in this section.

- (c) The City Manager, or authorized designee conducting an audit shall notify the licensee of the date, time and place of the audit not less than 24 hours prior to the audit.
- (d) A licensee who fails to cooperate with the audit authorized under this section shall be subject to revocation of his license.
- (e) A licensee who is unable to produce the records required to be maintained by this section shall be subject to revocation of his license.
- (f) A licensee who produces incomplete, erroneous, or fraudulent records shall be subject to revocation of his license.

Sec. 4-108. Inspection of licensed establishments by the City.

In addition to the audit provisions set forth in section 4-107, sworn officers of the city's Police Department, city code enforcement officers, and other personnel designated by the City Manager shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the City during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and State law. This section is not intended to limit the authority of any other City officer to conduct inspections authorized by other provisions of this Code.

Sec. 4-109. Suspension or revocation of license.

- (a) A license may be suspended or revoked by the City Manager where the licensee furnishes fraudulent or untruthful information in the application for a license or for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the State shall revoke any permit or license to sell alcoholic beverages, the City license shall thereupon be automatically revoked. The City Manager shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of any provision of this chapter shall be subject to immediate revocation or suspension.
- (d) The City Manager shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.
- (e) The City Manager shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The City Manager may suspend or revoke the license of any establishment which does

not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to him.

- (g) An act or omission of a licensee, owner of more than ten percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed which constitutes a violation of federal or State law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the City Manager determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the City Manager must determine that the acts of the employee were known to or, under reasonable circumstances should have been known to, the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.
- (h) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the City, the license may be suspended or revoked.
- (i) Wherever this article permits the City Manager to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
 - (1) No suspension shall be for a period of time longer than the time remaining on such license.
 - (2) The following factors may be considered on any revocation or suspension as set out in this section:
 - a. Consistency of penalties mandated by this chapter and those set by the City Manager;
 - b. Likelihood of deterring future wrongdoing;
 - c. Impact of the offense on the community;
 - d. Any mitigating circumstances or remedial or corrective steps taken by licensee;
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

Sec. 4-110. License revocation/suspension hearings.

- (a) No license shall be denied, suspended, or revoked without the opportunity for a hearing

as provided in this section. This provision does apply to pouring permits for employees.

- (b) The City Manager shall provide written notice to the applicant or licensee of his order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the City Manager may have a review of a final action by appeal to the Board of Appeals. Such appeal shall be by written petition, filed in the Office of the City Manager within 15 days after the final order or action of the City Manager and, in order to defray administrative costs, must be accompanied by a filing fee of \$500.00; except that the filing fee for appeals relating only to pouring permits for employees shall be \$50.00. The City Manager, at his discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing the appeal. The Board of Appeals may, at the request of the appellant, refund the filing fee by a majority vote.
- (c) A hearing shall be conducted on each appeal within 30 days of the date of filing with the City Manager unless a continuance of such date is agreed to by the appellant and the City Manager. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. The appellant shall have the burden of proof on any such appeal.
- (d) Before hearing an appeal, each member of the Board of Appeals shall confirm on the record that he is not related to any owner of the licensed establishment in question in the appeal being considered and that he has no financial interest in the outcome of the appeal. Should any member be unable to truthfully make such confirmation, that member shall not serve on that appeal, and the case shall be heard by the remaining members of the Board of Appeals.
- (e) The Board of Appeals shall be authorized to affirm the recommendation of the City Manager, reduce a proposed revocation to a suspension for a certain number of days, or to reduce the duration of a proposed suspension.
- (f) The findings of the Board of Appeals shall be forwarded to the City Manager within 15 days after the conclusion of the hearing, and it shall be the duty of the City Manager to notify the appellant of the action of the Board of Appeals.
- (g) The findings of the Board of Appeals shall not be set aside unless found to be:
 - (1) Contrary to law or ordinances;
 - (2) Unsupported by substantial evidence on the records as a whole; or
 - (3) Unreasonable.
- (h) The findings of the Board of Appeals shall be final unless appealed within 30 days of the

date of the finding by certiorari to the Superior Court of Gwinnett County.

Sec. 4-111. Notice.

