



# LAWRENCEVILLE

## GEORGIA

### CITY COUNCIL WORK SESSION AGENDA

---

Wednesday, September 04, 2024  
5:00 PM

Council Chambers  
70 S. Clayton St, GA 30046

---

#### **Call to Order**

#### **Prayer**

#### **Pledge of Allegiance**

#### **Agenda Additions / Deletions**

#### **Recognitions**

1. Congresswoman McBath
2. Gas Department

#### **Discussion of General City Business**

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

3. RZM2024-00016; McKinley Homes, LLC c/o Smith, Gambrell & Russell, LLP; 0 Hillcrest Green Drive
4. Purchase of Pad Mount Transformers
5. Year 4 Contract Renewal of ReCAST Sub-Recipient Partners
6. Axon VR Axon VR Immersive Training Firearms and Taser Equipment
7. Intergovernmental Agreement for Conveyance of Property and Access Easement with Gwinnett County at 650 Hi-Hope Road
8. Discussion to Amend Chapters 6 and 12 of the Code of Ordinances
9. Amend Chapter 34 to assess Occupation Tax by Gross Receipts and Profitability

[10.](#) Amendment to the City's existing Georgia Fund 1 Account

[11.](#) Lawrenceville City Hall Elevator Modernization Project

**Executive Session - Personnel, Litigation, Real Estate**

**Final Adjournment**





# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 04, 2024

AGENDA CATEGORY: GENERAL CITY BUSINESS

- Item:** RZM2024-00016; McKinley Homes, LLC c/o Smith, Gambrell & Russell, LLP; 0 Hillcrest Green Drive
- Department:** Planning and Development
- Date of Meeting:** Wednesday, September 4, 2024
- Applicant Request:** Rezone subject property from RS-150 (Single-Family Residential District) to RM-24 (Multifamily Residential District)
- Presented By:** Todd Hargrave, Director of Planning and Development
- Department Recommendation:** **Approval with Conditions**
- Planning Commission Recommendation:** **Approval with Staff Conditions**

**Summary:** The applicant requests a rezoning for 0 Hillside Green Drive and 298 Dogwood Lane from RS-150 (Single-Family Residential District) to RM-24 (Multifamily Residential District) to allow for the development of 227 multifamily dwelling units consisting of 194 apartment units and 33 front-entry, for-rent townhouse units with a gross density of 13 units per acre (UPA). The subject property consists of two parcels with an area of approximately 17.47 acres located at the northernmost extent of Hillcrest Green Drive and Dogwood Lane, just southeast of GA 316. The majority of the subject property (16.43 acres) is currently vacant and undeveloped, though a single-family home stands on the 0.88-acre parcel at 298 Dogwood Lane (PIN: R7010A018), part of the Northern Heights subdivision.

#### Attachments/Exhibits:

- RZM2024-00016\_Report
- RZM2024-00016\_P&D Recommended Conditions
- RZM2024-00016\_City Council Recommended Conditions
- RZM2024-00016\_Application
- RZM2024-00016\_Letter of Intent
- RZM2024-00016\_Legal Description
- RZM2024-00016\_Existing Conditions Survey

- RZM2024-00016\_ZON SITE PLN\_08132024 (NTS)
- RZM2024-00016\_CityCouncilRecCOND\_08132024 (CLN)
- RZM2024-00016\_CityCouncilRecCOND\_08132024 (RDLNS)
- RZM2024-00016\_Schematic Site Plan
- RZM2024-00016\_Conceptual Site Plan
- RZM2024-00016\_Architectural Elevations
- RZM2024-00016\_Aerial Map – Zoomed In (1:2,750)
- RZM2024-00016\_Aerial Map – Zoomed Out (1:5,500)
- RZM2024-00016\_Zoning Map – Zoomed In (1:2,750)
- RZM2024-00016\_Zoning Map – Zoomed Out (1:5,500)
- RZM2024-00016\_Character Areas Map – Zoomed In (1:2,750)
- RZM2024-00016\_Character Areas Map – Zoomed Out (1:5,500)



# LAWRENCEVILLE

*Planning & Development*

## REZONING

**CASE NUMBER:** RZM2024-00016

**APPLICANT:** BILL DIEHL

**OWNER(S):** TRINA HURT, DONALD LOGGINS, AND JOHN TAYLOR

**LOCATION(S):** 0 HILLCREST GREEN DRIVE & 298 DOGWOOD LANE

**PARCEL ID(S):** R7010 009 & R7010A018

**APPROXIMATE ACREAGE:** 17.47 ACRES

**ZONING PROPOSAL:** RS-150 (SINGLE-FAMILY RESIDENTIAL DISTRICT)  
TO RM-24 (MULTIFAMILY RESIDENTIAL DISTRICT)

**PROPOSED DEVELOPMENT:** 194 APARTMENTS AND 33 TOWNHOMES

**DEPARTMENT RECOMMENDATION:** **APPROVAL AS CMU (COMMUNITY MIXED-USE DISTRICT) WITH CONDITIONS**

### VICINITY MAP





# LAWRENCEVILLE

## Planning & Development

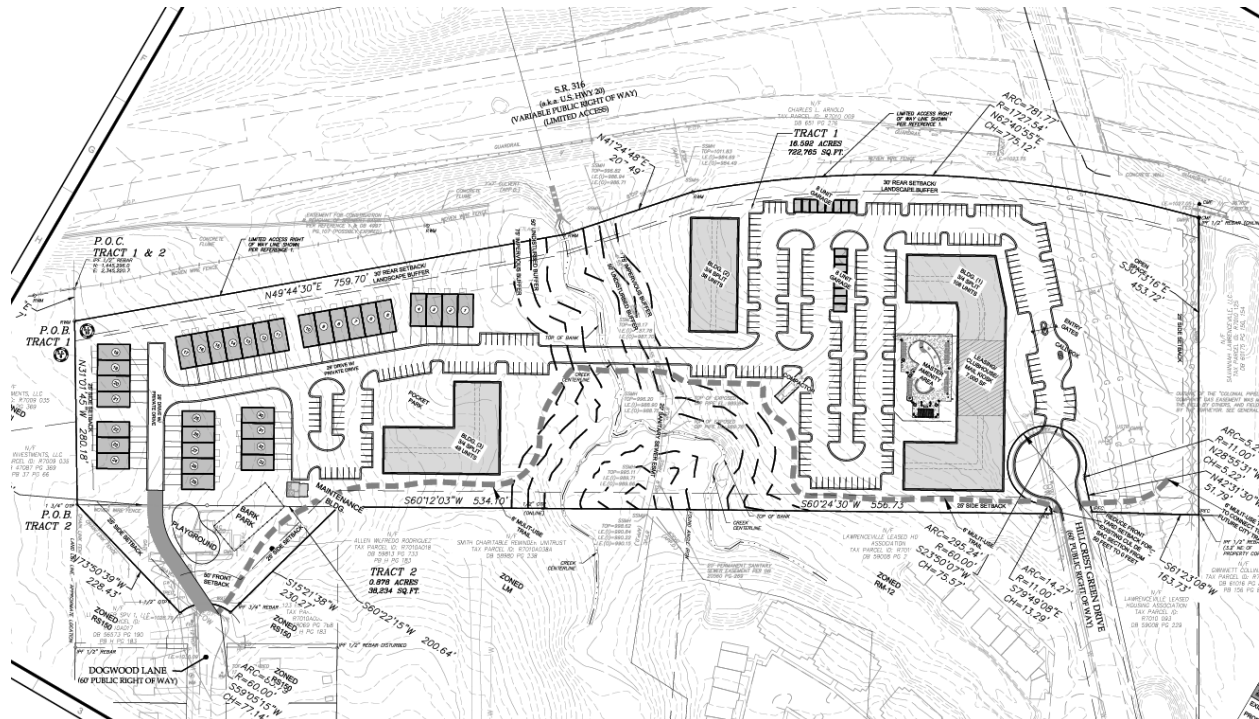
### ZONING HISTORY

The subject property has been zoned RS-120 / RS-150 (Single-Family Residential District) since 1986, which is the earliest zoning record on file for the parcel. There are no rezoning cases on record for the subject property.

### PROJECT SUMMARY

The applicant requests a rezoning for 0 Hillside Green Drive and 298 Dogwood Lane from RS-150 (Single-Family Residential District) to RM-24 (Multifamily Residential District) to allow for the development of 227 multifamily dwelling units consisting of 194 apartment units and 33 front-entry, for-rent townhouse units with a gross density of 13 units per acre (UPA). The subject property consists of two parcels with an area of approximately 17.47 acres located at the northernmost extent of Hillcrest Green Drive and Dogwood Lane, just southeast of GA 316. The majority of the subject property (16.43 acres) is currently vacant and undeveloped, though a single-family home stands on the 0.88-acre parcel at 298 Dogwood Lane (PIN: R7010A018), part of the Northern Heights subdivision.

### CONCEPT PLAN





# LAWRENCEVILLE

## Planning & Development

### ZONING AND DEVELOPMENT STANDARDS

The applicant requests to rezone the property to RM-24 (Multifamily Residential District) in order to develop a 227-unit, mixed housing-style community featuring 194 apartment units and 33 for-rent, front-entry townhomes at a gross density of 13 units per acre (UPA).

According to the letter of intent provided by the applicant, the development will be designed according to a new urbanist, walkable layout that employs modern farmhouse architecture, prioritizes luxury units intended for a professional market. The development will include modern amenities such as a clubhouse, resort-style pool, playground, multiuse trail (which will connect to the future city trail along the Colonial Pipeline easement), and a dog park.

If approved, the proposed development will require variances from the minimum Land Use Mix as follows:

### **Article 1 Districts, Section 102.9 CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1. and 2.**

1. The intent of allowing these nonresidential uses is to create a small node of retail and commercial services primarily for the convenience and amenity of residents of the CMU District. Nonresidential development must be compatible with the residential component of the development, and in general with the Architectural Design Standards specified in this section and [Article 6, Architectural Standards and Design Guidelines](#).

Land Use	Percentage of Gross Land Area	
	Minimum	Maximum
Residential Uses	30%	75%
Civic/Institutional Uses	15%	50%
Commercial/Retail, Light Industrial or Office Uses	15%	50%

2. This district provides for a diversity of housing types. Each CMU development shall include at least one housing option, including apartments, single-family residences, or townhomes.

a. Single-family detached dwellings on large lots (at least 9,500 sq. feet)
b. Single-family detached dwellings on mid-size lots (7500-9499 sq. feet)
c. Single-family detached dwellings on small lots (4500-7499 sq. feet)
d. Townhouses (see RM-8 standards above)
e. Multifamily (see RM-12 and RM-24 standards above)





# LAWRENCEVILLE

## Planning & Development

### C. Lot Development Standards

Project Area Standard			Off Internal Streets or Private Driveways		
Minimum	Road Frontage	Max. Height	Min. Front Setback	Min. Side Setback	Min. Rear Setback
5 acres	40 ft./lot	45 ft.	5-15 ft.	10-20 ft.	25-40 ft.

- This Minimum Lot Area shall not be reduced by a Variance. If property was zoned (RM-12) General Residence, 3,600 Sq. Ft. District at the time of adoption of the City of Lawrenceville Zoning Ordinance 2020 (ZON-ORD 2020-9), on May 20, 2020, and property does not meet the Minimum Lot Area then the property owner may apply for a Variance.
- Duplexes shall be prohibited.

The requested variances are as follows:

- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow an increase of the maximum percentage of Residential Uses from seventy-five percent (75 %) to one hundred percent (100 %).
- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Civic/Institutional Uses from fifteen percent (15 %) to zero.
- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.
- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of



# LAWRENCEVILLE

## *Planning & Development*

Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.

- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (at least 9,500 sq. feet).
- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on mid-size lots (7,500-9,499 sq. feet).
- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (4,500-7,499 sq. feet).
- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to Hillcrest Green Drive from five to fifteen feet (5-15 ft.) to zero.
- A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to S.R. 316, U.S. Hwy 20) from five to fifteen feet (5-15 ft.) to thirty feet (30 ft.).



# LAWRENCEVILLE

## Planning & Development

### Article 4 Buffers, 403 Buffers Table (CMU)

403 Buffers Table

New Development	MINIMUM BUFFER REQUIREMENTS																			
	Existing Adjacent Development																			
	AR	CMU	RS-180	RS-150	RS-60	RM-12	RM-8	RM-6	RM-4-C	M	MH	ON	OI	BN	BG	BGC	HSB	LM	HM	
AR																				
CMU	75		50	50	25				25	25	25									
RS-180																				
RS-150																				
RS-60																				
RM-24	50		50	50	25															
RM-12	50		50	50	25															
RM-8	50		50	50	25															
MH	75	75	75	75	75	75	75	75	75											
OI	50		50	50	25	25	25	25	25	25	25									
BN	50		50	50	50	35	35	35	35	35	35									
BG	75		75	75	50	50	50	50	50	50	50									
BGC	65		50	50	50	50	50	50	50	50	50									
HSB	85		85	85	85	70	70	70	70	70	70									
LM	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50		
HM	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100		

- A variance from the Zoning Ordinance, Article 4 – Buffers, Section 403 – Buffers Table – to allow a fifty percent (50%) reduction of minimum buffer requirements between dissimilar zoning classifications (CMU and RS-150) (adjacent to Dogwood Lane) from fifty feet (50 ft.) to twenty-five feet (25 ft.).

### Article 5 Parking, Table 5-3: Number of Off-Street Parking Spaces Required

Standard	Requirement	Proposal	Recommendation
Townhome	2 spaces per dwelling unit (66 spaces)	4 spaces per dwelling unit (132 spaces)	N/A
Multifamily	1.5 spaces per dwelling unit (291 spaces)	1.62 spaces per dwelling unit (317 spaces)	N/A

The proposal meets or exceeds the minimum standard.





# LAWRENCEVILLE

## *Planning & Development*

### **SURROUNDING ZONING AND USE**

The area around the subject property consists of a wide variety of use and zoning categories. Immediately to the east of the property exists the Lawrenceville Gateway mixed use development zoned CMU (Community Mixed Use District), which is currently under construction. To the southeast are the Greens at Hillcrest garden apartments, which are zoned RM-12 (Multifamily Residential District). The properties along Belmont Drive to the south are zoned LM (Light Manufacturing District), though they are mostly undeveloped. The Northern Heights residential subdivision is to the southwest of the subject property, containing single-family homes zoned RS-150 (Single-Family Residential District). Finally, to the west of the subject property is an office subdivision called Springfield Park zoned OI (Office Institutional District), though it too is currently undeveloped.

The proposed request to rezone the property to RM-24 is consistent with the existing zoning patterns and uses in the general area, including an established development in the Greens at Hillcrest garden apartments as well as under development Lawrenceville Gateway project. Furthermore, the conceptual plan invokes a transect model of development, in which the highest intensity elements (apartment buildings) are anchored to the east of the property – adjacent to existing high-density housing – whereas the lower intensity elements in townhomes are located on the western side of the property, where it borders a single-family neighborhood.

### **CITY OF LAWRENCEVILLE OFFICIAL ZONING MAP**



# LAWRENCEVILLE

## Planning & Development




**LAWRENCEVILLE**  
GEORGIA  
The City of Lawrenceville  
Planning & Development  
Location Map & Surrounding Areas

**File # RZM2024-00016**  
Applicant: Bill Diehl

-  Subject Property
-  Parcels
-  County Maintained Streets
-  City Maintained Streets

**Zoning Districts**

-  HSB Highway Service Business
-  LM Light Manufacturing
-  OI Office/Institutional
-  CMU Community Mixed Use
-  RM-12 Multifamily Residential
-  RS-150 Single-Family Residential







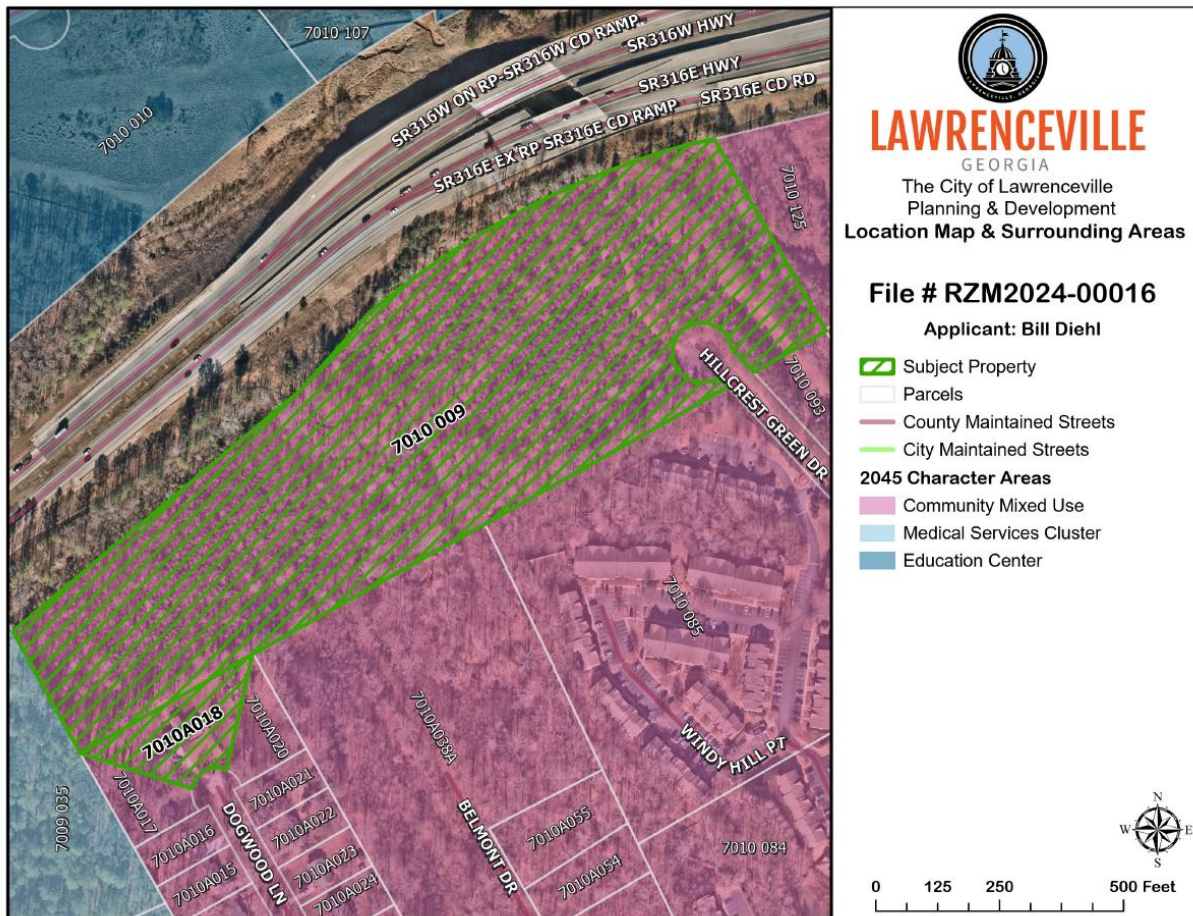

# LAWRENCEVILLE

## Planning & Development

### 2045 COMPREHENSIVE PLAN

The City of Lawrenceville 2045 Comprehensive Plan and Future Development Map indicate the subject property is located within the Community Mixed Use character area. The Community Mixed Use character area capitalizes on Lawrenceville’s economic strengths and diverse population by fostering vibrant and walkable neighborhoods. This integration of residential, commercial, and recreational spaces caters to the needs and preferences of a dynamic and growing community. Such a development meets the standards of development as established by the 2045 Comprehensive Plan.

### LAWRENCEVILLE 2045 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN MAP





# LAWRENCEVILLE

## *Planning & Development*

### **STAFF RECOMMENDATION**

In conclusion, the proposal is consistent with both the existing uses and zoning patterns of the area as well with the long-term vision for the city as established by the 2045 Comprehensive Plan; policies relating to long range planning suggest the city embrace the principles of new urbanism by creating a housing stock that is well maintained and includes homes with a variety of forms and price points. The intent of the Comprehensive Plan is to encourage positive redevelopment of benefiting from the “halo effect” of high-quality development already happening nearby.

This proposal would continue with the precedent set by RZM2021-00009, when City Council approved a request to rezone the properties to the east to CMU (Community Mixed Use District) to allow for the construction of a mixed-use development containing approximately 500 multifamily units at Lawrenceville Gateway.

Given the aforementioned factors, the Planning and Development Department recommends **APPROVAL AS CMU COMMUNITY MIXED-USE WITH CONDITIONS** for the proposed rezoning.



# LAWRENCEVILLE

## *Planning & Development*

### **CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:**

#### **ENGINEERING DEPARTMENT**

No comment

#### **PUBLIC WORKS**

No comment

#### **ELECTRIC DEPARTMENT**

No comment

#### **GAS DEPARTMENT**

No comment

#### **DAMAGE PREVENTION DEPARTMENT**

No comment

#### **CODE ENFORCEMENT**

No comment

#### **STREET AND SANITATION DEPARTMENT**

No comment



# LAWRENCEVILLE

## Planning & Development

### STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

- 1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

*Yes. The surrounding area contains a wide range of uses at various densities, including both single-family homes as well as apartment buildings.*

- 2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

*No. As discussed, the area is already predominantly mixed use in nature.*

- 3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned;**

*Yes; the property could be developed a single-family subdivision similar to the Northern Heights subdivision to the south / southwest.*

- 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

*The project will induce demand on public facilities in the form of traffic, utilities, stormwater runoff, and schools. However, the effects of this demand can be mitigated through zoning condition and active planning efforts moving forward.*

- 5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;**

*Policies of the City are intended to benefit or enhance the quality of life for existing and potential members of the public choosing to reside within the city limits. The Community Mixed Use character area is intended as a mixed-use district that includes both apartments as well as townhomes, so this rezoning conforms with the long-range plan.*



# LAWRENCEVILLE

## *Planning & Development*

- 6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;**

*The proposal would continue with the precedent set by the Lawrenceville Gateway rezoning to the east in March 2022 (RZM2021-00009).*

**PLANNING COMMISSION**

**RECOMMENDED CONDITIONS\_06202024**

**RZM2024-00016**

Approval of a CMU (Community Mixed-Use District), subject to the following enumerated conditions:

- 1. To restrict the use of the property as follows:
  - A. Multifamily and townhouse residential dwellings, dwelling units, and accessory structures. Multifamily dwelling units shall be limited to a maximum of one hundred ninety-four (194) dwelling units. Townhouse dwelling units shall be limited to a maximum of thirty-three (33) dwelling units.
  - B. The development shall be in general accordance with the submitted site plans and architectural renderings provided by the applicant, with changes necessary to meet zoning and development regulations. Any changes shall be subject to review and approval by the Director of Planning and Development.
  - C. Final site plans, landscape plans and building elevations shall be subject to review and approval of the Director of Planning and Development prior to the issuance of development or building permits.
  - D. The standard multifamily residential section of the development shall be a gated community, with automated card access gates at all entrances/exits. The access gate system is required to always be maintained and functional, with any required repairs to be made within one week.
  - E. Garages shall be provided for a minimum of 15% of the standard multifamily units (29 garage units). Garage units shall be limited to the interior of the development.
  - F. In the event of residential tenant eviction, any belongings of the tenant shall be placed on a portion of the subject property that is not visible from a public right-of-way unless otherwise required by Law.



2. To satisfy the following site development considerations:

- A. Provide a 30-foot-wide building setback adjacent to all right-of-way, including SR 316.
- B. Natural vegetation shall remain on the property until the issuance of a development permit.
- C. New billboards or oversized signs shall be prohibited.
- D. Outdoor storage shall be prohibited.
- E. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- F. Compactor/dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Compactor/dumpster enclosure shall be a minimum of 10 feet in width and 30 feet in length Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- G. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung or strung on the site. Yard signs or bandit signs, sign-walkers or sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The owner shall repaint or repair any graffiti or vandalism within 72 hours of notice from the City.
- J. Maximum multifamily building height shall be 70 feet.
- K. The required parking ratio for the multifamily section of development shall be 1.62 spaces per unit.
- L. The required parking ratio for the townhouse section of development shall be 4 spaces per unit.
- M. Building setbacks off internal streets or driveways shall be in general accordance with the submitted site plans and architectural renderings, and otherwise subject to review and approval of the Director of Planning and Development.

3. To abide by the following requirements, dedications and improvements:

- A. The developer shall dedicate at no cost to the City a twenty-foot (20 ft.) wide multiuse trail easement adjacent to the existing gas pipeline easement as shown on the submitted “Zoning Site Plan,” titled “Hurricane Shoals Rd @ Belmont Dr. A Master Planned Residential Development” prepared for “McKinely Homes,” prepared by “Planners & Engineers Collaborative + (PEC),” dated March 27, 2024. The dedicated 20-foot multiuse trail easement shall consist of a pedestrian path measuring a minimum ten-foot (10 ft.) to twelve-foot (12 ft.) in width.
  - B. The 20-foot easement and pedestrian path shall be permitted and constructed prior to the issuance of a Certificate of Occupancy related to the construction of any multifamily and townhouse-family dwellings or dwelling units, subject to the stipulation that the CO shall not be withheld based on the City’s inability to deliver necessary right-of-way or easements for trail construction or for delays in permitting from GDOT.
  - C. Developer shall be responsible for obtaining permission from the Gas provider for construction. All design and construction shall be approved by the City Engineer.
4. The following variances are requested:
- A. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow an increase of the maximum percentage of Residential Uses from seventy-five percent (75 %) to one hundred percent (100 %).
  - B. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Civic/Institutional Uses from fifteen percent (15 %) to zero.
  - C. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.

- D. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.
- E. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (at least 9,500 sq. feet).
- F. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on mid-size lots (7,500-9,499 sq. feet).
- G. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (4,500-7,499 sq. feet).
- H. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to Hillcrest Green Drive from five to fifteen feet (5-15 ft.) to zero.
- I. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to S.R. 316, U.S. Hwy 20) from five to fifteen feet (5-15 ft.) to thirty feet (30 ft.).
- J. A variance from the Zoning Ordinance, Article 4 – Buffers, Section 403 – Buffers Table – to allow a fifty percent (50%) reduction of minimum buffer requirements between dissimilar zoning classifications (CMU and RS-150) (adjacent to Dogwood Lane) from fifty feet (50 ft.) to twenty-five feet (25 ft.).

**CITY COUNCIL**

**RECOMMENDED CONDITIONS\_07092024**

**RZM2024-00016**

Approval of a CMU (Community Mixed-Use District), subject to the following enumerated conditions:

- 1. To restrict the use of the property as follows:
  - A. Multifamily and townhouse rental residential dwellings, dwelling units, and accessory structures not to exceed thirteen units per acre (13 UPA). Multifamily dwelling units shall be located east of the existing stream and townhouse dwelling units shall be located west of the existing stream.
  - B. The development shall be in general accordance with the submitted site plan, with changes necessary to meet zoning conditions and development regulations. Any changes shall be subject to review and approval by the Director of Planning and Development. Architectural renderings shall maintain seventy-five percent (75%) masonry for all sides of all structures.
  - C. Final site plans, landscape plans and building elevations shall be subject to review and approval of the Director of Planning and Development prior to the issuance of development or building permits.
  - D. The development shall be a gated community, with automated card access gates at all entrances/exits. The access gate system is required to always be maintained and functional, with any required repairs to be made within one week.
  - E. The development shall include the following amenities:
    - i. Dog park
    - ii. Pool
    - iii. Fitness area
    - iv. Club/Community Room
    - v. Co-working spaces
    - vi. The trail area and creek area to be landscaped and picnic tables and tables provided. Outdoor ping pong and corn hole, etc. provided.

- vii. Playground
  - viii. EV charging stations
  - ix. Bike racks
- F. Garages shall be provided for a minimum of fifteen percent (15%) of the standard multifamily units. Garage units shall be limited to the interior of the development and the architectural renderings shall match the multifamily facility.
- G. In the event of residential tenant eviction, any belongings of the tenant shall be placed on a portion of the subject property that is not visible from a public right-of-way unless otherwise required by Law.
- G. Multifamily and Townhome Units shall meet the following standards:
1. Multifamily and townhouse-family four (4) bedroom dwelling units shall be prohibited.
  2. Townhouse dwellings and dwelling units shall consist of rear-entry two-car garages.
  3. Townhouse rear-entry garages (rear elevation) shall be adjacent to a forty foot (40 ft.) Private Access Drive. A private access drive shall consist of a minimum pavement width of twenty feet (20 ft.). Two-foot (2 ft.) Curb and gutter shall be required (dimensions are measured back of curb-to-back of curb). Turning radius shall be subject to the review and approval of the Gwinnett County Department of Planning and Development Fire Plan Review Section.
  4. Townhouse rear-entry garages shall be adjacent to or across the street from an external property line only. The façade (front elevation) of each townhouse dwelling unit shall be adjacent to a common area such as a public green, park, or square. The minimum size of the common area shall be three thousand square feet (3,000 sq. ft.).
  5. Multifamily and townhouse-family dwelling unit shall include granite counter tops and stainless-steel appliances.

M2024-00016\_CM RECO COND (CLN)\_07032024

6. Multifamily and townhouse-family dwelling unit rates shall be market rent except that ten percent (10%) of the overall units shall meet eighty percent (80%) of the current Atlanta Region AMI and the development shall provide an annual certification to the Planning and Development Department indicating that this standard is being met.

2. To satisfy the following site development considerations:

- A. Provide a thirty-foot-wide (30 ft.) building setback adjacent to all right-of-way, including SR 316.
- B. Natural vegetation shall remain on the property until the issuance of a development permit.
- C. New billboards or oversized signs shall be prohibited.
- D. Outdoor storage shall be prohibited.
- E. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- F. Compactor/dumpsters shall be screened by a one hundred percent (100%) opaque brick or stacked stone wall with an opaque metal gate enclosure. Compactor/dumpster enclosure shall be a minimum of ten feet (10 ft.) in width and thirty feet (30 ft.) in length. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- G. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung or strung on the site. Yard signs or bandit signs, sign-walkers or sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The owner shall repaint or repair any graffiti or vandalism within seventy-two hours (72 hrs.) of notice from the City.
- J. The maximum multifamily building height shall be seventy feet (70 ft.).
- K. The required parking ratio for the multifamily section of development shall be 1.62 spaces per unit.

- L. The required parking ratio for the townhouse section of development shall be four (4) spaces per unit.
- M. Building setbacks off internal streets or driveways shall be in general accordance with the submitted site plans and architectural renderings, and otherwise subject to review and approval of the Director of Planning and Development.
- N. Provide a minimum ten foot (10 ft.) wide multiuse trail through the development connecting Dogwood Lane to the “future” city multiuse trail at the eastern part of the site.
- O. Vehicular access to Dogwood Lane is prohibited except for emergency access only. Construction access to Dogwood Lane is also prohibited.

3. The following variances are requested:

- A. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow an increase of the maximum percentage of Residential Uses from seventy-five percent (75 %) to one hundred percent (100 %).
- B. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Civic/Institutional Uses from fifteen percent (15 %) to zero.
- C. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.

- D. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.
- E. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (at least 9,500 sq. feet).
- F. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on mid-size lots (7,500-9,499 sq. feet).
- G. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (4,500-7,499 sq. feet).
- H. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to Hillcrest Green Drive from five to fifteen feet (5-15 ft.) to zero.
- I. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to S.R. 316, U.S. Hwy 20) from five to fifteen feet (5-15 ft.) to thirty feet (30 ft.).
- J. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.14 Street Design Standards, Table C. Minimum Pavement Width (Ft.), Local Street \*\*\* to allow a reduction in the minimum pavement width from twenty-four feet (24 ft.) to twenty feet (20 ft.). A two-foot (2 ft.) curb and gutter shall be required (dimensions are measured back of curb-to-back of curb).



K. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.20 Private Access Drives to allow a reduction in the minimum width of a right-of-way (Private Access Drive) from fifty feet (50 ft.) to forty feet (40 ft.).

**CITY COUNCIL**

**RECOMMENDED CONDITIONS\_08132024**

**RZM2024-00016**

Approval of a CMU (Community Mixed-Use District), subject to the following enumerated conditions:

- 1. To restrict the use of the property as follows:
  - A. Multifamily and townhouse rental residential dwellings, dwelling units, and accessory structures not to exceed thirteen units per acre (13 UPA). Townhouse units shall abut Tax Parcel 7010A038A (Smith Charitable UniTrust) to ensure transition from high density residential to medium density use as indicated on the site plan presented at the August 19, 2024, Council Meeting.
  - B. The development shall be in general accordance with the site plan presented at the August 19, 2024 Council meeting, with changes necessary to meet zoning and development regulations. Any changes shall be subject to review and approval by the Director of Planning and Development. Architectural renderings shall maintain a minimum of fifty percent (50%) masonry for all sides of all structures.
  - C. Final site plans, landscape plans and building elevations shall be subject to review and approval of the Director of Planning and Development prior to the issuance of development or building permits.
  - D. The development shall be a gated community, with automated card access gates at all entrances/exits. The access gate system is required to always be maintained and functional, with any required repairs to be made within one week.
  - E. The development shall include the following amenities:
    - i. Dog park
    - ii. Pool
    - iii. Fitness area
    - iv. Club/Community Room
    - v. Co-working spaces
    - vi. The trail area and creek area to be landscaped and picnic tables

and tables provided. Outdoor ping pong and corn hole, etc. provided.

- vii. Playground
- viii. EV charging stations
- ix. Bike racks

F. Garages shall be provided for a minimum of fifteen percent (15%) of the multifamily units. Garage units shall be limited to the interior of the development and the architectural renderings shall match the multifamily buildings.

G. In the event of residential tenant eviction, any belongings of the tenant shall be placed on a portion of the subject property that is not visible from a public right-of-way unless otherwise required by Law.

H. Multifamily and Townhome Units shall meet the following standards:

- a. Four (4) bedroom dwelling units shall be prohibited
- b. All units shall include granite counter tops and stainless-steel appliances.
- c. Dwelling unit rates shall be market rent except that five percent (5%) of the overall units shall meet eighty to one hundred percent (80%-100%) of the current Atlanta Region AMI and the development shall provide an annual certification to the Planning and Development Department indicating that this standard is being met.

2. To satisfy the following site development considerations:

- A. Provide a thirty-foot-wide (30 ft.) building setback adjacent to all right-of-way, including SR 316.
- B. Natural vegetation shall remain on the property until the issuance of a development permit.
- C. New billboards or oversized signs shall be prohibited.
- D. Outdoor storage shall be prohibited.
- E. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

- F. Compactor/dumpsters shall be screened by a one hundred percent (100%) opaque brick or stacked stone wall with an opaque metal gate enclosure. Compactor/dumpster enclosure shall be a minimum of ten feet (10 ft) in width and thirty feet (30 ft) in length. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- G. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung or strung on the site. Yard signs or bandit signs, sign-walkers or sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The owner shall repaint or repair any graffiti or vandalism within seventy-two (72) hours of notice from the City.
- J. Maximum multifamily building height shall be seventy feet (70 ft).
- K. The required parking ratio for the multifamily section of development shall be 1.55 spaces per unit.
- L. The required parking ratio for the townhouse section of development shall be 4 spaces per unit.
- M. Building setbacks off internal streets or driveways shall be in general accordance with the submitted site plans and architectural renderings, and otherwise subject to review and approval of the Director of Planning and Development
- N. Provide a minimum the foot (10 ft) wide multiuse trail through the development connecting Dogwood Lane to the “future” city multiuse trail at the eastern part of the site. Pedestrian access across the stream on the property may be provided by utilizing the same stream crossing developed in association with the internal road.
- O. Vehicular access to Dogwood Lane is prohibited except for emergency vehicle access only. Construction access to Dogwood Lane is also prohibited. The Emergency Lane Access shall be a “non-paved” surface based on approval from Gwinnett County Fire Department.

3. The following variances are requested:

- A. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow an increase of the maximum percentage of Residential Uses from seventy-five percent (75 %) to one hundred percent (100 %).
- B. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Civic/Institutional Uses from fifteen percent (15 %) to zero.
- C. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.
- D. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.
- E. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (at least 9,500 sq. feet).
- F. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on mid-size lots (7,500-9,499 sq. feet).

- G. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (4,500-7,499 sq. feet).
- H. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to Hillcrest Green Drive from five to fifteen feet (5-15 ft.) to zero.
- I. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to S.R. 316, U.S. Hwy 20) from five to fifteen feet (5-15 ft.) to thirty feet (30 ft.).
- J. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.14 Street Design Standards, Table C. Minimum Pavement Width (Ft.), Local Street \*\*\* to allow a reduction in the minimum pavement width from twenty-four feet (24 ft.) to twenty feet (20 ft.). A two-foot (2 ft.) curb and gutter shall be required (dimensions are measured back of curb-to-back of curb).
- K. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.20 Private Access Drives to allow a reduction in the minimum width of a right-of-way (Private Access Drive) from fifty feet (50 ft.) to forty feet (40 ft.).
- L. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsections D&E. Mandatory Homeowners Association, Protective Covenants – Neither a homeowner’s association nor protective covenants shall be required. However, the entire property (multi-family and townhouse areas) shall be managed and maintained by a professional property management company.

**CITY COUNCIL PLANNING COMMISSION**

**RECOMMENDED CONDITIONS\_081320246202024**

**RZM2024-00016**

Approval of a CMU (Community Mixed-Use District), subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Multifamily and townhouse rental residential dwellings, dwelling units, and accessory structures not to exceed thirteen units per acre (13 UPA). ~~Multifamily dwelling units shall be limited to a maximum of one hundred ninety four (194) dwelling units. Townhouse dwelling units shall be limited to a maximum of thirty three (33) dwelling units.~~ Townhouse units shall abut Tax Parcel 7010A038A (Smith Charitable UniTrust) to ensure transition from high density residential to medium density use as indicated on the site plan presented at the August 19, 20242024, Council Meeting.
  - B. The development shall be in general accordance with the ~~submitted~~ site plan presented at the August 19, 2024 Council meetings, ~~and architectural renderings provided by the applicant,~~ with changes necessary to meet zoning and development regulations. Any changes shall be subject to review and approval by the Director of Planning and Development. Architectural renderings shall maintain a minimum of fifty percent (50%) masonry for all sides of all structures.
  - C. Final site plans, landscape plans and building elevations shall be subject to review and approval of the Director of Planning and Development prior to the issuance of development or building permits.
  - D. The ~~standard multifamily residential section of the~~ development shall be a gated community, with automated card access gates at all entrances/exits. The access gate system is required to always be maintained and functional, with any required repairs to be made within one week.
  - E. The development shall include the following amenities:
    - i. Dog park
    - ii. Pool

M2024-00016•\_CityCouncilRecCOND\_08132024 (RDLNS)

- iii. Fitness area
- iv. Club/Community Room
- v. Co-working spaces
- vi. The trail area and creek area to be landscaped and picnic tables and tables provided. Outdoor ping pong and corn hole, etc. provided.
- vii. Playground
- viii. EV charging stations
- ~~D~~.ix. Bike racks

~~E~~.F. Garages shall be provided for a minimum of fifteen percent (15%) of the standard multifamily units (29 garage units). Garage units shall be limited to the interior of the development and the architectural renderings shall match the multifamily buildings.