For the purpose of this chapter, notice shall be deemed delivered when personally served or when served by certified mail within three days after the date of deposit in the U.S. mail.

Sec. 4-112. Penalties for violation of article.

Except as otherwise provided in this chapter, any person who violates any provisions of the sections in this article may, upon conviction in the Municipal Court, be punished by a fine of not more than \$1,000.00 for each offense and/or one year in jail.

Sec. 4-113. Notice to Georgia Department of Revenue of violations.

(a) As used in this section, the following terms shall mean:

Bar means any premises at which a retailer licensed to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.

Disciplinary action means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

Governmental entity means the United States government, any state government, any local government, and any department, agency, or instrumentality thereof.

Licensee means any person issued a license pursuant to this chapter that meets the definition of a bar.

(b) Within 45 days of any disciplinary action, the licensee shall notify the Georgia Department of Revenue ("Department") of the details of such disciplinary action, including the date such action was taken, the nature of such action, and any other information required by the Department.

(c) Every county or municipality which issues licenses to a licensee authorizing the manufacture, distribution, or sale of alcoholic beverages shall by resolution or ordinance adopt a policy and implement a process by which any disciplinary action against a licensee shall be reported to the department within 45 days of any officer, department, agency, or instrumentality of such county or municipality taking such disciplinary action.

Secs. 4-114—4-137. Reserved.

ARTICLE VI. REGULATION OF ALCOHOL SALES FOR CONSUMPTION ON THE PREMISES

Sec. 4-138. Retail sales of malt beverages and wine for consumption on the premises.

No beer or wine may be sold by the drink for consumption on the premises where sold except pursuant to a license and under one of the following categories:

- (1) In restaurants with a seating capacity of at least 30 people, excluding stools and counter seating, regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of beer and wine.
- (2) In zoning districts where such restaurants are conforming uses or where such establishments are incidental to a hotel.
- (3) In indoor commercial recreation establishments.
- (4) In an indoor publicly owned civic and cultural center.
- (5) In a performing arts facility where the facility meets the definition for a performing arts facility set forth in section 4-2 (establishment located in the Downtown Entertainment District; operates in a building owned by the City or the Lawrenceville Building Authority, has its principal objective or business as the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and does not feature, show, allow, promote or advertise adult businesses as defined and as defined and regulated in City of Lawrenceville Ordinances Chapter 12, including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments); provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.
 - a. A business meeting the definition of a performing arts facility under this Code shall be eligible to apply for and be considered for an annual license to allow alcohol consumption on the premises from the City Manager in the same manner as set forth in article II of this chapter.
 - b. A business granted a performing arts facility license for consumption of alcohol on the premises shall be required to obtain all required licenses from the State and to follow all State and local laws, ordinances and rules governing the consumption of alcohol on the premises.

- c. Alcohol may also be sold and/or dispensed at a performing arts facility as defined in section 4-2 by a licensed caterer in the same manner set forth in section 4-144 without the need for the facility or the caterer to obtain a performing arts facility license.
 - d. In addition to the hours of sale requirements set out in section 4-139, alcohol may not be dispensed at a performing arts facility earlier than one hour before the start of a performance or later than one hour after the performance has ended.
- (6) In a wine shop under the conditions set forth in section 4-147.
 - (7) In a brewery, provided that only beer is sold and such establishment meets all requirements of O.C.G.A. § 3-5-24.1.
 - (8) In indoor special event facilities under the conditions set forth in section 4-156.

Sec. 4-139. Hours of sale of beer/wine for consumption on the premises.

- (a) Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. It shall be unlawful for businesses holding a consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- (b) No consumption on the premises license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.
- (c) The sale of beer and/or wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in:
 - (1) Any licensed establishment which derives at least 50 percent 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;
 - (2) In any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
 - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (d) Beer and/or wine may be sold for consumption on the premises from the hours of 12:00

midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.

Sec. 4-140. Distilled spirits consumption on the premises.

- (a) No distilled spirits may be sold by the drink for consumption on the premises where sold except:
- (1) In restaurants regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
 - (2) In zoning districts where such restaurants are conforming uses or where such establishments are incident to a hotel.
 - (3) In indoor commercial recreation establishments.
 - (4) In an indoor publicly owned civic and cultural center.
 - (5) In a performing arts facility which holds a performing arts facility alcohol license, and which meets all of the definitional requirements set forth in this chapter; provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.
 - (6) In a distillery as permitted by O.C.G.A. § 3-4-24.2.
 - (7) In indoor special event facilities under the conditions set forth in section 4-156.
- (b) Any restaurant or indoor commercial recreational establishments where distilled spirits are to be consumed on the premises shall also meet the following requirements:
- (1) Such establishments shall have a seating capacity of at least 30 people, excluding stools and counters;
 - (2) The establishment shall be used, advertised and held out to the public as a place where meals are served and meals are actually served;
 - (3) Such establishment shall serve two meals per day for at least six days per week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted with the serving of distilled spirits to be consumed on the premises as incidental thereto. Eating establishments serving full course meals during an extended period of not less than five hours per day at least six days per week shall be deemed to be serving

two meals per day.

Sec. 4-141. Distilled spirits consumption on the premises hours and days of sale and additional restrictions.

- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. It shall be unlawful for businesses holding a consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- (b) No consumption on the premises license holder shall furnish, sell, or offer for sale any distilled spirits at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.
- (c) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in:
 - (1) Any licensed restaurant which derives at least 50 percent 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;
 - (2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
 - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (d) Distilled spirits may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.
- (e) Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle.

Sec. 4-142. No consumption outside premises.

Except as allowed in sections 4-70 and 4-146, the following restrictions shall apply:

- (1) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out.

- (2) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (3) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

Sec. 4-143. Reserved.

Sec. 4-144. Licensed caterers.

- (a) Notwithstanding any other provision of this chapter to the contrary, a licensed caterer shall be permitted to sell alcoholic beverages for consumption on the premises of a duly authorized catered event held at one of the following locations:
 - (1) Performing arts facilities as defined in this chapter;
 - (2) Indoor publicly owned civic and cultural centers as defined in this chapter (the City-owned Depot building and the Historic Courthouse);
 - (3) Indoor special event facilities as defined in this chapter; and
 - (4) An authorized outdoor special event which has been granted an outdoor special event permit in accordance with subsection 4-70(b)(3).
- (b) A licensed caterer authorized under this section must be a retail dealer licensed pursuant to State law and must possess the following licenses and permits:
 - (1) A license permitting the sale of alcoholic beverages for consumption on the premises issued by the city or another licensing jurisdiction;
 - (2) An alcoholic beverage catering license issued by the City or another licensing jurisdiction; and
 - (3) An off-premises permit for the specific event being catered.
- (c) All licensed alcoholic beverage caterers desiring to engage in activities permitted by this section shall make written application to the City Manager for the appropriate off-premises permit. The application shall include, but not be limited to, the name, address and telephone number of the applicant; the date, address and time of the proposed catered event and the licensed alcoholic beverage caterer's State license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths. If an applicant has had his license to sell alcohol by the drink for consumption on the premises issued by another jurisdiction, the application shall be accompanied by an off-premises permit fee of \$50.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. If an applicant has had his license to sell alcohol by the drink

for consumption on the premises issued by the City, such off-premises permit fee is waived. However, such permit must still be obtained.

- (d) The City Manager shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice.
- (e) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for an off-premises permit shall be cause for the denial or revocation thereof.
- (f) If such off-premises permit is granted by the City Manager, it shall be good only for the specific event at the specified address, for the date(s) and time set forth in the application.
- (g) Except as set forth in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

Sec. 4-145. Pouring permit required.

- (a) No person shall be employed to dispense, sell, serve, take orders for, or mix alcoholic beverages, or serve in any managerial position, by an establishment holding a license under this chapter until such person has applied for and received a permit from the City of Lawrenceville, indicating that the person is eligible and has been issued a pouring permit.
- (b) This section shall not be construed to include employees whose duties are limited solely to those of host, bus boy, cook, or dishwasher. Poured alcoholic beverages shall be transported from the point of dispensing to the customer only by employees that possess a City of Lawrenceville pouring permit.
- (c) No permit shall be processed until such time as a signed application has been filed with the City Manager, and a fee as established by the Mayor and Council has been paid. The application shall be made on forms approved by the City Manager.
- (d) The City Manager shall conduct a background check on each applicant to determine whether the applicant is eligible to hold a permit. If it is found that the person is not eligible for a permit, the City Manager shall notify the person, in writing, that he is not eligible to receive a permit, the cause of such denial and the right to appeal.
- (e) No person shall be granted a pouring permit if the City Manager determines that such person has been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual-related crime within a period of five years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First