G. In the event of residential tenant eviction, any belongings of the tenant shall be placed on a portion of the subject property that is not visible from a public right-of-way unless otherwise required by Law.

H. ~~Mutifamily~~ Multifamily and Townhome Units shall meet the following standards:

- a. Four (4) bedroom dwelling units shall be prohibited
- b. All units shall include granite counter tops and stainless-steel appliances.
- ~~F.~~ Dwelling unit rates shall be market rent except that five percent (5%) of the overall units shall meet eighty to one hundred percent (80%-100%) of the current Atlanta Region AMI and the development shall provide an annual certification to the Planning and Development Department indicating that this standard is being met.



2. To satisfy the following site development considerations:

- A. Provide a thirty-foot-wide (30 ft.) ~~foot-wide~~ building setback adjacent to all right-of-way, including SR 316.
- B. Natural vegetation shall remain on the property until the issuance of a development permit.
- C. New billboards or oversized signs shall be prohibited.
- D. Outdoor storage shall be prohibited.
- E. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- F. Compactor/dumpsters shall be screened by a one hundred percent (100%) opaque brick or stacked stone wall with an opaque metal gate enclosure. Compactor/dumpster enclosure shall be a minimum of ten feet (10 feet) in width and thirty feet (30 feet) in length. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- G. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung or strung on the site. Yard signs or bandit signs, sign-walkers or sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The owner shall repaint or repair any graffiti or vandalism within seventy ~~two~~seventy-two (72) hours of notice from the City.
- J. Maximum multifamily building height shall be seventy feet (70 feet).
- K. The required parking ratio for the multifamily section of development shall be 1.55~~62~~ spaces per unit.
- L. The required parking ratio for the townhouse section of development shall be 4 spaces per unit.
- M. Building setbacks off internal streets or driveways shall be in general accordance with the submitted site plans and architectural renderings, and otherwise subject to review and approval of the Director of Planning and Development
- N. Provide a minimum the foot (10 ft) wide multiuse trail through the

M2024-00016•\_CityCouncilRecCOND\_08132024 (RDLNS)

development connecting Dogwood Lane to the “future” city multiuse trail at the eastern part of the site. Pedestrian access across the stream on the property may be provided by utilizing the same stream crossing developed in association with the internal road.

O. Vehicular access to Dogwood Lane is prohibited except for emergency vehicle access only. Construction access to Dogwood Lane is also prohibited. The Emergency Lane Access shall be a “non-paved” surface based on approval from Gwinnett County Fire Department.

M. :

~~3. To abide by the following requirements, dedications and improvements:~~

- ~~A. The developer shall dedicate at no cost to the City a twenty-foot (20 ft.) wide multiuse trail easement adjacent to the existing gas pipeline easement as shown on the submitted "Zoning Site Plan," titled "Hurricane Shoals Rd @ Belmont Dr. A Master Planned Residential Development" prepared for "McKinely Homes," prepared by "Planners & Engineers Collaborative + (PEC)," dated March 27, 2024. The dedicated 20-foot multiuse trail easement shall consist of a pedestrian path measuring a minimum ten-foot (10 ft.) to twelve-foot (12 ft.) in width.~~
- ~~B. The 20-foot easement and pedestrian path shall be permitted and constructed prior to the issuance of a Certificate of Occupancy related to the construction of any multifamily and townhouse family dwellings or dwelling units, subject to the stipulation that the CO shall not be withheld based on the City's inability to deliver necessary right-of-way or easements for trail construction or for delays in permitting from GDOT.~~
- ~~C. Developer shall be responsible for obtaining permission from the Gas provider for construction. All design and construction shall be approved by the City Engineer.~~

4.3. The following variances are requested:

- A. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow an increase of the maximum percentage of Residential Uses from seventy-five percent (75 %) to one hundred percent (100 %).
- B. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Civic/Institutional Uses from fifteen percent (15 %) to zero.
- C. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area –

M2024-00016•\_CityCouncilRecCOND\_08132024 (RDLNS)

Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.

D. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.

E. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (at least 9,500 sq. feet).

F. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on mid-size lots (7,500-9,499 sq. feet).

G. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (4,500-7,499 sq. feet).

H. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to Hillcrest Green Drive from five to fifteen feet (5-15 ft.) to zero.

~~I. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to S.R. 316, U.S. Hwy 20) from five to fifteen feet (5-15 ft.) to thirty feet (30 ft.).~~

~~I. A variance from the Zoning Ordinance, Article 4 – Buffers, Section 403 – Buffers Table to allow a fifty percent (50%) reduction of minimum buffer requirements between dissimilar zoning classifications (CMU and RS-150) (adjacent to Dogwood Lane) from fifty feet (50 ft.) to twenty five feet (25 ft.).~~

J. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.14 Street Design Standards, Table C. Minimum Pavement Width (Ft.), Local Street \*\*\* to allow a reduction in the minimum pavement width from twenty-four feet (24 ft.) to twenty feet (20 ft.). A two-foot (2 ft.) curb and gutter shall be required (dimensions are measured back of curb-to-back of curb).

K. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.20 Private Access Drives to allow a reduction in the minimum width of a right-of-way (Private Access Drive) from fifty feet (50 ft.) to forty feet (40 ft.).

L. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsections D&E. ~~Man~~andatory Homeowners Association, Protective Covenants – Neither a ~~homeowners~~homeowner’s association not protective covenants shall be required. However, the entire property (multi-family and townhouse areas) shall be managed and maintained by a professional property

management company.

J. —



# LAWRENCEVILLE

GEORGIA

## REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>McKinley Homes, LLC</u> c/o Smith, Gambrell & Russell, LLP	NAME: <u>(See Attached Pages)</u>
ADDRESS: <u>1105 West Peachtree Street, Suite 1000</u>	ADDRESS: _____
CITY: <u>Atlanta</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30309</u>	STATE: _____ ZIP: _____
CONTACT PERSON: <u>Dennis Webb</u> PHONE: <u>404-815-3620</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
PRESENT ZONING DISTRICT(S): <u>RS-150</u> REQUESTED ZONING DISTRICT: <u>RM-24</u>	
PARCEL NUMBER(S): <u>R7010-009</u> ACREAGE: <u>16.43</u>	
ADDRESS OF PROPERTY: <u>0 Hillcrest Green Drive, Lawrenceville, Georgia 30046</u>	

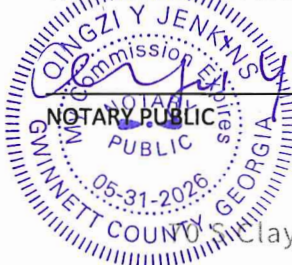
RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

AW. Webb 5-2-2024  
SIGNATURE OF APPLICANT DATE

\_\_\_\_\_  
SIGNATURE OF OWNER DATE

Henry W. Massie  
TYPED OR PRINTED NAME

\_\_\_\_\_  
TYPED OR PRINTED NAME



[Signature]  
DATE 05-02-2024

\_\_\_\_\_  
NOTARY PUBLIC DATE

Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200  
770.963.2414 • www.lawrencevillega.org





# LAWRENCEVILLE GEORGIA

## REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
<b>NAME:</b> <u>McKinley Homes, LLC</u> <u>c/o Smith, Gambrell &amp; Russell, LLP</u>	<b>NAME:</b> <u>Donald G. Loggins</u>
<b>ADDRESS:</b> <u>1105 West Peachtree Street, Suite 1000</u>	<b>ADDRESS:</b> <u>3770 Bold Springs Road</u>
<b>CITY:</b> <u>Atlanta</u>	<b>CITY:</b> <u>Monroe</u>
<b>STATE:</b> <u>GA</u> <b>ZIP:</b> <u>30309</u>	<b>STATE:</b> <u>GA</u> <b>ZIP:</b> <u>30656</u>
<b>CONTACT PERSON:</b> <u>Dennis Webb</u> <b>PHONE:</b> <u>404-815-3620</u>	
<p>* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.</p>	
<b>PRESENT ZONING DISTRICT(S):</b> <u>RS-150</u> <b>REQUESTED ZONING DISTRICT:</b> <u>RM-24</u>	
<b>PARCEL NUMBER(S):</b> <u>R7010-009</u> <b>ACREAGE:</b> <u>16.43</u>	
<b>ADDRESS OF PROPERTY:</b> <u>0 Hillcrest Green Drive, Lawrenceville, Georgia 30046</u>	

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

\_\_\_\_\_  
SIGNATURE OF APPLICANT      DATE

Donald G. Loggins 4/19/2024  
SIGNATURE OF OWNER      DATE

\_\_\_\_\_  
TYPED OR PRINTED NAME

Donald G. Loggins  
TYPED OR PRINTED NAME

\_\_\_\_\_  
NOTARY PUBLIC      DATE

Judith S. Hallum 4/19/2024  
NOTARY PUBLIC      DATE



70 S Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200  
770.963.2414 • www.lawrencevillega.org





# LAWRENCEVILLE

## GEORGIA

### REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>McKinley Homes, LLC</u> c/o Smith, Gambrell & Russell, LLP	NAME: <u>Estate of Charles L. Arnold</u>
ADDRESS: <u>1105 West Peachtree Street, Suite 1000</u>	ADDRESS: <u>1645 Ivy Lea Court</u>
CITY: <u>Atlanta</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30309</u>	STATE: <u>GA</u> ZIP: <u>30045</u>
CONTACT PERSON: <u>Dennis Webb</u> PHONE: <u>404-815-3620</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
PRESENT ZONING DISTRICT(S): <u>RS-150</u> REQUESTED ZONING DISTRICT: <u>RM-24</u>	
PARCEL NUMBER(S): <u>R7010-009</u> ACREAGE: <u>16.43</u>	
ADDRESS OF PROPERTY: <u>0 Hillcrest Green Drive, Lawrenceville, Georgia 30046</u>	

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE

\_\_\_\_\_  
TYPED OR PRINTED NAME

\_\_\_\_\_  
NOTARY PUBLIC                                      DATE

Trina A. Hurt 04/26/2024

SIGNATURE OF OWNER                      DATE

Trina A. Hurt as Administrator of the

Estate of Charles L. Arnold, Sr.

TYPED OR PRINTED NAME

Williams 04/26/2024

NOTARY PUBLIC                                      DATE





# LAWRENCEVILLE

## GEORGIA

### REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>McKinley Homes, LLC</u> c/o Smith, Gambrell & Russell, LLP	NAME: <u>Estate of Salena O. Arnold</u>
ADDRESS: <u>1105 West Peachtree Street, Suite 1000</u>	ADDRESS: <u>1376 Joe Cooper Road</u>
CITY: <u>Atlanta</u>	CITY: <u>Danielsville</u>
STATE: <u>GA</u> ZIP: <u>30309</u>	STATE: <u>GA</u> ZIP: <u>30633</u>
CONTACT PERSON: <u>Dennis Webb</u> PHONE: <u>404-815-3620</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
PRESENT ZONING DISTRICT(S): <u>RS-150</u> REQUESTED ZONING DISTRICT: _____	
PARCEL NUMBER(S): <u>R7010-009</u> ACREAGE: <u>16.43</u>	
ADDRESS OF PROPERTY: <u>0 Hillcrest Green Drive, Lawrenceville, Georgia 30046</u>	

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

\_\_\_\_\_  
SIGNATURE OF APPLICANT      DATE

\_\_\_\_\_  
TYPED OR PRINTED NAME

\_\_\_\_\_  
NOTARY PUBLIC      DATE

*[Signature]* 4-23-24  
\_\_\_\_\_  
SIGNATURE OF OWNER      DATE

John N. Taylor, executor  
\_\_\_\_\_  
TYPED OR PRINTED NAME

*[Signature]* 4-23-24

TYLER HALL	DATE
NOTARY PUBLIC	NOTARY PUBLIC
Madison County	State of Georgia
My Comm. Expires January 10, 2028	



# LAWRENCEVILLE

GEORGIA

## REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>McKinley Homes, LLC</u> c/o Smith, Gambrell & Russell, LLP	NAME: <u>Allen Wilfredo &amp; Juana Ardon Rodriguez</u>
ADDRESS: <u>1105 West Peachtree Street, Suite 1000</u>	ADDRESS: <u>298 Dogwood Lane</u>
CITY: <u>Atlanta</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30309</u>	STATE: <u>GA</u> ZIP: <u>30046</u>
CONTACT PERSON: <u>Dennis J. Webb Jr.</u> PHONE: <u>404-815-3620</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
PRESENT ZONING DISTRICT(S): <u>RS-150</u> REQUESTED ZONING DISTRICT: <u>RM-24</u>	
PARCEL NUMBER(S): <u>R7010-A018</u> ACREAGE: <u>1.170</u>	
ADDRESS OF PROPERTY: <u>298 Dogwood Lane, Lawrenceville GA (made in connection with 0 Hillcrest Drive)</u>	

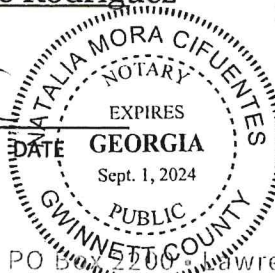
Juana Ardon Chavez De Rodriguez 05/20/2024  
SIGNATURE OF APPLICANT DATE

Allen Wilfredo Rodriguez 05/20/2024  
SIGNATURE OF OWNER DATE

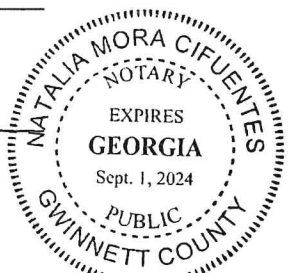
Juana Ardon Chavez De Rodriguez  
TYPED OR PRINTED NAME

Allen Wilfredo Rodriguez  
TYPED OR PRINTED NAME

Natalia Mora Cifuentes  
NOTARY PUBLIC 5/20/24 DATE



Natalia Mora Cifuentes  
NOTARY PUBLIC 5/20/24 DATE



70 S Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200  
770.963.2414 • www.lawrencevillega.org

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT



# LAWRENCEVILLE

## GEORGIA

### DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? N Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? N Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

Attach additional sheets if necessary to disclose or describe all contributions/gifts.







**Diehl, William**

**From:** Tax <Tax@gwinnettcounty.com>  
**Sent:** Wednesday, May 15, 2024 5:17 PM  
**To:** Diehl, William  
**Subject:** R7010A018 R7010 009 RE: Property Tax Verification  
**Attachments:** Verification R7010 009 SIGNED.pdf; Verification R7010 A018 SIGNED.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Thank you for emailing the Tax Commissioner’s office.

Please see attached signed tax form for R7010A018, R7010 009, 2023 and prior years are paid in full.

The 2024 taxes will be mailed out in the month of August. They have yet to be determined at this time.

Thanks,



**Jacquleen Garcia**

Tax Associate II | Call Center |Gwinnett County Tax Commissioner’s Office  
Denise R. Mitchell, MPA, Tax Commissioner  
770-822-8800 | [www.GwinnettTaxCommissioner.com](http://www.GwinnettTaxCommissioner.com)

**‘Distinction in government and exemplary service.’**

*NOTE: Email is provided to employees for the administrative needs of the county. Email correspondence to/from a county email account is considered public information and subject to release under Georgia laws or pursuant to subpoena.*



RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

**From:** Diehl, William <wdiehl@sgrlaw.com>  
**Sent:** Tuesday, May 14, 2024 9:32 AM  
**To:** Tax <Tax@gwinnettcounty.com>  
**Subject:** Property Tax Verification

**CAUTION:** This email originated from outside of Gwinnett County Government. Maintain caution when opening links, attachments, or responding. When in doubt, contact [phishing@gwinnettcounty.com](mailto:phishing@gwinnettcounty.com).

Good Morning,

The City of Lawrenceville requires tax verifications for rezoning applications. Could your office verify property taxes are paid on the two parcels referenced in the attached verifications?

Thank you for your help and please let me know if any further information is needed.

Thanks,

**William (Bill) Diehl**  
*Associate*

---

**p** | 404-815-3627  
**f** | 404-685-6927  
**e** | [wdiehl@sgrlaw.com](mailto:wdiehl@sgrlaw.com)  
1105 W. Peachtree St. NE | Suite 1000 | Atlanta, GA 30309  
[www.sgrlaw.com](http://www.sgrlaw.com) | [My Bio](#)



RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT



**FIRST AMENDED**  
**LETTER OF INTENT**  
**and**  
**IMPACT ANALYSIS**

and

Other Material Required by  
City of Lawrenceville Zoning Ordinance  
for the  
Rezoning and Concurrent Variance Application

of

**MCKINLEY HOMES, LLC**

for

± 17.47 Acres of Land  
located at 0 Hillcrest Green Drive  
PIN: R7010 009 & R7010 A018 Gwinnett County, Georgia

**From RS-150 to RM-24 and  
Associated Concurrent Variances**

Submitted for Applicant by:

Dennis J. Webb, Jr.  
William J. Diehl  
Smith, Gambrell & Russell, LLP  
1105 W. Peachtree Street, NE  
Suite 1000  
Atlanta, Georgia 30309  
404-815-3500

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

**I. INTRODUCTION**

This project proposes the development of Class A luxury rental units with mixed densities and housing-products on an undeveloped lot currently zoned RS-150. The property is a 17.47 acre assemblage (Property Identification Numbers: R7010 009 & R7010 A018) adjoining Highway 316 to the north and the Groves of Lawrenceville apartment community and Dogwood Lane neighborhood to the south (the “Subject Property”). This proposal seeks rezoning to the RM-24 zoning district and concurrent variances to the setbacks from Highway 316 and from the right of way from the cul-de-sac at the termination of Hillcrest Green Drive, as required by the City of Lawrenceville Zoning Ordinance (the “Zoning Ordinance”). The development envisions the construction of a 227-unit, mixed housing-style community featuring 194 apartment units and 33 townhomes developed in a new urbanist, walkable layout and employing modern farmhouse architecture. The Development results in a density of 12.99 units per acre and will prioritize luxury units intended for a professional market. In keeping with this upscale concept, the Development will include modern amenities such as a clubhouse, resort style-pool, playground, multiuse trail and dog park, among other amenities.

The site is in close proximity to expanding employment centers in the City, such as Northside Hospital Gwinnett and Georgia Gwinnett College (“GGC”), positioning the development to support anticipated (and significant) increases in employment opportunities and population growth within the City. The development expands Lawrenceville’s limited Class A rental inventory, while embracing the high standard for development set by the Lawrenceville Lawn and other similar developments. The resulting product is a community that is connected, vibrant, and intentionally developed to highlight Lawrenceville’s amenities and to provide an attractive and modern gateway into the City from Highway 316.

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

Access to Lawrenceville’s trail system is particularly important to this Development and its goals for providing walkability, active amenities and convenience. A portion of land in the northeast corner of the Property will be dedicated to the City, providing the City’s trail system with critical connectivity under Highway 316 and dedicated pedestrian access between GGC and downtown Lawrenceville. This civic space amenity is intentionally highlighted by the development plans, with buildings and landscaping oriented to address and facilitate connectivity with the Development. Further, the primary multi-family building is oriented to face the multi-use trail, providing an inviting and attractive architectural façade from the path. An internal multi-use trail will connect all the units in the community and the Dogwood Lane community to the Lawrenceville trail system via a dedicated pedestrian path. The improvements will help foster a walkable and new-urbanist feel to the development, as opposed to the vehicle-centric, garden style multifamily development of decades past.

Residents entering and exiting the development by vehicle will utilize Hillcrest Green Drive which has direct connectivity to Hurricane Shoals Road at a signalized intersection with designated lefthand turning lanes. The site also benefits from easy connectivity to major transportation thoroughfares, such as Highway 316, Duluth Highway and Collins Hill Road. Residents utilizing the adjoining trail system to access retail facilities (many of which are slated for considerable improvements in connection with an adjoining development) or GGC have less than a half mile walk to GGC or to the retail/grocery amenities on Collins Hill Road. The development will be parked above standards, with parking spaces dispersed throughout the community to ensure accessible parking facilities and reduce concentrations of impervious surfaces. Some of the parking facilities will be improved with unit garages available for residents. The garages will be constructed with masonry materials and will be fully enclosed. An additional

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

emergency access point will be developed from Dogwood Lane. To preserve the established residential neighborhood on this street, this access point will be gated with a knox-box and will be used as an emergency-only entrance. Additionally, recreational amenities will be developed on portions to enhance the amenity offerings for residents. The property will preserve tree cover and landscaping will be supplemented where necessary to enhance screening.

The rezoning is supported by the Comprehensive Plan, which places the Property in the Community Mixed Use area. The Character Area envisions higher-density residential communities that “promot[e] walkability and enhance[e] the overall accessibility and convenience of the neighborhood.” (Comp. Plan, pg. 53). As discussed in greater detail below, the development provides additional and newer multifamily inventory, a priority identified in the Comprehensive Plan and the City’s recently adopted Housing Study. That study specifically identified the need for diversifying and re-energizing the City’s aging multifamily housing inventory (See Housing Strategy, p. 8). Expanding rental inventories and products for younger or recently relocated professionals is central to the City’s goals of fostering and retaining an engaged population with the means and desire to make long-term investments within the City.

Lawrenceville’s need for multifamily housing may be more acute than those of other communities within Gwinnett County, particularly given the expansion of Northside Hospital and growth of GGC. Lawrenceville’s projected demographics when compared to other communities, lean more heavily toward younger professionals (employed at Northside Hospital, Gwinnett County or the City of Lawrenceville) and students attending GGC and nearby Philadelphia College of Osteopathic Medicine (“PCOM”) (See Comp. Plan pp. 33 & 40 (recognizing changing demographics and shifts those changes may have on housing preferences)). These individuals often have the incomes to support higher-quality housing but are not interested in longer-term housing

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

ownership, either enjoying Lawrenceville’s amenities during their limited tenures at local colleges, or during their transitions to homeownership. Additionally, this demographic is more likely to utilize public amenities (such as trails) and is more likely to patronize local restaurant and retail establishments.

The development team sees this community not only as a landing spot for these young and new residents of the City but also as a launching-off point, helping to foster subsequent investment in for-sale housing products in the area as residents’ careers and families expand. This development introduces Lawrenceville to new residents in a centrally located and amenitized community that is connected to and a part of Lawrenceville’s expanding employment and commercial centers. The Development incorporates two distinct housing products within the centrally managed property, including 33 two-car garage townhomes and 194 multi-family homes divided among three buildings. This configuration allows for variations in unit sizes, which broaden offerings and extend the appeal to residents, particularly younger professionals with varying needs for square footages. The community will be maintained and operated by an established and committed management team, which will ensure that residents receive the Class-A apartment product they desire, with exquisite amenities and essentially no-maintenance obligations on residents.

In addition to this rezoning request, the Applicant also seeks variances from the setback requirements of the Zoning Ordinance. A reduction in the setback from Highway 316 is requested, reducing the buffer from 50 feet to 30 feet. This design is necessitated by the shape of the lot and the perennial stream that splits the lot widthwise and, accordingly, reduces access points. Even with this reduction, the size of the existing right-of-way from Highway 316 will significantly set

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

the development back from the highway. Further, the Property’s topography and the existing buffer will reduce direct sightlines between the development and the highway.

A variance in the setback from Hillcrest Green Drive is also sought, requesting a reduction from 50 feet to 0 feet from the right-of-way. Hillcrest Green Drive is a public road that terminates in a currently developed cul-de-sac with a right-of-way dedication on the Property of over 100 feet in diameter. Extending an additional 50-foot setback from this cul-de-sac would eliminate large portions of developable land on the Property. Further, the Development’s desire to emphasize a new urbanist style with connectivity to the multi-use trail requires that setbacks from parking and transportation rights-of-way be minimized. Doing so allows the development to better emphasize and address public amenities such as the trail. It also provides a better transition between the uses of land. A strict application of the Zoning Ordinance and these setbacks would result in a hardship upon the Property’s reasonable development given the unique geographic and topological features of this Property. Additionally, the variances allow for higher quality architectural and site design features of this community.

**II. IMPACT ANALYSIS FOR REZONING**

***1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property***

The Development’s proposed multifamily residential use is compatible with surrounding development and uses of land. To the southeast of the Property is the Groves of Lawrenceville, a multifamily rental development currently zoned RM-12. The rental-community development was constructed in 2002 and features older, townhome-style, two-story apartments with no covered parking. To the Southeast of the Property is a large commercial shopping center anchored by Kohl’s and Walmart. The Northern boundary of the Property abuts Highway 316.

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

Other multifamily communities exist within close proximity to the Property. In Lawrenceville’s municipal limits, the SYNC at Ten Oaks apartment community is similarly located between a commercial center (now the Northside Resource Center and Primary Care facilities) and Highway 316. Other apartment communities along the same road (Walther Road) but located in unincorporated Gwinnett County are the Sugar Mill and Parc @ 980 communities. Both developments are within approximately half a mile of the Property and each were developed in 1997. Along Collins Hill Road is an approved multi-family and mixed used community, with approximately 300-units being constructed, additional commercial and retail space, and slated improvements to the facades of existing buildings.

Development patterns and uses, thus, are of relatively high intensities and are compatible with the denser multifamily community envisioned here. The surrounding uses show a clear precedent for multifamily development along this corridor. Many of the surrounding multifamily developments, like the community envisioned here, adjoin the Highway 316 and are accessed by minor collector streets. Moreover, the development reduces its density as it transitions toward the more established residential communities on Dogwood Lane, reducing the impact of the development on this established community. Additional housing units will not interfere with the surrounding uses.

***2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.***

As previously described, the surrounding uses are of similar densities and intensity of uses. Other multifamily developments exist within the area and are similarly situated on parcels that adjoin Highway 316. Although this precedent exists, this development will not create an oversupply of multifamily units. The City has an identified need to expand multifamily housing units, particularly with newer units developed for young professionals in the healthcare and public

RZM2024-00016  
 RECEIVED: JUNE 17, 2024  
 PLANNING AND DEVELOPMENT DEPARTMENT

administration industries. The demand arises not only from demand for new rental housing<sup>1</sup> but also an by housing turnover, increase in housing demand arising from the desired replacement of depreciated multifamily units with newer, modern facilities as renters look to upgrade their rental housing. In all, the Comprehensive plan identifies the need for more than 1,000 total rental units in the City over the next twenty years (Comp. Plan p. 122).

The proposed multifamily use will be complementary to the surrounding commercial and institutional uses. New residents will provide an active consumer base for surrounding commercial and retail properties. The development of the multi-use trail on the northeastern section of the Property will provide residents with safe and pedestrian-specific walking access to commercial businesses, many of which are located less than half a mile from the Property. The trail also permits residents to access GGC and downtown Lawrenceville, helping to foster meaningful pedestrian activity across important economic and institutional sectors of the City. The Development’s proximity to the college and the commercial/retail amenities is approximately the same distance from Lawrenceville City Hall to the Historic Courthouse, making walking or biking a feasible and attractive option for many residents. Further, the site plan will emphasize this connectivity and encourage use by providing landscaping, signage, and hardscaping to direct residents to the trial.

The development also addresses important housing shortcomings recognized in the Comprehensive Plan and the 2022 Housing Study. The study recognizes that well over 12,000 people are employed in Lawrenceville’s the Public Administration and Health Care industries. (See Housing Study Presentation, p. 7). Despite large numbers of employees engaged in relatively high paying jobs, few of those employees live in Lawrenceville. The gap, according to the Housing

---

<sup>1</sup> The Comprehensive Plan identifies the need for 350 additional new rental housing units in the City within the next twenty years. (Comp. Plan p. 122).

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT



Study, leaves more than 10,000 employees exiting the City at the end of the workday and heading outside of the City to live, shop, and engage (Housing Study Presentation, p. 17).

In large part, this gap is a consequence of the lack of housing supply to address unique demands associated with this particular demographic. This Development provides a mix of housing types and styles, offering professionals looking for rental housing in Lawrenceville with the ability to rent Class A apartment flats or exquisitely maintained and attractive townhomes. Every unit is offered with access to resort style amenities and with no-maintenance obligations. Lawrenceville generally lacks this quality of rental-housing inventory. As currently situated, potential residents must either look toward the relatively few Class A rental apartments units available in the City or look to rent older, more traditional single family homes and assume the obligations for lawn and home maintenance generally associated with these types of rental-housing products. For many, neither is attractive and, when faced with these obstacles, many professionals choose to find other housing options outside of the City and commute into Lawrenceville, as opposed to living in the community.

The development proposed here provides Class A rental units for the growing healthcare and other professional employees working in Lawrenceville and provides housing that attracts employees currently unable to purchase for-sale housing products in close proximity to their work and within the City limits. That is, the development’s intended market are younger professionals where residents will first be introduced to the breadth of services, facilities, and lifestyle Lawrenceville offers.

**3. *Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned.***

The Property’s current zoning is RS-150, a large lot single family zoning district. Given the Property’s proximity to Highway 316, topography and the surrounding intensity of uses, a low-

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

density single-family development is not feasible on nor reasonable for the Property. Intervening zoning districts, likewise, are not feasible for development of the Property. The Property is situated such that only the requested zoning district provides any reasonably economic use.

**4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The development will not result in an excessive burden to existing infrastructure, utilities, or schools. As will be demonstrated in a traffic study that will be provided in connection with this application, the projected development is not anticipated to create traffic issues. Residents will primarily use Hurricane Shoals to enter and exit the Property, driving east to access Collins Hill Road and west to access Duluth Highway. Hurricane Shoals and Collins Hill Roads are classified as major collector streets. Duluth Highway is classified as a minor Arterial Road. As reflected in the traffic study which will be supplemented with the application, the development is not expected to impact the levels of service for any of these throughfares.

The development is unlikely to have a material impact on schools. The absence of three-bedroom apartments limits the extent to which families with children will likely be residents of the community. Two-bedroom apartments are offered in a roommate layout with separate ensuite bathrooms. The townhome products similarly are not of the style or size that would be attractive to most families. The development is more likely to attract younger professionals and empty nesters than established families with school-aged children. Nevertheless, there appears to be sufficient capacity at Central Gwinnett High School and Lawrenceville Elementary School to accommodate any increase in students.

**5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.**

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

The Comprehensive Plan, as previously noted, identifies the need for newer rental communities in Lawrenceville (Comp. Plan p. 116). The need arises from projected population growth, fueled largely by the expansion of Northside Hospital and the existing public administration operations within the City (Comp. Plan pg. 106). These expanding industries often employ younger individuals just beginning professional careers, who often lack the immediate desire or ability to purchase for-sale homes (Comp. Plan. pg. 40). Millennial and Generation Z professionals are typically in the market for newer and larger Class A apartment communities with amenities, connectivity, and luxury units. This is a target market for the Development envisioned here and the site plan address these unique demands, providing luxury style apartments, “lock-and-leave” townhome rentals, modern amenities, and connectivity by way of the multiuse trail.

The Comprehensive Plan identifies the lack of higher-end apartment developments in the City. As noted, much of the City’s apartment inventory is more than twenty years old and only 430 new rental units have been constructed since 2010 (Comp. Plan p. 118). This aged inventory, as the Comprehensive Plan identifies, should be “phased out” and replaced by newer developments with modern design and amenity features like those proposed here (Comp. Plan p. 131). The proposed development provides new higher-end multifamily units in-line with the quality of development set by the Lawrenceville Lawn development and other developments which have leveraged their location and outdoor spaces to create more connected communities. This development style is encouraged in the Comprehensive Plan, which calls for “[e]mbracing innovative housing models that align with changing lifestyles and preferences” (Comp. Plan, pg. 125).

This high standard of development is also consistent with the spirit of the Community Mixed Use character area in which the Property is located. The character area envisions “vibrant

RZM2024-00016  
 RECEIVED: JUNE 17, 2024  
 PLANNING AND DEVELOPMENT DEPARTMENT

and walkable neighborhoods” that “promot[e] walkability and enhance[e] the overall accessibility and convenience of the neighborhood” (Comp. Plan p. 53). This development meets these standards by utilizing a property that otherwise would be undevelopable for traditional single-family residential or commercial development. Indeed, the site presents development challenges that preclude any development that could meet the quality and standard the City should expect on one of its primary gateways. This development creates a diversity of luxury-style housing options and types. Further, the development provides a community that is connected to GGC and downtown Lawrenceville. While there are no commercial uses within the development, the site plan is specifically engineered to engage the surrounding commercial and retail facilities and encourages residents to utilize the multiuse trail to access those businesses.

**6. *Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.***

Existing and changing conditions support the zoning proposal. Lawrenceville continues to be a target for the expansion of medical and other institutional facilities in the Northeast Georgia area. Northside Hospital Gwinnett will become the hospital’s largest facility in the state, even surpassing its traditional Atlanta campus. These expansions have increased projections for growth within the City, even from the relatively recently adopted Housing Study and the Comprehensive Plan. Accordingly, some of the modeling from each plan may have understated housing demand calculations. Even with the prior calculations, however, the development addresses an undersupply of multifamily housing inventory and recent expansions only further reiterate the unfulfilled demand in the area.

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

III. **NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that the current zoning classification of the Property and any proposed intervening district is unconstitutional and that rules relative to the Property owner’s right to use the Property established in the Lawrenceville Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the City Council’s failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property’s owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the development in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law,

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

O.C.G.A. § 36-66-1 *et seq.*, due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

IV. **CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 14<sup>th</sup> day of June, 2024.

Respectfully submitted,

/s/ Dennis J. Webb, Jr.  
Dennis J. Webb, Jr.  
William J. Diehl  
Attorneys for Applicant

Smith, Gambrell & Russell, LLP  
1105 W. Peachtree Street, NE  
Atlanta, Georgia 30309  
404-815-3500

RZM2024-00016  
RECEIVED: JUNE 17, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT

LEGAL DESCRIPTION  
OVERALL TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 10, of the 7th District, City of Lawrenceville, Gwinnet County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING COMMENCE at a found 1/2 inch rebar, said rebar having coordinates of North 1,445,296.0 and East: 2,345,220.7, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said rebar located at the intersection of the southeasterly right of way line of S.R. 316 (a.k.a. U.S. Hwy 20 ) (variable public right of way) (limited access) and common land lot line between Land Lots 9 and 10; thence along said southeasterly right of way line of S.R. 316 and common land lot line between Land Lots 9 and 10 South 30 degrees 49 minutes 14 seconds East a distance of 49.37 feet to a found right of way monument, said monument being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence leaving said common land lot line and proceed along said southeasterly right of way of S.R. 316 the following courses and distances: North 49 degrees 44 minutes 30 seconds East a distance of 759.70 feet to a found right of way monument; North 41 degrees 24 minutes 48 seconds East a distance of 207.49 feet to a found right of way monument; along a curve turning to the right with an arc length of 781.77 feet, having a radius of 1727.54 feet, being subtended by a chord bearing of North 62 degrees 40 minutes 55 seconds East, and a chord length of 775.12 feet to a found concrete monument; thence leaving said southeasterly right of way and proceed South 30 degrees 13 minutes 16 seconds East a distance of 453.72 feet to a found iron pin with cap; thence South 61 degrees 23 minutes 08 seconds West a distance of 163.73 feet to a found iron pin with cap on the northeasterly right of way of Hillcrest Green Drive (60 foot public right o way); thence along said northeasterly right of way the following courses and distances: North 42 degrees 31 minutes 30 seconds West a distance of 51.79 feet to a point; along a curve turning to the right with an arc length of 5.27 feet, having a radius of 11.00 feet, being subtended by a chord bearing of North 28 degrees 55 minutes 31 seconds West, and a chord length of 5.22 feet to a point; along a reverse curve turning to the left with an arc length of 295.24 feet, having a radius of 60.00 feet, being subtended by a chord bearing of South 23 degrees 50 minutes 07 seconds West, and a chord length of 75.57 feet to a point located on the southwesterly right of way of said Hillcrest Green Drive; thence along said southwesterly right of way the following courses and distances: with a reverse curve turning to the right with an arc length of 14.27 feet, having a radius of 11.00 feet, being subtended by a chord bearing of South 79 degrees 49 minutes 08 seconds East, and a chord length of 13.29 feet to a point; South 34 degrees 51 minutes 44 seconds East a distance of 5.72 feet to a found iron pin with cap; thence leaving said southwesterly right of way and proceed South 60 degrees 24 minutes 30 seconds West a distance of 556.73 feet to a found angle iron; thence South 60 degrees 12 minutes 03 seconds West a distance of 534.10 feet to a found 1 1/2 inch open top pipe; thence South 15 degrees 21 minutes 38 seconds West a distance of 230.27 feet to a point on the northerly right of way of Dogwood Lane (60 foot public right of way); thence along said right of way along a curve turning to the left with an arc length of 83.79 feet, having a radius of 60.00 feet, being subtended by a chord bearing of South 59 degrees 05 minutes 15 seconds West, and a chord length of 77.14 feet to a point; thence leaving said right of way North 73 degrees 50 minutes 39 seconds West a distance of 228.43 feet to a found 1 3/4 inch open top pipe located on said common land lot line between Land Lots 9 and 10; thence along said common land lot line North 31 degrees 01 minutes 45 seconds West a distance of 280.18 feet to a found right of way monument, said monument being the TRUE POINT OF BEGINNING.

Tract or parcel contains 760,998 square feet or 17.470 acres.