Offender Act shall not apply to such consideration. A person's first-time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or County ordinance shall not, by itself, make a person ineligible for an alcohol pouring permit. An applicant who is found to have falsified an application or any information therein shall be denied a permit.

- (f) An alcohol pouring permit shall be issued for a period of one calendar year from the date of the original application. The alcohol pouring permit must be in the possession of the holder while the holder is working at the licensed establishment. This permit must be available for inspection by the City Manager.
- (g) All permits issued through administrative error shall be terminated and seized by the City Manager.
- (h) Replacement permits may be issued upon paying one-half of the fees charged for an original permit. The original expiration date shall remain in force for any replacement permit.
- (i) All permits issued under this chapter remain the property of the City Manager and shall be produced for inspection upon the demand of any employee or designee of the City.
- (j) No licensee shall allow any employee or manager required to hold a permit to work on the premises unless the employee or manager has in his possession a current valid City pouring permit. For new employees, a receipt issued by the City Manager may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee required to do so has in his possession a valid current alcohol pouring permit.
- (k) The penalty for service of alcoholic beverages to a minor by an individual who holds an alcoholic beverage pouring permit shall be as follows:
 - (1) For the first offense, a minimum fine of \$250.00;
 - (2) For the second offense and subsequent violations, a minimum fine of \$500.00;
 - (3) Any individual holding an alcoholic beverage pouring permit where three or more violations of serving alcoholic beverages to a minor have occurred within any 36-month period shall be punished as follows:
 - a. For the third offense within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed 90 days.
 - b. For the fourth and any subsequent violation within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed one year.

Sec. 4-146. Open area and patio sales.

- (a) Alcoholic beverage sales may be made by a licensed consumption on-premises establishment in a patio/open sales area type environment if the establishment has been approved to do so by the City Manager.
- (b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of 3.5 feet above ground level. It does not have to be solid, nor does it have to restrict visibility into or out of the patio/open sales area. It must be submitted to and approved by the City Manager.
- (d) The only exit from this type of area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit shall be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided that such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel.
- (f) Notwithstanding any provisions to the contrary in this section, any licensed consumption on premises establishment permitted to sell alcoholic beverages in a patio/open sales area type environment which is located in the Downtown Entertainment District shall not be required to meet the requirements of (b), (c) and (d) above. The patio/open area shall be clearly separated from the public sidewalk or right-of-way and shall be under the exclusive control of the licensed establishment.

Sec. 4-147. Wine shop.

- (a) Notwithstanding any other provision of this chapter to the contrary, the City Manager is authorized to issue a wine shop license to businesses:
 - (1) Which meet all other license application requirements set forth in this chapter and shall be located in the Downtown Entertainment District
- (b) A wine shop established under this section may:
 - (1) Sell and serve beer and wine by the drink for consumption on the premises. The total amount of beer served to a patron for consumption on the premises shall not exceed a total of 32 ounces in volume to any one individual within a 2-hour

period, but if a person is sold a high gravity beer the total sample amount in a 2-hour period shall be reduced to 20 ounces in volume. The total amount of wine served to a patron for consumption on the premises shall not exceed a total of 12 ounces in volume to any one individual within a 2-hour period. A wine shop shall not be permitted to sell 20/32 ounces of beer and 12 ounces of wine to one individual. The intent of this section is that the primary purpose of a wine shop is to be a package off premises operation but may allow consumption on the premises as part of its operations. The intent of this provision is to restrict the amount sold to one individual to the lowest volume (12, 20 or 32 ounces) based on any combination of alcoholic beverage.

- (2) Sell wine and beer by the package must remain sealed on the licensed premises with a tamper proof cap and may not thereafter be opened or consumed on the premises.
- (c) Nothing in this subsection shall prohibit a wine shop from serving food. In order to serve alcohol for consumption on the premises on Sunday, the establishment must receive 50% of its revenue from the sale of prepared meals or food in accordance with the requirements of O.C.G.A. Section 3-3-7 as currently exist or as may be amended in the future.

Sec. 4-148. Private clubs.

- (a) Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the City governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations of the City.
- (b) Veteran organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food as a condition of licensing for consumption on the premises. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.
- (c) Alcoholic beverages shall not be sold for consumption on the premises at a private club except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.
- (d) No private club consumption on the premises license holder shall furnish, sell, or offer for sale any alcoholic beverages at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council. It shall be unlawful for private clubs holding a consumption on the premises license to fail to remove from its service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic

beverages on its premises one hour or more after the club is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest.

- (e) The sale of alcoholic beverages for consumption on the premises is permitted in a private club on Sundays from 11:00 a.m. until 12:00 midnight in:
 - (1) Any licensed establishment which derives at least 50 percent 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;
 - (2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
 - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (f) Alcoholic beverages may be sold for consumption on the premises at a private club from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.

Sec. 4-149. Art shop.

- (a) Notwithstanding any other provision of this chapter to the contrary, the City Manager is authorized to issue an art shop license to businesses:
 - (1) Located in the Downtown Entertainment District;
 - (2) Which meet all other license application requirements set forth in this chapter; and
 - (3) Which operate as an art shop.
- (b) An art shop established under this section may allow customers to bring in bottles of wine and beer to be consumed on the premises, except on Sundays.
 - (1) Any wine and/or beer served on the premises shall only be served by an employee of the art shop otherwise authorized to serve alcoholic beverages under this article.
 - (2) No customer of an art shop shall consume more than two six-ounce servings of wine or two 12-ounce servings of beer during a three-hour period or four six-ounce servings of wine or four 12-ounce servings of beer within a single business day.
 - (3) The serving of wine and/or beer in an art shop shall be subject to all of the provisions related to the service of other alcoholic beverages under this article,

including, but not limited to, the prohibition of serving wine or beer to anyone under 21 years of age or to anyone intoxicated.

- (c) Nothing in this section shall prohibit an art shop from serving food, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.

Sec. 4-150. Brewpub.

- (a) No person shall be permitted to own or operate a brewpub without first obtaining a brewpub license from the City Manager pursuant to the same procedures as are set forth in this chapter, and each brewpub license holder shall comply with all other applicable state and local license requirements.
- (b) A brewpub license authorizes the holder of such license to:
 - (1) Manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail.
 - (2) Operate a restaurant that shall be the sole retail outlet for such beer. Such outlet may offer for sale any other alcoholic beverages produced by other manufacturers which are separately authorized for consumption on the premises by this chapter, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers for consumption on the premises only; and
 - (3) Notwithstanding any other provision of this section, sell up to a maximum of 5,000 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers.
- (c) Possession of a brewpub license shall not prevent the holder of such license from obtaining another license authorized under this chapter for the same premises.
- (d) A brewpub license does not authorize the holder of such license to sell alcoholic beverages at retail by package for consumption off the premises.
- (e) A brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed as manufacturers, retailers, and, where applicable, wholesalers.
- (f) A brewpub licensee shall measure all beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required.
- (g) Except as set forth in this section, a brewpub license holder shall be subject to all

provisions of this chapter.

Sec. 4-151. Growler shop.

- (a) No person shall be permitted to own or operate a growler shop without first obtaining a growler shop license from the City Manager pursuant to the same procedures as are set forth in this article, and each growler shop license holder shall comply with all other applicable State and local requirements.
- (b) A growler shop shall be located in the Downtown Entertainment District. Growlers may not be sold at any establishment engaged in the sale of distilled spirits.
- (c) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this article, provided that after the growler is filled the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the growler shop may fill or refill growlers with draft beer or wine at a growler shop as provided in this section in a growler not smaller than 12 ounces in volume and not to exceed 68 ounces in volume.
- (d) A growler shop shall be authorized to sell samples of draft beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample amount in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d) or (e) shall not exceed a total of 12 ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and 12 ounces of wine to one individual. The intent of this section is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest volume (12, 20 or 32 ounces) based on any combination of alcoholic beverage.
- (e) In addition to growlers, a growler shop may sell beer and/or wine in cans, bottles, or other sealed package as a retail dealer. The growler shop shall be authorized to sell samples of beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample amount in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d) or (e) shall not exceed a total of 12 ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and 12 ounces of wine to one individual. The intent of this ordinance is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest

volume (12, 20 or 32 ounces) based on any combination of alcoholic beverage.