**STRUCTURE LEGEND**

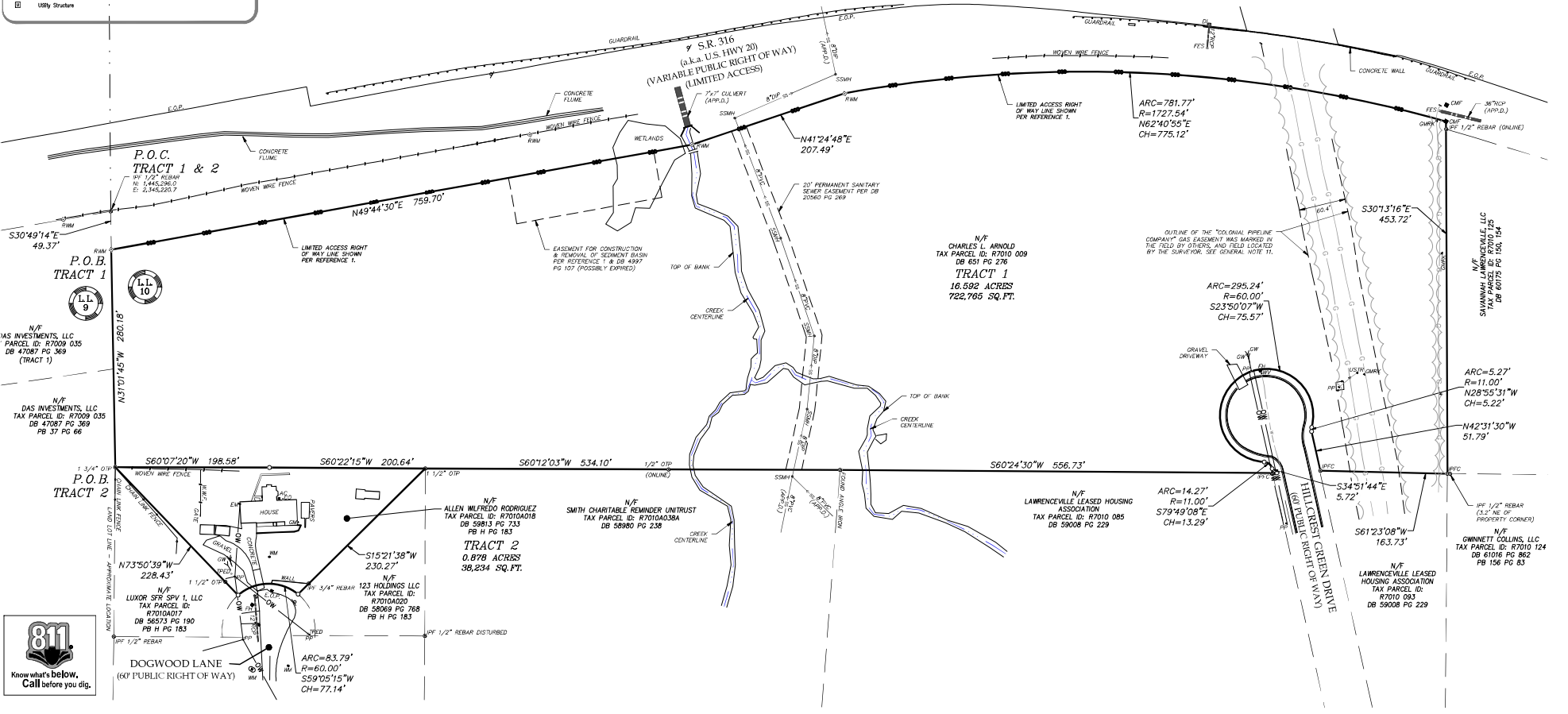
- ELECTRIC/POWER**
  - > Guy Wire
  - > Electric Meter
  - > Power Pole/Utility Pole
  - > Street Light/Utility Pole
- GAS**
  - > Gas Meter
  - > Gas Valve
  - > Gas Vent Pipe
  - > Gas Marker
- SEWER**
  - > Sanitary Sewer Manhole
  - > Cleanout
  - > Sanitary Sewer Vent Pipe
- PROPERTY MONUMENTS**
  - > Right-of-Way Monument Found
  - > Concrete Monument Found
  - > Iron Pin Set
  - > Iron Pin Found (Below Grade)
  - > Post
- MISCELLANEOUS UTILITIES**
  - > Utility Structure

**ABBREVIATIONS**

- |            |                          |        |                          |
|------------|--------------------------|--------|--------------------------|
| APPROX. #4 | Aggregate                | PS     | Iron Pin Set             |
| S&C        | Gate and Outer           | LP     | Light Pole               |
| C.F.P.     | Chain Link Fence         | MB     | Mailbox                  |
| C.P.P.     | Corrugated Metal Pipe    | N/C    | New or Formerly          |
| CO         | Clean Out                | NCS    | Quiet Control Structure  |
| C.P.P.     | Corrugated Plastic Pipe  | Q.T.P. | Open Top Pipe            |
| C.T.P.     | Culvert Top Pipe         | RB     | Ridg Roof                |
| DB         | Dead End                 | PC     | Pipe                     |
| DI         | Drain Inlet              | PK     | PK Nail Found            |
| EC         | Edge of Pavement         | PI     | Pin Nail Set             |
| ED         | Edge of Driveway         | POB    | Point of Beginning       |
| E.P.P.     | Electric Power Pole      | POC    | Point of Commencement    |
| E.P.P.     | Electric Pole            | PP     | Polystyrene Pipe         |
| ES         | Easement                 | PS     | Radius                   |
| ESMT       | Easement                 | PCP    | Individual Concrete Pipe |
| FES        | Fenced End Section       | RM     | Right of Way Monument    |
| F.F.P.     | Flag Pole                | SS     | Sanitary Sewer Easement  |
| F.H.       | Fire Hydrant             | SSM    | Sanitary Sewer Manhole   |
| F.L.P.     | Flag Pole                | SSM    | Sanitary Sewer Manhole   |
| F.M.B.K.   | Fire Hydrant Marker      | SSM    | Sanitary Sewer Manhole   |
| GA         | Gas Meter                | SSM    | Sanitary Sewer Manhole   |
| GM         | Gas Meter                | SSM    | Sanitary Sewer Manhole   |
| HR         | Hard Road                | SSM    | Sanitary Sewer Manhole   |
| H.W.       | Headwall                 | SSM    | Sanitary Sewer Manhole   |
| ICV        | Irrigation Control Valve | SSM    | Sanitary Sewer Manhole   |
| IL         | Iron Pin Location        | SSM    | Sanitary Sewer Manhole   |
| IPF        | Iron Pin Found           | SSM    | Sanitary Sewer Manhole   |

**LINETYPES**

- |                                    |                   |   |                      |
|------------------------------------|-------------------|---|----------------------|
| <b>PROPERTY</b>                    | Adjacent Property | — | Overhead Wire        |
| —                                  | Property Line     | — | Existing Underground |
| —                                  | Center of Creek   | — | —                    |
| <b>FENCE LINES</b>                 | —                 | — | —                    |
| —                                  | Chain Link Fence  | — | —                    |
| —                                  | Wood Fence        | — | —                    |
| —                                  | Woven Wire Fence  | — | —                    |
| —                                  | —                 | — | —                    |
| <b>SITE / TOPOGRAPHIC FEATURES</b> | —                 | — | —                    |
| —                                  | Guardrail         | — | —                    |



**PEC-60**  
Planners & Engineers Collaborative  
LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING  
ARBORETS + SURVEYING + CONSTRUCTION + WATER RESOURCES  
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092  
(770) 451-4741 WWW.PEC-60.COM  
C.O.A.#3000004

REVISIONS			
REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

LAND LOT(S) 10  
DISTRICT 7TH  
CITY OF LAWRENCEVILLE  
GWINNETT COUNTY GEORGIA

ALTA/NSPS LAND TITLE SURVEY  
FOR  
MCKINLEY HOMES  
AND  
FIRST AMERICAN TITLE INSURANCE COMPANY

SHEET 1 OF 2  
DRAWN BY: MS  
CHECKED BY: JWH  
FILE NO.: 21256.01  
DATE: 6/9/2024  
SCALE: = 60'  
DATE OF FIELD WORK: 5/31/24



NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE AND APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD.
2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR GWINNETT COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13155000236, PANEL 73 OF 155, EFFECTIVE DATE SEPTEMBER 29, 2006 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD). THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD).
3. THE ORTHOMETRIC HEIGHTS (ELEVATIONS AND CONTOURS) SHOWN WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN MAY 2024. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEORGIA WEST ZONE STATE PLANE COORDINATES.
4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. THE PROPERTY DESCRIBED HEREON (THE "PROPERTY") IS THE SAME AS THE PROPERTY DESCRIBED IN COMMENT NUMBER 24-0072A WITH AN EFFECTIVE DATE OF 04/16/2024 OR SAID OPINION AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE PROPERTY OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE PROPERTY.
6. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.
7. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF GEORGIA.
8. THE PROPERTY HAS DIRECT ACCESS TO HILLCREST GREEN DRIVE, A DEDICATED PUBLIC STREET OR HIGHWAY.
9. THERE IS NO OBSERVED EVIDENCE OF USE OF THE PROPERTY AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
10. THIS DATA SET WAS TESTED TO MEET ASPRS POSITIONAL ACCURACY STANDARDS FOR DIGITAL GEOSPATIAL DATA (2014) FOR A \_\_\_\_\_ (CM) RMSEZ VERTICAL ACCURACY CLASS. ACTUAL NVA ACCURACY WAS FOUND TO BE RMSEZ = \_\_\_\_\_ CM, EQUATING TO +/- \_\_\_\_\_ CM AT 95% CONFIDENCE LEVEL. ACTUAL VVA ACCURACY WAS FOUND TO BE +/- \_\_\_\_\_ CM AT THE 95TH PERCENTILE.
11. SURVEYOR SUGGESTS FOR CLIENT TO CONTACT COLONIAL PIPELINE COMPANY TO VERIFY EXACT LIMITS OF GAS LINE EASEMENT.

REFERENCES

1. DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, RIGHT OF WAY OF PROPOSED SR 20 INTERCHANGE, (LSJN-004-00708), GWINNETT COUNTY, FEDERAL AID PROJECT, PLANS PREPARED BY FBS&A, PLANS COMPLETED DATE 10/11/07, LAST REVISED 01/18/11.

LEGAL DESCRIPTION - TITLE (TRACT 2)

All that tract or parcel of land lying and being in Land Lot 10 of the 7th District of Gwinnett County, Georgia, being Lots 10 and 11, Block B of Herdman Heights Subdivision as shown on plat of Northern Heights Subdivision as recorded in Plat Book 14, page 163, Gwinnett County, Georgia Records. The description of said property as contained on said plat is hereby incorporated herein and made an essential part of hereof by reference. Said property having the address of 209 Dogwood Lane according to the present system of numbering houses in the City of Lawrenceville, Gwinnett County, Georgia.

ALTA/NSPS LAND TITLE SURVEY - TABLE "A" ITEMS

1. MONUMENTS PLACED OR FOUND AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, AND SHOWN HEREON.
2. ADDRESS(ES) OF THE SURVEYED PROPERTY: HILLCREST GREEN DRIVE, LAWRENCEVILLE, GA 30092
3. FLOOD ZONE INFORMATION IS INCLUDED IN GENERAL NOTES, NOTE 2.
4. GROSS LAND AREA OF SUBJECT PROPERTY IS 17,470 ACRES.
- 6(A). IF THE CURRENT ZONING CLASSIFICATION, SETBACK REQUIREMENTS, THE HEIGHT AND FLOOR SPACE AREA RESTRICTIONS, AND PARKING REQUIREMENTS SPECIFIC TO THE SURVEYED PROPERTY ARE SET FORTH IN A ZONING REPORT, OR LETTER PROVIDED TO THE SURVEYOR BY THE CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE, LIST THE ABOVE ITEMS ON THE PLAT OR MAP AND IDENTIFY THE DATE AND SOURCE OF THE REPORT OR LETTER.
- 6(B). IF THE ZONING SETBACK REQUIREMENTS SPECIFIC TO THE SURVEYED PROPERTY ARE SET FORTH IN A ZONING REPORT, OR LETTER PROVIDED TO THE SURVEYOR BY THE CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE, AND IF THESE REQUIREMENTS DO NOT REQUIRE AN INTERPRETATION BY THE SURVEYOR, GRAPHICALLY DEPICT THOSE REQUIREMENTS ON THE PLAT OR MAP AND IDENTIFY THE DATE AND SOURCE OF THE REPORT OR LETTER.
8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE SHOWN HEREON.
10. THERE ARE NO ENCROACHMENTS ONTO ADJOINING PREMISES, STREETS OR ALLEYS BY ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS LOCATED ON THE PROPERTY, AND NO ENCROACHMENTS ONTO THE PROPERTY BY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SITUATED ON ADJOINING PREMISES, EXCEPT AS FOLLOWS:
11. OBSERVED EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY LOCATED AND SHOWN HEREON. NO ADDITIONAL LOCATE OR INVESTIGATION OF UTILITIES REQUESTED BY THE CLIENT.
13. ADJACENT OWNER INFORMATION IS SHOWN HEREON AS REQUIRED BY GEORGIA STANDARDS.
14. DISTANCE FROM PROPERTY TO INTERSECTION OF THE (NEAREST STREET) IS SHOWN HEREON.
16. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
17. NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES IF SUCH INFORMATION IS MADE AVAILABLE TO THE SURVEYOR. IF ANY CHANGES IN STREET RIGHT OF WAY EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

LEGAL DESCRIPTION - OVERALL TRACT (SURVEY)

All that TRACT OR PARCEL OF LAND lying and being in Land Lot 10, of the 7th District, City of Lawrenceville, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING COMMENCE at a found 1/2 inch rebar, solid rebar having coordinates of North 1,445,296.0 and East: 2,345,220.7, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, solid rebar located at the intersection of the southeasterly right of way line of S.R. 316 (a.k.a. U.S. Hwy 20 ) (variable public right of way (limited access) and common land lot line between Land Lots 9 and 10; thence along said southeasterly right of way line of S.R. 316 and common land lot line between Land Lots 9 and 10 South 30 degrees 49 minutes 14 seconds East a distance of 49.37 feet to a found right of way monument, said monument being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence leaving said common land lot line and proceed along said southeasterly right of way of S.R. 316 the following courses and distances: North 42 degrees 44 minutes 30 seconds East a distance of 759.70 feet to a found right of way monument; North 41 degrees 24 minutes 48 seconds East a distance of 207.49 feet to a found right of way monument; along a curve turning to the right with an arc length of 781.77 feet, having a radius of 1272.54 feet, being subtended by a chord bearing of North 62 degrees 40 minutes 58 seconds East and a chord length of 775.12 feet to a found concrete monument; thence leaving said southeasterly right of way and proceed South 30 degrees 12 minutes 16 seconds East a distance of 453.72 feet to a found iron pin with cap; thence South 61 degrees 23 minutes 08 seconds West a distance of 163.73 feet to a found iron pin with cap on the northeasterly right of way of Hillcrest Green Drive (60 foot public right of way); thence along said northeasterly right of way the following courses and distances: North 42 degrees 31 minutes 30 seconds West a distance of 51.79 feet to a point; along a curve turning to the right with an arc length of 5.27 feet, having a radius of 110.0 feet, being subtended by a chord bearing of North 28 degrees 55 minutes 31 seconds West, and a chord length of 5.22 feet to a point; along a reverse curve turning to the left with an arc length of 295.24 feet, having a radius of 60.00 feet, being subtended by a chord bearing of South 23 degrees 50 minutes 07 seconds West, and a chord length of 75.07 feet to a point located on the southeasterly right of way of said Hillcrest Green Drive; thence along said southeasterly right of way the following courses and distances: with a reverse curve turning to the right with an arc length of 14.27 feet, having a radius of 11.00 feet, being subtended by a chord bearing of South 79 degrees 49 minutes 08 seconds East, and a chord length of 13.29 feet to a point; South 34 degrees 01 minutes 44 seconds East a distance of 5.72 feet to a found iron pin with cap; thence leaving said southeasterly right of way and proceed South 60 degrees 24 minutes 30 seconds West a distance of 556.13 feet to a found angle iron; thence South 60 degrees 12 minutes 03 seconds West a distance of 534.10 feet to a found 1 1/2 inch open top pipe; thence South 60 degrees 22 minutes 15 seconds East a distance of 200.64 feet to a point; thence South 15 degrees 21 minutes 38 seconds West a distance of 230.27 feet to a point on the northerly right of way of Dogwood Lane (60 foot public right of way); thence along said right of way along a curve turning to the left with an arc length of 83.79 feet, having a radius of 60.00 feet, being subtended by a chord bearing of South 59 degrees 05 minutes 15 seconds West, and a chord length of 77.14 feet to a point; thence leaving said right of way North 73 degrees 50 minutes 39 seconds West a distance of 228.43 feet to a found 1 3/4 inch open top pipe, said pipe being the TRUE POINT OF BEGINNING.

Tract or parcel contains 760,998 square feet or 17,470 acres.

TITLE EXCEPTIONS - TRACT 2

- First American Title Insurance Company Commitment number 24-0072A with an effective date of 04/16/2024 at 5:00 PM was used in the preparation of this survey and the listed exceptions are as follows:
8. All matters as shown on that certain ALTA/NSPS Survey for McKinley Homes U.S. LLC and First American Title Insurance Company prepared by Georgia RLS # \_\_\_\_\_ dated \_\_\_\_\_
  9. All matters shown on recorded plat filed in Plat Book H, page 183, Gwinnett County, Georgia records. Comment: Affects subject property, as shown on survey.

LEGAL DESCRIPTION - TRACT 1 (SURVEY)

All that TRACT OR PARCEL OF LAND lying and being in Land Lot 10, of the 7th District, City of Lawrenceville, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING COMMENCE at a found 1/2 inch rebar, solid rebar having coordinates of North 1,445,296.0 and East: 2,345,220.7, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, solid rebar located at the intersection of the southeasterly right of way line of S.R. 316 (a.k.a. U.S. Hwy 20 ) (variable public right of way (limited access) and common land lot line between Land Lots 9 and 10; thence along said southeasterly right of way line of S.R. 316 and common land lot line between Land Lots 9 and 10 South 30 degrees 49 minutes 14 seconds East a distance of 49.37 feet to a found right of way monument, said monument being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence leaving said common land lot line and proceed along said southeasterly right of way of S.R. 316 the following courses and distances: North 42 degrees 44 minutes 30 seconds East a distance of 759.70 feet to a found right of way monument; North 41 degrees 24 minutes 48 seconds East a distance of 207.49 feet to a found right of way monument; along a curve turning to the right with an arc length of 781.77 feet, having a radius of 1272.54 feet, being subtended by a chord bearing of North 62 degrees 40 minutes 58 seconds East and a chord length of 775.12 feet to a found concrete monument; thence leaving said southeasterly right of way and proceed South 30 degrees 12 minutes 16 seconds East a distance of 453.72 feet to a found iron pin with cap; thence South 61 degrees 23 minutes 08 seconds West a distance of 163.73 feet to a found iron pin with cap on the northeasterly right of way of Hillcrest Green Drive (60 foot public right of way); thence along said northeasterly right of way the following courses and distances: North 42 degrees 31 minutes 30 seconds West a distance of 51.79 feet to a point; along a curve turning to the right with an arc length of 5.27 feet, having a radius of 110.0 feet, being subtended by a chord bearing of North 28 degrees 55 minutes 31 seconds West, and a chord length of 5.22 feet to a point; along a reverse curve turning to the left with an arc length of 295.24 feet, having a radius of 60.00 feet, being subtended by a chord bearing of South 23 degrees 50 minutes 07 seconds West, and a chord length of 75.07 feet to a point located on the southeasterly right of way of said Hillcrest Green Drive; thence along said southeasterly right of way the following courses and distances: with a reverse curve turning to the right with an arc length of 14.27 feet, having a radius of 11.00 feet, being subtended by a chord bearing of South 79 degrees 49 minutes 08 seconds East, and a chord length of 13.29 feet to a point; South 34 degrees 01 minutes 44 seconds East a distance of 5.72 feet to a found iron pin with cap; thence leaving said southeasterly right of way and proceed South 60 degrees 24 minutes 30 seconds West a distance of 556.13 feet to a found angle iron; thence South 60 degrees 12 minutes 03 seconds West a distance of 534.10 feet to a found 1 1/2 inch open top pipe; thence South 60 degrees 22 minutes 15 seconds East a distance of 200.64 feet to a point; thence South 15 degrees 21 minutes 38 seconds West a distance of 230.27 feet to a point on the northerly right of way of Dogwood Lane (60 foot public right of way); thence along said right of way along a curve turning to the left with an arc length of 83.79 feet, having a radius of 60.00 feet, being subtended by a chord bearing of South 59 degrees 05 minutes 15 seconds West, and a chord length of 77.14 feet to a point; thence leaving said right of way North 73 degrees 50 minutes 39 seconds West a distance of 228.43 feet to a found 1 3/4 inch open top pipe, said pipe being the TRUE POINT OF BEGINNING.

Tract or parcel contains 722,765 square feet or 16,592 acres.

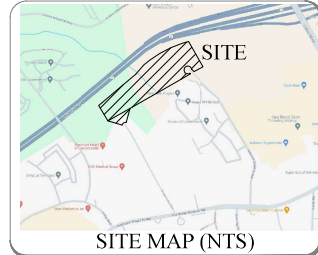
LEGAL DESCRIPTION - TRACT 2 (SURVEY)

All that TRACT OR PARCEL OF LAND lying and being in Land Lot 10, of the 7th District, City of Lawrenceville, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING COMMENCE at a found 1/2 inch rebar, solid rebar having coordinates of North 1,445,296.0 and East: 2,345,220.7, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, solid rebar located at the intersection of the southeasterly right of way line of S.R. 316 (a.k.a. U.S. Hwy 20 ) (variable public right of way (limited access) and common land lot line between Land Lots 9 and 10; thence along said southeasterly right of way line of S.R. 316 and common land lot line between Land Lots 9 and 10 South 30 degrees 49 minutes 14 seconds East a distance of 49.37 feet to a found right of way monument; thence leaving said southeasterly right of way of S.R. 316 and proceed along said common land lot line North 31 degrees 01 minutes 45 seconds West a distance of 280.18 feet to a found right of way monument, said monument being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established thence leaving said common land lot line and proceed North 60 degrees 07 minutes 20 seconds East a distance of 198.58 feet to a point; thence North 60 degrees 22 minutes 15 seconds East a distance of 200.64 feet to a found 1 1/2 inch open top pipe; thence South 15 degrees 21 minutes 38 seconds West a distance of 230.27 feet to a point on the northerly right of way of Dogwood Lane (60 foot public right of way); thence along said right of way along a curve turning to the left with an arc length of 83.79 feet, having a radius of 60.00 feet, being subtended by a chord bearing of South 59 degrees 05 minutes 15 seconds West, and a chord length of 77.14 feet to a point; thence leaving said right of way North 73 degrees 50 minutes 39 seconds West a distance of 228.43 feet to a found 1 3/4 inch open top pipe, said pipe being the TRUE POINT OF BEGINNING.

Tract or parcel contains 38,234 square feet or 0.878 acres.



**PEC 60**  
Planners & Engineers Collaborative  
LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING  
ARBORETS + SURVEYING + CONSTRUCTION + WATER RESOURCES  
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092  
(770) 453-1100  
P.O. BOX 3000004

REVISIONS			
REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

LAND LOT(S) 10  
DISTRICT 7TH

ALTA/NSPS LAND TITLE SURVEY  
FOR  
MCKINLEY HOMES  
AND  
FIRST AMERICAN TITLE INSURANCE COMPANY  
CITY OF LAWRENCEVILLE

To McKinley Homes and First American Title Insurance Company:  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, as they established and adopted by ALTA and NSPS, and includes Items 1-4, 6, 8, 10, 13, and 16 of Table A thereof. The field work was completed on: 5/31/2024.  
Date of Map or Plat: 6/5/2024  
Surveyor's Signature  
Printed name

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS COLLECTED USING A TOPCON TOTAL STATION "E5103", "E5103", "E5103" GEOMAX 2020 ROBUST STATION, A GEOMAX ZENITHRO SERIES DATA COLLECTOR, GPS25 201L GNSS RECEIVER WITH A SITE-LOCALIZED RTK NETWORK, AND HAS A RELATIVE POSITIONAL ACCURACY OF 0.1 FEET.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 594,403 FEET.

SHEET 2 OF 2  
DRAWN BY: MS  
CHECKED BY: AH  
FILE NO.: 21256.01  
DATE: 6/5/2024  
SCALE: 1" = 60'  
DATE OF FIELD WORK: 5/31/24  
0 30 60 120

P: (770) 451-2424 F: (770) 451-1915  
WWW.PEC+PUS



**Planners & Engineers Collaborative™**  
LAND PLANNING • LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING  
ARCHITECTURE • SURVEYING • CONSTRUCTION • WATER RESOURCES  
390 BLOSSARD COURT, STE 200  
FARMVILLE, GEORGIA 30629

**PROJECT**  
**HURRICANE SHOALS  
RD @ BELMONT DR.**  
A MASTER PLANNED RESIDENTIAL  
DEVELOPMENT  
AT  
492 HURRICANE SHOALS RD.,  
155 BELMONT DR.  
LAWRENCEVILLE, GA 30056  
CITY OF LAWRENCEVILLE  
JURISDICTION  
FOR  
**McKINLEY HOMES**

**MUNICIPALITY PROJECT #**

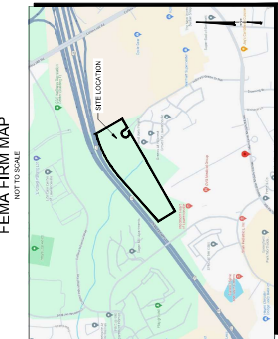
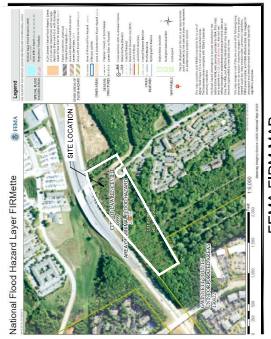
**REVISIONS**

NO.	DATE	BY	DESCRIPTION
1	08-13-2024	AS	ISSUED FOR PERMITS
2	08-28-2024	AS	REVISED PER COMMENTS

THIS SCALE ONLY VALID IF CENTER LINE  
AND SPACES ARE SHOWN

**ZONING SITE PLAN**  
SCALE: 1" = 80'  
DATE: 09/27/2024  
PROJECT: 21256601

3.

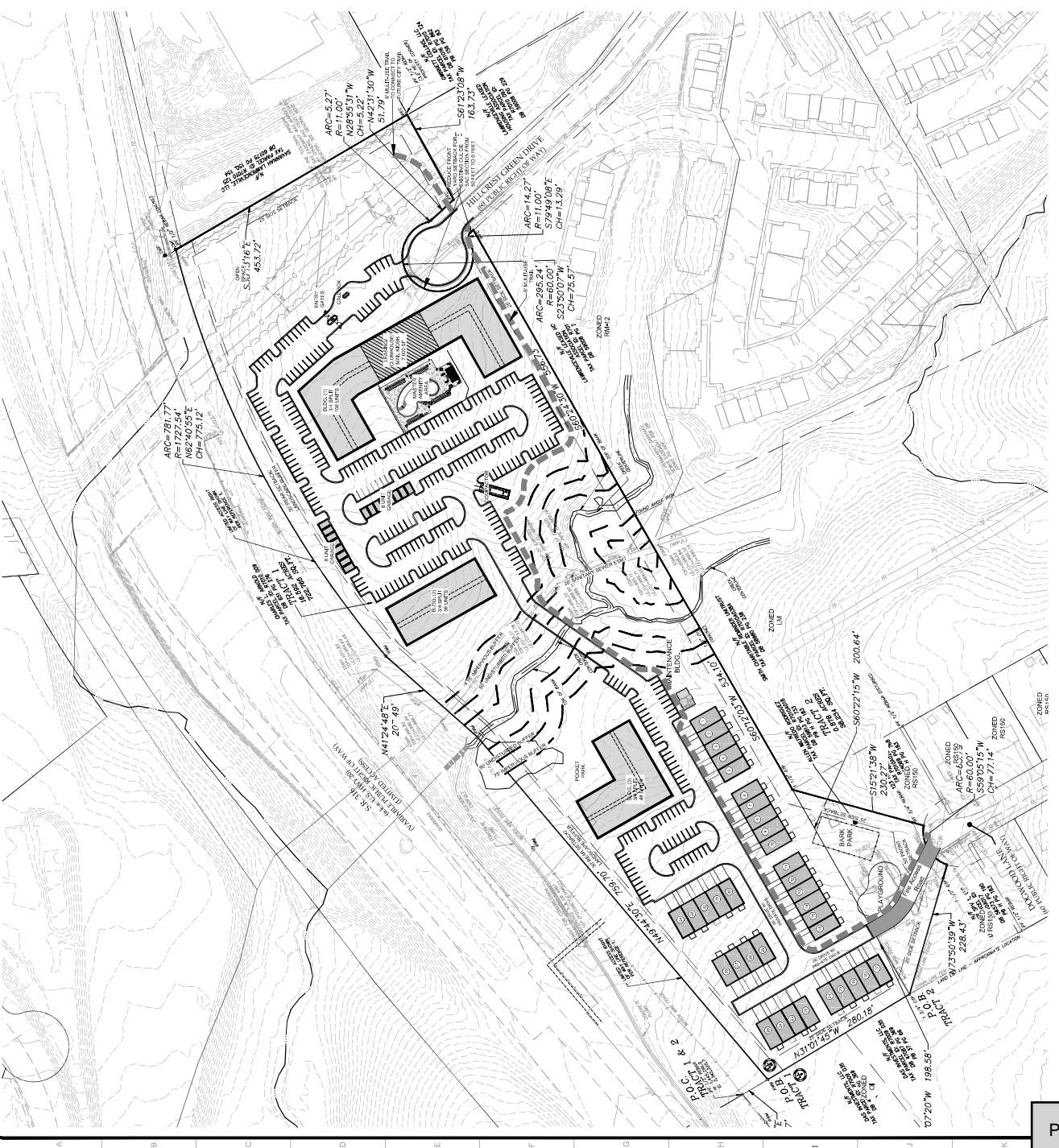


**SITE LOCATION MAP**  
NOT TO SCALE

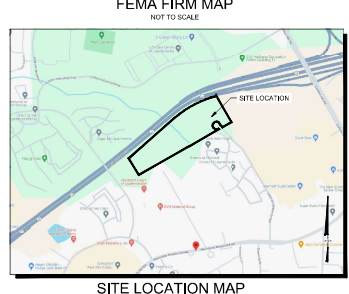
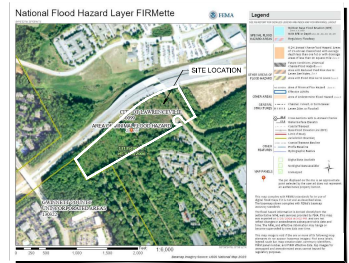
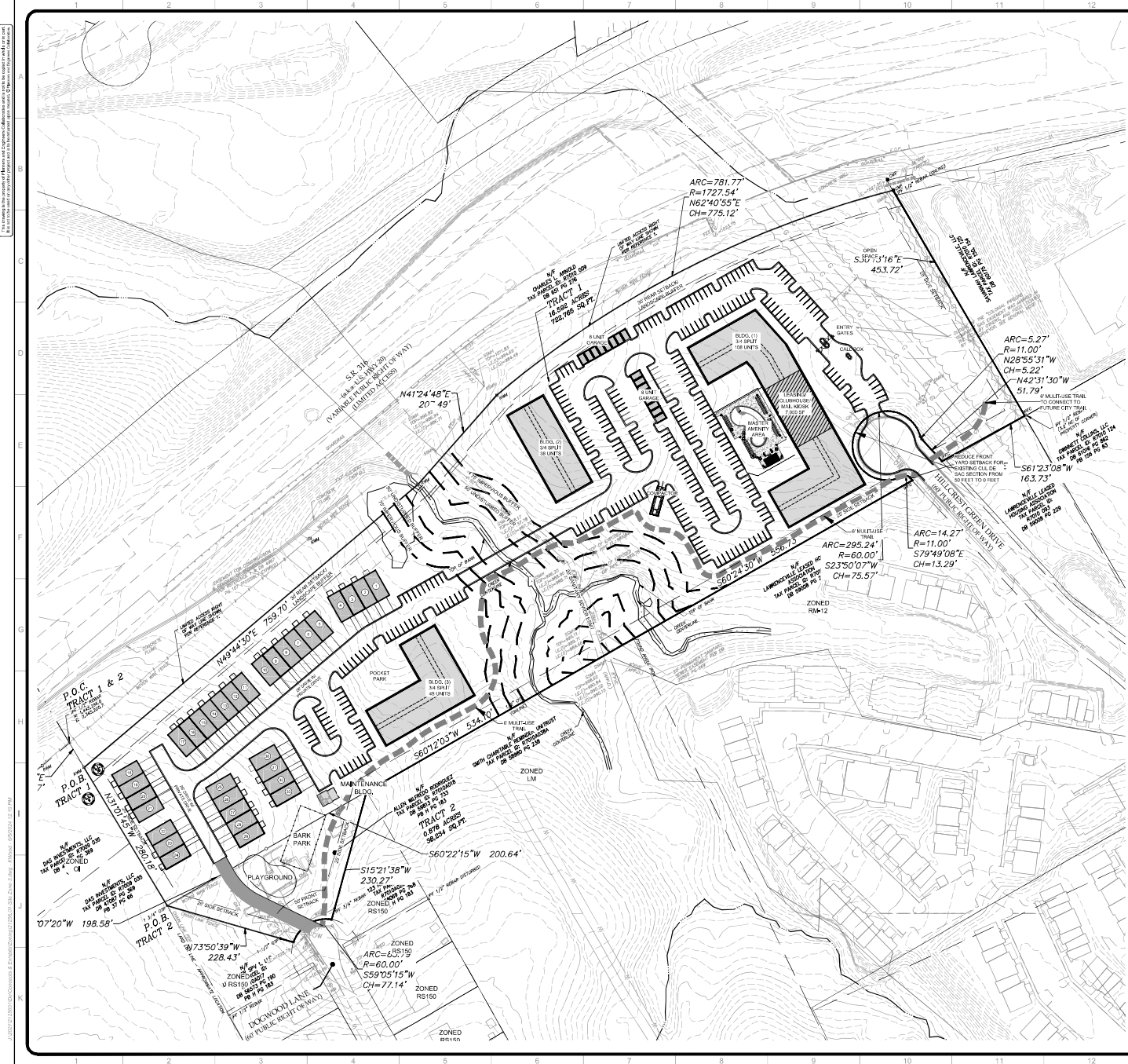
ITEM	DESCRIPTION	VALUE
TOTAL SITE AREA	10.27 ACRES	
TRACT 1 SITE AREA	10.27 ACRES	
TRACT 2 SITE AREA	0.00 ACRES	
TRACT 3 SITE AREA	0.00 ACRES	
EXISTING PAVING	AS-BUILT	
EXISTING DRIVEWAYS	AS-BUILT	
EXISTING SIDEWALKS	AS-BUILT	
EXISTING UTILITIES	AS-BUILT	
EXISTING STRUCTURES	AS-BUILT	
EXISTING TREES	AS-BUILT	
EXISTING FENCES	AS-BUILT	
EXISTING LIGHTS	AS-BUILT	
EXISTING SIGNAGE	AS-BUILT	
EXISTING UTILITIES	AS-BUILT	
EXISTING STRUCTURES	AS-BUILT	
EXISTING TREES	AS-BUILT	
EXISTING FENCES	AS-BUILT	
EXISTING LIGHTS	AS-BUILT	
EXISTING SIGNAGE	AS-BUILT	

**VARIANCE REQUEST:**  
1. VARIANCE REQUEST FOR THE LANDSCAPE BUFFER ALONG HIGHWAY 515 FROM 50 FEET TO 75 FEET.  
2. VARIANCE REQUEST FOR THE EXISTING DRIVEWAY AT THE CORNER LOCATED AT THE CORNER OF THE DRIVEWAY ENTERING THE PROPERTY BE REDUCED FROM 50 FEET TO 75 FEET.

**24 HOUR CONTACT:**  
HENRY MASSIE







SITE DATA	
TOTAL SITE AREA	17.47 ACRES
TRACT 1 SITE AREA	16.862 ACRES
TRACT 2 SITE AREA	0.616 ACRES
ZONING	
EXISTING ZONING	RS-150, BCL & LM
PROPOSED ZONING	RM-48 (MULTIFAMILY RESIDENTIAL)
ZONING JURISDICTION	CITY OF LAWRENCEVILLE
SETBACKS/REQUIREMENTS	
FRONT SETBACK	50 FEET
SIDE SETBACK	25 FEET
REAR SETBACK	40 FEET
REQUIRED BUFFERS	50 FEET AGAINST ALL OBSTACLES
PERMITTED STANDARDS	
MIN LOT AREA	15 ACRES
MIN LOT WIDTH	100 FEET
MAX LOT COVERAGE	60%
MAX BUILDING HEIGHT	70 FEET
LANDSCAPED SETBACK	50 FEET ALONG EXTERIOR STREET FRONTAGE
MULTIFAMILY UNITS PROVIDED	194 UNITS
22 FRONT LOADED TOWNHOMES PROVIDED	33 UNITS
TOTAL RESIDENTIAL UNITS PROVIDED	227 UNITS
TOTAL SITE DENSITY PROVIDED	12.99 DUA
OPEN SPACE CALCULATIONS	
OPEN SPACES REQUIRED	2.63 ACRES (15% OF NET SITE AREA)
OPEN SPACE PROVIDED	4.38 ACRES (27.2% OF NET SITE AREA)
PARKING REQUIREMENTS	
MULTIFAMILY PARKING REQUIRED	291 SPACES (1.5 SPACE/SI DWELLING UNIT)
MULTIFAMILY PARKING PROVIDED	317 SPACES (1.62 SPACES/DWELLING UNIT)
TOWNHOME PARKING REQUIRED	66 SPACES (2 SP/ DWELLING UNIT)
TOWNHOME PARKING PROVIDED	132 SPACES (4.0 SP/ DWELLING UNIT)

**VARIANCE REQUEST:**

- VARIANCE REQUEST FOR THE LANDSCAPE BUFFER ALONG HIGHWAY 316 FROM 50 FEET DOWN TO 0 FEET.
- VARIANCE REQUEST FOR THE FRONT SETBACK AT HILLCREST LOCATED AT THE CUL DE SAC THAT ENTERS THE PROPERTY BE REDUCED FROM 50 FEET TO 0 FEET.

24 HOUR CONTACT:  
HENRY MASSIE

P: (770) 451-2741 F: (770) 451-3915  
www.pecplus.com

Planners & Engineers Collaborative+

LAND PLANNING • LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING  
SURVEYING & CONSTRUCTION • WATER RESOURCES

350 RESEARCH COURT, SUITE 200  
PEACHTREE CORNERS, GA 30092

PROJECT

**HURRICANE SHOALS  
RD @ BELMONT DR.**

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT  
492 HURRICANE SHOALS RD.,  
115 BELMONT DR.,  
LAWRENCEVILLE GA, 30056

CITY OF LAWRENCEVILLE  
JURISDICTION

FOR  
**McKINLEY HOMES**

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	06-25-2024	kw	Lower Density Site

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 000059388 EXP. 10/28/2024

**ZONING SITE PLAN**

SCALE: 1" = 80'

DATE: 03/27/2024

PROJECT: 21256.01









**A LONG ELEVATION - BUILDING A**  
 APT A2.1 18' x 110'

**GENERAL NOTE:**  
 AT INSIDE CORNERS, LOCATE DOWNPOUTS  
 RIGHT TO BUILDING CORNER. AT FIELD  
 LOCATIONS, CENTER DOWNPOUTS BETWEEN  
 WINDOWS.

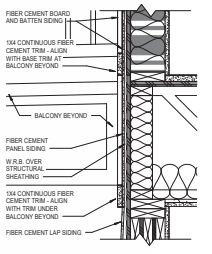
**EXTERIOR MATERIAL LEGEND**

- FIBER CEMENT BOARD AND BATTEN SIDING EQUAL TO JAMES HARDIE. PAINT COLOR TO BE SELECTED BY ARCHITECT FOR HORIZONTAL. BATTEN HEIGHTS, SEE 2 / APT A2.2
- FIBER CEMENT LAP SIDING EQUAL TO JAMES HARDIE. SMOOTH TEXTURE WITH 6" EXPOSURE. PAINT COLOR TO BE SELECTED BY ARCHITECT
- FIBER CEMENT PANEL EQUAL TO JAMES HARDIE. SMOOTH TEXTURE. PAINT COLOR TO BE SELECTED BY ARCHITECT
- STAINED WOOD FRAMING / TRIM COMPONENTS

ISOLATE VENT CAPS. SEE MECHANICAL FOR SIZES. PAINT TO MATCH ADJACENT SIDING. PROVIDE SINGLE 1x FIBER CEMENT TRIM BACKER BLOCK CENTERED ON VENT CAP. SEE ADJACENT DIAGRAM



**B LONG ELEVATION - BUILDING B**  
 APT A2.1 18' x 110'



**2 SIDING TRANSITION AT 3RD FLOOR**  
 APT A2.1 110' x 110'



**C BUILDING C - EXTERIOR ELEVATION - SOUTH**  
 APT A2.1 18' x 110'



**1 LONG ELEVATION - BUILDING C JULIET BALCONY FACE**  
 APT A2.1 18' x 110'

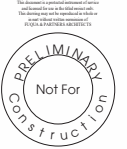
**RZM2024-00016**  
**RECEIVED: JUNE 24, 2024**  
**PLANNING AND DEVELOPMENT DEPARTMENT**

**Martinson Tract Apartments**  
 Huntsville, AL

EXTERIOR ELEVATIONS - APARTMENT LONG ELEVATIONS

PROJECT NO:	FPK 401523
DRAWN:	Author
CHECKED:	Checker
ISSUE:	80% Design
DATE:	4/25/2024

REVISIONS



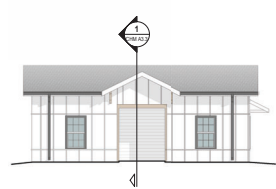
SHEET  
**APT**

8/25/2023 1:40:30 PM

GENERAL NOTE:  
AT ROOF CORNERS, LOCATE DOWNPONTS  
TIGHT TO BUILDING CORNER AT FIELD  
LOCATIONS, CENTER DOWNPONTS BETWEEN  
WINDOWS.

EXTERIOR MATERIAL LEGEND

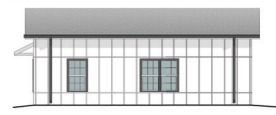
- FIBER CEMENT BOARD AND BATTEN SIDING EQUAL TO JAMES HARDIE. PAINT COLOR TO BE SELECTED BY ARCHITECT. FOR HORIZONTAL, BATTEN HEIGHTS, SEE 2 / APT A2.2
- FIBER CEMENT LAP SIDING EQUAL TO JAMES HARDIE. SMOOTH TEXTURE WITH F EXPOSURE. PAINT COLOR TO BE SELECTED BY ARCHITECT.
- FIBER CEMENT PANEL EQUAL TO JAMES HARDIE. SMOOTH TEXTURE. PAINT COLOR TO BE SELECTED BY ARCHITECT.
- STAINED WOOD FRAMING / TRIM COMPONENTS
- EXHAUST VENT CAPS - SEE MECHANICAL FOR SIZES. PAINT TO MATCH ADJACENT SIDING. PROVIDE SINGLE 1X FIBER CEMENT TRIM BACKER BLOCK CENTERED ON VENT CAP. SEE ADJACENT DIMGRAM
- 1X TRIM BLOCK
- VENT CAP



7 MAINTENANCE EAST  
CHM A2.1  
18' x 1'-0"



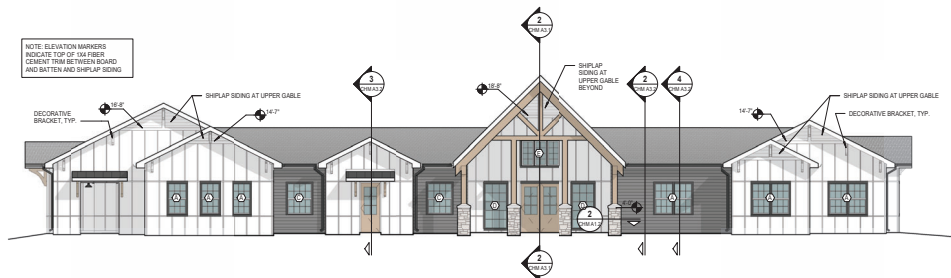
6 MAINTENANCE NORTH  
CHM A2.1  
18' x 1'-0"



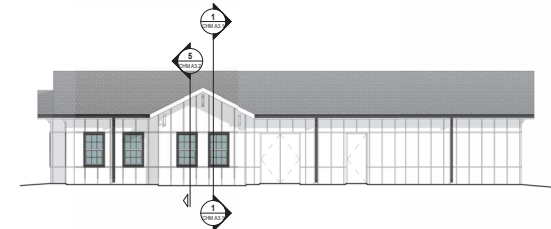
5 MAINTENANCE WEST  
CHM A2.1  
18' x 1'-0"



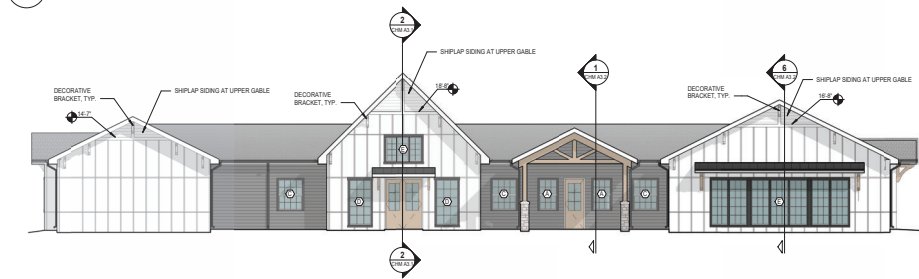
4 MAINTENANCE SOUTH  
CHM A2.1  
18' x 1'-0"



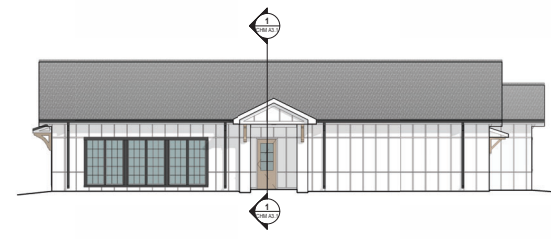
8 CLUBHOUSE SOUTH  
CHM A2.1  
18' x 1'-0"



3 CLUBHOUSE EAST  
CHM A2.1  
18' x 1'-0"



2 CLUBHOUSE NORTH  
CHM A2.1  
18' x 1'-0"



1 CLUBHOUSE WEST  
CHM A2.1  
18' x 1'-0"

RZM2024-00016  
RECEIVED: JUNE 24, 2024  
PLANNING AND DEVELOPMENT DEPARTMENT
















# LAWRENCEVILLE

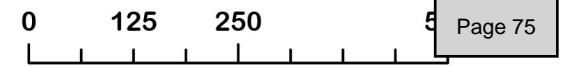
GEORGIA

The City of Lawrenceville  
Planning & Development  
Location Map & Surrounding Areas

**File # RZM2024-00016**

**Applicant: Bill Diehl**

-  Subject Property
-  Parcels
-  County Maintained Streets
-  City Maintained Streets
-  Downtown Development Authority Boundary










# LAWRENCEVILLE

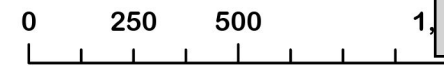
GEORGIA

The City of Lawrenceville  
Planning & Development  
Location Map & Surrounding Areas

File # RZM2024-00016

Applicant: Bill Diehl

-  Lawrenceville City Limits
-  Subject Property
-  Parcels
-  County Maintained Streets
-  City Maintained Streets
-  Downtown Development Authority Boundary

















# LAWRENCEVILLE

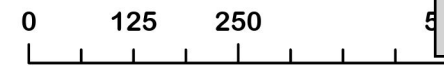
GEORGIA

The City of Lawrenceville  
Planning & Development  
Location Map & Surrounding Areas

**File # RZM2024-00016**

**Applicant: Bill Diehl**

-  Subject Property
  -  Parcels
  -  County Maintained Streets
  -  City Maintained Streets
- Zoning Districts**
-  HSB Highway Service Business
  -  LM Light Manufacturing
  -  OI Office/Institutional
  -  CMU Community Mixed Use
  -  RM-12 Multifamily Residential
  -  RS-150 Single-Family Residential




















# LAWRENCEVILLE

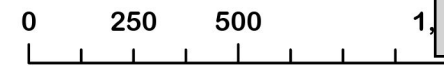
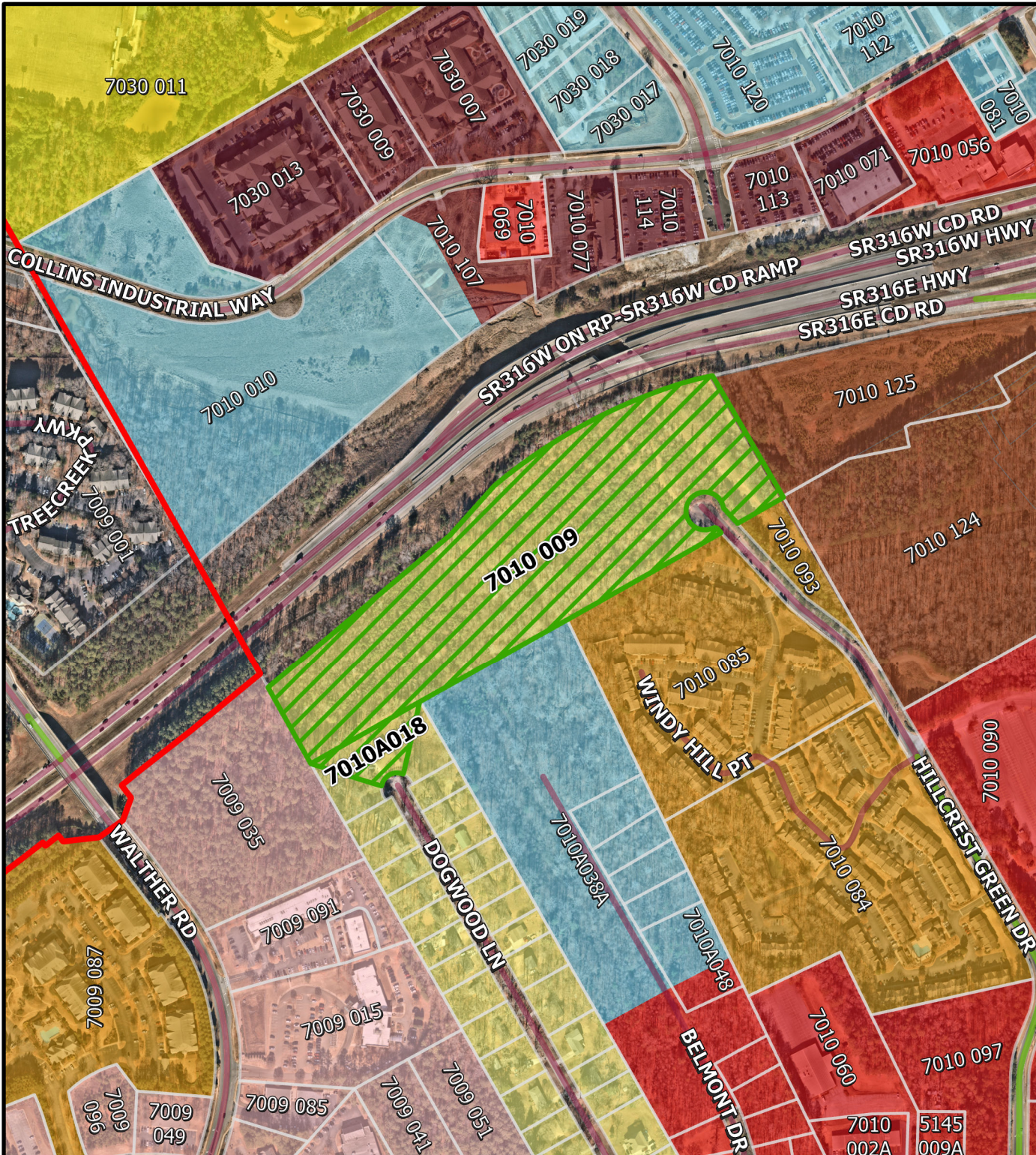
GEORGIA

The City of Lawrenceville  
Planning & Development  
Location Map & Surrounding Areas

File # RZM2024-00016

Applicant: Bill Diehl

-  Lawrenceville City Limits
  -  Subject Property
  -  Parcels
  -  County Maintained Streets
  -  City Maintained Streets
- Zoning Districts**
-  BG General Business
  -  HSB Highway Service Business
  -  LM Light Manufacturing
  -  OI Office/Institutional
  -  CMU Community Mixed Use
  -  RM-12 Multifamily Residential
  -  RS-150 Single-Family Residential
  -  RS-180 Single-Family Residential














# LAWRENCEVILLE

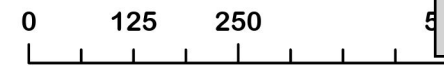
GEORGIA

The City of Lawrenceville  
Planning & Development  
Location Map & Surrounding Areas

**File # RZM2024-00016**

**Applicant: Bill Diehl**

-  Subject Property
  -  Parcels
  -  County Maintained Streets
  -  City Maintained Streets
- 2045 Character Areas**
-  Community Mixed Use
  -  Medical Services Cluster
  -  Education Center















# LAWRENCEVILLE

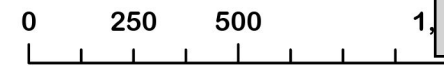
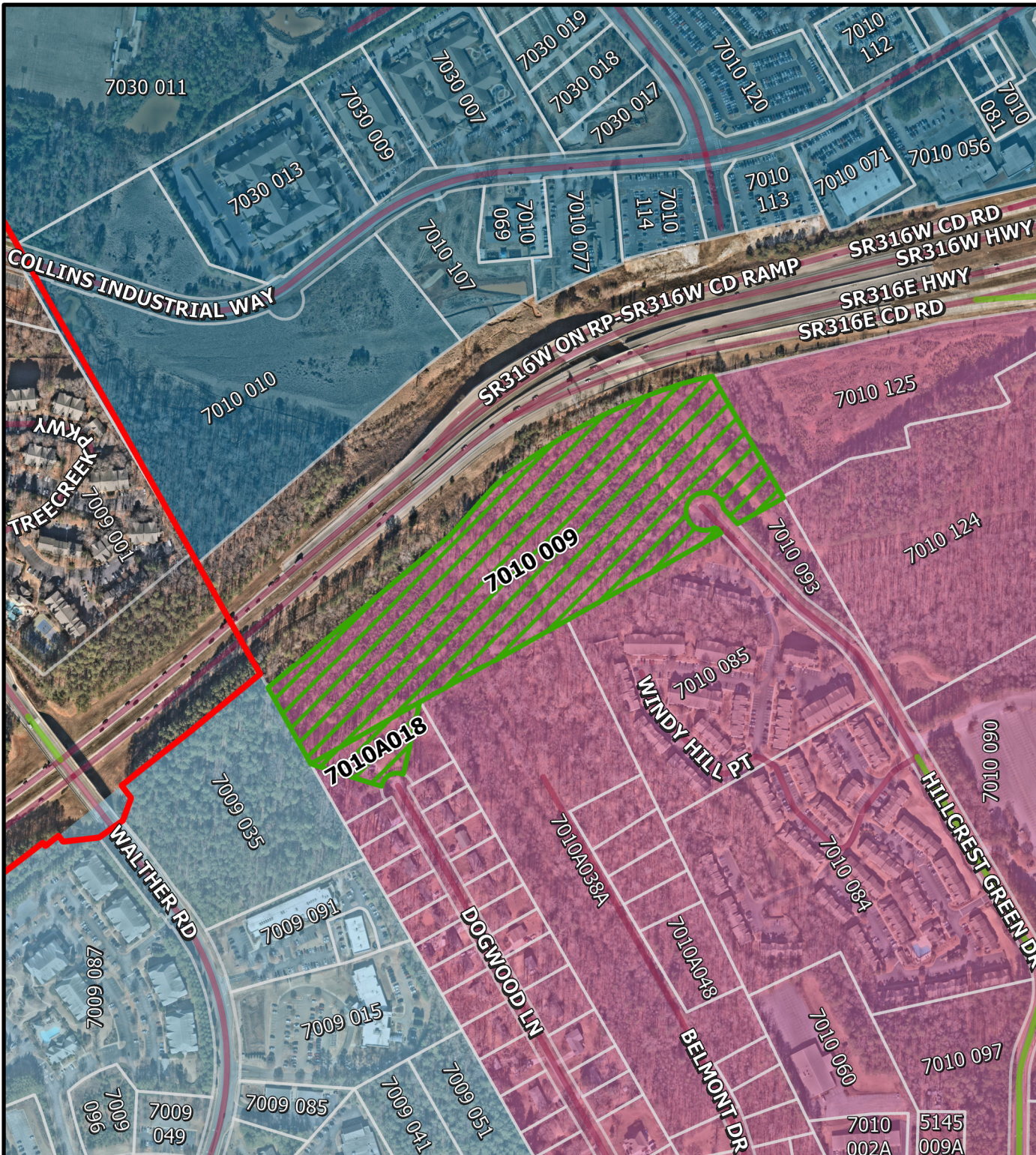
GEORGIA

The City of Lawrenceville  
Planning & Development  
Location Map & Surrounding Areas

File # RZM2024-00016

Applicant: Bill Diehl

-  Lawrenceville City Limits
-  Subject Property
-  Parcels
-  County Maintained Streets
-  City Maintained Streets
- 2045 Character Areas**
-  Community Mixed Use
-  Medical Services Cluster
-  Education Center







# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 4, 2024

AGENDA CATEGORY: GENERAL CITY BUSINESS

- Item:** Purchase of Pad Mount Transformers
- Department:** Electric
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** \$138,596.00
- Presented By:** Huston Gillis, Public Works Director
- Action Requested:** Award Purchase of Pad Mount Transformers to low bidder, Gresco Utility Supply, Inc. in the amount of \$138,596.00.

**Summary:** This purchase is to provide transformers for the Northside Hospital Project. These transformers will be purchased based on the additional buildings and additional electrical load required for the project.

**Fiscal Impact:** Purchase amount of \$138,596.00. This purchase is funded by Project 06-040 in the Capital Outlay Fund Account 5114600-541000. The project currently has \$172,424.72 approved and available. Upon approval of this item \$33,828.72 will be remaining in the project.

**Attachments/Exhibits:**  
Bid Tabulation

**SB005-25  
Purchase of Pad Mount Transformers  
Electric Department**

			Pulsemac Solutions		Sunbelt Solomon Services, LLC		JST Power Equipment, LLC		Stewart C. Irby Co. Inc.		Intellogie Engineering, Inc.	
ITEM #	DESCRIPTION	APPROX. QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	750 KVA U/G, 3-phase pad mount. 277/480. Dual voltage. Loop feed. Bayonet fuses.	3 ea	\$32,250.00	\$96,750.00	\$38,584.00	\$115,752.00	\$53,010.00	\$159,030.00	N/B	N/B	\$38,944.00	\$116,832.00
2	500 KVA U/G, 3-phase pad mount. 277/480. Dual voltage. Loop feed. Bayonet fuses	2 ea	\$27,569.00	\$55,138.00	\$27,940.00	\$55,880.00	\$44,245.00	\$88,490.00	N/B	N/B	\$32,444.00	\$64,888.00
3	15 KVA, single phase U/G pad mount. 120/240. Dual voltage.	1 ea	\$2,815.00	\$2,815.00	\$3,350.00	\$3,350.00	\$7,142.00	\$7,142.00	\$2,622.00	\$2,622.00	\$5,240.00	\$5,240.00
<b>TOTAL</b>			\$154,703.00		\$174,982.00		\$254,662.00		\$2,622.00		\$186,960.00	

			Siak Enterprise, LLC		T & R Electric Supply Co., Inc.		Gresco Utility Supply, Inc.		MP Predictive Technologies, Inc.		ECB Solutions, LLC	
ITEM #	DESCRIPTION	APPROX. QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	750 KVA U/G, 3-phase pad mount. 277/480. Dual voltage. Loop feed. Bayonet fuses.	3 ea	\$67,714.00	\$203,142.00	\$37,800.00	\$113,400.00	\$30,714.00	\$92,142.00	\$57,200.00	\$171,600.00	\$54,800.00	\$164,400.00
2	500 KVA U/G, 3-phase pad mount. 277/480. Dual voltage. Loop feed. Bayonet fuses	2 ea	\$49,641.00	\$99,282.00	\$28,816.00	\$57,632.00	\$22,066.00	\$44,132.00	\$41,800.00	\$83,600.00	\$41,150.00	\$82,300.00
3	15 KVA, single phase U/G pad mount. 120/240. Dual voltage.	1 ea	\$8,689.00	\$8,689.00	\$6,468.00	\$6,468.00	\$2,322.00	\$2,322.00	N/B	N/B	\$8,500.00	\$8,500.00
<b>TOTAL</b>			\$311,113.00		\$177,500.00		\$138,596.00		\$255,200.00		\$255,200.00	

**Recommended Vendor:**  
Gresco Utility Supply, Inc.



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 4, 2024

AGENDA CATEGORY: GENERAL CITY BUSINESS

- Item:** Year 4 Contract Renewal of ReCAST Sub-Recipient Partners
- Department:** Community and Economic Development
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** \$0
- Presented By:** Jasmine Billings, Community & Economic Development Director
- Action Requested:** Approve contract renewal for Year 4 of ReCAST sub-recipient partners, Georgia Center for Opportunity, Impact 46, and ReCAST Program Director.

**Summary:** ReCAST Lawrenceville will begin Year 4 of its grant cycle in October 2024. The Community and Economic Development Department seeks approval to renew three key contracts: Georgia Center for Opportunity, Impact 46, and the Program Director. These contracts will ensure the continued delivery of essential services, including workforce development, student programming, and grant management oversight. ReCAST stands for Resiliency in Communities After Stress & Trauma and is a grant program awarded through the Substance Abuse & Mental Health Services Administration.

Authorization is sought for the Mayor or City Manager to execute the contracts with the Georgia Center for Opportunity, Impact 46, and the Program Director, subject to the contract's approval by the City Attorney.

**Attachments/Exhibits:**

- ReCAST Year 4 Contract with Georgia Center for Opportunity
- ReCAST Year 4 Contract with Impact46
- ReCAST Year 4 Contract with ReCAST Program Director

**SUBRECIPIENT AGREEMENT  
BETWEEN  
CITY OF LAWRENCEVILLE AND GEORGIA CENTER FOR OPPORTUNITY, INC.**

This Agreement is made between the City of Lawrenceville (herein called the Local Government) and Georgia Center for Opportunity (herein called Subrecipient) for the Lawrenceville ReCAST Grant (herein called the Project).

As the Local Government has applied for and received a Substance Abuse and Mental Health Services Administration (SAMHSA) award, Unique Federal Award Identification Number (FAIN) H79SM084920, to fund the Project with Federal Award Identification Number 5H79SM084920-04; and

As it benefits the Local Government to engage the Subrecipient to accomplish the Scope of Work and the objectives of the local SAMHSA project;

The parties agree that:

**1. SCOPE OF SERVICES**

**A. Local Government Responsibilities**

The Local Government is responsible for administration of the ReCAST Grant, and ensuring SAMHSA funds are used in accordance with all program requirements. The Local Government will provide such assistance and guidance to the Subrecipient as may be required to accomplish the objectives and conditions set forth in this Agreement. The Local Government is responsible for completing the following tasks to accomplish the objectives of the Project:

Principal Tasks

- Coordinate project service and activities, including training, communication, and information dissemination.
- Provide program leadership and oversight for the grant, data collection, and monitoring progress.
- Coordinate the Diversity and Inclusion Committee.

**B. Subrecipient Responsibilities**

The Subrecipient will complete in a satisfactory and proper manner as determined by the Local Government the following tasks to accomplish the objectives. The Subrecipient will periodically meet with the Local Government to review the status of these tasks.

The ReCAST budget narrative provides more explicit guidance as to both the

resource allocation and expenditure expectations of the Subrecipient.

Principal Tasks

- Better Work Gwinnett
- Resume Support, Interview Coaching, and Soft-skills Training.
- Employment Mentoring
- Developing and Cultivating Partnerships
- Support outreach events with an organizational representative and with organizational materials.

**2. TIME OF PERFORMANCE**

The effective date of this Agreement will be the date the parties sign and complete execution of this agreement.

**3. AGREEMENT REPRESENTATIVES**

Each party to this Agreement shall have a representative. Each party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

A. Subrecipient: Georgia Center for Opportunity

<b>Name of Representative:</b>	Randy Hicks
Title	President & CEO
Mailing Address:	333 Research Court
City, State, and Zip Code:	Peachtree Corners, GA 30092
Telephone Number:	770-242-0001
Email Address:	

B. Local Government: City of Lawrenceville

<b>Name of Representative:</b>	Chuck Warbington
Title	City Manager
Mailing Address:	PO Box 2200
City, State, and Zip Code:	Lawrenceville, GA 30046
Telephone Number:	770-963-2414
Email Address:	chuck.warbington@lawrencevillega.org

**4. BUDGET**

The Local Government will pass through to the Subrecipient no more than \$110,000 in SAMHSA funds for eligible incurred costs and expenses for the Project according to the project budget, incorporated herein by reference.

The Local Government will require a more detailed budget breakdown, and the Subrecipient will provide such supplementary budget information in a timely fashion in the form and content prescribed by the Local Government.

Any amendments to this Agreement’s Budget must first be determined by the Local Government as consistent with its ReCAST contract with SAMHSA and then approved in writing by the Local Government and the Subrecipient.

**5. PAYMENT**

The Local Government shall reimburse the Subrecipient in accordance with the payment procedures outlined in the SAMHSA Management Handbook, Financial Management Section for all allowable expenses agreed upon by the parties to complete the Scope of Service.

Reimbursement under this Agreement will be based on billings, supported by appropriate documentation of costs actually incurred. It is expressly understood that claims for reimbursement will not be submitted in excess of actual, immediate cash requirements necessary to carry out the purposes of the agreement. Funds available under this Agreement will be utilized to supplement rather than supplant funds otherwise available.

It is understood that this Agreement is funded in whole or in part with SAMHSA funds and is subject to those regulations and restrictions normally associated with federally-funded programs.

**6. PERFORMANCE MONITORING**

The Local Government will monitor the performance of the Subrecipient by tracking project progress, reviewing payment requests for applicable costs, overseeing compliance with SAMHSA requirements, and ensuring recordkeeping and audit requirements are met. Substandard performance as determined by the Local Government will constitute noncompliance with this Agreement.

If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Local Government, contract suspension or termination procedures will be initiated.

**7. GENERAL CONDITIONS**

A. Independent Contractor

Nothing contained in this Agreement is intended to, or will be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient will at all times remain an “independent contractor” with respect to the services to be performed under this Agreement. The Local Government will be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers’ Compensation Insurance, as the Subrecipient is an independent contractor.

B. Hold Harmless

The Subrecipient will hold harmless, defend and indemnify the Local Government from any and all claims, actions, suits, charges, and judgments whatsoever that arise out of the Subrecipient’s performance or nonperformance of the services or subject matter called for in this Agreement.

C. Workers’ Compensation

The Subrecipient will provide Workers’ Compensation Insurance Coverage for all of its employees involved in the performance of this Agreement. Coverage will be maintained (at least) at minimum statutory limits. Evidence of Coverage will be provided to the Local Government. There is no additional named insured requirement for Worker’s Compensation Coverage.

D. Insurance and Bonding

The Subrecipient will carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud, and/or undue physical damage, and as a minimum will purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Local Government.

The Subrecipient shall obtain and maintain at its own expense insurance policies for general liability insurance and professional liability insurance from commercial insurance companies licensed to transact insurance in the State of Georgia in an amount not less than one million dollars (\$1,000,000) per claim and three million dollars (\$3,000,000) in the aggregate per year for each such policy and shall, upon request, provide the Local Government a copy of the certificates of insurance as evidence of such coverage which lists the Local Government as an additional named insured. If the Subrecipient changes insurance carriers or has the coverage described herein decreased or terminated, such party will notify in writing the Local Government at least thirty (30) days prior to the expiration or termination of the current coverage.

E. Amendments

The Local Government or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each



organization, and approved by the Local Government’s governing body. Such amendments will not invalidate this Agreement, nor relieve or release the Local Government or Subrecipient from its obligations under this Agreement.

F. Suspension or Termination

The Local Government may suspend or terminate this Agreement if the Subrecipient materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

- i. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statues, regulations, executive orders, and SAMHSA guidelines, policies or directives as may become applicable at any time;
- ii. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this Agreement.
- iii. Ineffective or improper use of funds provided under this Agreement; or
- iv. Submission by the Subrecipient to the Local Government of reports that are incorrect or incomplete in any material respect.

This Agreement may also be terminated by either the Local Government or the Subrecipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Local Government determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Local Government may terminate the award in its entirety.

**8. ADMINISTRATIVE REQUIREMENTS**

A. Financial Management

- i. Accounting Standards  
The Subrecipient agrees to comply with 2 CFR 200 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.
- ii. Cost Principles  
The Subrecipient will administer its program in conformance with 2 CFR 200. These principles will be applied for all costs incurred whether charged on a direct or indirect basis.

- iii. Duplication of Costs  
The Subrecipient certifies that work to be performed under this Agreement does not duplicate any work to be charged against any other contract, subcontract, or other source.

B. Documentation and Record Keeping

- i. Records to Be Maintained  
The Subrecipient will maintain all records required by the Federal regulations that are pertinent to the activities to be funded. Such records will include but not be limited to:
  1. Records providing a full description of each activity undertaken;
  2. Records demonstrating that each activity undertaken meets the objectives of the project;
  3. Records required to determine the eligibility of activities;
  4. Financial records as required by 24 CFR 570.502, and 2 CFR 200.333;
  5. Other records necessary to document compliance with Subpart K of 24 CFR 570.

- ii. Access to Records and Retention  
The grantee and other authorized representatives of the federal government shall have access to any books, documents, papers, and records of the Subrecipient that are directly pertinent to this Agreement for the purposes of making audit, examination, excerpts, and transcriptions.

All such records and all other records pertinent to this Agreement and work undertaken under this Agreement will be retained by the Subrecipient for a period of six years after final audit of the Local Government's SAMHSA project unless a longer period is required to resolve audit findings or litigation. Additionally, if the Georgia Records Retention Act requires a longer period, then the records must be retained for that period. In such cases, the Local Government will request a longer period of record retention.

- iii. Audits and Inspections  
All Subrecipient records with respect to any matters covered by this Agreement will be made available to the Local Government, and duly authorized officials of the federal government, at any time during normal

business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data.

Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments.

The Subrecipient that expends \$750,000 or more in a fiscal year in federal funds from all sources hereby agrees to have an annual agency audit conducted in accordance with current Local Government policy concerning Subrecipient audits and 2 CFR 200.501. The Catalog of Federal Domestic Assistance (CFDA) number is 14.228.

C. Reporting

i. Program Income

The Subrecipient will report annually all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with SAMHSA funds made available under this Agreement. The use of program income by the Subrecipient will comply with the requirements set forth at 24 CFR 570.504.

ii. Periodic Reports

The Subrecipient, at such times and in such forms as the Local Government may require, will furnish the Local Government such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement. Such reporting will include:

1. Monthly data updates to the ReCAST Lawrenceville data tracker
2. Brief milestone reports, offering a monthly update of grant-related organizational activities and progress
3. Periodic reports offered to the ReCAST Advisory Board; reporting to the Advisory Board is anticipated to be quarterly

D. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement will be in compliance with the requirements of 2 CFR 200.311 and 313, 24 CFR 570.502, 570.503, 570.504, as applicable, which include but are not limited to the

following:

- i. The Subrecipient will transfer to the Local Government any SAMHSA funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.

**9. PERSONNEL AND PARTICIPANT CONDITIONS**

**A. Conduct**

- i. Assignability  
The Subrecipient will not assign or transfer any interest in this Agreement without the prior written consent of the Local Government thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Local Government under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer will be furnished promptly to the Local Government.

- ii. Conflict of Interest  
No member of the Local Government’s governing body and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning or carrying out of the project, will have any personal financial interest, direct or indirect, in this Agreement; and the Subrecipient will take appropriate steps to assure compliance.

The Subrecipient agrees to abide by the provisions of 2 CFR 200.318 and 24 CFR 570.611, which include maintaining a written standard code of conduct that will govern the performance of its officers, employees, or agents engaged in the award and administration of contracts supported by Federal funds.

The Subrecipient covenants that its employees have no interest and will not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of services hereunder. The Subrecipient further covenants that in the performance of this Agreement, no person having such interest will be employed.

- iii. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions

- 1. The lower tier contractor certifies, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor will attach an explanation to this contract.

**10. PERFORMANCE WAIVER**

The Local Government’s failure to act with respect to a breach by the Subrecipient does not waive its right to act with respect to subsequent or similar breaches. The failure of the Local Government to exercise or enforce any right or provision will not constitute a waiver of such right or provision.

**11. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the Local Government and the Subrecipient for the use of funds received under this Agreement and it supersedes all prior communications and proposals, whether electronic, oral, or written between the Local Government and the Subrecipient with respect to this Agreement.

IN WITNESS WHEREOF, the Local Government and the Subrecipient have executed this Agreement as of the date and year last written below.

<b>City of Lawrenceville</b>	<b>Georgia Center for Opportunity</b>
Sign:	Sign:
Printed Name:	Printed Name:
Title:	Title:
Date:	Date:

**SUBRECIPIENT AGREEMENT  
BETWEEN  
CITY OF LAWRENCEVILLE AND IMPACT 46, INC.**

This Agreement is made between the City of Lawrenceville (herein called the Local Government) and Impact46 (herein called Subrecipient) for the Lawrenceville ReCAST Grant (herein called the Project).

As the Local Government has applied for and received a Substance Abuse and Mental Health Services Administration (SAMHSA) award, Unique Federal Award Identification Number (FAIN) H79SM084920, to fund the Project with Federal Award Identification Number 5H79SM084920-04; and

As it benefits the Local Government to engage the Subrecipient to accomplish the Scope of Work and the objectives of the local SAMHSA project;

The parties agree that:

**1. SCOPE OF SERVICES**

**A. Local Government Responsibilities**

The Local Government is responsible for administration of the ReCAST Grant, and ensuring SAMHSA funds are used in accordance with all program requirements. The Local Government will provide such assistance and guidance to the Subrecipient as may be required to accomplish the objectives and conditions set forth in this Agreement. The Local Government is responsible for completing the following tasks to accomplish the objectives of the Project:

Principal Tasks

- Coordinate project service and activities, including training, communication, and information dissemination.
- Provide program leadership and oversight for the grant, data collection, and monitoring progress.
- Coordinate the Diversity and Inclusion Committee.

**B. Subrecipient Responsibilities**

The Subrecipient will complete in a satisfactory and proper manner as determined by the Local Government the following tasks to accomplish the objectives. The Subrecipient will periodically meet with the Local Government to review the status of these tasks.

The ReCAST budget narrative provides more explicit guidance as to both the

resource allocation and expenditure expectations of the Subrecipient.

Principal Tasks

- Case Management/Intake Specialist/Community Development Manager and Program Manager (Student 46)
- Training and delivery of the Student Community Leadership Program
- Marketing/Recruitment for Summer of Impact Businesses
- Support outreach events with an organizational representative and with organizational materials

**2. TIME OF PERFORMANCE**

The effective date of this Agreement will be the date the parties sign and complete execution of this agreement.

**3. AGREEMENT REPRESENTATIVES**

Each party to this Agreement shall have a representative. Each party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

A. Subrecipient: Impact46

<b>Name of Representative:</b>	Jen Young
Title	Executive Director
Mailing Address:	PO Box 565
City, State, and Zip Code:	Lawrenceville, GA 30046
Telephone Number:	
Email Address:	jen@impact46.org

B. Local Government: City of Lawrenceville

<b>Name of Representative:</b>	Chuck Warbington
Title	City Manager
Mailing Address:	PO Box 2200
City, State, and Zip Code:	Lawrenceville, GA 30046
Telephone Number:	770-963-2414
Email Address:	chuck.warbington@lawrencevillega.org

**4. BUDGET**

The Local Government will pass through to the Subrecipient no more than \$240,000 in SAMHSA funds for eligible incurred costs and expenses for the Project according to the project budget, incorporated herein by reference.

The Local Government will require a more detailed budget breakdown, and the Subrecipient will provide such supplementary budget information in a timely fashion in the form and content prescribed by the Local Government.

Any amendments to this Agreement’s Budget must first be determined by the Local Government as consistent with its ReCAST contract with SAMHSA and then approved in writing by the Local Government and the Subrecipient.

**5. PAYMENT**

The Local Government shall reimburse the Subrecipient in accordance with the payment procedures outlined in the SAMHSA Management Handbook, Financial Management Section for all allowable expenses agreed upon by the parties to complete the Scope of Service.

Reimbursement under this Agreement will be based on billings, supported by appropriate documentation of costs actually incurred. It is expressly understood that claims for reimbursement will not be submitted in excess of actual, immediate cash requirements necessary to carry out the purposes of the agreement. Funds available under this Agreement will be utilized to supplement rather than supplant funds otherwise available.

It is understood that this Agreement is funded in whole or in part with SAMHSA funds and is subject to those regulations and restrictions normally associated with federally-funded programs.

**6. PERFORMANCE MONITORING**

The Local Government will monitor the performance of the Subrecipient by tracking project progress, reviewing payment requests for applicable costs, overseeing compliance with SAMHSA requirements, and ensuring recordkeeping and audit requirements are met. Substandard performance as determined by the Local Government will constitute noncompliance with this Agreement.

If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Local Government, contract suspension or termination procedures will be initiated.

**7. GENERAL CONDITIONS**



A. Independent Contractor

Nothing contained in this Agreement is intended to, or will be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient will at all times remain an “independent contractor” with respect to the services to be performed under this Agreement. The Local Government will be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers’ Compensation Insurance, as the Subrecipient is an independent contractor.

B. Hold Harmless

The Subrecipient will hold harmless, defend and indemnify the Local Government from any and all claims, actions, suits, charges, and judgments whatsoever that arise out of the Subrecipient’s performance or nonperformance of the services or subject matter called for in this Agreement.

C. Workers’ Compensation

The Subrecipient will provide Workers’ Compensation Insurance Coverage for all of its employees involved in the performance of this Agreement. Coverage will be maintained (at least) at minimum statutory limits. Evidence of Coverage will be provided to the Local Government. There is no additional named insured requirement for Worker’s Compensation Coverage.

D. Insurance and Bonding

The Subrecipient will carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud, and/or undue physical damage, and as a minimum will purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Local Government.

The Subrecipient shall obtain and maintain at its own expense insurance policies for general liability insurance and professional liability insurance from commercial insurance companies licensed to transact insurance in the State of Georgia in an amount not less than one million dollars (\$1,000,000) per claim and three million dollars (\$3,000,000) in the aggregate per year for each such policy and shall, upon request, provide the Local Government a copy of the certificates of insurance as evidence of such coverage which lists the Local Government as an additional named insured. If the Subrecipient changes insurance carriers or has the coverage described herein decreased or terminated, such party will notify in writing the Local Government at least thirty (30) days prior to the expiration or termination of the current coverage.

E. Amendments

The Local Government or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each

organization, and approved by the Local Government’s governing body. Such amendments will not invalidate this Agreement, nor relieve or release the Local Government or Subrecipient from its obligations under this Agreement.

F. Suspension or Termination

The Local Government may suspend or terminate this Agreement if the Subrecipient materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

- i. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statues, regulations, executive orders, and SAMHSA guidelines, policies or directives as may become applicable at any time;
- ii. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this Agreement.
- iii. Ineffective or improper use of funds provided under this Agreement; or
- iv. Submission by the Subrecipient to the Local Government of reports that are incorrect or incomplete in any material respect.

This Agreement may also be terminated by either the Local Government or the Subrecipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Local Government determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Local Government may terminate the award in its entirety.

**8. ADMINISTRATIVE REQUIREMENTS**

A. Financial Management

i. Accounting Standards

The Subrecipient agrees to comply with 2 CFR 200 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

ii. Cost Principles

The Subrecipient will administer its program in conformance with 2 CFR 200. These principles will be applied for all costs incurred whether charged on a direct or indirect basis.

- iii. Duplication of Costs  
The Subrecipient certifies that work to be performed under this Agreement does not duplicate any work to be charged against any other contract, subcontract, or other source.

B. Documentation and Record Keeping

- i. Records to Be Maintained  
The Subrecipient will maintain all records required by the Federal regulations that are pertinent to the activities to be funded. Such records will include but not be limited to:
  1. Records providing a full description of each activity undertaken;
  2. Records demonstrating that each activity undertaken meets the objectives of the project;
  3. Records required to determine the eligibility of activities;
  4. Financial records as required by 24 CFR 570.502, and 2 CFR 200.333;
  5. Other records necessary to document compliance with Subpart K of 24 CFR 570.

- ii. Access to Records and Retention  
The grantee and other authorized representatives of the federal government shall have access to any books, documents, papers, and records of the Subrecipient that are directly pertinent to this Agreement for the purposes of making audit, examination, excerpts, and transcriptions.

All such records and all other records pertinent to this Agreement and work undertaken under this Agreement will be retained by the Subrecipient for a period of six years after final audit of the Local Government's SAMHSA project unless a longer period is required to resolve audit findings or litigation. Additionally, if the Georgia Records Retention Act requires a longer period, then the records must be retained for that period. In such cases, the Local Government will request a longer period of record retention.

- iii. Audits and Inspections  
All Subrecipient records with respect to any matters covered by this Agreement will be made available to the Local Government, and duly authorized officials of the federal government, at any time during normal

business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data.

Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments.

The Subrecipient that expends \$750,000 or more in a fiscal year in federal funds from all sources hereby agrees to have an annual agency audit conducted in accordance with current Local Government policy concerning Subrecipient audits and 2 CFR 200.501. The Catalog of Federal Domestic Assistance (CFDA) number is 14.228.

C. Reporting

i. Program Income

The Subrecipient will report annually all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with SAMHSA funds made available under this Agreement. The use of program income by the Subrecipient will comply with the requirements set forth at 24 CFR 570.504.

ii. Periodic Reports

The Subrecipient, at such times and in such forms as the Local Government may require, will furnish the Local Government such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement. Such reporting will include:

1. Monthly data updates to the ReCAST Lawrenceville data tracker
2. Brief milestone reports, offering a monthly update of grant-related organizational activities and progress
3. Periodic reports offered to the ReCAST Advisory Board; reporting to the Advisory Board is anticipated to be quarterly

D. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement will be in compliance with the requirements of 2 CFR 200.311 and 313, 24 CFR 570.502, 570.503, 570.504, as applicable, which include but are not limited to the

following:

- i. The Subrecipient will transfer to the Local Government any SAMHSA funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.

**9. PERSONNEL AND PARTICIPANT CONDITIONS**

**A. Conduct**

- i. Assignability  
The Subrecipient will not assign or transfer any interest in this Agreement without the prior written consent of the Local Government thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Local Government under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer will be furnished promptly to the Local Government.

- ii. Conflict of Interest  
No member of the Local Government’s governing body and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning or carrying out of the project, will have any personal financial interest, direct or indirect, in this Agreement; and the Subrecipient will take appropriate steps to assure compliance.

The Subrecipient agrees to abide by the provisions of 2 CFR 200.318 and 24 CFR 570.611, which include maintaining a written standard code of conduct that will govern the performance of its officers, employees, or agents engaged in the award and administration of contracts supported by Federal funds.

The Subrecipient covenants that its employees have no interest and will not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of services hereunder. The Subrecipient further covenants that in the performance of this Agreement, no person having such interest will be employed.

- iii. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions

1. The lower tier contractor certifies, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor will attach an explanation to this contract.

**10. PERFORMANCE WAIVER**

The Local Government’s failure to act with respect to a breach by the Subrecipient does not waive its right to act with respect to subsequent or similar breaches. The failure of the Local Government to exercise or enforce any right or provision will not constitute a waiver of such right or provision.

**11. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the Local Government and the Subrecipient for the use of funds received under this Agreement and it supersedes all prior communications and proposals, whether electronic, oral, or written between the Local Government and the Subrecipient with respect to this Agreement.

IN WITNESS WHEREOF, the Local Government and the Subrecipient have executed this Agreement as of the date and year last written below.

City of Lawrenceville	Impact46
Sign:	Sign:
Printed Name:	Printed Name:
Title:	Title:
Date:	Date:

**PROGRAM DIRECTOR AGREEMENT  
BETWEEN  
CITY OF LAWRENCEVILLE AND DR. EDWARD VALENTIN.**

This Agreement is made between the City of Lawrenceville (herein called the Local Government) and Dr. Edward Valentin (herein called the Program Director) for the Lawrenceville ReCAST Grant (herein called the Project).

As the Local Government has applied for and received a Substance Abuse and Mental Health Services Administration (SAMHSA) award, Unique Federal Award Identification Number (FAIN) H79SM084920, to fund the Project with Federal Award Identification Number 5H79SM084920-04; and

As it benefits the Local Government to engage the Program Director to accomplish the Scope of Work and the objectives of the local SAMHSA project;

The parties agree that:

**1. SCOPE OF SERVICES**

**A. Local Government Responsibilities**

The Local Government is responsible for administration of the ReCAST Grant, and ensuring SAMHSA funds are used in accordance with all program requirements. The Local Government will provide such assistance and guidance to the Program Director as may be required to accomplish the objectives and conditions set forth in this Agreement. The Local Government is responsible for completing the following tasks to accomplish the objectives of the Project:

Principal Tasks

- Coordinate project service and activities, including training, communication, and information dissemination.
- Provide program leadership and oversight for the grant, data collection, and monitoring progress.

**B. Program Director Responsibilities**

The Program Director will complete in a satisfactory and proper manner as determined by the Local Government tasks outlined in an attached job description to accomplish the objectives outlined therein. The Program Director will periodically meet with the Local Government to review the status of these tasks.

Principal Tasks

- Tasks are outlined in the attached job description.

**2. TIME OF PERFORMANCE**

The effective date of this Agreement will be the date the parties sign and complete execution of this agreement.

**3. AGREEMENT REPRESENTATIVES**

Each party to this Agreement shall have a representative. Each party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

A. Program Director: Impact46

<b>Name of Representative:</b>	Edward Valentin
Title	Program Director
Mailing Address:	196 Banyon Ct
City, State, and Zip Code:	Dallas, GA 30157
Telephone Number:	770-256-7078
Email Address:	emvalen@emory.edu

B. Local Government: City of Lawrenceville

<b>Name of Representative:</b>	Chuck Warbington
Title	City Manager
Mailing Address:	PO Box 2200
City, State, and Zip Code:	Lawrenceville, GA 30046
Telephone Number:	770-963-2414
Email Address:	chuck.warbington@lawrencevillega.org

**4. BUDGET**

The Local Government will pass through to the Program Director no more than \$36,000 in SAMHSA funds for eligible incurred costs and expenses for the Project according to the project budget, incorporated herein by reference.

Any amendments to this Agreement's Budget must first be determined by the Local Government as consistent with its ReCAST contract with SAMHSA and then approved in



writing by the Local Government and the Program Director.

**5. PAYMENT**

The Local Government shall reimburse the Program Director in accordance with the payment procedures outlined in the SAMHSA Management Handbook, Financial Management Section for all allowable expenses agreed upon by the parties to complete the Scope of Service.

Reimbursement under this Agreement will be based on billings, supported by appropriate documentation of costs actually incurred. It is expressly understood that claims for reimbursement will not be submitted in excess of actual, immediate cash requirements necessary to carry out the purposes of the agreement. Funds available under this Agreement will be utilized to supplement rather than supplant funds otherwise available.

It is understood that this Agreement is funded in whole or in part with SAMHSA funds and is subject to those regulations and restrictions normally associated with federally-funded programs.

**6. PERFORMANCE MONITORING**

The Local Government will monitor the performance of the Program Director by tracking project progress, reviewing payment requests for applicable costs, overseeing compliance with SAMHSA requirements, and ensuring recordkeeping and audit requirements are met. Substandard performance as determined by the Local Government will constitute noncompliance with this Agreement.

If action to correct such substandard performance is not taken by the Program Director within a reasonable period of time after being notified by the Local Government, contract suspension or termination procedures will be initiated.

**7. GENERAL CONDITIONS**

A. Independent Contractor

Nothing contained in this Agreement is intended to, or will be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Program Director will at all times remain an “independent contractor” with respect to the services to be performed under this Agreement. The Local Government will be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers’ Compensation Insurance, as the Program Director is an independent contractor.

B. Hold Harmless

The Program Director will hold harmless, defend, and indemnify the Local

Government from any and all claims, actions, suits, charges, and judgments whatsoever that arise out of the Program Director’s performance or nonperformance of the services or subject matter called for in this Agreement.

C. Workers’ Compensation

~~The Program Director will provide Workers’ Compensation Insurance Coverage for all of its employees involved in the performance of this Agreement. Coverage will be maintained (at least) at minimum statutory limits. Evidence of Coverage will be provided to the Local Government. There is no additional named insured requirement for Worker’s Compensation Coverage.~~

D. Insurance and Bonding

The Program Director will carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud, and/or undue physical damage, and as a minimum will purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Local Government.

The Program Director shall obtain and maintain at its own expense insurance policies for general liability insurance and professional liability insurance from commercial insurance companies licensed to transact insurance in the State of Georgia in an amount not less than one million dollars (\$1,000,000) per claim and three million dollars (\$3,000,000) in the aggregate per year for each such policy and shall, upon request, provide the Local Government a copy of the certificates of insurance as evidence of such coverage which lists the Local Government as an additional named insured. If the Program Director changes insurance carriers or has the coverage described herein decreased or terminated, such party will notify in writing the Local Government at least thirty (30) days prior to the expiration or termination of the current coverage.

E. Amendments

The Local Government or Program Director may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each organization, and approved by the Local Government’s governing body. Such amendments will not invalidate this Agreement, nor relieve or release the Local Government or Program Director from its obligations under this Agreement.

F. Suspension or Termination

The Local Government may suspend or terminate this Agreement if the Program Director materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

- i. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statues, regulations, executive orders, and SAMHSA

guidelines, policies or directives as may become applicable at any time;

- ii. Failure, for any reason, of the Program Director to fulfill in a timely and proper manner its obligations under this Agreement.
- iii. Ineffective or improper use of funds provided under this Agreement; or
- iv. Submission by the Program Director to the Local Government of reports that are incorrect or incomplete in any material respect.

This Agreement may also be terminated by either the Local Government or the Program Director, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Local Government determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Local Government may terminate the award in its entirety.

## 8. ADMINISTRATIVE REQUIREMENTS

### A. Financial Management

- i. Accounting Standards  
The Program Director agrees to comply with 2 CFR 200 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.
- ii. Cost Principles  
The Program Director will administer its program in conformance with 2 CFR 200. These principles will be applied for all costs incurred whether charged on a direct or indirect basis.
- iii. Duplication of Costs  
The Program Director certifies that work to be performed under this Agreement does not duplicate any work to be charged against any other contract, subcontract, or other source.

### B. Documentation and Record Keeping

- i. Records to Be Maintained  
The Program Director will maintain all records required by the Federal regulations that are pertinent to the activities to be funded. Such records will include but not be limited to:

1. Records providing a full description of each activity undertaken;
2. Records demonstrating that each activity undertaken meets the objectives of the project;
3. Records required to determine the eligibility of activities;
4. Financial records as required by 24 CFR 570.502, and 2 CFR 200.333;
5. Other records necessary to document compliance with Subpart K of 24 CFR 570.

ii. Access to Records and Retention

The grantee and other authorized representatives of the federal government shall have access to any books, documents, papers, and records of the Program Director that are directly pertinent to this Agreement for the purposes of making audit, examination, excerpts, and transcriptions.

All such records and all other records pertinent to this Agreement and work undertaken under this Agreement will be retained by the Program Director for a period of six years after final audit of the Local Government's SAMHSA project unless a longer period is required to resolve audit findings or litigation. Additionally, if the Georgia Records Retention Act requires a longer period, then the records must be retained for that period. In such cases, the Local Government will request a longer period of record retention.

iii. Audits and Inspections

~~All Program Director records with respect to any matters covered by this Agreement will be made available to the Local Government, and duly authorized officials of the federal government, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data.~~

~~Any deficiencies noted in audit reports must be fully cleared by the Program Director within 30 days after receipt by the Program Director. Failure of the Program Director to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments.~~

~~The Program Director that expends \$750,000 or more in a fiscal year in federal funds from all sources hereby agrees to have an annual agency~~

~~audit conducted in accordance with current Local Government policy concerning Program Director audits and 2 CFR 200.501. The Catalog of Federal Domestic Assistance (CFDA) number is 14.228.~~

C. Reporting

i. Program Income

The Program Director will report annually all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with SAMHSA funds made available under this Agreement. The use of program income by the Program Director will comply with the requirements set forth at 24 CFR 570.504.

ii. Periodic Reports

The Program Director, at such times and in such forms as the Local Government may require, will furnish the Local Government such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement. Such reporting will include:

1. Monthly data updates to the ReCAST Lawrenceville data tracker
2. Brief milestone reports, offering a monthly update of grant-related organizational activities and progress
3. Periodic reports offered to the ReCAST Advisory Board; reporting to the Advisory Board is anticipated to be quarterly

D. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement will be in compliance with the requirements of 2 CFR 200.311 and 313, 24 CFR 570.502, 570.503, 570.504, as applicable, which include but are not limited to the following:

- i. The Program Director will transfer to the Local Government any SAMHSA funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.

**9. PERSONNEL AND PARTICIPANT CONDITIONS**

A. Conduct

i. Assignability

The Program Director will not assign or transfer any interest in this Agreement without the prior written consent of the Local Government thereto; provided, however, that claims for money due or to become due to the Program Director from the Local Government under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any assignment or transfer will be furnished promptly to the Local Government.

ii. Conflict of Interest

No member of the Local Government’s governing body and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning or carrying out of the project, will have any personal financial interest, direct or indirect, in this Agreement; and the Program Director will take appropriate steps to assure compliance.

The Program Director agrees to abide by the provisions of 2 CFR 200.318 and 24 CFR 570.611, which include maintaining a written standard code of conduct that will govern the performance of its officers, employees, or agents engaged in the award and administration of contracts supported by Federal funds.

~~The Program Director covenants that its employees have no interest and will not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of services hereunder. The Program Director further covenants that in the performance of this Agreement, no person having such interest will be employed.~~

iii. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions

1. The lower tier contractor certifies, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor will attach an explanation to this contract.

**10. PERFORMANCE WAIVER**

The Local Government's failure to act with respect to a breach by the Program Director does not waive its right to act with respect to subsequent or similar breaches. The failure of the Local Government to exercise or enforce any right or provision will not constitute a waiver of such right or provision.

**11. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the Local Government and the Program Director for the use of funds received under this Agreement and it supersedes all prior communications and proposals, whether electronic, oral, or written between the Local Government and the Program Director with respect to this Agreement.

IN WITNESS WHEREOF, the Local Government and the Program Director have executed this Agreement as of the date and year last written below.

<b>City of Lawrenceville</b>	<b>Dr. Edward Valentin</b>
Sign:	Sign:
Printed Name:	Printed Name:
Title:	Title:
Date:	Date:



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 4, 2024

AGENDA CATEGORY: GENERAL CITY BUSINESS

- Item:** Axon VR Axon VR Immersive Training Firearms and Taser Equipment
- Department:** Police
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** \$106,162.50
- Presented By:** Captain Parker
- Action Requested:** Approval to Purchase Axon VR Immersive Training Firearms and Taser Equipment in the amount of \$106,162.50 using 2853210-531755 Speed Zone Funds.

**Summary:** Axon VR immerses trainees in scenarios before facing them in the field, eliciting similar stress responses and fostering the development of stronger muscle memory.

**Background:** Axon VR Training empowers officers to respond more confidently in the field. Empower officers with the skills to navigate complex real-world scenarios through immersive content and state-of-the-art technology, enabling them to train anytime, anywhere. Develop skills, empathy and de-escalation tactics and gain confidence in responding to calls with community members, victims in crisis, and individuals experiencing a mental health episode. Hone TASER energy weapon skills, including target assessment, speed, accuracy and confidence under stress. Improve critical decision-making skills, confidence, and accuracy under stress. Build muscle memory and train to proficiency without the need for extensive training time and live cartridge consumption.

**Fiscal Impact:** \$106,162.50 to be funded from 2853210-531755 Speed Zone.

**Attachments/Exhibits:**

- Axon Enterprise, Inc. Quote
- Axon VR Product Training Information





Axon Enterprise, Inc.  
17800 N 85th St.  
Scottsdale, Arizona 85255  
United States  
VAT: 86-0741227  
Domestic: (800) 978-2737  
International: +1.800.978.2737

Q-547584-45448.478DP

Issued: 06/06/2024

Quote Expiration: 07/16/2024

Estimated Contract Start Date: 11/01/2024

Account Number: 117733

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
Lawrenceville Police Dept. - GA 300 Jackson St Lawrenceville, GA 30048-5721 USA	Lawrenceville Police Dept. - GA 300 Jackson St Lawrenceville GA 30048-5721 USA Email:	Drew Patterson Phone: +1 5132038037 Email: dpatterson@axon.com Fax:	John Mullin Phone: (770) 983-2443 Email: jmullin@lawrencevilapd.com Fax:

Quote Summary

Program Length	45 Months
TOTAL COST	\$106,162.50
ESTIMATED TOTAL W/ TAX	\$106,162.50

Discount Summary

Average Savings Per Year	\$16,547.31
TOTAL SAVINGS	\$62,052.40

2853210-531755  
Firearms

**Payment Summary**

<b>Date</b>	<b>Subtotal</b>	<b>Tax</b>	<b>Total</b>
Oct 2024	\$34,174.33	\$0.00	\$34,174.33
Jul 2025	\$23,061.30	\$0.00	\$23,061.30
Jul 2020	\$23,983.78	\$0.00	\$23,983.78
Jul 2027	\$24,843.11	\$0.00	\$24,843.11
<b>Total</b>	<b>\$108,162.50</b>	<b>\$0.00</b>	<b>\$108,162.50</b>

Quote Unbundled Price: \$168,214.90  
 Quote List Price: \$161,899.70  
 Quote Subtotal: \$108,162.60

**Pricing**

*All deliverables are detailed in Delivery Schedules section lower in proposal*

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
<b>Program</b>									
V00007	BUNDLE - VR - HANDGUN CONTROLLER TAP	4	45	\$53.05	\$43.85	\$0.00	\$0.00	\$0.00	\$0.00
TapHeadset	VR Headset TAP Bundle	4	45	\$52.80	\$41.84	\$0.00	\$0.00	\$0.00	\$0.00
TapTablet	VR Tablet TAP Bundle	4	45	\$26.19	\$23.05	\$0.00	\$0.00	\$0.00	\$0.00
V00005	BUNDLE - VR - TASER CONTROLLER TAP	4	45	\$49.91	\$41.02	\$0.00	\$0.00	\$0.00	\$0.00
<b>A la Carte Hardware</b>									
20378	AXON VR - HEADSET - HTC FOCUS 3	4			\$1,093.00	\$0.00	\$0.00	\$0.00	\$0.00
V00010	BUNDLE - VR - CONTROLLER KIT T10	4	45		\$5,166.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>A la Carte Software</b>									
20370	AXON VR - FULL ACCESS - TASER ADD-ON USER	00	45		\$23.25	\$23.25	\$94,162.60	\$0.00	\$94,162.60
<b>A la Carte Services</b>									
101267	AXON VR - PSD - FULL INSTALLATION	1			\$12,000.00	\$12,000.00	\$12,000.00	\$0.00	\$12,000.00
<b>Total</b>							\$108,162.60	\$0.00	\$108,162.60

**Delivery Schedule**

**Hardware**

Bundle	Item	Description	QTY	Shipping Location	Estimated Delivery Date
BUNDLE - VR - CONTROLLER KIT T10	100120	AXON VR - TACTICAL BAG	4	1	10/01/2024
BUNDLE - VR - CONTROLLER KIT T10	100748	AXON VR - CONTROLLER - TASER 10	4	1	10/01/2024
BUNDLE - VR - CONTROLLER KIT T10	100882	AXON VR - PLACEHOLDER - HANDGUN CONTROLLER	4	1	10/01/2024
BUNDLE - VR - CONTROLLER KIT T10	101122	AXON VR - HOLSTER - T10 SAFARILAND GREY - RH	3	1	10/01/2024
BUNDLE - VR - CONTROLLER KIT T10	101123	AXON VR - HOLSTER - T10 SAFARILAND GREY - LH	1	1	10/01/2024
BUNDLE - VR - CONTROLLER KIT T10	20286	AXON VR - TABLET	4	1	10/01/2024
BUNDLE - VR - CONTROLLER KIT T10	20297	VR TABLET CASE	4	1	10/01/2024
A la Carte	20378	AXON VR - HEADSET - HTC FOCUS 3	4	1	10/01/2024
BUNDLE - VR - HANDGUN CONTROLLER TAP	101099	AXON VR - TAP REFRESH 1 - SIDEARM CONTROLLER	4	1	04/01/2027
BUNDLE - VR - TASER CONTROLLER TAP	101012	AXON VR - TAP REFRESH 1 - CONTROLLER	4	1	04/01/2027
VR Headset TAP Bundle	20373	AXON VR - TAP REFRESH 1 - HEADSET	4	1	04/01/2027
VR Tablet TAP Bundle	100210	AXON VR - TAP REFRESH 1 - TABLET	4	1	04/01/2027

**Software**

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
A la Carte	20370	AXON VR - FULL ACCESS - TASER ADD-ON USER	90	11/01/2024	07/31/2028

**Services**

Bundle	Item	Description	QTY
A la Carte	101287	AXON VR - P80 - FULL INSTALLATION	1

**Warranties**

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BUNDLE - VR - HANDGUN CONTROLLER TAP	101008	AXON VR - EXT WARRANTY - HANDGUN CONTROLLER	4	10/01/2025	07/31/2028
BUNDLE - VR - TASER CONTROLLER TAP	101007	AXON VR - EXT WARRANTY - CONTROLLER	4	10/01/2025	07/31/2028
VR Headset TAP Bundle	100197	AXON VR - EXT WARRANTY - HTC FOCUS 3 HEADSET	4	10/01/2025	07/31/2028
VR Tablet TAP Bundle	100213	AXON VR - EXT WARRANTY - TABLET	4	10/01/2025	07/31/2028

**Shipping Locations**

Location Number	Street	City	State	Zip	Country
1	300 Jackson St	Lawrenceville	GA	30046-5721	USA

**Payment Details**

**Oct 2024**

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 1	101287	AXON VR - PSD - FULL INSTALLATION	1	\$12,000.00	\$0.00	\$12,000.00
Annual Payment 1	20370	AXON VR - FULL ACCESS - TASER ADD-ON USER	90	\$22,174.33	\$0.00	\$22,174.33
Annual Payment 1	20378	AXON VR - HEADSET - HTC FOCUS 3	4	\$0.00	\$0.00	\$0.00
Annual Payment 1	TapHeadset	VR Headset TAP Bundle	4	\$0.00	\$0.00	\$0.00
Annual Payment 1	TapTablet	VR Tablet TAP Bundle	4	\$0.00	\$0.00	\$0.00
Annual Payment 1	V00005	BUNDLE - VR - TASER CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 1	V00007	BUNDLE - VR - HANDGUN CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 1	V00010	BUNDLE - VR - CONTROLLER KIT T10	4	\$0.00	\$0.00	\$0.00
<b>Total</b>				<b>\$34,174.33</b>	<b>\$0.00</b>	<b>\$34,174.33</b>

**Jul 2025**

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 2	20370	AXON VR - FULL ACCESS - TASER ADD-ON USER	90	\$23,061.30	\$0.00	\$23,061.30
Annual Payment 2	20378	AXON VR - HEADSET - HTC FOCUS 3	4	\$0.00	\$0.00	\$0.00
Annual Payment 2	TapHeadset	VR Headset TAP Bundle	4	\$0.00	\$0.00	\$0.00
Annual Payment 2	TapTablet	VR Tablet TAP Bundle	4	\$0.00	\$0.00	\$0.00
Annual Payment 2	V00005	BUNDLE - VR - TASER CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 2	V00007	BUNDLE - VR - HANDGUN CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 2	V00010	BUNDLE - VR - CONTROLLER KIT T10	4	\$0.00	\$0.00	\$0.00
<b>Total</b>				<b>\$23,061.30</b>	<b>\$0.00</b>	<b>\$23,061.30</b>

**Jul 2026**

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 3	20370	AXON VR - FULL ACCESS - TASER ADD-ON USER	90	\$23,983.76	\$0.00	\$23,983.76
Annual Payment 3	20378	AXON VR - HEADSET - HTC FOCUS 3	4	\$0.00	\$0.00	\$0.00
Annual Payment 3	TapHeadset	VR Headset TAP Bundle	4	\$0.00	\$0.00	\$0.00
Annual Payment 3	TapTablet	VR Tablet TAP Bundle	4	\$0.00	\$0.00	\$0.00
Annual Payment 3	V00005	BUNDLE - VR - TASER CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 3	V00007	BUNDLE - VR - HANDGUN CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 3	V00010	BUNDLE - VR - CONTROLLER KIT T10	4	\$0.00	\$0.00	\$0.00
<b>Total</b>				<b>\$23,983.76</b>	<b>\$0.00</b>	<b>\$23,983.76</b>

**Jul 2027**

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 4	20370	AXON VR - FULL ACCESS - TASER ADD-ON USER	90	\$24,943.11	\$0.00	\$24,943.11
Annual Payment 4	20378	AXON VR - HEADSET - HTC FOCUS 3	4	\$0.00	\$0.00	\$0.00
Annual Payment 4	TapHeadset	VR Headset TAP Bundle	4	\$0.00	\$0.00	\$0.00
Annual Payment 4	TapTablet	VR Tablet TAP Bundle	4	\$0.00	\$0.00	\$0.00

Jul 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 4	V00005	BUNDLE - VR - TASER CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 4	V00007	BUNDLE - VR - HANDGUN CONTROLLER TAP	4	\$0.00	\$0.00	\$0.00
Annual Payment 4	V00010	BUNDLE - VR - CONTROLLER KIT T10	4	\$0.00	\$0.00	\$0.00
<b>Total</b>				<b>\$24,943.11</b>	<b>\$0.00</b>	<b>\$24,943.11</b>

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

### Standard Terms and Conditions

#### Axon Enterprise Inc. Sales Terms and Conditions

##### Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at <https://www.axon.com/sales-terms-and-conditions>), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

##### ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at [www.axon.com/legal/sales-terms-and-conditions](http://www.axon.com/legal/sales-terms-and-conditions)), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

##### Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

  
Signature

  
Date Signed

6/6/2024





# Train for the reality of today — and tomorrow

Axon VR Training empowers officers to respond more confidently in the field.



## Develop higher-performing officers

Empower officers with the skills to navigate complex real-world scenarios through immersive content and state-of-the-art technology, enabling them to train anytime, anywhere.

# Community Engagement Training

Develop skills, empathy and de-escalation tactics and gain confidence in responding to calls with community members, victims in crisis, and individuals experiencing a mental health episode.



# Simulator Training

Hone TASER energy weapon skills, including target assessment, speed, accuracy and confidence under stress.



# Axon Academy

Streamline facilitation and reinforce the skills acquired in virtual reality with a comprehensive library of supplementary e-learning content and training materials.





## True-To-Life TASER Training

Axon VR is the most efficient and cost-effective method to train on TASER energy weapons.



## Unlock Learning Potential with Microtraining

Enhance learning efficiency and knowledge retention through on-demand training in short, focused and frequent sessions.



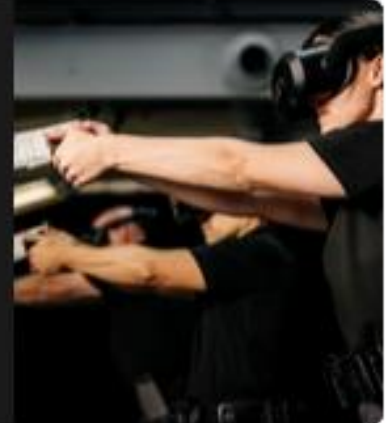
## Unparalleled Immersion and Realism

Improve critical decision-making skills, confidence, and accuracy under stress.



## Enhanced Training Efficiency

Build muscle memory and train to proficiency without the need for extensive training time and live cartridge consumption.



AXON VR IMMERSSES TRAINEES IN SCENARIOS BEFORE FACING THEM IN THE FIELD, ELICITING SIMILAR STRESS RESPONSES AND  
**FOSTERING THE DEVELOPMENT OF STRONGER MUSCLE  
MEMORY.**



"Officers can be immersed in a virtual range anytime, anywhere, deploy hundreds of cartridges, and it doesn't cost you anything."



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 4, 2024

AGENDA CATEGORY: DISCUSSION OF GENERAL CITY BUSINESS

- Item:** Intergovernmental Agreement for Conveyance of Property and Access Easement with Gwinnett County at 650 Hi-Hope Road
- Department:** Natural Gas
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** \$127,800.00
- Presented By:** Todd Hardigree
- Action Requested:** Approval of IGA with Gwinnett County for Conveyance of Property and Access Easement at 650 Hi-Hope Road, and Provide Authorization for Mayor or City Manager to Execute Documents Subject to City Attorney Approval

**Summary:** The gas department has been coordinating with Gwinnett County regarding the property needed for the regulator station adjacent to 650 Hi-Hope Road. The design requires acquisition of the County owned parcel at 650 Hi-Hope Road parcel (.505 acres) and an access easement along the Gwinnett property for access to the station. The agreement also adds an easement for Gwinnett County water to have a new water line installed along the right-of-way and the new parcel as part of the intersection improvement. The acquisition of the parcel will allow the city to build a new building and relocate the gas mains for the highway improvement project by GDOT and Gwinnett. Property sale has already been approved and executed by Council in March 2024. This transaction completes the property issues and allows the gas department to get started on the project.

**Fiscal Impact:** Project 11-050 (Hi-Hope Relocation) has \$435,500.00 approved and available in the Gas Capital Fund Account 5164700-541000. Upon approval, of this contract for \$127,800.00, the project will have \$307,700 remaining.

**Attachments/Exhibits:**  
**Conveyance of Property IGA 8.20.2024**  
**22080 Access & Property Exhibit – Gwinnett Access Description**

**22080 Permanent Utility Easement – Lawrenceville Description**  
**22080 Access & Property Exhibit**

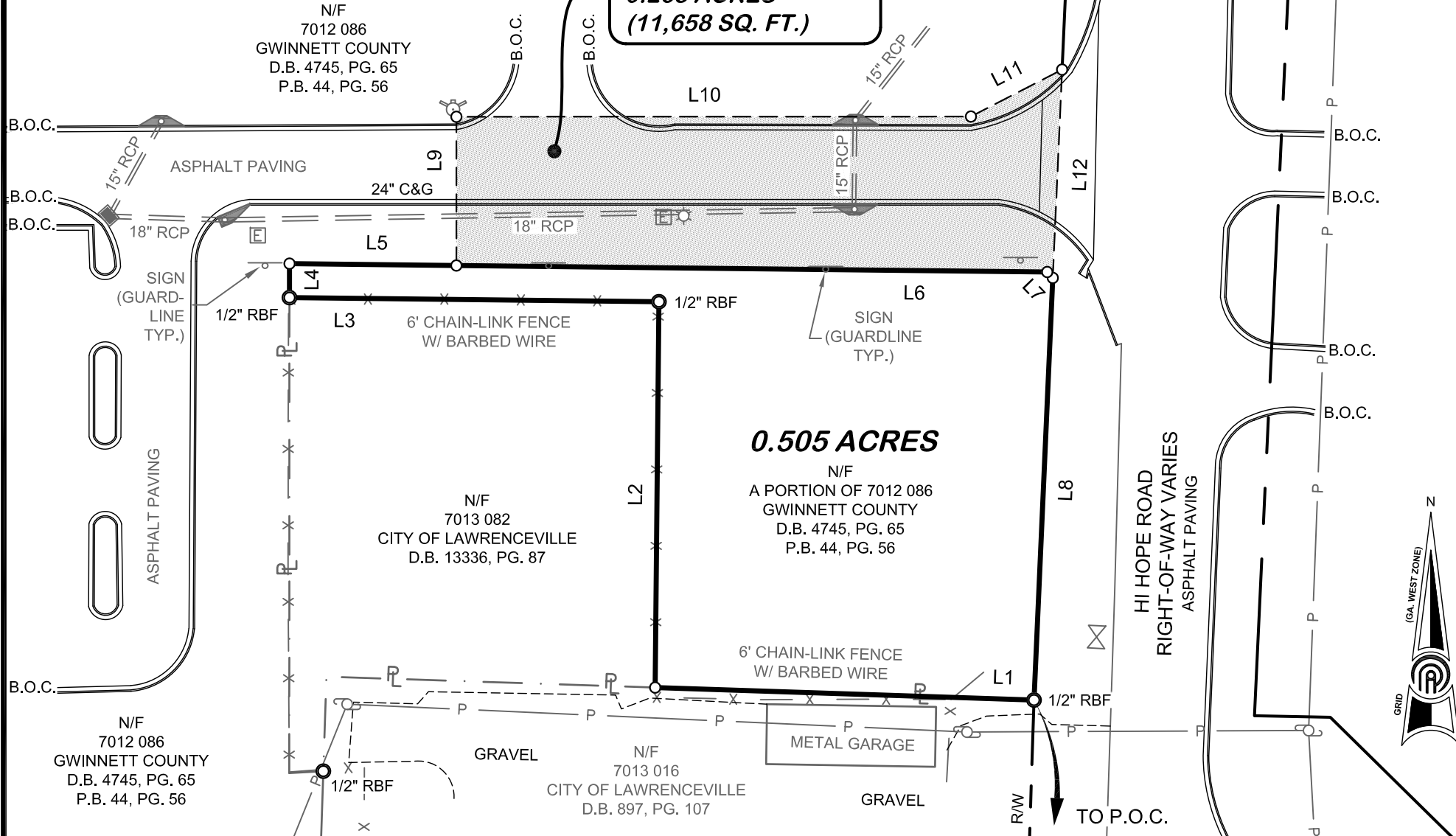
7.



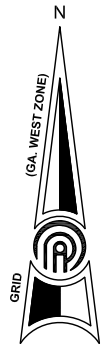
REVISIONS		
DATE	BY	DESCRIPTION

**ACCESS EASEMENT  
(VARIABLE WIDTH)  
0.268 ACRES  
(11,658 SQ. FT.)**

**P.O.C.:**  
458.16' ALONG THE R/W OF HI HOPE ROAD TO THE INTERSECTION OF THE WESTERLY R/W OF HI HOPE ROAD (R/W VARIES) AND THE NORTHERLY R/W OF UNIVERSITY PARKWAY (R/W VARIES).

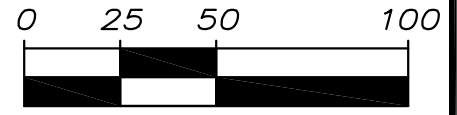


LINE TABLE		
LINE	LENGTH	BEARING
L1	133.89'	N88°06'42"W
L2	136.32'	N00°34'24"E
L3	130.53'	N89°21'40"W
L4	12.00'	N00°01'06"E
L5	58.99'	S89°21'40"E
L6	208.69'	S89°21'40"E
L7	2.84'	S43°43'59"E
L8	149.29'	S02°33'07"W
L9	52.54'	N00°01'05"W
L10	181.72'	N89°58'55"E
L11	36.24'	N62°44'11"E
L12	73.65'	S02°33'07"W



ACCESS EASEMENT (AE)

**GRAPHIC SCALE**



SCALE: 1" = 50'

Parcel: 7012 086	Owner: GWINNETT COUNTY
Date: 12/7/2022	County: GWINNETT, GA
Land Lot: 13	Scale: 1" = 50'
District: 7th	Field By: APJ
Job #: S22080	Drawn By: CCP
	Checked By: DEJ

**PRECISION**  
Planning Inc.

planners • engineers • architects • surveyors

Georgia Land Surveying Firm COA # LSF000313  
400 Pike Boulevard, Lawrenceville, Ga 30046  
770.338.8000 • www.ppi.us • info@ppi.us

ACCESS & PROPERTY EXHIBIT:  
**CITY OF LAWRENCEVILLE**

DRAWING NUMBER  
1 OF 1  
Page 128

E:\Projects\2022\22080-SV-City of Lawrenceville\DWG\Survey\Hi Hope Rd\22080\_Access & Property Exhibit.dwg 1

**LAND DESCRIPTION  
PERMANENT UTILITY EASEMENT  
(VARIABLE WIDTH)  
Parcel # 7012 086  
GWINNETT COUNTY**

All that tract or parcel of land lying and being in Land Lots 13 of the 7<sup>th</sup> Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find **THE POINT OF BEGINNING**, commence at a Point at the intersection of the Westerly Right-of-Way of Hi Hope Road (R/W Varies) and the Northerly Right-of-Way of University Parkway (R/W Varies); THENCE leaving said intersection and traveling along said Right-of-Way of Hi Hope Road for a distance of 458.16 feet to a 1/2" Rebar Found, said point being **THE POINT OF BEGINNING**.

THENCE from said Point as thus established and leaving said Right-of-Way, North 88 degrees 06 minutes 42 seconds West for a distance of 38.02 feet to a Point; THENCE North 52 degrees 02 minutes 00 seconds East for a distance of 10.17 feet to a Point; THENCE North 28 degrees 27 minutes 08 seconds East for a distance of 33.05 feet to a Point; THENCE North 01 degrees 08 minutes 43 seconds East for a distance of 114.83 feet to a Point; THENCE South 89 degrees 21 minutes 40 seconds East for a distance of 16.63 feet to a Point; THENCE South 43 degrees 43 minutes 59 seconds East for a distance of 2.84 feet to a Point on the aforesaid Right-of-Way of Hi Hope Road; THENCE traveling along said Right-of-Way, South 02 degrees 33 minutes 07 seconds West for a distance of 149.29 feet to a 1/2" Rebar Found, said Point being **THE POINT OF BEGINNING**.

Said property contains 0.066 Acres (2,888 Square Feet) as shown as a Permanent Utility Easement on the Easement Plat for City of Lawrenceville, prepared by Precision Planning, Inc. (Job# S22080), and dated 05/8/2024.

**INTERGOVERNMENTAL AGREEMENT  
FOR THE CONVEYANCE OF PROPERTY**

THIS INTERGOVERNMENTAL AGREEMENT FOR THE CONVEYANCE OF PROPERTY (hereinafter referred to as the "Agreement") is made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the **CITY OF LAWRENCEVILLE**, a municipal corporation chartered by the State of Georgia (hereinafter referred to as the "City") and **GWINNETT COUNTY, GEORGIA**, a political subdivision of the State of Georgia (hereinafter referred to as the "County").

**WHEREAS**, Article IX, Section III, Paragraph I(a) of the Constitution of the State of Georgia authorizes any county, municipality or other political subdivision of the State to contract for a period not exceeding fifty (50) years, with any county, municipality, or political subdivision, or with any other public agency, public corporation or public authority, for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

**WHEREAS**, in connection with its SR 316 at Hi Hope Road Project, the Georgia Department of Transportation ("GDOT") is acquiring certain real property, containing 0.69 acre, more or less, being tax parcel R7013 016, from the City; and

**WHEREAS**, as a result of GDOT's acquisition, the City is required to relocate its gas transmission station; and

**WHEREAS**, the County is the owner of certain real property, containing 74.520 acres, more or less, being tax parcel R7012 086, that lies adjacent to the property being acquired by GDOT; and

**WHEREAS**, the City desires to acquire, at their appraised fair market value, a distinct 0.505 acre portion of the County-owned parcel together with a 0.268-acre access easement so that the gas transmission station can be relocated; and

**WHEREAS**, the City and the County, upon careful review and consideration, have concluded that it is in the best interests of the health, safety, and welfare of the citizens of the City of Lawrenceville and Gwinnett County for the City to acquire said property and access easement from the County at their appraised fair market value; and

**WHEREAS**, the City and the County desire to enter into this Agreement to memorialize their understandings as to all issues related to the conveyance;

**NOW, THEREFORE**, for and in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the County do hereby agree as follows:

**1. Conveyance of Property and Access Easement:**

- a. Upon the receipt of the agreed upon purchase price specified herein from the City, the County, by quitclaim deed, shall convey the following to the City:
  - i. All that tract or parcel of land being in Land Lot 012 of the 7th District of Gwinnett County, Georgia, containing 0.505 acre, being a separate and distinct portion of tax parcel R7012 086, as shown on Exhibit A, prepared by Precision Planning Inc., dated May 8, 2024, attached hereto, and incorporated herein by reference (the Property”); and
  - ii. A perpetual, non-exclusive, permanent access easement, variable in width, for ingress and egress, over, across and through that portion of the County’s property, shown as ACCESS EASEMENT on Exhibit A (the “Access Easement”).
- b. The purchase price for the Property shall be One Hundred One Thousand and 00/100 Dollars (\$101,000.00), and the purchase price for the Access Easement shall be

Twenty-six Thousand, Eight Hundred and 00/100 Dollars (\$26,800.00). The total purchase price of **One Hundred Twenty-Seven Thousand, Eight Hundred and 00/100 Dollars (\$127,800.00)** shall be paid by the City to the County no later than thirty (30) days after the full execution of this Agreement.

- c. The parties understand and agree that the County shall retain, reserve and continue to enjoy the use of the Access Easement property for all purposes which do not interfere with and prevent use by the City.
- d. The parties understand and agree that the conveyance of the Property will be expressly made subject to a permanent utility easement granted to and reserved in favor of Gwinnett County Water and Sewerage Authority, its successors and assigns, for the purpose of locating, constructing, installing, maintaining, repairing, replacing, and relocating water lines and their appurtenances on the Property. Said easement contains 0.066 acre and is shown as PERMANENT UTILITY EASEMENT on Exhibit A.

**2. Term:**

The term of this Agreement shall be fifty (50) years from the date first set forth above unless terminated earlier as provided herein.

**3. Default:**

It is covenanted and agreed that, if the City or the County shall neglect or fail to perform or observe any of the covenants, terms, provisions or conditions contained in this Agreement on its part to be performed or observed after written notice specifying the covenant, term, provision, or condition with required action to correct or cure same, and sixty (60) days having elapsed from the date of receipt of such written notice or such additional time as is reasonably required to cure or correct any such default, then the parties agree that, prior to initiating any litigation, they will participate in non-binding mediation in an attempt to resolve the dispute. Should such non-binding mediation prove unsuccessful, the parties shall be free to pursue all remedies available by law,



including but not limited to, specific performance.

**4. Assignment:**

This Agreement may not be assigned, in whole or in part, by either party without the prior written consent of the other party.

**5. Modification:**

This Agreement cannot be changed or modified except by agreement in writing executed by all parties hereto.

**6. Notices:**

All notices, consents, waivers, directions, requests, or other instruments or communications provided for under this Agreement shall be deemed properly given if, and only if, delivered personally or sent by registered or certified United States mail, postage prepaid, as follows:

a. If to the County:

County Administrator  
Gwinnett Justice and Administrative Center  
75 Langley Drive  
Lawrenceville, Georgia 30046

With a copy to:

County Attorney  
Gwinnett Justice and Administrative Center  
75 Langley Drive  
Lawrenceville, Georgia 30046

b. If to the City:

City Manager  
City of Lawrenceville, Georgia  
70 South Clayton Street, P.O. Box 2200  
Lawrenceville, Georgia 30046

With a copy to:

Lawrenceville City Attorney  
Thompson, Sweeny, Kisinger & Pereira, P.C.

P.O. Box 1250  
690 Longleaf Drive  
Lawrenceville, Georgia 30046

Either party may at any time change the address where notices are to be sent or the party or person to whom such notices should be directed by the delivery or mailing to the above person or parties of a notice stating the change. The date of receipt shall be the date of delivery if delivered in person to the recipient or, in the event of registered or certified United States mail, the date of receipt shall be the date as specified on the date of the signed receipt or if unclaimed, refused, or undeliverable, the date of receipt shall be the date of the official United States postmark.

**7. Consent of Parties.**

Whenever, under any provision of this Agreement, the approval or consent of either party is required, the decision thereon shall be given promptly and such approval, authorization, or consent shall not be withheld unreasonably or arbitrarily. It is further understood and agreed that whenever under any provisions of this Agreement approval or consent is required, the approval or consent shall be given by the person executing this Agreement, that person’s duly appointed successor, by one of the persons authorized by law, or by any one of the persons, as the case may be, designated in notification signed by or on behalf of the respective party. Where approval on the part of the County requires a vote by the Board of Commissioners, both parties will use their best efforts to expedite such action, allowing the time necessary for consideration of such action before the Board of Commissioners at a regular meeting. Where approval on the part of the City requires a vote by the City Council, both parties will use their best efforts to expedite such action, allowing the time necessary for consideration of such action before the City Council at a regular meeting.

**8. Governing Law.**

This Agreement shall be deemed to have been made and shall be construed and interpreted in accordance with the laws of the State of Georgia. In case of an inconsistency between the terms of this Agreement and any applicable general or special law, said general or special law shall govern.

**9. Successors and Assigns.**

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

**10. Severability.**

If any part of this Agreement for any reason is declared invalid, such decision shall not affect the validity of any remaining portion, which remaining portion shall remain in force and effect as if this Agreement had been executed with the invalid portion thereof eliminated unless the elimination of such provision materially affects the continuing operation of this Agreement.

**11. No Waiver.**

No consent or waiver, express or implied, by either party, to any breach of any covenant, condition, or duty of the other, shall be construed as a consent to, or waiver of, any other breach of the same, or any other covenant, condition, or duty.

**12. No Third Party Benefit.**

This Agreement is for the benefit of the parties hereto only and is not intended to benefit any third party or to give rise to any duty or causes of action for any third party, and no provisions contained within this Agreement are intended to nor shall they in any way be construed to relieve any contractor performing services in connection with the project of any liability or responsibility to complete any work in a good, substantial, and workmanlike manner.

**13. Time of Essence.**

Time is of the essence under this Agreement.

**14. Entire Agreement.**

This Agreement constitutes all of the understandings and agreements of whatsoever nature or kind existing between the parties with regard to the Project.

**15. Venue.**

Venue to enforce this Agreement shall lie only in either the Superior Court or the State Court of Gwinnett County, and all defenses to such venue are hereby waived.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized officers and representatives as of the day and year first above written, as a sealed instrument.

(Signatures on Following Page)

**CITY OF LAWRENCEVILLE**

Attest:

\_\_\_\_\_

City Clerk

(City Seal)

By: \_\_\_\_\_

David R. Still, Mayor

Approved as to Form:

\_\_\_\_\_

City Attorney

**WINNETT COUNTY, GEORGIA**

Attest:

\_\_\_\_\_

County Clerk

(County Seal)

By: \_\_\_\_\_

NICOLE L. HENDRICKSON, Chairwoman

Approved as to Form:

\_\_\_\_\_

Deputy County Attorney



**LAND DESCRIPTION  
ACCESS EASEMENT  
(VARIABLE WIDTH)  
Parcel # 7012 086  
GWINNETT COUNTY**

All that tract or parcel of land lying and being in Land Lots 13 of the 7<sup>th</sup> Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find **THE POINT OF BEGINNING**, commence at a Point at the intersection of the Westerly Right-of-Way of Hi Hope Road (R/W Varies) and the Northerly Right-of-Way of University Parkway (R/W Varies); THENCE leaving said intersection and traveling along said Right-of-Way of Hi Hope Road for a distance of 607.45 feet to a point, said point being **THE POINT OF BEGINNING**.

THENCE from said Point as thus established and leaving said Right-of-Way, North 43 degrees 43 minutes 59 seconds West for a distance of 2.84 feet to a Point; THENCE North 89 degrees 21 minutes 40 seconds West for a distance of 208.69 feet to a Point; THENCE North 00 degrees 01 minutes 05 seconds West for a distance of 52.54 feet to a Point; THENCE North 89 degrees 58 minutes 55 seconds East for a distance of 181.72 feet to a Point; THENCE North 62 degrees 44 minutes 11 seconds East for a distance of 36.24 feet to a Point on the aforesaid Right-of-Way of Hi Hope Road; THENCE traveling along said Right-of-Way, South 02 degrees 33 minutes 07 seconds West for a distance of 73.65 feet to a Point, said Point being **THE POINT OF BEGINNING**.

Said property contains 0.268 Acres (11,658 Square Feet) as shown as a Access Easement on the Easement Plat for City of Lawrenceville, prepared by Precision Planning, Inc. (Job# S22080), and dated 05/8/2024.



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 4, 2024

AGENDA CATEGORY: GENERAL CITY BUSINESS

- Item:** Discussion to Amend Chapters 6 and 12 of the Code of Ordinances
- Department:** City Manager
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** N/A
- Presented By:** Barry Mock, Assistant City Manager, Community Development
- Action Requested:** Discuss Ordinance to Amend Chapters 6 and 12 of the Code of Ordinances of the City of Lawrenceville, Georgia

**Summary:** The purpose of this amendment is to update Chapters 6 and 12 of the Code of Ordinances to increase efficiency and align current City operations.

**Background:** Chapter 6 of the Code of Ordinances is titled “AMUSEMENTS”. It focuses on permitted and restricted behavior regarding mechanical/coin-operated amusement devices and amusement game rooms. Chapter 12 of the Code of Ordinances is titled “BUSINESSES AND BUSINESS REGULATIONS” and focuses on business related regulations. After staff and City Attorney review of Chapter 6, it was determined that the updated ordinance of Chapter 6 should be moved to Chapter 12 with other business regulations.

**Fiscal Impact:** N/A

**Concurrences:** City Manager, City Clerk, City Attorney

**Attachments/Exhibits:** Chapter 6 redlined draft amended code  
Chapter 6 clean draft amended code  
Chapter 12 redline draft amended code  
Chapter 12 clean draft amended code

## Chapter 6 AMUSEMENTS

### ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

### ARTICLE II. ~~MECHANICAL/COIN-OPERATED AMUSEMENT~~ MACHINES/DEVICES AND AMUSEMENT GAME ROOMS

#### Sec. 6-19. Gambling devices prohibited.

Gambling devices, as that term is defined in O.C.G.A. §16-12-20~~(2)~~, are prohibited in the City, and the ownership, use, or transport thereof shall be a misdemeanor pursuant to State law, except as exempted pursuant to O.C.G.A. § 16-12-35~~(a) through (k)~~.

(Ord. No. AI-2013-165, § 1, 6-3-2013)

#### Sec. 6-20. Gambling places prohibited.

Gambling places, as that term is defined in O.C.G.A. § 16-12-20~~(3)~~, are prohibited in the City, and the operation thereof shall be a misdemeanor pursuant to State law.

(Ord. No. AI-2013-165, § 2, 6-3-2013)

#### Sec. 6-21. Definitions.

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

*Amusement game room* means any location, as provided in O.C.G.A. § 16-12-35(b), (c) or (d), where one or more bona fide coin-operated amusement machine~~(s)~~ are operated that permit non-cash redemption, as provided in O.C.G.A. § 16-12-35(d)(1)(A), (B), (C), or a combination thereof.

*Bona fide coin-operated amusement machine* means the same as this term is defined in O.C.G.A. § 50-27-70(b)(2)(A) and any applicable regulations of the State of Georgia.

~~(1)—Examples of bona fide coin-operated amusement machines include, but are expressly not limited to, the following:~~

- ~~a.—Pinball machines;~~
- ~~b.—Console machines;~~
- ~~c.—Video games;~~
- ~~d.—Crane machines;~~
- ~~e.—Claw machines;~~

- f. — Pusher machines;
- g. — Bowling machines;
- h. — Novelty arcade games;
- i. — Foosball or table soccer machines;
- j. — Miniature racetrack, football or golf machines;
- k. — Target or shooting gallery machines;
- l. — Basketball machines;
- m. — Shuffleboard machines;
- n. — Kiddie ride games;
- o. — Skee-Ball<sup>®</sup> machines;
- p. — Air hockey machines;
- q. — Roll down machines;
- r. — Trivia machines;
- s. — Laser games;
- t. — Simulator games;
- u. — Virtual reality machines;
- v. — Maze games;
- w. — Racing games;
- x. — Coin-operated pool table or coin-operated billiard table, as defined in O.C.G.A. § 43-8-1(3); and
- y. — Any other similar amusement machine which can be legally operated in Georgia.

(21) The term "coin-operated amusement machine" does not include the following:

- a. Coin-operated washing machines or dryers;
- b. Vending machines which, for payment of money, dispense products or services;
- c. Gas and electric meters;
- d. Pay telephones;
- e. Pay toilets;
- f. Cigarette vending machines;
- g. Coin-operated vending machines;
- h. Coin-operated scales;
- i. Coin-operated gumball machines;
- j. Coin-operated parking meters;
- k. Coin-operated television sets which provide cable or network programming;
- l. Coin-operated massage beds; and
- m. Machines which are not legally permitted to be operated in Georgia.

*Location* means a business within the City that has complied with the provisions of the ordinances of the City relating to occupation taxes and ~~/or regulatory-business~~ licenses.

(Ord. No. AI-2013-165, § 3, 6-3-2013)

**Sec. 6-22. License required.**

No person, firm, ~~or~~ corporation, ~~or entity~~ shall engage in the business of an owner or proprietor of an amusement game room without first having obtained a license and without first having paid the applicable occupation tax required under this article.

(Ord. No. AI-2013-165, § 4, 6-3-2013)

**Sec. 6-23. Issuance of license.**

(a) Application for a license for operating an amusement game room within the corporate limits of the City shall be made to the ~~City Clerk~~Chief Financial Officer upon a form to be supplied by the ~~City Clerk~~Chief Financial Officer for this purpose. The license application shall include the following information:

- (1) Name, address, and age of the applicant and the date of the application;
- (2) Address or place where the bona fide coin-operated amusement machines are to be offered to the public for play and the other businesses operated at that place or places.
- (3) Name and address of the owner of the machines and a copy of the owner's master license;
- (4) Name and address of any other business owned or operated by the applicant within the corporate limits of the City;
- (5) List of any other licenses or permits from the City held by the applicant.

(b) Upon issuing a license for an amusement game room, the City ~~Official or employee~~ shall provide the licensee with a copy of ~~the ordinance from which this article is derived~~. The City shall not require a fee for licensure or registration of an amusement game room. A license issued in accordance with this article shall be valid until December 31 of the year in which the license was issued. The owner or operator of an amusement game room shall be required to pay occupation taxes in accordance with chapters ~~10 and~~ 34.

(Ord. No. AI-2013-165, § 5, 6-3-2013)

**Sec. 6-24. Occupation tax required.**

No person, firm, ~~or~~ corporation shall engage in the business of an owner or proprietor of amusement game room without first having completed the occupation tax certificate form, paid the required occupational tax, and without first having obtained the license required under this article. A copy of said certificate/license shall be prominently displayed within the business location at all times.

(Ord. No. AI-2013-165, § 6, 6-3-2013)

**Sec. 6-25. Distance.**

Every amusement game room in the City shall comply with the proximity provision for businesses licensed to sell alcohol, set out in O.C.G.A. § 3-3-21.

(Ord. No. AI-2013-165, § 7, 6-3-2013)



**Sec. 6-26. Number of bona fide coin-operated amusement machines at a location.**

No amusement game room in the City shall offer to the public more than six Class B bona fide coin-operated amusement machines, ~~offering non-cash redemption in accordance with as defined in O.C.G.A. § 16-12-35(c) and (d)(1)(2), or both 50-27-70,~~ at the same location.

(Ord. No. AI-2013-165, § 8, 6-3-2013)

**Sec. 6-27. Gross receipts from bona fide coin-operated amusement machines and from business.**

Every amusement game room shall keep records available for inspection by ~~the City Officials~~ that set out separately annual gross receipts for the amusement games and the other products and services sold at the location. Income from the amusement games shall not constitute more than 50 percent of the income from the location, as set forth in O.C.G.A. § 50-27-84. Compliance with this section requires both the availability of records for inspection and compliance with the 50 percent of income requirement. The licensee shall forward to the ~~City Clerk~~ Chief Financial Officer a copy of each monthly report required in this section on a quarterly basis. Said reports for the preceding three months shall be received by the ~~City Clerk~~ Chief Financial Officer no later than 25th day of April, July, October, and January of the following year.

(Ord. No. AI-2013-165, § 9, 6-3-2013)

**Sec. 6-28. Notice requirements.**

- (a) Every amusement game room shall post a conspicuous sign with the following or similar words:  
"GEORGIA LAW PROHIBITS GIVING OR RECEIPT OF ANY MONEY FOR WINNING A GAME OR GAMES ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON AN AMUSEMENT MACHINE; OR AWARDED ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF AN AMUSEMENT MACHINE."
- (b) Every amusement game room shall post the license issued by the City conspicuously and permanently.
- (c) The owner or possessor of any bona fide coin-operated amusement machine shall inform each business owner or operator of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article. Additionally, the owner or proprietor of each amusement game room shall inform every employee of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article.

(Ord. No. AI-2013-165, § 10, 6-3-2013)

**Sec. 6-29. Compliance with O.C.G.A. provisions relating to master licenses, location licenses, and stickers for individual machines.**

Bona fide coin-operated amusement machines may be used in an amusement game room within the City only if the machines are owned by a person who holds a valid master license in accordance with O.C.G.A. § 50-27-71, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 50-27-78. In addition, the business owner where the machines are available for play by the public must pay a location

license fee in order to obtain a valid location license in accordance with O.C.G.A. § 50-27-71(a.1) and (b). The ~~City Clerk~~Chief Financial Officer shall notify the Georgia Lottery Corporation of any observed violation of O.C.G.A. § 50-27-71 or 50-27-78.

(Ord. No. AI-2013-165, § 11, 6-3-2013)

**Sec. 6-30. Penalties for violations by owners or operators of amusement game rooms.**

(a) In addition to penalties set out in the O.C.G.A. provisions for failure to comply with the provisions of O.C.G.A. § 16-12-35~~(a) through (i)~~, the owner or operator of an amusement game room, after a hearing before the ~~Mayor and~~City Council, may be subject to the following penalties:

- (1) *Minimum penalty.* Suspension for not less than 15 days of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not less than 15 days.
- (2) *Maximum penalty.* Permanent revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not more than one year.

(b) Penalties for violation of the provisions of this article or for the acts described in O.C.G. § 16-12-35 by the owner or operator of an amusement game room, after conviction in the Municipal Court ~~of the City~~ are as follows:

- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
- (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

**Sec. 6-31. Fines and penalties imposed by Judge.**

The fines listed in the penalties for violation of this article may be imposed by the Judge of the Municipal Court ~~of the City~~. Suspension or revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City may be imposed by the ~~Mayor and~~City Council after a hearing.

**Sec. 6-32. Violation of an order suspending/revoking license punishable by fine and/or imprisonment.**

Offering one or more bona fide coin-operated amusement machine games in violation of an order suspending or revoking the license for the offering of any amusement game at the location is punishable, after conviction in the Municipal Court ~~of the City~~, by a fine not to exceed \$1,000.00, imprisonment not to exceed six months, or both such fine and imprisonment.

(Ord. No. AI-2013-165, § 12, 6-3-2013)

**Sec. 6-33. Penalties for violations by those who play bona fide coin-operated machines in violation of law or ordinance.**

(a) The Municipal Court ~~of the City~~ is authorized to impose the following penalties on any person convicted of receiving money as a reward for the successful play or winning of any bona fide coin-operated amusement machine from any person owning, possessing, controlling or overseeing such bona fide coin-operated

amusement machine or any person employed by or acting on behalf of a person owning, possessing, controlling or overseeing a bona fide coin-operated amusement machine.

- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
- (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

(b) The Municipal Court shall have authority to place any person sentenced under this section on probation for the payment of fines for a period up to ~~one year~~ six months.

(Ord. No. AI-2013-165, § 13, 6-3-2013)

**Sec. 6-34. Operating regulations.**

All businesses operating as an amusement ~~game room center~~ under this article shall be subject to the following regulations:

- (1) *Devices to be kept in plain view; gambling devices prohibited.* All machines shall, at all times, be kept and placed in plain view of and open and accessible to any person who may frequent or be in any place of business where such machines are kept or used. Nothing in this section shall be construed to authorize, permit, or license any gambling device of any nature whatsoever.
- (2) *Inspection.* The Police ~~Department, Code Enforcement Department, or Chief Financial Officer~~ Chief or his designee shall inspect or cause the inspection of any place or building in which any such machines are operated or set up for operating, and shall inspect, investigate and test such machines as needed. Such building containing machines shall be fully enclosed to protect the electronic equipment required to operate such machines and shall be properly air conditioned and heated.
- (3) *Attendant required.* It shall be unlawful for any proprietor to open his business to the public unless an attendant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired. Said attendant shall not be less than 18 years of age.
- (4) *Loitering.* As used in this section, the term "loitering" means remaining idle in essentially one location and includes the concepts of spending time idly, loafing, or walking about aimlessly. It shall be unlawful for any person, firm, or corporation licensed to operate an amusement ~~game room center~~ to permit loitering on or in the immediate vicinity of any machine or business premises regulated under this section in such a manner as to:
  - a. Create or cause to be created a danger of a breach of the peace;
  - b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
  - c. Obstruct the free passage of pedestrians or vehicles;
  - d. Obstruct, molest, or interfere with any person lawfully in a public place.
- (5) *Shirt and shoes required.* All proprietors shall require shirts and shoes to be worn at all times by any person frequenting their premises.

(Ord. No. AI-2013-165, § 14, 6-3-2013)

**Sec. 6-35. Revocation of license.**

In the event that it comes to the attention of the ~~Mayor and Council~~ City that an amusement ~~game room center~~ has created a nuisance to the surrounding community or the operator, or proprietor, or an employee of the

location has violated any provision O.C.G.A. § 16-12-35 or of this ~~section~~article, the following procedure will be followed:

- (1) The ~~City Clerk~~Chief Financial Officer shall issue a notice of objection which shall include the address of the location and the specific reasons why the amusement ~~game room center~~ in question is alleged to be a nuisance or alleged to be in violation of any provision of this ~~section~~article. The ~~City Clerk~~Chief Financial Officer will then notify the proprietor that a notice of objection has been filed and will set a date for a hearing before the ~~City Mayor and~~ Council. Extensions and necessary investigations will be granted and conducted at the discretion of the ~~City Clerk~~Chief Financial Officer.
- (2) At the time of the hearing, any resident, the operator, the proprietor, and the ~~City Clerk~~Chief Financial Officer or other witnesses may be heard. Thereafter, the ~~Mayor and City~~ Council shall issue a notice of decision which will call for the dismissal of the objection, removal of the machines, or such other remedy as they deem appropriate under the circumstances that are consistent with the purpose of this ~~section~~article.
- (3) The decision of the ~~Mayor and City~~ Council shall be in writing, shall state the reasons for their decision, and shall be based upon the merits of the case.
- (4) The decision of the ~~Mayor and City~~ Council shall be binding upon the proprietor and operator of the amusement ~~game room center~~ under consideration, subject to appeal to the Superior Court of Gwinnett County ~~by a writ of certiorari~~.

(Ord. No. AI-2013-165, § 15, 6-3-2013)

**Sec. 6-36. Licenses and permits nontransferable.**

- (a) Licenses required in this article are nontransferable. All businesses that have bona fide coin-operated amusement machines on the premises shall display, in plain view, the current license issued by the City.
- (b) The issued license shall not be transferred to another owner at the same site within the City. A new owner or proprietor must first obtain a new license if they are going to operate in the same or different location in the City.

(Ord. No. AI-2013-165, § 16, 6-3-2013)

**Sec. 6-37. Enforcing officer.**

The ~~Police~~-Chief Financial Officer or his designee is hereby designated as the enforcement officer and shall execute all requirements of this article.

(Ord. No. AI-2013-165, § 17, 6-3-2013)

## Chapter 6 RESERVED

**Secs. 6-1—6-37. Reserved.**



## 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. COIN-OPERATED AMUSEMENT MACHINES AND AMUSEMENT GAME ROOMS*

**Sec. 12-265. Gambling devices prohibited.**

Gambling devices, as that term is defined in O.C.G.A. §16-12-20, are prohibited in the City, and the ownership, use, or transport thereof shall be a misdemeanor pursuant to State law, except as exempted pursuant to O.C.G.A. § 16-12-35.

**Sec. 12-266. Gambling places prohibited.**

Gambling places, as that term is defined in O.C.G.A. § 16-12-20, are prohibited in the City, and the operation thereof shall be a misdemeanor pursuant to State law.

**Sec. 12-267. Definitions.**

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

*Amusement game room* means any location, as provided in O.C.G.A. § 16-12-35(b), (c) or (d), where one or more bona fide coin-operated amusement machine(s) are operated that permit non-cash redemption, as provided in O.C.G.A. § 16-12-35(d)(1)(A), (B), (C), or a combination thereof.

*Bona fide coin-operated amusement machine* means the same as this term is defined in O.C.G.A. § 50-27-70(b)(2)(A) and any applicable regulations of the State of Georgia.

- (1) The term "coin-operated amusement machine" does not include the following:
  - a. Coin-operated washing machines or dryers;

- b. Vending machines which, for payment of money, dispense products or services;
- c. Gas and electric meters;
- d. Pay telephones;
- e. Pay toilets;
- f. Cigarette vending machines;
- g. Coin-operated vending machines;
- h. Coin-operated scales;
- i. Coin-operated gumball machines;
- j. Coin-operated parking meters;
- k. Coin-operated television sets which provide cable or network programming;
- l. Coin-operated massage beds; and
- m. Machines which are not legally permitted to be operated in Georgia.

*Location* means a business within the City that has complied with the provisions of the ordinances of the City relating to occupation taxes and/or regulatory licenses.

**Sec. 12-268. License required.**

No person, firm, corporation, or entity shall engage in the business of an owner or proprietor of an amusement game room without first having obtained a license and without first having paid the applicable occupation tax required under this article.

**Sec. 12-269. Issuance of license.**

- (a) Application for a license for operating an amusement game room within the corporate limits of the City shall be made to the Chief Financial Officer upon a form to be supplied by the Chief Financial Officer for this purpose. The license application shall include the following information:
  - (1) Name, address, and age of the applicant and the date of the application;
  - (2) Address or place where the bona fide coin-operated amusement machines are to be offered to the public for play and the other businesses operated at that place or places.
  - (3) Name and address of the owner of the machines and a copy of the owner's master license;
  - (4) Name and address of any other business owned or operated by the applicant within the corporate limits of the City;

(5) List of any other licenses or permits from the City held by the applicant.

(b) Upon issuing a license for an amusement game room, the City shall provide the licensee with a copy of this article. The City shall not require a fee for licensure or registration of an amusement game room. A license issued in accordance with this article shall be valid until December 31 of the year in which the license was issued. The owner or operator of an amusement game room shall be required to pay occupation taxes in accordance with chapter 34.

**Sec. 12-270. Occupation tax required.**

No person, firm, or corporation shall engage in the business of an owner or proprietor of amusement game room without first having completed the occupation tax certificate form, paid the required occupational tax, and without first having obtained the license required under this article. A copy of said certificate/license shall be prominently displayed within the business location at all times.

**Sec. 12-271. Distance.**

Every amusement game room in the City shall comply with the proximity provision for businesses licensed to sell alcohol, set out in O.C.G.A. § 3-3-21.

**Sec. 12-272. Number of bona fide coin-operated amusement machines at a location.**

No amusement game room in the City shall offer to the public more than six Class B bona fide coin-operated amusement machines, as defined in O.C.G.A. § 50-27-70, at the same location.

**Sec. 12-273. Gross receipts from bona fide coin-operated amusement machines and from business.**

Every amusement game room shall keep records available for inspection by the City that set out separately annual gross receipts for the amusement games and the other products and services sold at the location. Income from the amusement games shall not constitute more than 50 percent of the income from the location, as set forth in O.C.G.A. § 50-27-84. Compliance with this section requires both the availability of records for inspection and compliance with the 50 percent of income requirement. The licensee shall forward to the Chief Financial Officer a copy of each monthly report required in this section on a quarterly basis. Said reports for the preceding three months shall be received by the Chief Financial Officer no later than 25th day of April, July, October, and January of the following year.

**Sec. 12-274. Notice requirements.**

(a) Every amusement game room shall post a conspicuous sign with the following or similar words:



"GEORGIA LAW PROHIBITS GIVING OR RECEIPT OF ANY MONEY FOR WINNING A GAME OR GAMES ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON AN AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF AN AMUSEMENT MACHINE."

- (b) Every amusement game room shall post the license issued by the City conspicuously and permanently.
- (c) The owner or possessor of any bona fide coin-operated amusement machine shall inform each business owner or operator of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article. Additionally, the owner or proprietor of each amusement game room shall inform every employee of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article.

**Sec. 12-275. Compliance with O.C.G.A. provisions relating to master licenses, location licenses, and stickers for individual machines.**

Bona fide coin-operated amusement machines may be used in an amusement game room within the City only if the machines are owned by a person who holds a valid master license in accordance with O.C.G.A. § 50-27-71, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 50-27-78. In addition, the business owner where the machines are available for play by the public must pay a location license fee in order to obtain a valid location license in accordance with O.C.G.A. § 50-27-71(a.1) and (b). The Chief Financial Officer shall notify the Georgia Lottery Corporation of any observed violation of O.C.G.A. § 50-27-71 or 50-27-78.

**Sec. 12-276. Penalties for violations by owners or operators of amusement game rooms.**

- (a) In addition to penalties set out in the O.C.G.A. provisions for failure to comply with the provisions of O.C.G.A. § 16-12-35, the owner or operator of an amusement game room, after a hearing before the City Council, may be subject to the following penalties:
  - (1) *Minimum penalty.* Suspension for not less than 15 days of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not less than 15 days.
  - (2) *Maximum penalty.* Permanent revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not more than one year.

(b) Penalties for violation of the provisions of this article or for the acts described in O.C.G. § 16-12-35 by the owner or operator of an amusement game room, after conviction in the Municipal Court are as follows:

- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
- (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

**Sec. 12-277. Fines and penalties imposed by Judge.**

The fines listed in the penalties for violation of this article may be imposed by the Judge of the Municipal Court. Suspension or revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City may be imposed by the City Council after a hearing.

**Sec. 12-278. Violation of an order suspending/revoking license punishable by fine and/or imprisonment.**

Offering one or more bona fide coin-operated amusement machine games in violation of an order suspending or revoking the license for the offering of any amusement game at the location is punishable, after conviction in the Municipal Court, by a fine not to exceed \$1,000.00, imprisonment not to exceed six months, or both such fine and imprisonment.

**Sec. 12-279. Penalties for violations by those who play bona fide coin-operated machines in violation of law or ordinance.**

(a) The Municipal Court is authorized to impose the following penalties on any person convicted of receiving money as a reward for the successful play or winning of any bona fide coin-operated amusement machine from any person owning, possessing, controlling or overseeing such bona fide coin-operated amusement machine or any person employed by or acting on behalf of a person owning, possessing, controlling or overseeing a bona fide coin-operated amusement machine.

- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
- (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

(b) The Municipal Court shall have authority to place any person sentenced under this section on probation for the payment of fines for a period of up to six months.

**Sec. 12-280. Operating regulations.**

All businesses operating as an amusement game room under this article shall be subject to the following regulations:

- (1) *Devices to be kept in plain view; gambling devices prohibited.* All machines shall, at all times, be kept and placed in plain view of and open and accessible to any person who may frequent or be in any place of business where such machines are kept or used. Nothing in this section shall be construed to authorize, permit, or license any gambling device of any nature whatsoever.
- (2) *Inspection.* The Police Department, Code Enforcement Department, or Chief Financial Officer shall inspect or cause the inspection of any place or building in which any such machines are operated or set up for operating, and shall inspect, investigate and test such machines as needed. Such building containing machines shall be fully enclosed to protect the electronic equipment required to operate such machines and shall be properly air conditioned and heated.
- (3) *Attendant required.* It shall be unlawful for any proprietor to open his business to the public unless an attendant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired. Said attendant shall not be less than 18 years of age.
- (4) *Loitering.* As used in this section, the term "loitering" means remaining idle in essentially one location and includes the concepts of spending time idly, loafing, or walking about aimlessly. It shall be unlawful for any person, firm, or corporation licensed to operate an amusement game room to permit loitering on or in the immediate vicinity of any machine or business premises regulated under this section in such a manner as to:
  - a. Create or cause to be created a danger of a breach of the peace;
  - b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
  - c. Obstruct the free passage of pedestrians or vehicles;
  - d. Obstruct, molest, or interfere with any person lawfully in a public place.
- (5) *Shirt and shoes required.* All proprietors shall require shirts and shoes to be worn at all times by any person frequenting their premises.

**Sec. 12-281. Revocation of license.**

In the event that it comes to the attention of the City that an amusement game room has created a nuisance to the surrounding community, or the operator, proprietor, or an employee of the location has violated any provision O.C.G.A. § 16-12-35 or of this article, the following procedure will be followed:

- (1) The Chief Financial Officer shall issue a notice of objection which shall include the address of the location and the specific reasons why the amusement game room in question is alleged to be a nuisance or alleged to be in violation of any provision of this article. The Chief Financial Officer will then notify the proprietor that a notice of

objection has been filed and will set a date for a hearing before the City Council. Extensions and necessary investigations will be granted and conducted at the discretion of the Chief Financial Officer.

- (2) At the time of the hearing, any resident, the operator, the proprietor, and the Chief Financial Officer or other witnesses may be heard. Thereafter, the City Council shall issue a notice of decision which will call for the dismissal of the objection, removal of the machines, or such other remedy as they deem appropriate under the circumstances that are consistent with the purpose of this article.
- (3) The decision of the City Council shall be in writing, shall state the reasons for their decision, and shall be based upon the merits of the case.
- (4) The decision of the City Council shall be binding upon the proprietor and operator of the amusement game room under consideration, subject to appeal to the Superior Court of Gwinnett County.

**Sec. 12-282. Licenses and permits nontransferable.**

- (a) Licenses required in this article are nontransferable. All businesses that have bona fide coin-operated amusement machines on the premises shall display, in plain view, the current license issued by the City.
- (b) The issued license shall not be transferred to another owner at the same site within the City. A new owner or proprietor must first obtain a new license if they are going to operate in the same or different location in the City.

**Sec. 12-283. Enforcing officer.**

The Chief Financial Officer or his designee is hereby designated as the enforcement officer and shall execute all requirements of this article.

**Secs. 12-284—12-293. Reserved.**

Commented [BM1]: Inserted from Chapter 6

*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 therefore.

*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 \$300.00 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 form 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 Faloan 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 30<sup>th</sup> 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 30<sup>th</sup> 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 the 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 to 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.

## 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. COIN-OPERATED AMUSEMENT MACHINES AND AMUSEMENT GAME ROOMS*

**Sec. 12-265. Gambling devices prohibited.**

Gambling devices, as that term is defined in O.C.G.A. §16-12-20, are prohibited in the City, and the ownership, use, or transport thereof shall be a misdemeanor pursuant to State law, except as exempted pursuant to O.C.G.A. § 16-12-35.

**Sec. 12-266. Gambling places prohibited.**

Gambling places, as that term is defined in O.C.G.A. § 16-12-20, are prohibited in the City, and the operation thereof shall be a misdemeanor pursuant to State law.

**Sec. 12-267. Definitions.**

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

*Amusement game room* means any location, as provided in O.C.G.A. § 16-12-35(b), (c) or (d), where one or more bona fide coin-operated amusement machine(s) are operated that permit non-cash redemption, as provided in O.C.G.A. § 16-12-35(d)(1)(A), (B), (C), or a combination thereof.

*Bona fide coin-operated amusement machine* means the same as this term is defined in O.C.G.A. § 50-27-70(b)(2)(A) and any applicable regulations of the State of Georgia.

- (1) The term "coin-operated amusement machine" does not include the following:
  - a. Coin-operated washing machines or dryers;

- b. Vending machines which, for payment of money, dispense products or services;
- c. Gas and electric meters;
- d. Pay telephones;
- e. Pay toilets;
- f. Cigarette vending machines;
- g. Coin-operated vending machines;
- h. Coin-operated scales;
- i. Coin-operated gumball machines;
- j. Coin-operated parking meters;
- k. Coin-operated television sets which provide cable or network programming;
- l. Coin-operated massage beds; and
- m. Machines which are not legally permitted to be operated in Georgia.

*Location* means a business within the City that has complied with the provisions of the ordinances of the City relating to occupation taxes and/or regulatory licenses.

**Sec. 12-268. License required.**

No person, firm, corporation, or entity shall engage in the business of an owner or proprietor of an amusement game room without first having obtained a license and without first having paid the applicable occupation tax required under this article.

**Sec. 12-269. Issuance of license.**

- (a) Application for a license for operating an amusement game room within the corporate limits of the City shall be made to the Chief Financial Officer upon a form to be supplied by the Chief Financial Officer for this purpose. The license application shall include the following information:
  - (1) Name, address, and age of the applicant and the date of the application;
  - (2) Address or place where the bona fide coin-operated amusement machines are to be offered to the public for play and the other businesses operated at that place or places.
  - (3) Name and address of the owner of the machines and a copy of the owner's master license;
  - (4) Name and address of any other business owned or operated by the applicant within the corporate limits of the City;

- (5) List of any other licenses or permits from the City held by the applicant.
- (b) Upon issuing a license for an amusement game room, the City shall provide the licensee with a copy of this article. The City shall not require a fee for licensure or registration of an amusement game room. A license issued in accordance with this article shall be valid until December 31 of the year in which the license was issued. The owner or operator of an amusement game room shall be required to pay occupation taxes in accordance with chapter 34.

**Sec. 12-270. Occupation tax required.**

No person, firm, or corporation shall engage in the business of an owner or proprietor of amusement game room without first having completed the occupation tax certificate form, paid the required occupational tax, and without first having obtained the license required under this article. A copy of said certificate/license shall be prominently displayed within the business location at all times.

**Sec. 12-271. Distance.**

Every amusement game room in the City shall comply with the proximity provision for businesses licensed to sell alcohol, set out in O.C.G.A. § 3-3-21.

**Sec. 12-272. Number of bona fide coin-operated amusement machines at a location.**

No amusement game room in the City shall offer to the public more than six Class B bona fide coin-operated amusement machines, as defined in O.C.G.A. § 50-27-70, at the same location.

**Sec. 12-273. Gross receipts from bona fide coin-operated amusement machines and from business.**

Every amusement game room shall keep records available for inspection by the City that set out separately annual gross receipts for the amusement games and the other products and services sold at the location. Income from the amusement games shall not constitute more than 50 percent of the income from the location, as set forth in O.C.G.A. § 50-27-84. Compliance with this section requires both the availability of records for inspection and compliance with the 50 percent of income requirement. The licensee shall forward to the Chief Financial Officer a copy of each monthly report required in this section on a quarterly basis. Said reports for the preceding three months shall be received by the Chief Financial Officer no later than 25th day of April, July, October, and January of the following year.

**Sec. 12-274. Notice requirements.**

- (a) Every amusement game room shall post a conspicuous sign with the following or similar words:

"GEORGIA LAW PROHIBITS GIVING OR RECEIPT OF ANY MONEY FOR WINNING A GAME OR GAMES ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON AN AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF AN AMUSEMENT MACHINE."

- (b) Every amusement game room shall post the license issued by the City conspicuously and permanently.
- (c) The owner or possessor of any bona fide coin-operated amusement machine shall inform each business owner or operator of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article. Additionally, the owner or proprietor of each amusement game room shall inform every employee of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article.

**Sec. 12-275. Compliance with O.C.G.A. provisions relating to master licenses, location licenses, and stickers for individual machines.**

Bona fide coin-operated amusement machines may be used in an amusement game room within the City only if the machines are owned by a person who holds a valid master license in accordance with O.C.G.A. § 50-27-71, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 50-27-78. In addition, the business owner where the machines are available for play by the public must pay a location license fee in order to obtain a valid location license in accordance with O.C.G.A. § 50-27-71(a.1) and (b). The Chief Financial Officer shall notify the Georgia Lottery Corporation of any observed violation of O.C.G.A. § 50-27-71 or 50-27-78.

**Sec. 12-276. Penalties for violations by owners or operators of amusement game rooms.**

- (a) In addition to penalties set out in the O.C.G.A. provisions for failure to comply with the provisions of O.C.G.A. § 16-12-35, the owner or operator of an amusement game room, after a hearing before the City Council, may be subject to the following penalties:
  - (1) *Minimum penalty.* Suspension for not less than 15 days of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not less than 15 days.
  - (2) *Maximum penalty.* Permanent revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not more than one year.



(b) Penalties for violation of the provisions of this article or for the acts described in O.C.G. § 16-12-35 by the owner or operator of an amusement game room, after conviction in the Municipal Court are as follows:

- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
- (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

**Sec. 12-277. Fines and penalties imposed by Judge.**

The fines listed in the penalties for violation of this article may be imposed by the Judge of the Municipal Court. Suspension or revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City may be imposed by the City Council after a hearing.

**Sec. 12-278. Violation of an order suspending/revoking license punishable by fine and/or imprisonment.**

Offering one or more bona fide coin-operated amusement machine games in violation of an order suspending or revoking the license for the offering of any amusement game at the location is punishable, after conviction in the Municipal Court, by a fine not to exceed \$1,000.00, imprisonment not to exceed six months, or both such fine and imprisonment.

**Sec. 12-279. Penalties for violations by those who play bona fide coin-operated machines in violation of law or ordinance.**

(a) The Municipal Court is authorized to impose the following penalties on any person convicted of receiving money as a reward for the successful play or winning of any bona fide coin-operated amusement machine from any person owning, possessing, controlling or overseeing such bona fide coin-operated amusement machine or any person employed by or acting on behalf of a person owning, possessing, controlling or overseeing a bona fide coin-operated amusement machine.

- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
- (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

(b) The Municipal Court shall have authority to place any person sentenced under this section on probation for the payment of fines for a period of up to six months.

**Sec. 12-280. Operating regulations.**

All businesses operating as an amusement game room under this article shall be subject to the following regulations:

- (1) *Devices to be kept in plain view; gambling devices prohibited.* All machines shall, at all times, be kept and placed in plain view of and open and accessible to any person who may frequent or be in any place of business where such machines are kept or used. Nothing in this section shall be construed to authorize, permit, or license any gambling device of any nature whatsoever.
- (2) *Inspection.* The Police Department, Code Enforcement Department, or Chief Financial Officer shall inspect or cause the inspection of any place or building in which any such machines are operated or set up for operating, and shall inspect, investigate and test such machines as needed. Such building containing machines shall be fully enclosed to protect the electronic equipment required to operate such machines and shall be properly air conditioned and heated.
- (3) *Attendant required.* It shall be unlawful for any proprietor to open his business to the public unless an attendant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired. Said attendant shall not be less than 18 years of age.
- (4) *Loitering.* As used in this section, the term "loitering" means remaining idle in essentially one location and includes the concepts of spending time idly, loafing, or walking about aimlessly. It shall be unlawful for any person, firm, or corporation licensed to operate an amusement game room to permit loitering on or in the immediate vicinity of any machine or business premises regulated under this section in such a manner as to:
  - a. Create or cause to be created a danger of a breach of the peace;
  - b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
  - c. Obstruct the free passage of pedestrians or vehicles;
  - d. Obstruct, molest, or interfere with any person lawfully in a public place.
- (5) *Shirt and shoes required.* All proprietors shall require shirts and shoes to be worn at all times by any person frequenting their premises.

**Sec. 12-281. Revocation of license.**

In the event that it comes to the attention of the City that an amusement game room has created a nuisance to the surrounding community, or the operator, proprietor, or an employee of the location has violated any provision O.C.G.A. § 16-12-35 or of this article, the following procedure will be followed:

- (1) The Chief Financial Officer shall issue a notice of objection which shall include the address of the location and the specific reasons why the amusement game room in question is alleged to be a nuisance or alleged to be in violation of any provision of this article. The Chief Financial Officer will then notify the proprietor that a notice of

objection has been filed and will set a date for a hearing before the City Council. Extensions and necessary investigations will be granted and conducted at the discretion of the Chief Financial Officer.

- (2) At the time of the hearing, any resident, the operator, the proprietor, and the Chief Financial Officer or other witnesses may be heard. Thereafter, the City Council shall issue a notice of decision which will call for the dismissal of the objection, removal of the machines, or such other remedy as they deem appropriate under the circumstances that are consistent with the purpose of this article.
- (3) The decision of the City Council shall be in writing, shall state the reasons for their decision, and shall be based upon the merits of the case.
- (4) The decision of the City Council shall be binding upon the proprietor and operator of the amusement game room under consideration, subject to appeal to the Superior Court of Gwinnett County.

**Sec. 12-282. Licenses and permits nontransferable.**

- (a) Licenses required in this article are nontransferable. All businesses that have bona fide coin-operated amusement machines on the premises shall display, in plain view, the current license issued by the City.
- (b) The issued license shall not be transferred to another owner at the same site within the City. A new owner or proprietor must first obtain a new license if they are going to operate in the same or different location in the City.

**Sec. 12-283. Enforcing officer.**

The Chief Financial Officer or his designee is hereby designated as the enforcement officer and shall execute all requirements of this article.

**Secs. 12-284—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 therefore.

*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 \$300.00 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 form 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 30<sup>th</sup> 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 30<sup>th</sup> 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 the 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 to 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. BODYART 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.



# LAWRENCEVILLE

## GEORGIA

AGENDA REPORT  
MEETING: CITY COUNCIL REGULAR MEETING  
AGENDA CATEGORY: OLD BUSINESS

- Item:** Amend Chapter 34 to assess Occupation Tax by Gross Receipts and Profitability
- Department:** Finance
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** Increase revenues for Occupation Tax by \$400,000 for Fiscal Year 2025
- Presented By:** Keith Lee, Chief Financial Officer
- Action Requested:** Consideration to amend the Chapter 34 to change the occupation tax assessment from per employee to gross receipts.

**Summary:** As part of the Fiscal Year 2025 Budget the City considered amending the method of taxation for Occupation Tax. Currently the City uses a per employee tax structured. The proposed change would be to use Gross Receipts to determine the tax liability of a business.

The change will be implemented with the 2025 Occupation Tax Certificate Renewal process. This year will be the first of a three-year implementation process. The process will escalate the annual tax amount due over the course of the three-year period, until fully implemented.

**Fiscal Impact:** Estimated Revenue for Fiscal Year 2025 is \$700,000/

**Attachments/Exhibits:** Ordinance, PowerPoint

ORDINANCE \_\_\_\_\_

**ORDINANCE TO AMEND CHAPTER ~~1234~~ OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA REGARDING ~~BUSINESSES AND BUSINESS REGULATIONS TO UPDATE THE ANNUAL REGULATORY LICENSE FEE FOR A MASSAGE THERAPY BUSINESS~~ OCCUPATION TAX AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That ~~Article II. (Occupation Tax) of Chapter 34. (Taxation) related to occupational tax~~ is hereby amended by deleting ~~Article II Chapter 34~~ in its entirety and replacing the language to read as follows:

**Section 34-123. - Definitions.**

The following words, terms and phrases shall, for the purposes of this article, have the following meaning:

*Administrative fee* is the component of the occupation tax which approximates the reasonable cost of handling and processing the occupation tax.

*Business* means any ~~person, sole proprietor, partnership, corporation,~~ trade, profession, occupation, ~~avocation, person, sole proprietor, partnership, corporation,~~ or other entity and the efforts or activities associated thereby for the purposes of raising revenue or producing income.

*City* means the City of Lawrenceville.

*Chief Financial Officer* means the Chief Financial Officer of the City or his designee.

*Dominant line* means the type of business within a multiple line business from which the greatest amount of income is derived.

*Employee* means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2 but not a form I.R.S. 1099.

*Gross receipts.*

- (1) The term "gross receipts" means the total revenue of the business or practitioner for the period, including, without being limited to, the following:



- a. Total income without deduction for the cost of goods sold or expenses incurred;
  - b. Gain from trading in stocks, bonds, capital assets, or instruments of indebtedness;
  - c. Proceeds from commissions on the sale of property, goods, or services;
  - d. Proceeds from fees charged for services rendered; and
  - e. Proceeds from rent, interest, royalty, or dividend income.
- (2) The term "gross receipts" shall not include the following:
- a. Sales, use, or excise taxes;
  - b. Sales returns, allowances, and discounts;
  - c. ~~Interorganizational sales or transfers between or among the units of a parent subsidiary controlled group of corporations, as defined by 26 USC 1563(a)(2), or between or among wholly owned partnerships or other wholly owned entities~~  
Interorganizational sales or transfers between or among the units of a parent-subsidiary controlled group of corporations, as defined by 26 U.S.C. Section 1563(a)(1), between or among the units of a brother-sister controlled group of corporations, as defined by 26 U.S.C. Section 1563(a)(2), between or among a parent corporation, wholly owned subsidiaries of such parent corporation, and any corporation in which such parent corporation or one or more of its wholly owned subsidiaries owns stock possessing at least 30 percent of the total value of shares of all classes of stock of such partially owned corporation, or between or among wholly owned partnerships or other wholly owned entities;
  - d. Payments made to a subcontractor or an independent agent for services which contributed to the gross receipts in issue;
  - e. Governmental and foundation grants, charitable contributions, or the interest income derived from such funds, received by a nonprofit organization which employs salaried practitioners otherwise covered by this chapter, if such funds constitute eighty (80) percent or more of the organization's receipts; and
  - f. Proceeds from sales of goods or services which are delivered to or received by customers who are outside the state at the time of delivery or receipt.

~~Location or office means a fixed place located within the city from which a person conducts business, but shall not include a temporary worksite which serves a single customer or project~~  
any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of real property which is rented or leased to another does not constitute a location or office for

~~the real property's owner, lessor, or the agent of the owner or lessor unless the real property's owner, lessor, or the agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.~~

~~Occupation tax means a feetax levied for revenue purposes on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business in the city for revenue-raising purposes.~~

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

~~Practitioners of professions and occupations are those individuals listed in O.C.G.A. § 48-13-9(c)(1) ~~(18)~~ but do not include a practitioner who is an employee of a business if such business pays an occupation tax.~~

~~Regulatory fee means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business. The amount of the regulatory fee shall approximate the cost of regulatory activity by the city. Regulatory fees do not include development impact fees as defined by paragraph (8) of Code Section 36-71-2 or other costs or conditions of zoning or land development.~~

~~Regulatory fee certificate means a document issued by the city acknowledging payment of a regulatory fee. Development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs imposed as conditions of zoning or land development are not regulatory fees for purposes of this article.~~

**Section 34-24. - Administrative Fee.**

~~(a) A nonprorated, nonrefundable administrative fee is required on all occupation tax accounts for the initial registration and all renewals thereafter. The administrative fee shall be set by mayor and council, from time to time by resolution or ordinance One Hundred Dollars (\$100).~~

~~(b) Occupation taxes levied hereinafter are separate from the administrative fee or regulatory fee.~~

~~(2018-07-12, att. A, Amended 08/27/2018)~~

~~(a) A regulatory fee is imposed as provided under O.C.G.A. § 48-13-8 on applicable businesses and individuals. Businesses and individuals engaging in the occupations or businesses set forth in O.C.G.A. § 48-13-9(b) may shall pay a nonrefundable regulatory fee as applicable. The regulatory fee shall be set by mayor and city council, from time to time by resolution or ordinance.~~

~~(b) Every business, individual, and location subject to payment of a regulatory fee levied by this article shall display a current regulatory fee certificate in a conspicuous place at the~~

location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the regulatory fee certificate or an unaltered duplicate of such certificate shall be shown to any code enforcement office, police officer, or other person charged with enforcing this article upon request.

**Section 34-26.4 - Occupation Tax Levied; Limitations.**

- (a) An occupation tax ~~based upon gross receipts is imposed on those businesses~~ and practitioners of professions and occupations, pursuant to O.C.G.A. § 48-13-6, with one (1) or more locations or offices within the corporate limits of the city and, pursuant to O.C.G.A. § 48-13-7, upon out-of-state businesses with no location or office in the city but with employees or agents engaging in substantial efforts to solicit business or serve customers or clients in the State of Georgia or that own personal or real property located within the city which generates income in accordance with a fee schedule set by the mayor and council, from time to time by resolution.
- (b) The city shall not require the payment of more than one (1) occupation tax for each location of a business or practitioner.
- (c) A business or practitioner which is subject to an occupation tax by another local government and claiming an exemption from or limitation to the occupation tax imposed by this article shall submit documentation as to current payment of the occupation tax to the other local government and the basis of such tax.
  - (1) If a business or practitioner with no location or office in Georgia provides to the city proof of payment of a local business or occupation tax in another state which purports to tax the business's or practitioner's sales or services in this state, then the business or practitioner shall be exempt from the occupation tax. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof as to the applicability of this subsection.
  - (2) A business or practitioner with no location or office in Georgia shall only be required to pay occupation tax to the local government in Georgia where the largest dollar volume of business is done or service is performed by such business or practitioner. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof as to the applicability of this subsection.
  - (3) A business or practitioner which has locations in Georgia subject to occupation tax by more than one (1) local government in Georgia shall only be subject to occupation tax by the city for the gross receipts generated within the corporate limits of the city. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof of current payment of the other local government.
- (d) If a business or practitioner commences business in the city on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be fifty (50) percent of the tax imposed for the entire year. The administrative fee shall not be reduced.
- (e) If a business or practitioner does not know the amount of gross receipts generated by the business or practitioner in the calendar year for which occupation tax is due, then the

business or practitioner shall file a return estimating the gross receipts. If such estimate is not accurate, any overpayment of the occupation tax may be credited to the business or practitioner's account for future tax liability, offset against other amounts due and owing to the city for any reason or paid to the business or practitioner at the discretion of the city Chief Financial Officer.

- (f) An occupation tax shall be required from real estate brokers transacting business within the boundaries of the city, which tax shall be based upon gross receipts derived from transactions with respect to property located within the boundaries of the city.
- (g) Attorneys subject to the occupation tax pursuant to this article shall be responsible for paying such fee by ~~December 31~~March 1 of each year for the previous year. The penalty for failure to pay such occupation tax shall be as defined in ~~subsections 34-36~~14 of this article, provided that no criminal sanctions shall be imposed by the city.

**Sec. 34-27. - Occupation Tax Structure.**

(a) The tax rate imposed by this article shall be based on gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession or occupation as measured by nationwide averages derived from statistics, classifications or other information published by the United States Office of Management and Budget, the United States Internal Revenue Service or successor agencies of the United States. The tax rate as described shall be as follows:

<u>Tax Class</u>	<u>Tax Rate</u>
<u>1</u>	<u>0.065%</u>
<u>2</u>	<u>0.078%</u>
<u>3</u>	<u>0.091%</u>
<u>4</u>	<u>0.104%</u>
<u>5</u>	<u>0.117%</u>
<u>6</u>	<u>0.130%</u>

In order to phase in the structure over a period of time, there shall be an exemption as follows:

<u>Year</u>	<u>Amount</u>
<u>2025</u>	<u>\$50,000 or 70% of gross receipts, whichever is higher</u>
<u>2026</u>	<u>\$50,000 or 35% of gross receipts, whichever is higher</u>
<u>2027 and beyond</u>	<u>\$50,000</u>

(b) The maximum occupation tax permitted under this article shall be Twenty Thousand Dollars (\$25,000) for any single occupation tax certificate.

**Sec. 34-28. - Practitioners of Professions and Occupations.**

(a) Practitioners of professions and occupations as defined in this article shall pay the occupation tax as set forth in Section 34-27 above or shall pay an occupation tax fee per practitioner as set forth below. On the tax return for 2024 or such later time as the

practitioner first commences business in the city, the practitioner shall elect a method of taxation. Such election may be changed for subsequent calendar years only by a written request filed by the practitioner on or before March 1 of the year in which the election is to be changed.

(b) The fee per practitioner shall be as follows:

<u>Year</u>	<u>Amount</u>
<u>2025</u>	<u>\$200</u>
<u>2026</u>	<u>\$300</u>
<u>2027 and beyond</u>	<u>\$400</u>

**Section 34-29.5 - Occupation Tax Certificate.**

Every business, practitioner, and location subject to payment of the occupation tax levied by this article shall display a current occupation tax certificate in a conspicuous place at the location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the occupation tax certificate shall be shown to any code enforcement officer, police officer, or other person charged with enforcing this article upon request.

**Section 34-6 Practitioners of Professions and Occupations.**

(a) No occupation tax shall be levied on the following:

- (1) Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, or instrumentality of the United States, the state, or a municipality or county of the state;
- (2) Those businesses regulated by the Georgia Public Service Commission and the Georgia Department of Public Safety;
- (3) Those electrical service businesses organized under O.C.G.A. Title 46, Chapter 3.
- (4) Any farm operating for the production from or on the land of agricultural products, but not including any agribusiness;
- (5) ~~Nonprofit, a~~ Agricultural product cooperative marketing associations pursuant to O.C.G.A. § 2-10-105;
- (6) Motor common carriers pursuant to O.C.G.A. § 46-7-15;
- (7) Persons purchasing guano, meats, meal, flour, bran, cottonseed, or cottonseed meal or hulls in carload lots for distribution among the purchasers for use and not sale pursuant to O.C.G.A. § 48-5-355;
- (8) Pursuant to O.C.G.A. § 48-5-356 for persons selling or introducing into the city agricultural products or livestock, including animal products, raised in this state when the sale and introduction are made by the producer of the product and the sale is made within ninety (90) days of the introduction of the product into the city;

(9) Insurance companies governed by O.C.G.A. § 33-8-8 (see Chapter 34, Article 1, Code of the City of Lawrenceville, Georgia)

(10) Depository institutions pursuant to O.C.G.A. § 48-6-93 (see Chapter 34, Article 3, Code of the City of Lawrenceville, Georgia);

(11) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55;

(12) Disabled veterans and blind persons pursuant to the requirements and qualifications of O.C.G.A. §43-12-2; or

~~(13)~~ Any business where the levy of such occupation tax is prohibited by the laws of the State of Georgia or the United States.

(b) The exemptions and limitations contained in this article shall not be construed to repeal or otherwise affect in any way any franchise fees, business taxes, or other fees or taxes otherwise allowed by law.

**~~Section 34-31.8~~ - Evidence of State Registration When Required.**

Each person who is licensed under O.C.G.A. Title 43 by the examining boards of the secretary of state's office shall provide evidence of proper and current state licensure before any city occupation tax certificate or regulatory fee certificate may be issued.

**~~Section 34-32.9~~ - Evidence of Qualification Required if Applicable.**

(a) Any business required to obtain health permits, fire inspections, bonds, certificates of qualification, certificates of competency, or any other regulatory matter shall first, before the issuance of an occupation tax certificate or a regulatory fee certificate, show evidence of such qualification.

(b) Any business required to submit an annual application for continuance of the business shall do so before the registration is issued.

**~~Section 34-33.10~~ - Filing Returns; Other Information Required or Requested.**

(a) On or before ~~March 1~~December 31 of each year, an individual, business, or practitioner subject to this occupation tax article shall file with the city Chief Financial Officer ~~or his designee~~, on a form approved by and available from the city, a signed return attesting to the gross receipts and number of employees of such business or practitioner during the preceding calendar year ending on December 31.

(b) Individuals, businesses, and practitioners doing business in the city shall submit to the city Chief Financial Officer or make available to the city within thirty (30) days or such longer time period as the city deems appropriate such information as may be required or requested by the city to determine the applicability and amount of the occupation tax or regulatory fee or to facilitate levying or collection of the occupation tax or regulatory fee(s). Such information may include, but is not limited to, the following:

- (1) Name under which business is to be conducted.
- (2) Local business address.

- (3) Mailing address of business, if other than local address.
- (4) Description of business activity to be conducted.
- (5) Applicant's name, social security number and association with business. (Applicant shall be local manager, business owner, or corporate officer.)
- (6) If a partnership or proprietorship, social security number of each individual. If a corporation, tax identification number and list of officers' names and titles.
- (7) Name, address and telephone number of owner of the property where the business is located.
- (8) Evidence of state or county certification, as applicable.
- (9) Statement that the applicant (including all partners or the officers and local manager, if a corporation) has never been convicted of a felony.
- (10) Agreement by applicant that the city may investigate his/her background and use such in deciding on the granting of authority to conduct business in the city.
- (11) Statement that the applicant has never been denied the authority to conduct the business herein described, except as noted.
- (12) Statement affirming validity of the information provided.
- (13) Quarterly wage statements and W-3 transmittal forms furnished to other governmental entities, including the state and federal governments.

**Section 34-34.11 - Inspections of Books and Records; Audits; Confidential Information.**

- (a) The city, through its officers, agents, employees, or representatives, shall have the right to inspect the books or records of any business for which returns have been based upon the gross receipts. Upon demand of the ~~city~~ Chief Financial Officer ~~or appointee~~, such books or records shall be submitted for inspection by a representative or agent of the city within thirty (30) days. Independent auditors or bookkeepers employed by the city shall be classified as agents for the purposes of this article. Failure of submission of such books and records within thirty (30) days shall be ~~grounds for revocation of the occupation tax registration currently existing in the city~~ subject to section 34-37. If it is determined that a deficiency exists as a result of under reporting, ~~additional~~ payment of additional occupation taxes required to be paid under this article shall be assessed including the interest as provided by state law and penalties provided for by this Code. Notwithstanding the foregoing, no attorney shall be required to disclose any information that would violate ~~the~~ attorney/client privilege.
- (b) Except as provided in subsection (c) of this section, information provided by a business or practitioner of an occupation or profession for the purpose of determining the amount of occupation tax for the business or practitioner is confidential and exempt from disclosure under O.C.G.A. § 50-18-70 et seq.
- (c) Information provided to the city by a business or practitioner of an occupation or profession for the purpose of determining the amount of occupation tax for the business

or practitioner may be disclosed to the governing authority of another local government for occupation tax purposes or pursuant to court order or for the purpose of collection of occupation tax or prosecution for failure or refusal to pay occupation tax.

- (d) Nothing herein shall be construed to prohibit the publication by the city of statistics, so classified as to prevent the identification of particular reports or returns and items thereof.

**Section 34-35.12 - Business Classifications for Determining Tax Levy.**

- (a) For the purpose of this article, every person engaged in business requiring the payment of occupational taxes is classified in accordance to the major line of business as defined by the North American Industrial Classification System (NAICS), and profitability classes are assigned in accordance with Statistics of Income, Business Income Tax Returns, United States Treasury Department, or Internal Revenue Service. The ~~finance department~~Chief Financial Officer shall review assignment of businesses to profitability classes on a biannual basis and shall administratively reassign businesses as necessary to the then most accurate profitability class.
- (b) Classifications by business profitability to be established by the city council are incorporated herein by reference and adopted for use in the application of this article. All separate businesses engaged in more than one (1) business activity shall be classified on the basis of their dominant business activity at each location where business is done; except, that a person whose dominant business activity is legally exempt as defined by this article shall be classified according to such person's principal subsidiary business, if any, which is subject to the levy and assessment of occupation taxes.
- (c) The occupation tax shall be determined by applying the business' gross receipts returned to the city to the business' profitability classification established for each business type. ~~The gross receipts tax shall exempt an amount set by the and council, from time to time by resolution.~~Gross revenues above the exemption amount are taxed using a tax class table based on profitability.
- (d) A copy of business classifications shall be maintained in the office of the Chief Financial Officer and shall be available for inspection by all interested persons.

**Section 34-13 Confidentiality.**

- (a) Any occupation tax or regulatory fee due pursuant to this article shall be due and payable annually on ~~December 31~~March 1 or at such other time as may be designated by the city. In the event that any person commences business or initially engages in a regulated activity in the city after January 1 in any year, the tax or fee shall be due and payable on the date of the commencement of the ~~business or~~regulated activity. In the event that any non-regulated individual or business subject to occupation tax under this article commences business in the city after January 1 in any year, the tax shall be due and payment thirty (30) days following the commencement of the business.



- (b) Any individual, business, or practitioner subject to any administrative fee, occupation tax, or regulatory fee imposed by this article and is delinquent shall be charged interest at a rate of 1.5 percent per month.
- (c) Any individual, business, or practitioner subject to any occupation tax or regulatory fee imposed by this article which is unpaid for ninety (90) days after the date on which payment was due shall be subject to a penalty of ten (10) percent of the tax or fee.

**Section 34-37.15 - Enforcement; Violations.**

- (a) It is the duty of the ~~city~~ Chief Financial Officer ~~or his designee~~ to administer and enforce the provisions of this article to perform all functions necessary to administer and enforce this article and to summon violators of this article to appear before the municipal court. The ~~city~~ Chief Financial Officer may issue executions against individuals, businesses, and practitioners for taxes and fees which are due and owing.
- (b) The ~~city~~ Chief Financial Officer shall issue executions against individuals, businesses, and practitioners for taxes and fees which are due and owing. Such executions shall bear interest at the rate authorized by O.C.G.A. § 48-2-40 or, if such statute should be repealed, one (1) percent per month. The lien shall cover the property of the individual, business, or practitioner liable for payment of the delinquent administrative fee, occupation tax, or regulatory fee and become fixed as of the date and time the administrative fee, occupation tax, or regulatory fee became delinquent. The execution shall be levied by the ~~city~~ Chief Financial Officer ~~of the city~~ upon property of the delinquent tax or fee payer located in the city and sufficient property shall be advertised and sold to pay the amount of the execution, including penalty, interest and costs. All other proceedings in relation thereto shall be as provided by the Code and Charter of the city and the laws of Georgia. The defendants at execution shall have the rights of defense, by affidavit of illegality of the tax or otherwise as provided by the Charter of the city and the laws of Georgia in regard to tax executions.
- (c) Individuals, businesses, and practitioner who fail or refuse to pay any administrative fee, occupation tax, or regulatory fee charged pursuant to this article shall be subject to the penalties provided herein and in section 1-~~16-1-3~~ of the ~~Lawrenceville~~ Code of ~~Ordinances~~ the City of Lawrenceville, Georgia.
- (d) Individuals, businesses, and practitioners who fail or refuse to make a timely or truthful tax return or make available truthful and accurate information the city requests or requires for determining applicability or amount of occupation tax or regulatory fee, or for levying or collecting such occupation tax or regulatory fee shall be subject to the penalties provided herein and in section 1-~~16-1-3~~ of the ~~Lawrenceville~~ Code of the City of Lawrenceville, Georgia ~~Ordinances and, in addition thereto, shall be subject to suspension, revocation, or failure to renew such taxpayer's right to conduct business.~~
- (e) Individuals, businesses, and practitioners who are delinquent in payment of any tax, fee, charge, utility bill, or other debt owed to the city shall not be issued an occupation tax certificate until such tax, fee, charge, utility bill, or other debt has been paid.

~~(f) Any ordinance which increases the occupation tax rate shall be subject to a public hearing before the City Council.~~

**Section 34-38.16 - Public Hearing.**

After January 1, 1996, the city shall conduct at least one (1) public hearing before adopting any ordinance which will increase the occupation tax rate specified herein ~~Section 34.3.4.~~

**Section 34-39.17 - Prior Ordinance.**

To the extent that any occupation taxes or regulatory fees are owed pursuant to an ordinance passed prior to this one ~~(1)~~, such amounts remain due and owing and the provisions of that prior ordinance will remain in effect with respect to such unpaid occupation taxes or regulatory fees until such time as they are paid in full.

Section 2: \_\_\_\_\_

Except as specifically amended as set forth above, all other provisions and sections, subsections, sub-  
~~sections, paragraphs, and chapters of the City Code, the provisions of Chapter 2 of the City Code, and the~~

Section 3:

All ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 4:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5:

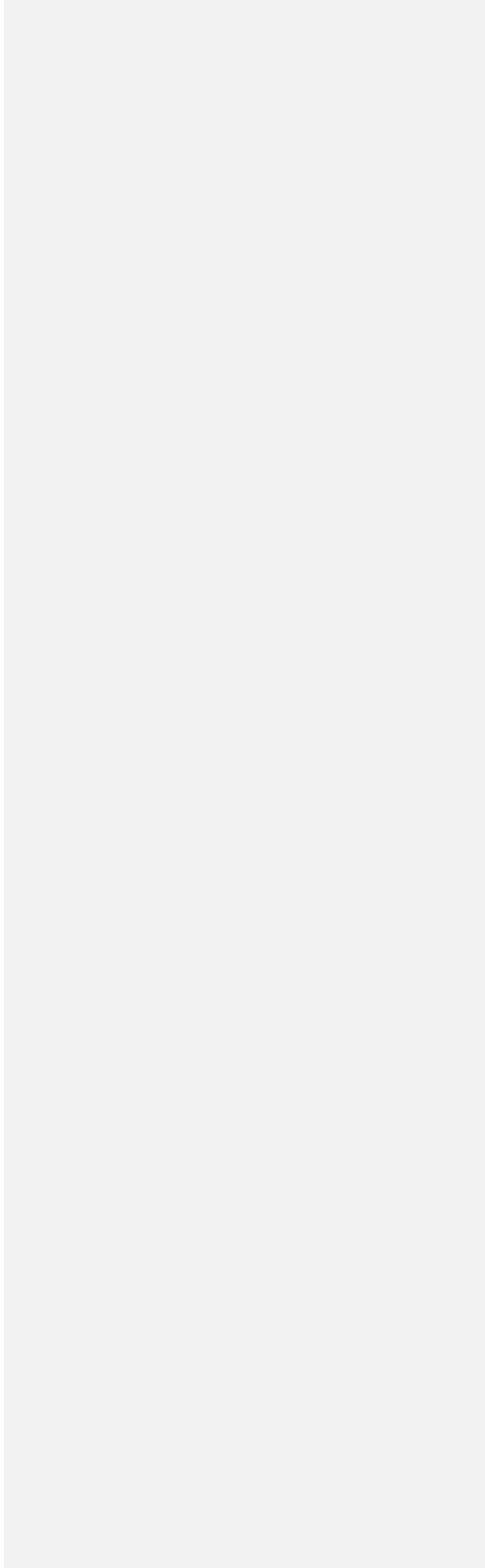
This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
David R. Still, Mayor

\_\_\_\_\_

| Karen Pierce, City Clerk



**ORDINANCE \_\_\_\_\_**

**ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF THE CITY OF LAWRENCEVILLE,  
GEORGIA REGARDING OCCUPATION TAX AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That Article II. (Occupation Tax) of Chapter 34 (Taxation) is hereby amended by deleting Article II in its entirety and replacing the language to read as follows:

**Sec. 34-23. - Definitions.**

The following words, terms and phrases shall, for the purposes of this article, have the following meaning:

*Administrative fee* is the component of the occupation tax which approximates the reasonable cost of handling and processing the occupation tax.

*Business* means any trade, profession, occupation, avocation, person, sole proprietor, partnership, corporation, or other entity and the efforts or activities associated thereby for the purposes of raising revenue or producing income.

*City* means the City of Lawrenceville.

*Chief Financial Officer* means the Chief Financial Officer of the City or his designee.

*Dominant line* means the type of business within a multiple line business from which the greatest amount of income is derived.

*Employee* means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2 but not a form I.R.S. 1099.

*Gross receipts.*

- (1) The term "gross receipts" means the total revenue of the business or practitioner for the period, including, without being limited to, the following:
  - a. Total income without deduction for the cost of goods sold or expenses incurred;
  - b. Gain from trading in stocks, bonds, capital assets, or instruments of indebtedness;
  - c. Proceeds from commissions on the sale of property, goods, or services;
  - d. Proceeds from fees charged for services rendered; and

- e. Proceeds from rent, interest, royalty, or dividend income.
- (2) The term "gross receipts" shall not include the following:
  - a. Sales, use, or excise taxes;
  - b. Sales returns, allowances, and discounts;
  - c. Interorganizational sales or transfers between or among the units of a parent-subsidiary controlled group of corporations, as defined by 26 U.S.C. Section 1563(a)(1), between or among the units of a brother-sister controlled group of corporations, as defined by 26 U.S.C. Section 1563(a)(2), between or among a parent corporation, wholly owned subsidiaries of such parent corporation, and any corporation in which such parent corporation or one or more of its wholly owned subsidiaries owns stock possessing at least 30 percent of the total value of shares of all classes of stock of such partially owned corporation, or between or among wholly owned partnerships or other wholly owned entities;
  - d. Payments made to a subcontractor or an independent agent for services which contributed to the gross receipts in issue;
  - e. Governmental and foundation grants, charitable contributions, or the interest income derived from such funds, received by a nonprofit organization which employs salaried practitioners otherwise covered by this chapter, if such funds constitute eighty (80) percent or more of the organization's receipts; and
  - f. Proceeds from sales of goods or services which are delivered to or received by customers who are outside the state at the time of delivery or receipt.

*Location or office* means any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or lessor unless the real property's owner, lessor, or the agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

*Occupation tax* means a tax levied on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business in the city for revenue-raising purposes.

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

*Practitioners of professions and occupations* are those individuals listed in O.C.G.A. § 48-13-9(c) but do not include a practitioner who is an employee of a business if such business pays an occupation tax.

*Regulatory fee* means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business. The amount of the regulatory fee shall approximate the cost of regulatory activity by the city. Regulatory fees do not include development impact fees as defined by paragraph (8) of Code Section 36-71-2 or other costs or conditions of zoning or land development.

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

**Sec. 34-24. - Administrative Fee.**

- (a) A nonprorated, nonrefundable administrative fee is required on all occupation tax accounts for the initial registration and all renewals thereafter. The administrative fee shall be One Hundred Dollars (\$100).
- (b) Occupation taxes levied hereinafter are separate from the administrative fee or regulatory fee.

**Sec. 34-25. - Regulatory Fee.**

- (a) A regulatory fee is imposed as provided under O.C.G.A. § 48-13-8 on applicable businesses and individuals. Businesses and individuals engaging in the occupations or businesses set forth in O.C.G.A. § 48-13-9(b) shall pay a nonrefundable regulatory fee as applicable. The regulatory fee shall be set by city council, from time to time by ordinance.
- (b) Every business, individual, and location subject to payment of a regulatory fee levied by this article shall display a current regulatory fee certificate in a conspicuous place at the location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the regulatory fee certificate or an unaltered duplicate of such certificate shall be shown to any code enforcement office, police officer, or other person charged with enforcing this article upon request.

**Sec. 34-26. - Occupation Tax Levied; Limitations.**

- (a) An occupation tax is imposed on those businesses and practitioners of professions and occupations, pursuant to O.C.G.A. § 48-13-6 , with one (1) or more locations or offices within the corporate limits of the city and, pursuant to O.C.G.A. § 48-13-7, upon out-of-state businesses with no location or office in the city but with employees or agents engaging in substantial efforts to solicit business or serve customers or clients in the State of Georgia or that own personal or real property located within the city which generates income in accordance with a fee schedule set by the mayor and council, from time to time by resolution.

- (b) The city shall not require the payment of more than one (1) occupation tax for each location of a business or practitioner.
- (c) A business or practitioner which is subject to an occupation tax by another local government and claiming an exemption from or limitation to the occupation tax imposed by this article shall submit documentation as to current payment of the occupation tax to the other local government and the basis of such tax.
  - (1) If a business or practitioner with no location or office in Georgia provides to the city proof of payment of a local business or occupation tax in another state which purports to tax the business's or practitioner's sales or services in this state, then the business or practitioner shall be exempt from the occupation tax. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof as to the applicability of this subsection.
  - (2) A business or practitioner with no location or office in Georgia shall only be required to pay occupation tax to the local government in Georgia where the largest dollar volume of business is done or service is performed by such business or practitioner. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof as to the applicability of this subsection.
  - (3) A business or practitioner which has locations in Georgia subject to occupation tax by more than one (1) local government in Georgia shall only be subject to occupation tax by the city for the gross receipts generated within the corporate limits of the city. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof of current payment of the other local government.
- (d) If a business or practitioner commences business in the city on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be fifty (50) percent of the tax imposed for the entire year. The administrative fee shall not be reduced.
- (e) If a business or practitioner does not know the amount of gross receipts generated by the business or practitioner in the calendar year for which occupation tax is due, then the business or practitioner shall file a return estimating the gross receipts. If such estimate is not accurate, any overpayment of the occupation tax may be credited to the business or practitioner's account for future tax liability, offset against other amounts due and owing to the city for any reason or paid to the business or practitioner at the discretion of the Chief Financial Officer.
- (f) An occupation tax shall be required from real estate brokers transacting business within the boundaries of the city, which tax shall be based upon gross receipts derived from transactions with respect to property located within the boundaries of the city.
- (g) Attorneys subject to the occupation tax pursuant to this article shall be responsible for paying such fee by March 1 of each year for the previous year. The penalty for failure to pay such occupation tax shall be as defined in section 34-36 of this article, provided that no criminal sanctions shall be imposed by the city.

**Sec. 34-27. - Occupation Tax Structure.**

- (a) The tax rate imposed by this article shall be based on gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession or occupation as measured by nationwide averages derived from statistics, classifications or other information published by the United States Office of Management and Budget, the United States Internal Revenue Service or successor agencies of the United States. The tax rate as described shall be as follows:

Tax Class	Tax Rate
1	0.065%
2	0.078%
3	0.091%
4	0.104%
5	0.117%
6	0.130%

In order to phase in the structure over a period of time, there shall be an exemption as follows:

Year	Amount
2025	\$50,000 or 70% of gross receipts, whichever is higher
2026	\$50,000 or 35% of gross receipts, whichever is higher
2027 and beyond	\$50,000

- (b) The maximum occupation tax permitted under this article shall be Twenty Thousand Dollars (\$25,000) for any single occupation tax certificate.

**Sec. 34-28. - Practitioners of Professions and Occupations.**

- (a) Practitioners of professions and occupations as defined in this article shall pay the occupation tax as set forth in Section 34-27 above or shall pay an occupation tax fee per practitioner as set forth below. On the tax return for 2024 or such later time as the practitioner first commences business in the city, the practitioner shall elect a method of taxation. Such election may be changed for subsequent calendar years only by a written request filed by the practitioner on or before March 1 of the year in which the election is to be changed.

- (b) The fee per practitioner shall be as follows:

Year	Amount
2025	\$200
2026	\$300
2027 and beyond	\$400

**Sec. 34-29. - Occupation Tax Certificate.**

Every business, practitioner, and location subject to payment of the occupation tax levied by this article shall display a current occupation tax certificate in a conspicuous place at the



location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the occupation tax certificate shall be shown to any code enforcement officer, police officer, or other person charged with enforcing this article upon request.

**Sec 34-30. - Exemptions.**

- (a) No occupation tax shall be levied on the following:
  - (1) Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, or instrumentality of the United States, the state, or a municipality or county of the state;
  - (2) Those businesses regulated by the Georgia Public Service Commission and the Georgia Department of Public Safety;
  - (3) Those electrical service businesses organized under O.C.G.A. Title 46, Chapter 3.
  - (4) Any farm operating for the production from or on the land of agricultural products, but not including any agribusiness;
  - (5) Agricultural product cooperative marketing associations pursuant to O.C.G.A. § 2-10-105;
  - (6) Motor common carriers pursuant to O.C.G.A. § 46-7-15;
  - (7) Persons purchasing guano, meats, meal, flour, bran, cottonseed, or cottonseed meal or hulls in carload lots for distribution among the purchasers for use and not sale pursuant to O.C.G.A. § 48-5-355;
  - (8) Pursuant to O.C.G.A. § 48-5-356 for persons selling or introducing into the city agricultural products or livestock, including animal products, raised in this state when the sale and introduction are made by the producer of the product and the sale is made within ninety (90) days of the introduction of the product into the city;
  - (9) Insurance companies governed by O.C.G.A. § 33-8-8 (see Chapter 34, Article 1, Code of the City of Lawrenceville, Georgia)
  - (10) Depository institutions pursuant to O.C.G.A. § 48-6-93 (see Chapter 34, Article 3, Code of the City of Lawrenceville, Georgia);
  - (11) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55;
  - (12) Disabled veterans and blind persons pursuant to the requirements and qualifications of O.C.G.A. §43-12-2; or
  - (13) Any business where the levy of such occupation tax is prohibited by the laws of the State of Georgia or the United States.
- (b) The exemptions and limitations contained in this article shall not be construed to repeal or otherwise affect in any way any franchise fees, business taxes, or other fees or taxes otherwise allowed by law.

**Sec. 34-31. - Evidence of State Registration When Required.**

Each person who is licensed under O.C.G.A. Title 43 by the examining boards of the secretary of state's office shall provide evidence of proper and current state licensure before any city occupation tax certificate or regulatory fee certificate may be issued.

**Sec. 34-32. - Evidence of Qualification Required if Applicable.**

- (a) Any business required to obtain health permits, fire inspections, bonds, certificates of qualification, certificates of competency, or any other regulatory matter shall first, before the issuance of an occupation tax certificate or a regulatory fee certificate, show evidence of such qualification.
- (b) Any business required to submit an annual application for continuance of the business shall do so before the registration is issued.

**Sec. 34-33. - Filing Returns; Other Information Required or Requested.**

- (a) On or before March 1 of each year, an individual, business, or practitioner subject to this occupation tax article shall file with the Chief Financial Officer, on a form approved by and available from the city, a signed return attesting to the gross receipts and number of employees of such business or practitioner during the preceding calendar year ending on December 31.
- (b) Individuals, businesses, and practitioners doing business in the city shall submit to the Chief Financial Officer or make available to the city within thirty (30) days or such longer time period as the city deems appropriate such information as may be required or requested by the city to determine the applicability and amount of the occupation tax or regulatory fee or to facilitate levying or collection of the occupation tax or regulatory fee(s). Such information may include, but is not limited to, the following:
  - (1) Name under which business is to be conducted.
  - (2) Local business address.
  - (3) Mailing address of business, if other than local address.
  - (4) Description of business activity to be conducted.
  - (5) Applicant's name, social security number and association with business. (Applicant shall be local manager, business owner, or corporate officer.)
  - (6) If a partnership or proprietorship, social security number of each individual. If a corporation, tax identification number and list of officers' names and titles.
  - (7) Name, address and telephone number of owner of the property where the business is located.
  - (8) Evidence of state or county certification, as applicable.
  - (9) Statement that the applicant (including all partners or the officers and local manager, if a corporation) has never been convicted of a felony.

- (10) Agreement by applicant that the city may investigate his/her background and use such in deciding on the granting of authority to conduct business in the city.
- (11) Statement that the applicant has never been denied the authority to conduct the business herein described, except as noted.
- (12) Statement affirming validity of the information provided.
- (13) Quarterly wage statements and W-3 transmittal forms furnished to other governmental entities, including the state and federal governments.

**Sec. 34-34. - Inspections of Books and Records; Audits; Confidential Information.**

- (a) The city, through its officers, agents, employees, or representatives, shall have the right to inspect the books or records of any business for which returns have been based upon the gross receipts. Upon demand of the Chief Financial Officer, such books or records shall be submitted for inspection by a representative or agent of the city within thirty (30) days. Independent auditors or bookkeepers employed by the city shall be classified as agents for the purposes of this article. Failure of submission of such books and records within thirty (30) days shall be subject to section 34-37. If it is determined that a deficiency exists as a result of under reporting, payment of additional occupation taxes required to be paid under this article shall be assessed including interest as provided by state law and penalties provided for by this Code. Notwithstanding the foregoing, no attorney shall be required to disclose any information that would violate attorney/client privilege.
- (b) Except as provided in subsection (c) of this section, information provided by a business or practitioner of an occupation or profession for the purpose of determining the amount of occupation tax for the business or practitioner is confidential and exempt from disclosure under O.C.G.A. § 50-18-70 et seq.
- (c) Information provided to the city by a business or practitioner of an occupation or profession for the purpose of determining the amount of occupation tax for the business or practitioner may be disclosed to the governing authority of another local government for occupation tax purposes or pursuant to court order or for the purpose of collection of occupation tax or prosecution for failure or refusal to pay occupation tax.
- (d) Nothing herein shall be construed to prohibit the publication by the city of statistics, so classified as to prevent the identification of particular reports or returns and items thereof.

**Sec. 34-35. - Business Classifications for Determining Tax Levy.**

- (a) For the purpose of this article, every person engaged in business requiring the payment of occupational taxes is classified in accordance to the major line of business as defined by the North American Industrial Classification System (NAICS), and profitability classes are assigned in accordance with Statistics of Income, Business Income Tax Returns, United States Treasury Department, or Internal Revenue Service. The Chief Financial Officer shall review assignment of businesses to profitability classes on a biannual basis and shall administratively reassign businesses as necessary to the then most accurate profitability class.

- (b) Classifications by business profitability to be established by the city council are incorporated herein by reference and adopted for use in the application of this article. All separate businesses engaged in more than one (1) business activity shall be classified on the basis of their dominant business activity at each location where business is done; except, that a person whose dominant business activity is legally exempt as defined by this article shall be classified according to such person's principal subsidiary business, if any, which is subject to the levy and assessment of occupation taxes.
- (c) The occupation tax shall be determined by applying the business' gross receipts returned to the city to the business' profitability classification established for each business type. Gross revenues above the exemption amount are taxed using a tax class table based on profitability.
- (d) A copy of business classifications shall be maintained in the office of the Chief Financial Officer and shall be available for inspection by all interested persons.

**Sec. 34-36. - Date Due; Penalty.**

- (a) Any occupation tax or regulatory fee due pursuant to this article shall be due and payable annually on March 1 or at such other time as may be designated by the city. In the event that any person commences business or initially engages in a regulated activity in the city after January 1 in any year, the tax or fee shall be due and payable on the date of the commencement of the regulated activity. In the event that any non-regulated individual or business subject to occupation tax under this article commences business in the city after January 1 in any year, the tax shall be due and payment thirty (30) days following the commencement of the business.
- (b) Any individual, business, or practitioner subject to any administrative fee, occupation tax, or regulatory fee imposed by this article and is delinquent shall be charged interest at a rate of 1.5 percent per month.
- (c) Any individual, business, or practitioner subject to any occupation tax or regulatory fee imposed by this article which is unpaid for ninety (90) days after the date on which payment was due shall be subject to a penalty of ten (10) percent of the tax or fee.

**Sec. 34-37. - Enforcement; Violations.**

- (a) It is the duty of the Chief Financial Officer to administer and enforce the provisions of this article to perform all functions necessary to administer and enforce this article and to summon violators of this article to appear before the municipal court. The Chief Financial Officer may issue executions against individuals, businesses, and practitioners for taxes and fees which are due and owing.
- (b) The Chief Financial Officer shall issue executions against individuals, businesses, and practitioners for taxes and fees which are due and owing. Such executions shall bear interest at the rate authorized by O.C.G.A. § 48-2-40 or, if such statute should be repealed, one (1) percent per month. The lien shall cover the property of the individual, business, or practitioner liable for payment of the delinquent administrative fee, occupation tax, or

regulatory fee and become fixed as of the date and time the administrative fee, occupation tax, or regulatory fee became delinquent. The execution shall be levied by the Chief Financial Officer upon property of the delinquent tax or fee payer located in the city and sufficient property shall be advertised and sold to pay the amount of the execution, including penalty, interest and costs. All other proceedings in relation thereto shall be as provided by the Code and Charter of the city and the laws of Georgia. The defendants at execution shall have the rights of defense, by affidavit of illegality of the tax or otherwise as provided by the Charter of the city and the laws of Georgia in regard to tax executions.

- (c) Individuals, businesses, and practitioner who fail or refuse to pay any administrative fee, occupation tax, or regulatory fee charged pursuant to this article shall be subject to the penalties provided herein and in section 1-16 of the Code of the City of Lawrenceville, Georgia.
- (d) Individuals, businesses, and practitioners who fail or refuse to make a timely or truthful tax return or make available truthful and accurate information the city requests or requires for determining applicability or amount of occupation tax or regulatory fee, or for levying or collecting such occupation tax or regulatory fee shall be subject to the penalties provided herein and in section 1-16 of the Code of the City of Lawrenceville.
- (e) Individuals, businesses, and practitioners who are delinquent in payment of any tax, fee, charge, utility bill, or other debt owed to the city shall not be issued an occupation tax certificate until such tax, fee, charge, utility bill, or other debt has been paid.

**Sec. 34-38. - Public Hearing.**

The city shall conduct at least one (1) public hearing before adopting any ordinance which will increase the occupation tax rate specified herein.

**Sec. 34-39. - Prior Ordinance.**

To the extent that any occupation taxes or regulatory fees are owed pursuant to an ordinance passed prior to this one, such amounts remain due and owing and the provisions of that prior ordinance will remain in effect with respect to such unpaid occupation taxes or regulatory fees until such time as they are paid in full.

Section 2:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, paragraphs, etc. of Article II of Chapter 34 shall remain in full force and affect.

Section 3:

All ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 4:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5:

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

IT IS SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
David R. Still, Mayor

Attest:

\_\_\_\_\_  
Karen Pierce, City Clerk

# Occupation Tax

*September 4, 2024*



# Agenda

- Process
- Occupation Tax
  - Businesses Overview
  - Implementation
- Changes in Tax for a Business
- Next Steps





# Process

- Occupation Tax is currently assessed based on the number of Full Time Equivalent employees
  - Norcross, Auburn
- The proposed changes will assess Occupation Tax based on Gross Receipts
  - Gwinnett County, Duluth, Suwanee, Buford, Dacula, Loganville, Lilburn, Snellville
- Additionally, a profitability ratio will be a factor in determining the taxing rate
  - To determine profitability the City uses IRS data based on North American Industry Classification System (NAICS) codes
  - Additionally, Gwinnett County data for Gross Receipts was requested, provided and evaluated against the IRS data to determine
    - This information was used to provide a ratio of local business gross receipts to IRS data
    - Based on this ratio, the tax tables and NAICS relationships were developed



## Process (Cont'd)

- We are communicating with businesses about the change
  - Sent email and letter outlining the changes to all registered businesses
    - Provided date of Public Hearing – 9/16 Regular Council Meeting
  - We have setup a webpage for the change (currently live)
    - It contains information about the proposed changes
    - Contains a calculator based on NAICS codes for businesses to assess the impact
    - [www.lawrencevillega.org/occupation-tax-change](http://www.lawrencevillega.org/occupation-tax-change)
- Adoption of a new ordinance is required to implement the new assessment process
  - We will have a public hearing at the adoption time of the ordinance (9/16)
    - Provided an advertisement in the Gwinnett Daily Post, placed a notice on our website, and sent a letter to all registered businesses



# Business Overview

	Number
<b>Active Occupation Tax Certificates</b>	<b>1,356</b>
General Automotive Repair	75
Full-Service Restaurants	65
Offices of Physicians (except Mental Health Specialists)	58
Beauty Salons	47
Limited-Service Restaurants	35
Used Car Dealers	29
Gasoline Stations with Convenience Stores	27
Convenience Stores	21



# Business Overview

Sector	Title	# of Businesses
21	MINING	3
23	CONSTRUCTION	103
31, 32, 33	MANUFACTURING	67
42, 44, 45	WHOLESALE AND RETAIL TRADE	295
48, 49	TRANSPORTATION AND WAREHOUSING	38
51	INFORMATION	13
52	FINANCE AND INSURANCE	426
53	REAL ESTATE AND RENTAL AND LEASING	59
54	PROFESSIONAL, SCIENTIFIC, and TECHNICAL SERVICES	85
55	MANAGEMENT OF COMPANIES (HOLDING COMPANIES)	1
56, 92	ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES	76
62	HEALTH CARE AND SOCIAL ASSISTANCE	183
71	ARTS, ENTERTAINMENT, AND RECREATION	12
72	ACCOMMODATION, FOOD SERVICES, AND DRINKING PLACES	111



# Implementation

- Administrative Fee \$100 annually
- Three Year Phase-in
- **Establish Tax Classes**

Tax Class	Tax Rate
1	0.065%
2	0.078%
3	0.091%
4	0.104%
5	0.117%
6	0.130%

- **Establish Exemptions**

Year	Amount
2025	\$50,000 or 70% of gross receipts, whichever is higher
2026	\$50,000 or 35% of gross receipts, whichever is higher
2027 and beyond	\$50,000



# Implementation

- Set Practitioner Fees
  - Attorneys, Physicians, Chiropractors, Optometrists, Accountants, Funeral Directors, Engineers, Architects...
  - Per Practitioner
    - Year 2025 - \$200
    - Year 2026 - \$300
    - Year 2027 and beyond - \$400
    - Attorneys are included in the list of practitioners
- Maximum Occupation Tax Liability is \$25,000
  - Gwinnett County: \$20,000
  - Suwanee: \$12,500
  - Duluth: \$12,500
  - Dacula: \$20,000



# Changes in Tax for a Business

NAICS CODE	NAICS Description	Average Gross Receipts	Current Tax	2025	2026	2027	Gwinnett
441110	Car Dealership	\$92,053,849	\$750	\$18,051	\$25,000	\$25,000	\$20,000
441340	Tire Dealers	\$1,648,375	\$90	\$421	\$850	\$1,171	\$1,467
445110	Grocery Store	\$13,228,654	\$590	\$2,680	\$6,119	\$8,699	\$10,538
445120	Gasoline Stations with Convenience Stores	\$4,734,013	\$145	\$1,023	\$2,254	\$3,177	\$3,884
541990	Attorney		\$0	\$200	\$300	\$400	\$400
561730	Landscaping Service	\$471,636	\$145	\$229	\$400	\$529	\$694
621111	Doctor		\$150	\$200	\$300	\$400	\$400
722511	Full-Service Restaurant	\$1,480,331	\$486	\$446	\$908	\$1,255	\$1,568
812113	Nail Salon	\$436,809	\$262	\$236	\$418	\$554	\$655





# Changes in Tax for a Business

NAICS CODE	NAICS Description	Average Gross Receipts	Current Tax	2025	2026	2027	Gwinnett
238210	Electrical Contractors	\$792,464	\$70	\$347	\$677	\$924	\$921
531120	Event Centers	\$388,234	\$50	\$251	\$453	\$605	\$723
531190	Real Estate Broker	\$1,129,800	\$50	\$541	\$1,128	\$1,569	\$1,769
561320	Staffing Company	\$2,091,656	\$606	\$589	\$1,242	\$1,731	\$2,470
812112	Hair Salon	\$109,715	\$50	\$134	\$180	\$214	\$297
	New Housing						
236116	Construction	\$11,440,945	\$60	\$3,223	\$7,388	\$10,511	\$9,138
811191	Oil Change	\$1,015,228	\$90	\$377	\$747	\$1,024	\$1,131
441120	Used Car Dealer	\$589,523	\$50	\$215	\$368	\$483	\$638





# Changes in Tax for a Business

NAICS CODE	NAICS Description	Average Gross Receipts	Current Tax	2025	2026	2027	Gwinnett
452311	Super Centers	\$95,735,000	\$750	\$25,000	\$25,000	\$25,000	\$20,000
811192	Car Wash	\$1,005,523	\$110	\$375	\$741	\$1,015	\$1,121
312120	Brewery	\$2,212,000	\$80	\$790	\$1,710	\$2,400	\$2,602
238220	Plumber	\$109,603	\$60	\$130	\$170	\$200	\$279
441310	Auto Parts	\$1,589,605	\$190	\$410	\$823	\$1133	\$1,421
811111	Auto Repair	\$530,789	\$245	\$245	\$438	\$583	\$675
722513	Fast Food Restaurant	\$2,202,000	\$438	\$615	\$1,302	\$1,818	\$2,246
531120	Property Managers	\$388,234	\$50	\$251	\$453	\$605	\$723

- 48% of Businesses will pay less than \$500
- 70% of Businesses will pay less than \$1,000
- 80% of Businesses will pay less than \$1,500



# Revenue Changes for the City

- Three Year Full Implementation
  - FY 2024 - \$330,000 (Last Fiscal Year)
  - FY 2025 - \$700,000 (Current Fiscal Year)
    - Funding level approved by Mayor and Council in the Budget Resolution
  - FY 2026 - \$1,350,000
  - FY 2027 - \$2,000,000



# Next Steps

- September 16, 2024
  - Public Hearing on Occupation Tax Ordinance
  - Consideration of Ordinance



# Discussion



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 04, 2024

AGENDA CATEGORY: GENERAL CITY BUSINESS

- Item:** Amendment to the City’s existing Georgia Fund 1 Account
- Department:** Finance
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** N/A
- Presented By:** Keith Lee, Chief Financial Officer
- Action Requested:** Consideration of a Resolution authorizing the City to amend the City’s existing Georgia Fund 1 account

**Summary:** The Office of the State Treasurer manages an efficient and liquid investment tool for public entities. The investment objectives of Georgia Fund 1 are safety of capital, liquidity, and yield. Fitch Ratings assigned a ‘AAAf’/’S1’ Rating to Georgia Fund 1. The ‘AAAf’ FCQR indicates the highest underlying credit quality (or lowest vulnerability to default). The ‘S1’ rating indicates a very low sensitivity to market risk.

The City uses this tool to invest cash outside of it’s banking relationship. The City has used this tool since 2017. The account is setup to send and receive funds from Renasant Bank. We need to update the banking information. Additionally, we need to update employees that can access the account to send or receive funds from Georgia Fund 1.

The attached resolution is required by the Office of the State Treasurer. The resolution will be completed with the City’s current banking relationship, current Chief Financial Officer and Assistant Finance Directors for transfers, and Financial Analyst for view only access.

**Attachments/Exhibits: Resolution**

**RESOLUTION \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL  
CITY OF LAWRENCEVILLE, GEORGIA  
GEORGIA FUND 1 AMENDMENT RESOLUTION**

**WHEREAS**, City of Lawrenceville, Georgia authorized the use of Georgia Fund 1 with the Office of State Treasurer for investment purpose; and

**WHEREAS**, the City has authorized a new banking relationship with J P Morgan NA; and

**WHEREAS**, the Office of State Treasurer requires a resolution be adopted by the governing board; and

**WHEREAS**, the Office of State Treasurer requires the resolution to be signed electronically.

**NOW, THEREFORE**, the City Council of the City of Lawrenceville, Georgia does hereby approve and authorize the Mayor, City Manager, and City Clerk to sign the amended Georgia Fund 1 resolution through electronic means.

**IT IS SO RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
David R. Still, Mayor

ATTEST:

\_\_\_\_\_  
Karen Pierce, City Clerk



**GEORGIA FUND 1**  
(Local Government Investment Pool "LGIP")  
**Resolution to Authorize Investment  
and Designate Representatives**

GF1 Acct# \_\_\_\_\_  
Effective Date\* \_\_\_\_\_

**PARTICIPANT INFORMATION**

Participant Name: \_\_\_\_\_ | TIN: \_\_\_\_\_  
Physical Address: \_\_\_\_\_ | City: \_\_\_\_\_ | State: \_\_\_\_\_ | Zip Code: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ | City: \_\_\_\_\_ | State: \_\_\_\_\_ | Zip Code: \_\_\_\_\_

This Resolution is for:

New Account     Amendment to an existing account

GF1 Account Number (New): \_\_\_\_\_      GF1 Account Number (Amended): \_\_\_\_\_

If change(s) are applicable to other existing accounts, please submit a new resolution for each applicable account.



**WHEREAS**, O.C.G.A. § 36-83-1 to § 36-83-8 authorizes Georgia local governments and other authorized entities to invest funds through the local government investment pool; and,

**WHEREAS**, all state departments, boards, bureaus, and agencies ("state entities") and local governments may make deposits and maintain accounts in the LGIP as Participants, subject to approval by the State Depository Board as required in O.C.G.A. § 36-83-2(b)(4); and,

**WHEREAS**, from time to time it may be advantageous to \_\_\_\_\_  
(Name of Local Government, Political Subdivision or State Agency) to deposit funds available for investment in Georgia Fund 1 (hereinafter referred to as the local government investment pool) as it may deem appropriate; and,

**WHEREAS**, to provide for the safety of such funds deposited in the local government investment pool, investments are restricted to those enumerated by O.C.G.A. §36-83-4. Pursuant to the investment policies established by the State Depository Board, the State Treasurer shall invest moneys in the local government investment pool considering first the probable safety of capital and then the probable income to be derived; and,

**WHEREAS**, such deposits must first be duly authorized by the governing authority of the local government or authorized entity and a certified copy of the resolution authorizing such investment filed with the State Treasurer; and

**WHEREAS**, such resolution must name the official(s) authorized to make deposits or withdrawals of funds in the local government investment pool; and,

**WHEREAS**, O.C.G.A. §36-83-8 requires a statement of the approximate cash flow requirements of the local government or authorized entity pertaining to the investment of such funds;

**NOW, THEREFORE BE IT RESOLVED** by the \_\_\_\_\_

(Board, Council or other Governing Authority) that \_\_\_\_\_ (Local Government, Political Subdivision, or State Agency) meets the criteria as defined in O.C.G.A. § 36-83-3 to participate and deposit funds from time to time in the manner prescribed by law and in accordance with the applicable policies and procedures for the local government investment pool.



# GEORGIA FUND 1

(Local Government Investment Pool "LGIP")

## Resolution to Authorize Investment and Designate Representatives

GF1 Acct# \_\_\_\_\_  
Effective Date\* \_\_\_\_\_

### AUTHORIZED REPRESENTATIVES OF THE PARTICIPANT

Any one of the following individuals shall be authorized to deposit and/or withdraw funds from the local government investment pool on behalf of the Participant: (Please select at least one person for online system (IPAS) access to electronically perform authorized functions and to obtain monthly statements. All individuals currently with online access not on this resolution will be deactivated)

1. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  Grant IPAS Access  
 Authority:  Deposit/Withdrawal/Transfer  Deposit Only

2. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  Grant IPAS Access  
 Authority:  Deposit/Withdrawal/Transfer  Deposit Only

3. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  Grant IPAS Access  
 Authority:  Deposit/Withdrawal/Transfer  Deposit Only

4. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  Grant IPAS Access  
 Authority:  Deposit/Withdrawal/Transfer  Deposit Only

5. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  Grant IPAS Access  
 Authority:  Deposit/Withdrawal/Transfer  Deposit Only

For additional AUTHORIZED individuals, please check and attach user information to this form.

### AUTHORIZED REPRESENTATIVES OF THE PARTICIPANT – READ ONLY

In addition, and at the option of the Participant, additional authorized representatives can be designated to perform inquiry only of selected information. This limited representative cannot make deposits or withdrawals. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

1. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

2. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

3. Printed Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Title: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

For additional READ ONLY access individuals, please check and attach user information to this form.





**GEORGIA FUND 1**  
 (Local Government Investment Pool “LGIP”)  
**Resolution to Authorize Investment  
 and Designate Representatives**

GF1 Acct# \_\_\_\_\_  
 Effective Date\* \_\_\_\_\_

**PERIOD OF INVESTMENT**

The period in which the initial deposit is currently expected to remain invested in the local government investment pool is a minimum of 30% for no less than 30 days. Subsequent deposits should comply with the LGIP Trust Policy.

**DISCLOSURES**

Balances are subject to investment risks, including possible loss of principal amount invested and securities that may trade at negative rates.

LGIP deposits are not guaranteed or insured by any bank, the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve Board, the State of Georgia, or any other entity.

The Office of State Treasurer (OST) has third-party insurance coverages designed to insure our agency against defense and liability expenses incurred due to loss/damage caused to LGIP participants by our actions. Through the Department of Administrative Services, the State of Georgia may carry various insurance programs for the protection of State Agencies, Authorities, the University System of Georgia, and the Technical College System of Georgia, some of which may be LGIP participants. DOAS may carry cyber-insurance for certain executive branch agencies, as well as crime and employee dishonesty coverage for all State agencies, authorities, and higher education organizations. DOAS does not carry cyber-insurance for other LGIP participants.

Damage caused by local government participants’ actions are not covered by either the State’s cyber-insurance plan or the crime and employee dishonesty plan. DOAS programs are designed to cover the actions of State organizations who participate in the various insurance programs. See OST website (<https://ost.georgia.gov>) for the latest cyber-insurance plan information.

Additional disclosures are included in the LGIP Trust Policy which is periodically updated and is available on the OST website. By authorizing this resolution, the entity acknowledges it has read and understands the LGIP Trust Policy and risks associated with investing in Georgia Fund 1.

**BANKING INFORMATION**

All withdrawals from the local government investment pool shall be sent via ACH to the following participant’s demand deposit account(s) except for account(s) designated as corporate trust accounts. Wires are typically used for Corporate Trust payments and always used for same-day transactions. (Please see “Instructions for Completing ACH & Wire Information” for more detailed information.)

- **Please verify ACH and Wire instructions with your bank and provide them below.** ACH INSTRUCTIONS MAY VARY FROM YOUR BANK’S WIRING INSTRUCTIONS. IF THE LOCAL BANK IS NOT ON-LINE WITH THE FEDERAL RESERVE, PLEASE PROVIDE CORRESPONDENT BANK INSTRUCTIONS. This will ensure accurate delivery of your funds to the designated bank account.
- If the bank account is not a corporate trust account, please complete both ACH & Wire instructions.

Please complete the following form to add new banking instructions, or to change or delete existing banking instructions.

OST will directly deposit via ACH for all ACH enabled accounts.

To authorize Office of State Treasurer (OST) to withdraw funds via ACH debit from the designated bank account, please select “Yes” below your ACH banking instructions.

Debit authorization may be withdrawn with at least 15-days advance written notice to the Georgia Office of the State Treasurer. I also understand that the OST reserves the right to reverse ACH electronic transfers made in error.



# GEORGIA FUND 1

(Local Government Investment Pool "LGIP")

## Resolution to Authorize Investment and Designate Representatives

GF1 Acct# \_\_\_\_\_  
Effective Date\* \_\_\_\_\_

### BANKING INSTRUCTIONS

**Bank 1:**

Bank Name: \_\_\_\_\_ Account Title: \_\_\_\_\_  
Bank Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Bank Contact: \_\_\_\_\_ Bank Contact Telephone Number: (xxx) xxx-xxxx \_\_\_\_\_  
Corporate Trust Account:  No  Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

**ACH Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Allow OST to ACH Debit for Contributions:  
 Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.  
 No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

**WIRE Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Addendum Information: \_\_\_\_\_

**Correspondent Bank Instructions Required?**  Yes  No  Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: \_\_\_\_\_ Correspondent Bank ABA#: \_\_\_\_\_  
Correspondent Bank City: \_\_\_\_\_ Correspondent Bank Account#: \_\_\_\_\_

**Bank 2:**

Bank Name: \_\_\_\_\_ Account Title: \_\_\_\_\_  
Bank Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Bank Contact: \_\_\_\_\_ Bank Contact Telephone Number: \_\_\_\_\_  
Corporate Trust Account:  No  Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

**ACH Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Allow OST to ACH Debit for Contributions:  
 Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.  
 No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

**WIRE Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Addendum Information: \_\_\_\_\_

**Correspondent Bank Instructions Required?**  Yes  No  Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: \_\_\_\_\_ Correspondent Bank ABA#: \_\_\_\_\_  
Correspondent Bank City: \_\_\_\_\_ Correspondent Bank Account#: \_\_\_\_\_



# GEORGIA FUND 1

(Local Government Investment Pool "LGIP")

## Resolution to Authorize Investment and Designate Representatives

GF1 Acct# \_\_\_\_\_  
Effective Date\* \_\_\_\_\_

**Bank 3:**

Bank Name: \_\_\_\_\_ Account Title: \_\_\_\_\_  
Bank Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Bank Contact: \_\_\_\_\_ Bank Contact Telephone Number: \_\_\_\_\_  
Corporate Trust Account:  No  Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

**ACH Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Allow OST to ACH Debit for Contributions:  
 Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.  
 No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

**WIRE Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Addendum Information: \_\_\_\_\_

**Correspondent Bank Instructions Required?**  Yes  No  Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: \_\_\_\_\_ Correspondent Bank ABA#: \_\_\_\_\_  
Correspondent Bank City: \_\_\_\_\_ Correspondent Bank Account#: \_\_\_\_\_

**Bank 4:**

Bank Name: \_\_\_\_\_ Account Title: \_\_\_\_\_  
Bank Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Bank Contact: \_\_\_\_\_ Bank Contact Telephone Number: \_\_\_\_\_  
Corporate Trust Account:  No  Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

**ACH Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Allow OST to ACH Debit for Contributions:  
 Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.  
 No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

**WIRE Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_  
Addendum Information: \_\_\_\_\_

**Correspondent Bank Instructions Required?**  Yes  No  Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: \_\_\_\_\_ Correspondent Bank ABA#: \_\_\_\_\_  
Correspondent Bank City: \_\_\_\_\_ Correspondent Bank Account#: \_\_\_\_\_



# GEORGIA FUND 1

(Local Government Investment Pool "LGIP")

## Resolution to Authorize Investment and Designate Representatives

GF1 Acct# \_\_\_\_\_  
Effective Date\* \_\_\_\_\_

**Bank 5:**

Bank Name: \_\_\_\_\_ Account Title: \_\_\_\_\_  
Bank Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Bank Contact: \_\_\_\_\_ Bank Contact Telephone Number: \_\_\_\_\_  
Corporate Trust Account:  No  Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

**ACH Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_

Allow OST to ACH Debit for Contributions:

- Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.
- No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

**WIRE Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_

Addendum Information: \_\_\_\_\_

**Correspondent Bank Instructions Required?**  Yes  No  Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: \_\_\_\_\_ Correspondent Bank ABA#: \_\_\_\_\_

Correspondent Bank City: \_\_\_\_\_ Correspondent Bank Account#: \_\_\_\_\_

**Bank 6:**

Bank Name: \_\_\_\_\_ Account Title: \_\_\_\_\_  
Bank Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Bank Contact: \_\_\_\_\_ Bank Contact Telephone Number: \_\_\_\_\_  
Corporate Trust Account:  No  Yes (If Yes, confirm preferred method of transfer, ACH or Wire)

**ACH Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_

Allow OST to ACH Debit for Contributions:

- Yes. If there is a debit block on this account, please provide the bank OST's Company ID: 1581125844.
- No. Participant will be responsible for sending a wire for any contributions made to the Georgia Fund 1 account.

**WIRE Instructions**

Bank ABA Number: \_\_\_\_\_ Bank Account Number: \_\_\_\_\_

Addendum Information: \_\_\_\_\_

**Correspondent Bank Instructions Required?**  Yes  No  Attach Correspondent Bank Wire Instruction

Correspondent Bank Name: \_\_\_\_\_ Correspondent Bank ABA#: \_\_\_\_\_

Correspondent Bank City: \_\_\_\_\_ Correspondent Bank Account#: \_\_\_\_\_

**For additional BANK ACCOUNTS, please check and attach bank instructions to this form.**



**GEORGIA FUND 1**  
(Local Government Investment Pool "LGIP")  
**Resolution to Authorize Investment  
and Designate Representatives**

GF1 Acct# \_\_\_\_\_  
Effective Date\* \_\_\_\_\_

**SIGNATURE OF HEAD OF GOVERNING AUTHORITY**

Changes in the above authorization shall be made by cancellation or a replacement resolution delivered to the Office of the State Treasurer. Until such a replacement resolution is received and approved by the Office of the State Treasurer, the above authorized individuals, demand account instructions and statement mailing address(es) shall remain in full force and effect.

Entered at \_\_\_\_\_, Georgia this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Head of Governing Authority)

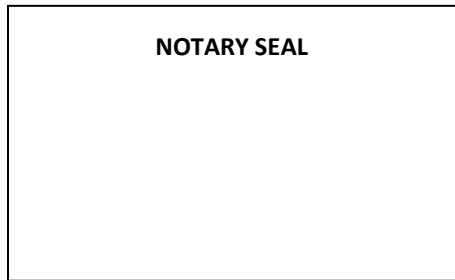
\_\_\_\_\_  
(Please Print or Type - Head of Governing Authority)

\_\_\_\_\_  
(Title)

Please select "Option A" **OR** "Option B"



**Option A: Notary Certification**



Notary Public Signature: \_\_\_\_\_

Notary Public Signature Date: \_\_\_\_\_

Commission Expiration Date: \_\_\_\_\_



**Option B: OST Certification**

Head of Governing Authority signatory attestation by OST Personnel:

OST Personnel Name: \_\_\_\_\_

OST Personnel Signature: \_\_\_\_\_

OST Personnel Signature Date: \_\_\_\_\_

**MAILING INSTRUCTIONS**

If completed manually, please complete and return a signed original to:

Georgia Fund 1  
Office of the State Treasurer  
200 Piedmont Avenue  
Suite 1204, West Tower  
Atlanta, GA 30334-5527

Telephone: (404) 656-2993  
Toll Free: (800) 222-6748

**\*\*\*FOR OFFICE OF THE STATE TREASURER USE ONLY\*\*\***

GF1 Resolution Verification

**RESOLUTION VERIFICATION**

Acct#: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Website: \_\_\_\_\_

Website Phone: \_\_\_\_\_

Confirmed by: \_\_\_\_\_

Verified by: \_\_\_\_\_

Date & Time: \_\_\_\_\_

Identity Validation Method: \_\_\_\_\_

**BUSINESS CONTACTS & IPAS**

Removed from Contacts: \_\_\_\_\_

Added to Contacts: \_\_\_\_\_

New IPAS Account: \_\_\_\_\_

Removed From IPAS: \_\_\_\_\_

**INTERNAL SIGNATURES**

Received (FA)	Notary/ OST Certified (IA)	Agency Head (IA)	Verified (IA)	Public Entity (IA)	Accounting	Banking	Contacts (FA)	IPAS (FA)
Email (FA)	Master Log (FA)	Contacts (IA)	IPAS (IA)	Uploaded (FA)			New/Amended Account Approved (Treasurer/Deputy Treasurer)	



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 4, 2024

AGENDA CATEGORY: GENERAL DISCUSSION ITEM

- Item:** Lawrenceville City Hall Elevator Modernization Project
- Department:** Facilities & Grounds Maintenance
- Date of Meeting:** Wednesday, September 4, 2024
- Fiscal Impact:** \$291,000.00
- Presented By:** Brian Osborne, Facilities & Grounds Maintenance Manager
- Action Requested:** Award Lawrenceville City Hall Elevator Modernization Project to low bidder, Georgia Lift Solutions, LLC, amount not to exceed \$291,000.00. Authorization for Mayor or City Manager to execute contracts subject to approval by the City Attorney. Contracts to follow award.

**Summary:** This project provides for the labor, material, and equipment in performing all work necessary for the modernization of two (2) hydraulic passenger elevators and all related equipment. The elevator equipment will be furnished and installed in accordance with the American National Standard Safety Code for Elevators and Escalators, ANSI/ASME-A17.1, including the latest supplement and the Georgia Office of the Commissioner of Insurance and Safety Fire.

**Background:** The elevators in the Lawrenceville City Hall building were installed in 2001 and are over 23 years old. Many of the critical components for the elevators are now obsolete and no longer manufactured for replacement parts.

**Fiscal Impact:** Contract amount not to exceed \$291,000.00. Funding in the amount of \$359,055.00 is approved and available in the 2017 SPLOST Fund Capital Project SP-022 (3241565-541000). Upon approval of this item \$68,055.00 we be remaining in the project.

**Attachments/Exhibits:**  
Bid Tabulation





**SB004-25  
Lawrenceville City Hall Elevator Modernization Project  
Facilities**

			<b>Georgia Lift Solutions, LLC</b>		<b>Kone, Inc.</b>	
ITEM #	DESCRIPTION	QTY.		BASE BID	BASE BID	
1.	Modernization of two (2) hydraulic passenger elevators and all related equipment.	1	LS	\$231,000.00	\$272,325.00	
<b>ALTERNATES</b>						
1.	New Elevator Cab Interior			\$60,000.00	\$60,000.00	
<b>TOTAL:</b>				\$291,000.00	\$332,325.00	

**Recommended Vendor:**

Georgia Lift Solutions, LLC  
 1711 Williams Road  
 Rentz, GA, 31075  
[galiftsolutions@gmail.com](mailto:galiftsolutions@gmail.com)