- (f) Nothing in this section shall prohibit a growler shop from serving food or other non-alcoholic products, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.

Sec. 4-152. Brewer/brewery.

- (a) A brewer shall be permitted to manufacture beer with the right to sell the product of the brewer for resale within and outside of the limits of the State of Georgia.
- (b) The right to sell the manufactured product of the brewer for resale within the City and the State of Georgia may be revoked separately from the right to manufacture and sell the product for resale outside of this State.
- (c) A licensed brewer may sell up to 3,000 barrels of beer per year produced at the brewer's licensed premises to individuals who are present on such premises for:
 - (1) Consumption on the premises; and
 - (2) Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of beer per consumer per day.
- (d) A licensed brewer shall be subject to the provisions related to hours and days of sale as set forth in section 4-139 of this chapter.
- (e) A licensed brewer shall submit excise taxes to the City on a monthly basis in accordance with O.C.G.A. §§ 3-5-24.1 and 3-5-81 and section 4-48 of this Chapter.
- (f) A licensed brewer shall abide by all federal, state and local laws, regulations or rules. The failure to comply with such laws, regulations or rules may serve as a basis for revocation of the license issued by the City.

Sec. 4-153. Distiller/distillery.

- (a) A distiller shall be permitted to manufacture distilled spirits with the right to sell the product of the distiller for resale within and outside of the limits of the State of Georgia.
- (b) A licensed distiller may sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are present on such premises for consumption on the premises.
- (c) A licensed distiller shall be subject to the provisions related to hours and days of sale as set forth in section 4-140 of this chapter.

- (d) A licensed distiller shall submit excise taxes to the City on a monthly basis in accordance with O.C.G.A. §§ 3-4-24.2 and 3-4-61 and sections 4-47 and 4-48 of this chapter.
- (e) A licensed distiller shall abide by all federal, state and local laws, regulations or rules. The failure to comply with such laws, regulations or rules may serve as a basis for revocation of the license issued by the City.

Sec. 4-154. Amenity license.

- (a) A non-eating establishment that offers beer and/or wine as an act of hospitality, where it is clearly a secondary function of the business, shall be eligible to apply for a beer and/or wine amenity license. Eating establishments shall not be eligible for a beer and/or wine amenity license.
- (b) An amenity license shall allow the license holder to offer beer and/or wine for sell as an act of hospitality and shall not be part of the core operations of such establishments.
- (c) Amenity sales license permits the licensee to sell a patron either two (2) six (6) ounce glasses of wine or two (2) twelve (12) ounce serving of beer or other malt beverage per day.
- (d) In no event shall a licensee's total annual gross alcohol revenue exceed ten (10) percent of the licensee's gross annual revenues.
- (e) Amenity alcohol sales licensees shall be required to obtain a state alcohol license for consumption on the premises and except as expressly provided for herein, shall be subject to all state and local laws, rules and requirements, including licensing requirements and the other provisions of this chapter related to the sale of alcohol for consumption on the premises. Notwithstanding the foregoing, amenity sales licensees shall not be required as a condition of their license to post signs as required by this chapter.
- (f) Notwithstanding other provisions in this chapter regarding penalties for violation of this chapter, upon a determination that a holder of an amenity sales license has violated any provision of this chapter the license shall be revoked and the holder shall be ineligible to obtain an amenity sales license for a period of five (5) years following the effective date of the revocation.
- (g) The amenity permit application shall include a background check. A \$50.00 administrative fee shall be charged to cover this administrative process.

Sec. 4-155. Alcoholic frozen consumables.

- (a) An establishment that makes alcoholic frozen consumables shall be permitted to sell, serve, and/or dispense alcoholic frozen consumables.

- (b) Alcoholic frozen consumables shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. The sale of alcoholic frozen consumables is permitted on Sundays from 11:00 a.m. until 12:00 midnight if the establishment derives at least 50 percent of its total annual gross sales from the sale of non-alcoholic frozen consumables and prepared meals or food in all of the combined retail outlets of the individual establishment.
- (c) Alcoholic frozen consumables may be carried in the Downtown Entertainment District in accordance with the provisions of section 4-70(b)(5).
- (d) Any establishment licensed under this section shall comply with all relevant and applicable provisions of this chapter.

Sec. 4-156. Indoor Special Event Facility.

In an indoor special event facility pursuant to a license issued by the City Manager setting forth specific operational requirements and restrictions for the facility that control consumption at the facility. Alcohol may only be served at an indoor special events facility by a licensed caterer under the provisions set forth in section 4-144 or by the owner of the indoor special events facility in compliance with all applicable sections of this Chapter. If the indoor special events facility is located outside of the Downtown Entertainment District, in order to serve or allow alcohol to be consumed on the premises, the following additional requirements shall apply:

- (1) Minimum square footage of 2,700 sq. ft.
- (2) All events with alcohol sold, served, or consumed must end by 10:00 p.m. and attendees must vacate the premises. Nothing in this provision shall prevent the owner or event organizer from staying past event closing time to clean facility and/or prepare for other events.
- (3) All events must provide on-site security for safety and noise control with at least 1 security personnel per 75 attendees.
- (4) All parking areas serving the facility shall be well lighted.
- (5) No loitering shall be permitted outside of or in the parking lot of the facility and shall be enforced by the security personnel required above.

Secs. 4-157—4-170. Reserved.

ARTICLE VII. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

Sec. 4-171. Type of retail establishment where permitted.

No beer or wine shall be sold at retail package except in the following establishments:

- (1) In retail establishments devoted principally to the retail sale of groceries and food products and which are located in zoning districts in which food establishments are permitted as a conforming use;
- (2) In retail establishments devoted principally to the retail sale of fish bait and fishing equipment and which are located in zoning districts in which retail sale of fish bait and fishing equipment are a permitted use;
- (3) In a licensed wine shop as set forth in section 4-147; or
- (4) In a licensed beer growler establishment where beer and malt beverages are sold.

Sec. 4-172. Hours and days of sale.

- (a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both, shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday.
- (b) No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.

Sec. 4-173. Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all beer and wine exposed or offered for sale.

Sec. 4-174. Quantity sale requirements.

Single cans or bottles or other containers of alcoholic beverages may be sold.

Secs. 4-175—4-201. Reserved.

ARTICLE VIII. WHOLESALERS

Sec. 4-202. License required.

Any person, firm or corporation designed to sell at wholesale any beer, wine, or distilled spirits in the incorporated area of the City shall make application to the City Manager for a license to do so, which application shall be in writing on the forms authorized and prescribed by the City Manager. No beer, wine, or distilled spirits shall be delivered to any retail sales outlet in the City except by a duly licensed wholesaler in licensed vehicles. The name of the wholesale distributor shall be clearly marked on the vehicles.

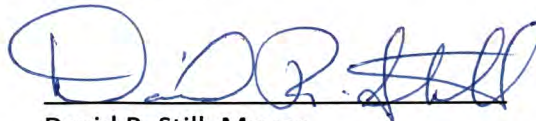
Secs. 4-203—4-227. Reserved

ARTICLE IX. HOTEL-MOTEL IN-ROOM SERVICE

Sec. 4-228. License.

- (a) The term "in-room service" means the provision of a cabinet or other facility located in a hotel-motel guestroom which contains beer and/or wine only, which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the beer and/or wine contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.
- (b) Any hotel-motel that acquires this in-room service shall also be required to obtain a consumption on the premises license and meet all of the requirements of this chapter.
- (c) No hotel-motel shall be authorized to provide in-room service until it has been issued a special license to do so. A license fee of \$100.00 for each hotel-motel shall be imposed to provide only beer and/or wine by in-room service.
- (d) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.
- (e) Keys for in-room service shall only be sold to guests between the hours of 11:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. and 12:00 midnight on Sunday.

IT IS SO ORDAINED, this 23rd day of October, 2023.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk