



# LAWRENCEVILLE

## GEORGIA

### CITY COUNCIL WORK SESSION AGENDA

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Monday, September 11, 2023  
5:00 PM

Council Assembly Room  
70 S. Clayton St, GA 30046

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#### **Call to Order**

#### **Prayer**

#### **Pledge of Allegiance**

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

#### **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.

- [1.](#) CIC2023-00010; Hearthside Lawrenceville, LP c/o Dennis J. Webb, Jr. – Smith, Gambrell & Russell, LLP; 213 Scenic Highway
- [2.](#) Lawrenceville Police Parking Improvements Project
- [3.](#) 2023 Annual LMIG Resurfacing Project
- [4.](#) Change Order 1 for the Cost Agreement with GA Gwinnett Lawrenceville Pike, LLC
- [5.](#) Intergovernmental Agreement with Gwinnett County Water and Sewerage Authority for Implementation of the Sandalwood Water Improvement Project
- [6.](#) Right-of-Way Maintenance Services on an Annual Contract
- [7.](#) Tax Allocation District Intergovernmental Agreement Modification
- [8.](#) Update to the City Code of Ordinances, Chapter 12 - Businesses and Business Regulations
- [9.](#) Discuss Draft Alcohol Ordinance
- [10.](#) Discussion of Multi-Family Inspection Ordinance

#### **Final Adjournment**



# LAWRENCEVILLE

## GEORGIA

AGENDA REPORT  
MEETING: PLANNING COMMISSION  
AGENDA CATEGORY: NEW BUSINESS

**Item:** CIC2023-00010; Hearthside Lawrenceville, LP c/o Dennis J. Webb, Jr. – Smith, Gambrell & Russell, LLP; 213 Scenic Highway

**Department:** Planning and Development

**Date of Meeting:** Monday, September 11, 2023

**Applicant Request:** Change in Conditions to Approved Rezoning (RZM2020-00003)

**Presented By:** Todd Hargrave, Director of Planning and Development

**Department Recommendation:** **Approval with Conditions**

**Planning Commission Recommendation:** **Approval**

**Summary:** The applicant is requesting a Change-in-Conditions to the previously approved rezoning case RZM2020-00003 and SUP2020-00034 to allow a Retirement Community/Independent Living Facility.

**Attachments/Exhibits:**

- CIC2023-00010\_Report
- CIC2023-00010\_Planning and Development Recommendations
- CIC2023-00010\_Application
- CIC2023-00010\_Approved Site Plan
- CIC2023-00010\_Aerial\_ZoomedIn\_08162023
- CIC2023-00010\_Aerial\_ZoomedOut\_08162023
- CIC2023-00010\_Character Areas\_ZoomedIn\_08162023
- CIC2023-00010\_Character Areas\_ZoomedOut\_08162023
- CIC2023-00010\_DDA\_ZoomedIn\_08162023



- CIC2023-00010\_DDA\_ZoomedOut\_08162023
- CIC2023-00010\_Zoning ZoomedIn\_08162023
- CIC2023-00010\_Zoning ZoomedOut\_08162023



# LAWRENCEVILLE

## Planning & Development

**CASE NUMBER:** CIC2023-00010

**OWNER:** GWINNETT HOUSING AUTHORITY

**APPLICANT:** DENNIS WEBB, HEARTHSIDE LAWRENCEVILLE

**CONTACT:** DENNIS WEBB – 404.815.3620

**LOCATION(S):** 213 SCENIC HIGHWAY

**PARCEL ID(S):** R5142 078 & R5142 053

**APPROXIMATE ACREAGE:** 5.19

**ZONING PROPOSAL:** OI (OFFICE - INSTITUTIONAL DISTRICT) – CHANGE IN CONDITIONS

**PROPOSED DEVELOPMENT:** RETIREMENT COMMUNITY, INDEPENDENT LIVING

**DEPARTMENT RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

### VICINITY MAP





# LAWRENCEVILLE

## Planning & Development

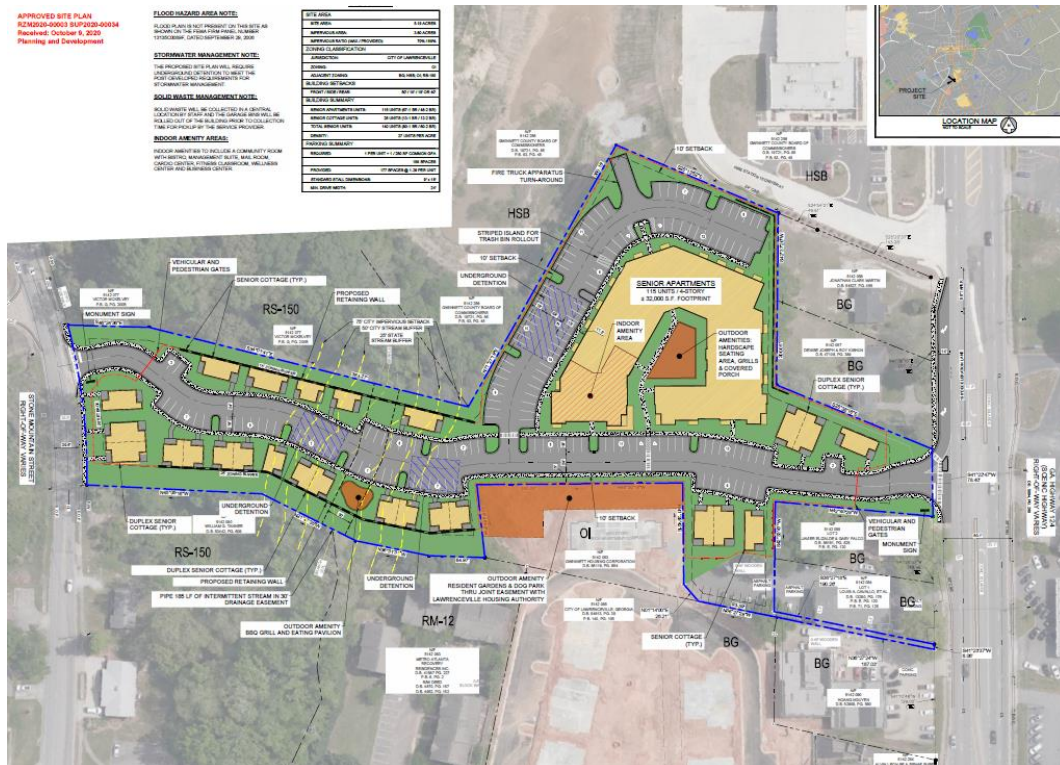
### ZONING HISTORY

In 1960, the subject property was zoned RS-120 (Single Family Residential District) and OI (Office Institutional District). The entire property was rezoned to OI (Office Institutional District) in 2020 pursuant to case RZM2020-00003.

### PROJECT SUMMARY

The applicant requests a change in conditions for an approximately 5.19-acre parcel at 213 Scenic Highway. In October 2020, City Council approved a plan to build a Retirement Community, Independent Living facility on the site consisting of 124 age-restricted residential units, with 115 independent multifamily units and nine (9) single-family residential units. The proposed change in conditions is to decrease the age restriction from 62 years of age and older to 55 years of age and older, to comply with federal requirements. There are no other changes requested; the site plan approved as a part of RZM2020-00003 (see below) will remain unchanged.

### APPROVED SITE PLAN





# LAWRENCEVILLE

## *Planning & Development*

### **ZONING AND DEVELOPMENT STANDARDS**

Zoning and other development considerations, such as parking requirements, landscape buffers, and architectural standards were thoroughly conditioned in the 2020 approval; these conditions shall remain, with the only proposed change being the reduction of the age restriction from 62 and older to 55 and older. The proposed change in conditions will not affect the overall development and zoning and development standards.

### **SURROUNDING ZONING AND USE**

The surrounding area is characterized by commercial, institutional, and residential uses. The property is bordered by parcels zoned BG (General Business District) with uses such as County Courts, a fire station, single-family residences, and multifamily developments.

### **2040 COMPREHENSIVE PLAN**

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Downtown Character Area. Downtown is the heart of Lawrenceville, both in terms of its location and level of activity. As proposed, the request could be consistent with the intent of the 2040 Comprehensive Plan.



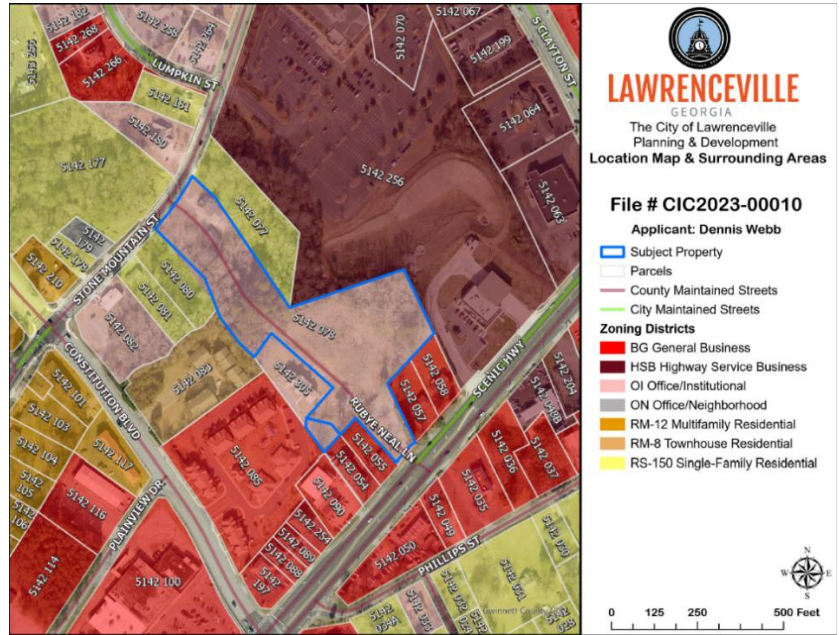


# LAWRENCEVILLE

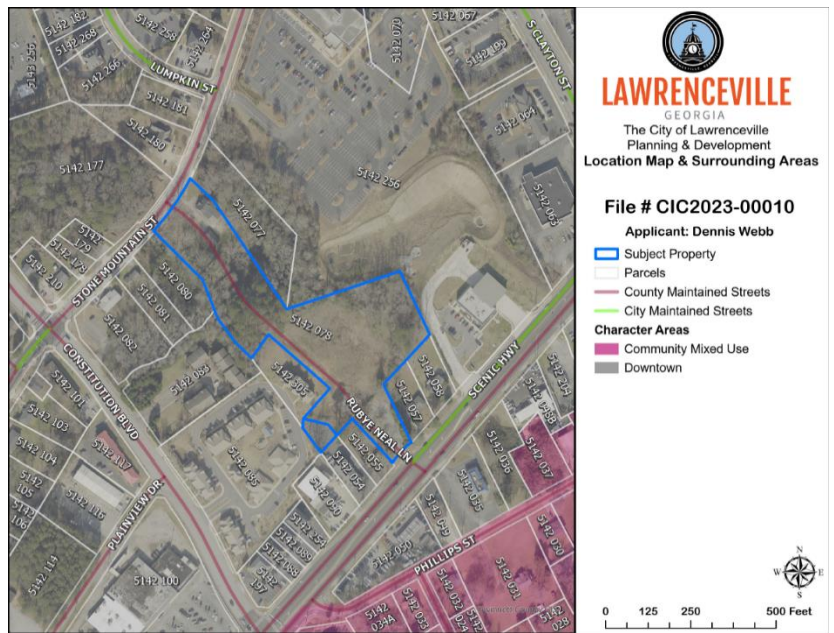
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## Planning & Development

### CITY OF LAWRENCEVILLE OFFICIAL ZONING MAP



### LAWRENCEVILLE 2040 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN MAP





# LAWRENCEVILLE

## *Planning & Development*

### **STAFF RECOMMENDATION**

Given that City Council approved these plans in 2020, a change of conditions to decrease the minimum age requirement to age 55 is appropriate. The proposed development could provide affordable housing options, promote walkability, and potentially spur redevelopment in the immediate area. Therefore, the Planning and Development Department recommends **APPROVAL WITH CONDITIONS** of the requested Change in Conditions.



# LAWRENCEVILLE

1.

## *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;**

*The change in conditions does not affect the approved proposal from 2020.*

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

*The change in conditions does not affect the approved proposal from 2020.*

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

*The change in conditions does not affect the approved proposal from 2020.*

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

*The change in conditions does not affect the approved proposal from 2020.*

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

*Yes, this is an appropriate use for the Downtown Character Area.*

- 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;**

*Yes, the proposed development would provide affordable housing options, promote walkability, and potentially spur redevelopment in the immediate area.*



**PLANNING AND DEVELOPMENT DEPARTMENT  
P&D RECOMMENDED CONDITIONS - 09062023**

Approval of Change-in-Conditions as OI (Office Institutional District) for a Retirement Community, Independent Living Facility, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. The proposed development shall be limited to a total of 140 residential units, consisting of 115-unit independent multifamily living units, 8 duplex cottages (16 units), and 9 single-family residential cottage units. The development shall be fenced and gated. The final site and building design shall be subject to review and approval of the Director of the Planning and Development Department.
  - B. The maximum building height shall be 55 feet.
  - C. Accessory structures shall be prohibited.
  - D. The development shall be age-restricted to residents 55 years of age and older.
  
2. To satisfy the following site development considerations:
  - A. The property shall be developed in general accordance with the submitted site rezoning site plan, dated October 8, 2020, with changes necessary to meet conditions of zoning, requirements of the Zoning Ordinance and/or Development Regulations, and other minor adjustments as may be approved by the Planning and Development Department.
  - B. The apartment buildings shall meet the multi-family residential architectural standards set forth in the Zoning Ordinance with the exceptions outlined herein and excepting that all elevations of all buildings shall have majority exterior treatments of brick or stacked stone in each elevation. Building elevations shall be submitted for review and approval by the Planning and Development Department prior to the issuance of a development permit.
  - C. The residential cottage units shall meet the single-family residential architectural standards set forth in the Zoning Ordinance with the

exceptions outlined herein. Building elevations shall include roof variations with a craftsman style look including variations of stone and brick with appropriate sized porches on the front and back. Elevations shall be submitted for review and approval by the Mayor, City Manager, and Planning and Development Department prior to the issuance of a development permit. Garages are not required. All cottage units shall be designed so as to appear as though the unit is a single-family unit with only one front entrance and no front side entrances.

- D. Ingress/Egress to the subject property shall be limited to one point of access per street frontage and shall meet City and GDOT regulations as appropriate, including any dedication of Right-of-Way.
- E. Provide up to 186 parking spaces and one loading space designated for clients and employees parking. Client and employee parking shall be located in the front yard area. Parking and driveway surfaces shall be paved and striped to City standards.
- F. Provide a 15-foot wide natural buffer along the north property line, and a 25-foot wide natural buffer along the south property line immediately adjacent to residentially zoned properties. Disturbance within zoning buffers on the north and south sides shall be limited to allow for the execution of the submitted site plan, including but not limited to the installation of the retaining wall footings that will overhang and encroach into the zoning buffers in the constructed condition by up to five (5) feet. The buffer shall be enhanced where sparsely vegetated. Final landscaping shall be subject to review and approval of the Planning and Development Department.
- G. Provide a 10-foot landscape strip along the western right-of-way of Scenic Highway, and the eastern right-of-way of Stone Mountain Street. Final landscaping design shall be subject to review and approval of the Planning and Development Department.
- H. The development shall meet all State and City Stream Buffer requirements except as reflected on the October 8, 2020 site plan.
- I. The development shall abide by all applicable standards of the Development Regulations, unless otherwise specified in these conditions or through approval of a variance administratively or by the Zoning Board of Appeals, as appropriate.

- J. Ground Signage shall be limited to a maximum height of 6 feet and shall be setback from the right-of-way a minimum of 10 feet. The maximum sign display area shall be limited to 32 square feet. The supporting base and structure shall consist of brick, stone, or material similar to the primary structures. Fiber Cement Siding, Metal or Wood Post shall not be used on the supporting base and structure. Subject to the review and approval of the Planning and Development Department.
- K. All grassed areas shall be sodded.
- L. The utilities internal to the development must be placed underground.
- M. 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. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers, or sign walkers shall be prohibited.
- N. Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to shine directly into adjacent properties or right-of-ways.
- O. Outdoor storage shall be prohibited.
- P. City dumpsters shall be utilized for the entire development. Individual trash carts shall be prohibited within the development. Dumpsters shall be located in the side yard or rear yard area and outside of any required stream or zoning buffer a minimum of 5-feet. The dumpster shall be screened on all sides by a minimum 6-foot high masonry wall with access via an opaque gate.
- Q. Dumpster Pad shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles. The size of the pad shall not be less than 10 feet wide by 30 feet long.
- R. The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- S. The development shall be a gated community, with automated car access at all entrances/exits. The access gate system is required to be properly maintained and functional at all times, with any required repairs to be made in a timely manner. Fencing along public Right of way shall be wrought iron style type fencing with masonry columns spaced 25 feet.

- T. Unless provided underground, Stormwater Detention facilities shall be screened from view with double-row evergreen trees and shrubs. Final Landscape Plans shall be subject to the review and approval of the Planning and Development Department.
  
- U. The project shall be coordinated with the infrastructure improvements being made with the Stone Mountain/Five Forks-Trickum sidewalk project.

MAYOR AND COUNCIL

CITY OF LAWRENCEVILLE, GEORGIA

ORDINANCE NO. 2020-25

READING AND ADOPTION:

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

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<u>PRESENT</u>	<u>VOTE</u>
<u>David Still</u> , Mayor	<u>YES</u>
<u>Bob Clark</u> , Mayor Pro Tem	<u>NO</u>
<u>Victoria Jones</u> , Council Member	<u>YES</u>
<u>Glenn Martin</u> , Council Member	<u>YES</u>
<u>Keith Roche</u> , Council Member	<u>YES</u>

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On motion of Mayor Still, seconded by Council Member Roche, which carried 4-1, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application to Amend the Official Zoning Map from RS-150 (Single-Family Residence District) and OI (Office Institutional District) to OI (Office Institutional District) by One Street Residential, LLC for the proposed use of a Retirement Community, Independent Living Facility on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on October 26<sup>th</sup>, 2020 and objections were filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 26<sup>th</sup> day of October, 2020, that the aforesaid application to amend

the Official Zoning Map from RS-150 (Single-Family Residential District) and OI (Office Institutional District) to OI (Office Institutional District) is hereby APPROVED WITH CONDITIONS.

Approval as OI (Office Institutional District) for a Retirement Community, Independent Living Facility, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. The proposed development shall be limited to a total of 140 residential units, consisting of 115-unit independent multifamily living units, 8 duplex cottages (16 units), and 9 single-family residential cottage units. The development shall be fenced and gated. The final site and building design shall be subject to review and approval of the Director of the Planning and Development Department.
  - B. The maximum building height shall be 55 feet.
  - C. Accessory structures shall be prohibited.
  - D. The development shall be age-restricted to residents 62 years of age and older.
2. To satisfy the following site development considerations:
  - A. The property shall be developed in general accordance with the submitted site rezoning site plan, dated October 8, 2020, with changes necessary to meet conditions of zoning, requirements of the Zoning Ordinance and/or Development Regulations, and other minor adjustments as may be approved by the Planning and Development Department.
  - B. The apartment buildings shall meet the multi-family residential architectural standards set forth in the Zoning Ordinance with the exceptions outlined herein. Building elevations shall be submitted for review and approval by the Planning and Development Department prior to the issuance of a development permit.
  - C. The residential cottage units shall meet the single family residential architectural standards set forth in the Zoning Ordinance with the exceptions outlined herein. Building elevations shall include roof variations with a craftsman style look including variations of stone and brick with appropriate sized porches on the front and back. Elevations shall be submitted for review and approval by the Mayor, City Manager, and Planning and Development Department prior to the issuance of a development permit. Garages are not required. All cottage units shall be designed so as to appear as though the



unit is a single family unit with only one front entrance and no front side entrances.

- D. Ingress/Egress to the subject property shall be limited to one point of access per street frontage and shall meet City and GDOT regulations as appropriate, including any dedication of Right-of-Way.
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- F. Provide a 15-foot wide natural buffer along the north property line, and a 25-foot wide natural buffer along the south property line immediately adjacent to residentially zoned properties. Disturbance within zoning buffers on the north and south sides shall be limited to allow for the execution of the submitted site plan, including but not limited to the installation of the retaining wall footings that will overhang and encroach into the zoning buffers in the constructed condition by up to five (5) feet. The buffer shall be enhanced where sparsely vegetated. Final landscaping shall be subject to review and approval of the Planning and Development Department.
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- H. The development shall meet all State and City Stream Buffer requirements except as reflected on the October 8, 2020 site plan.
- I. The development shall abide by all applicable standards of the Development Regulations, unless otherwise specified in these conditions or through approval of a variance administratively or by the Zoning Board of Appeals, as appropriate.
- J. Ground Signage shall be limited to a maximum height of 6 feet and shall be setback from the right-of-way a minimum of 10 feet. The maximum sign display area shall be limited to 32 square feet. The supporting base and structure shall consist of brick, stone, or material similar to the primary structures. Fiber Cement Siding, Metal or Wood Post shall not be used on the supporting base and structure. Subject to the review and approval of the Planning and Development Department.
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- L. The utilities internal to the development must be placed underground.
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- T. Unless provided underground, Stormwater Detention facilities shall be screened from view with double-row evergreen trees and shrubs. Final Landscape Plans shall be subject to the review and approval of the Planning and Development Department.
- U. The project shall be coordinated with the infrastructure improvements being made with the Stone Mountain/Five Forks-Trickum sidewalk project.



**IT IS SO ORDAINED** this 26<sup>th</sup> day of October, 2020



David R. Still, Mayor

Date Signed: 11-23-2020

ATTEST:

  
Amanda Harp, Assistant City Clerk



# LAWRENCEVILLE

## GEORGIA

### CHANGE IN CONDITIONS APPLICATION

The application and all required documents must be complete and fees must be paid or the application will not be accepted.

Documents, exhibits and fees required at the time of application submittal:

1. Application Form (signed and notarized)
2. Disclosure of Campaign Contributions Form
3. Letter of Intent describing the proposed zoning change and development
4. Typed, metes and bounds Legal Description
5. Boundary survey (sealed by a Registered Land Surveyor)
6. Property tax verification
7. Site Plan/Rezoning Exhibit: Provide one 11"x 17" copy and six full size copies:
  - a. Prepared by a Registered Land Surveyor, Professional Engineer or Landscape Architect
  - b. Drawn to scale of 1"= 50' or greater
  - c. Show property line data (metes and bounds) as well as existing infrastructure and existing site conditions, including:
    - i. Existing structures
    - ii. Full width of existing streets and intersecting streets
    - iii. Streams, stream buffers and impervious setbacks
    - iv. Flood hazard zones (reference source of data)
    - v. A vicinity map
  - d. Show proposed improvements, including:
    - i. Proposed buildings, setbacks, buffers and required screening
    - ii. Proposed streets, ingress/egress, driveways, sidewalks and parking
8. Application Fee
  - a. Payment may be made in cash, check or credit card (Visa, MasterCard). Please make checks payable to the City of Lawrenceville. One check is preferred.



# LAWRENCEVILLE

## GEORGIA

### NOTIFICATION REQUIREMENTS

#### Written Notification

The applicant is required to notify all adjoining property owners (including those across any streets) of their intention to rezone the property. The notification shall be sent by Certified Mail and be postmarked no later than the published deadline contained in the Rezoning Schedule. A sample notification letter is provided at the end of this packet.

The written notice shall include:

1. Rezoning case number
2. Dates, times and place of public hearings
3. Copy of the application
4. Applicant contact information
5. Letter of Intent
6. Site plan
7. Vicinity map

Proof that the notifications were mailed as required must be delivered to the Planning Department as soon as is feasible, but no later than 12:00 p.m. (noon) on the Wednesday prior to the Planning Commission meeting. Failure to submit the required proof of mailing will result in the application being tabled to the next month's meeting.

#### Notification Sign

The applicant is required to post a notification sign (provided by the Planning Department) in a clearly visible location on the property, at or near the public street, no later than the published deadline contained in the Rezoning Schedule. It is the responsibility of the applicant to insure that the notification sign remain on the property throughout the rezoning proceedings. (COPY TO BE GIVEN TO APPLICANT)

\_\_\_\_\_  
CASE NUMBER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ACKNOWLEDGED BY (PRINT NAME)

\_\_\_\_\_  
SIGNATURE



# LAWRENCEVILLE

## GEORGIA

### PUBLIC HEARING PROCESS

The Applicant is required to appear at the Planning Commission Meeting, the City Council Work Session, and the City Council Public Hearing. Failure to attend a meeting may result in tabling of the application until the next meeting of that group. However, the Planning Commission and the City Council may act on the application should they so choose. Meeting dates, times and place are as published in the Rezoning Schedule.

1. Approximately one week prior to the scheduled Planning Commission Meeting, the Planning Staff Report and Recommendation will be available at the Planning and Development office.
2. The applicant shall appear before the City of Lawrenceville Planning Commission to present their case in support of the change in conditions application. Any opposition to the change in conditions request will be given equal time to present its case. The Planning Commission may ask questions of the applicant and the opposition. The Planning Commission is a recommending body. Their recommendation will be forwarded to the City Council.
3. The applicant shall be present at the City Council Work Session. The applicant may be asked to present their case, or to answer questions, at the desire of the City Council.
4. The applicant shall appear before the City Council for the Public Hearing. The applicant and any opposition will be given equal time to present their cases. The City Council may ask questions of the applicant and opposition prior to making their final decision regarding the application.
5. If the change in conditions application is denied by the Mayor and City Council, any new application for the same zoning classification on subject property may not be submitted for at least twelve (12) months from the date of denial. Application for a different zoning classification may be submitted after six (6) months from the date of the denial.



# LAWRENCEVILLE

## GEORGIA

### CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Hearthside Lawrenceville, LP c/o Dennis J. Webb, Jr. - Smith, Gambrell, &amp; Russell, LLP</u> ADDRESS: <u>1105 W. Peachtree St. NE, Suite 1000</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30309</u>	NAME: <u>Hearthside Lawrenceville, LP</u> ADDRESS: <u>104 Interstate North Pkwy East SE</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30309</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>OI</u> REQUESTED ZONING DISTRICT: <u>OI</u> PARCEL NUMBER(S): <u>5 142 078, 5 142 079, 5 142 053</u> ACREAGE: <u>5.19 acres</u> ADDRESS OF PROPERTY: <u>213 Scenic Highway, Lawrenceville, GA 30046</u>	

See next page  
 \_\_\_\_\_  
 SIGNATURE OF APPLICANT                      DATE

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

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

See next page  
 \_\_\_\_\_  
 SIGNATURE OF OWNER                              DATE

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

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





# LAWRENCEVILLE

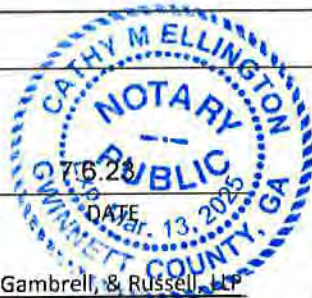
Planning & Development

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Hearthside Lawrenceville, LP c/o Dennis J. Webb, Jr. Smith Gambrell &amp; Russell, LLP</u> ADDRESS: <u>1105 W. Peachtree Street NE, Suite 1000</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30309</u> PHONE: <u>404.815.3620</u>	NAME: <u>Hearthside Lawrenceville, LP</u> ADDRESS: <u>104 Interstate North Pkwy East SE</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30339</u> PHONE: _____
CONTACT PERSON: <u>Dennis J. Webb, Jr</u> PHONE: <u>404.815.3620</u> CONTACT'S E-MAIL: <u>dwebb@sgrlaw.com</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.	
ZONING DISTRICT(S): _____ ACREAGE: _____ PARCEL NUMBER(S): _____ ADDRESS OF PROPERTY: _____ PROPOSED USE: _____	

[Signature]  
 SIGNATURE OF APPLICANT

Dennis J. Webb, Jr - Smith, Gambrell, & Russell, LLP  
 TYPED OR PRINTED NAME

[Signature] 7.6.23  
 NOTARY PUBLIC DATE



[Signature] 06/16/2023  
 SIGNATURE OF OWNER DATE

Brandon Page for Hearthside Lawrenceville, LP  
 TYPED OR PRINTED NAME

[Signature] 6/16/23  
 NOTARY PUBLIC DATE

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED



# Disclosures



# LAWRENCEVILLE

Planning & Development

## 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? Yes  
 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)
Mayor David Still	\$1000.00	March 16, 2023

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? No  
 Y/N

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





# LAWRENCEVILLE

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# LAWRENCEVILLE

## GEORGIA

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

Dennis J. Webb, Jr. -  
 Smith, Gambrell, and Russell, LLP

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

J. Alexander Brock - Smith,  
Gambrell, and Russell, LLP

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If the answer is yes, please complete the following section: *Kathryn M Zickert* Kathryn M. Zickert - Smith, Gambrell, and Russell, LLP

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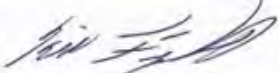


# LAWRENCEVILLE

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If the answer is yes, please complete the following section:  Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

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

# Letter of Intent

**STATEMENT OF INTENT**

and

Other Material Required by  
City of Lawrenceville Zoning Ordinance

Change in Conditions

of

ONESTREET RESIDENTIAL, LLC

for

±5.030 acres of land  
located in  
Land Lot 142, 5<sup>th</sup> District  
Address: 213 Scenic Highway

Submitted for Applicant by:

Dennis J. Webb, Jr.  
Kathryn M. Zickert  
J. Alexander Brock  
Smith, Gambrell & Russell, LLP  
1105 W. Peachtree Street, NE  
Suite 1000  
Atlanta, Georgia 30309  
404-815-3500



## **I. INTRODUCTION**

This Application seeks change in conditions from a rezoning of a ±5.19-acre property comprised of three parcels of land located in Land Lot 142, 5<sup>th</sup> District, Gwinnett County (Parcels 5142-053, 5142-078 and 5142-079) (“Subject Property”). More specifically, the Subject Property is located at 213 Scenic Highway. The Subject Property was rezoned in 2020 from RS-150 (Single Family Residential) and O-I (Office Institutional) to O-I (Office Institutional) per case number RZM2020-00003 (“2020 Rezoning”) for the development of an active senior living retirement community. The Lawrenceville City Council approved the 2020 Rezoning subject to twenty-five (25) conditions. Included was condition 1.D. which stated: “The development shall be age restricted to residents 62 years of age and older.” OneStreet Residential, LLC<sup>1</sup> (“Applicant”) now seeks to amend condition 1.D. to read: The development shall be age restricted to residents 55 years of age and older. The Applicant’s requested change from 62 to 55 years and older is necessary to meet the Housing and Urban Development’s (“HUD”) updated age restriction and familial status requirements. It is important to note that this request is solely due to changes in federal regulations and is not through any act on behalf of the Applicant. Moreover, there will be no changes to the scope or scale of the development that was considered in the 2020 Rezoning.

As reflected in the 2020 Rezoning, the Applicant’s development consists of 115 units in one four-story building, as well as 25 cottage residences, for a total of 140 units (“Proposed Development”). It is also important to note that the project is being developed and owned through a public-private partnership between the Lawrenceville Housing Authority and

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<sup>1</sup> OneStreet Residential, LLC is the parent company of Hearthsides Lawrenceville, LP, which is the property owner. Both OneStreet Residential, LLC and Hearthsides Lawrenceville, LP are referred herein as “Applicant.”



OneStreet Residential. Age-eligible residents of the Hooper Renwick and Rich Martin public housing communities, anticipated to be 12 residents, will be housed in this community. The 12 residents will be managed by the Lawrenceville Housing Authority, which must comply with HUD requirements. HUD now requires the housing to be available to residents 55 years and older, thus prompting the current request.

Also note, that the Proposed Development is currently under construction with an expected completion date in early 2024. The condition limiting the housing to residents 62 years or older will restrict the Applicant and the Lawrenceville Housing Authority's ability to lease the facility under HUD regulations. As a result, it is imperative that the Applicant be granted the instant Change in Conditions to align the zoning conditions with current HUD requirements prior to the commencement of leasing.

The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights, and a written analysis for the rezoning criteria<sup>2</sup> listed in the City of Lawrenceville Zoning Code ("Zoning Code") § 907.

## **II. CRITERIA TO BE APPLIED TO THE CHANGE IN CONDITIONS**

### **A) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.**

Yes. The requested Change in Conditions has no bearing on the use of the property.

The senior housing use and the scope of the Proposed Development are the same that were approved in the 2020 Rezoning. The requested Change in Conditions merely seeks to bring the 2020 Rezoning conditions into alignment with the current HUD regulations.

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<sup>2</sup> The Lawrenceville Zoning Ordinance does not list separate criteria for a Change in Conditions application, beyond what is required for a rezoning application.

**B) WHETHER THE PROPOSED REZONING AND SUP WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.**

No. See answer to subparagraph A above.

**C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.**

Yes, the Subject Property is currently being developed for the proposed senior housing.

However, not changing the age restriction condition will prevent the Applicant and the Lawrenceville Housing Authority from leasing its units.

**D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS;**

No. See answer to subparagraph A above.

**E) WHETHER THE PROPOSED REZONING AND SUP IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN.**

Yes. The proposed Change in Conditions solely deals with an adjustment to the age restriction condition has no bearing on the Comprehensive Plan. The development will still be used for senior housing as approved in the 2020 Rezoning.

**F) 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 PROPOSED CHANGE IN CONDITIONS.**

As noted in the paragraphs above, HUD updated its housing requirements in 2023 to require public housing to be available to persons 55 years or older. When the 2020 Rezoning was approved, the limit was 62 years and older. The 2020 Rezoning conditions must now be

adjusted to bring them into conformance with current federal regulations.

#### **IV. PRESERVATION OF CONSTITUTIONAL RIGHTS**

As agent for the owners of the property, the Applicant respectfully submits that the current zoning classification and conditions and rules relative to a retirement community's right to use the Subject Property established in the City of Lawrenceville's Zoning Ordinance, to the extent they prohibit this use, are unconstitutional, and 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 property owners in violation of the due process and equal protection rights of the property owner 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 Change In Conditions would constitute a taking of the owner's 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.

Further, the Applicant respectfully submits that the City Council's failure to approve the requested Change In Conditions application would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property 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 grant the Change In Conditions application 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, 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.

**V. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Change In Conditions application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Lawrenceville so that such recommendations or input might be incorporated as conditions of approval of this application.

This 7<sup>th</sup> day of July, 2023.

Respectfully submitted,

  
\_\_\_\_\_  
Dennis J. Webb, Jr.  
Kathryn M. Zickert  
J. Alexander Brock  
Attorneys for Applicant

# Legal Description



**LAND DESCRIPTION**

All that tract or parcel of land lying and being in Land Lot 142 of the 5th Land District, in the City of Lawrenceville, Gwinnett County, Georgia, and being more particularly described as follows:

To find the **POINT OF COMMENCEMENT**, begin at the Southeasterly end of the Mitered Intersection of the Northwesterly Right-of-Way of Georgia Highway 124 (a.k.a. Scenic Highway, R/W varies) and the Northeasterly Right-of-Way of Constitution Boulevard (f.k.a. Hillside Drive, 80' R/W); THENCE continuing along said Right-of-Way of Georgia Highway 124 in a Northerly direction for 403.24 feet to a 1/2" Rebar Found; THENCE continuing along said Right-of-Way of Georgia Highway 124 the following three (3) courses and distances, North 41 degrees 23 minutes 37 seconds East for a distance of 6.06 feet to a Point; THENCE North 41 degrees 26 minutes 07 seconds East for a distance of 148.96 feet to a 5/8" Rebar Found; THENCE North 42 degrees 40 minutes 29 seconds West for a distance of 11.14 feet to an Iron Pin Set, said point being **THE POINT OF BEGINNING**.

THENCE from said point as thus established and leaving said Right-of-Way, North 42 degrees 40 minutes 29 seconds West for a distance of 173.34 feet to a 1/2" Rebar Found; THENCE South 42 degrees 33 minutes 47 seconds West for a distance of 66.23 feet to a Point; THENCE North 39 degrees 17 minutes 05 seconds West for a distance of 40.74 feet to a Point; THENCE North 76 degrees 46 minutes 58 seconds West for a distance of 75.00 feet to a 1/2" Rebar Found; THENCE North 41 degrees 29 minutes 42 seconds East for a distance of 118.00 feet to a 1/2" Rebar Found; THENCE North 48 degrees 30 minutes 18 seconds West for a distance of 240.00 feet to a 1/2" Rebar Found; THENCE South 35 degrees 45 minutes 56 seconds West for a distance of 85.41 feet to an Axle Found; THENCE North 46 degrees 01 minutes 59 seconds West for a distance of 64.97 feet to a 1" Open Top Pipe Found; THENCE North 36 degrees 31 minutes 31 seconds West for a distance of 86.95 feet to a 1" Bar; THENCE North 21 degrees 27 minutes 35 seconds West for a distance of 122.40 feet to a Point; THENCE North 45 degrees 05 minutes 16 seconds West for a distance of 204.25 feet to an Axle Found on the Southeasterly Right-of-Way of Stone Mountain Street (R/W Varies); THENCE continuing along said Right-of-Way of Stone Mountain Street along a curve to the left having a radius of 710.00 feet and arc length of 188.00 feet being subtended by a chord of North 35 degrees 13 minutes 19 seconds East for a distance of 187.45 feet to a Mag Nail Set; THENCE leaving said Right-of-Way, South 46 degrees 24 minutes 36 seconds East for a distance of 94.68 feet to a 1/2" Rebar Found; THENCE South 34 degrees 01 minutes 41 seconds East for a distance of 383.27 feet to an Axle Found; THENCE North 71 degrees 27 minutes 19 seconds East for a distance of 350.15 feet to a 1/2" Rebar Found with cap (PPI LSF 313); THENCE South 25 degrees 13 minutes 52 seconds East for a distance of 204.96 feet to a 5/8" Open Top Pipe Found; THENCE South 42 degrees 37 minutes 20 seconds West for a distance of 200.05 feet to a 1" Open Top Pipe Found; THENCE South 25 degrees 38 minutes 16 seconds East for a distance of 189.73 feet to an Iron Pin Set on the aforesaid Right-of-Way of Georgia Highway 124; THENCE continuing along said Right-of-Way of Georgia Highway 124 the following two (2) courses and distances, South 66 degrees 03 minutes 21 seconds West for a distance of 12.03 feet to a Point; THENCE South 41 degrees 29 minutes 01 seconds West for a distance of 68.83 feet to an Iron Pin Set, said point being **THE POINT OF BEGINNING**.

Said property contains 5.030 Acres.

TOGETHER WITH easement benefiting the property by virtue of that Parking and Infrastructure Easement Agreement by and between the Housing Authority of the City of Lawrenceville, Georgia and Gwinnett Housing Corporation dated as of March 18, 2022 and recorded in Deed Book 59791, Page 400, Gwinnett County records.

# Survey



# Property Tax Verification








# LAWRENCEVILLE

GEORGIA

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER:	5	-	142	-	079
(Map Reference Number)	District		Land Lot		Parcel
					6.21.23
					Date

Dennis J. Webb, Jr. - Smith, Gambrell, and Russell, LLP  
Type or Print Name and Title

\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER’S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\*

**TAX COMMISSIONER’S USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Jacquleen Garcia

---

NAME

---

06/22/2023

---

DATE

Tax Associate II

---

TITLE




**LAWRENCEVILLE**  
GEORGIA

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PARCEL I.D. NUMBER: 5 - 142 - 053  
(Map Reference Number) District Land Lot Parcel

  
Signature of Applicant Date 6.21.2023

Dennis J. Webb, Jr. - Smith, Gambrell, and Russell, LLP  
Type or Print Name and Title

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Jacqueleen Garcia  
NAME  
06/22/2023  
DATE

Tax Associate II  
TITLE

# Site Plan

BUILDING NUMBER	UNIT	UNIT TYPE	BUILDING TYPE	BUILDING QUANTITY	UNIT QUANTITY	BUILDING		
						DIMENSIONS	AREA (SF)	HEIGHT (FT)
102	102	A	MAIN BUILDING					
101	101							
102.A	102.A	E						
103	103	C						
104	104.A	F						
105	105.A	G						
106	106.B	B						
107	107	A						
108	108	A						
109	109	B						
110	110.A	D						
111	111.A	D						
112	112	C						
113	113	A						
114	114.A	F						
115	115.A	F						
116	116.B	E						
117	117	A						
			TOTAL	18	140			

**NOTE:**  
PROPOSED UNITS AND ASSOCIATED SIDEWALK CONNECTIONS ARE SHOWN FOR REFERENCE ONLY. REFER TO ARCHITECTURE PLANS FOR MORE INFORMATION.

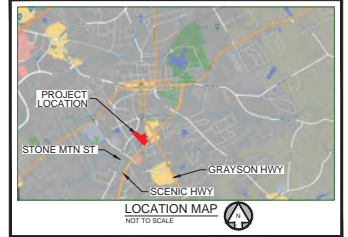
BUILDING LEGEND	
BUILDING NUMBER	102
BUILDING TYPE	E

- GENERAL SITE NOTES:**
- 1) ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS SPECIFIED OTHERWISE.
  - 2) ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.
  - 3) BOUNDARY & TOPOGRAPHIC SURVEY BY PRECISION PLANNING INC., DATED JANUARY 4, 2021. BENCHMARK IS NOTED ON SURVEY.
  - 4) FLOOD PLAN IS NOT PRESENT ON THE SITE AS SHOWN ON THE FEMA FIRM MAPS NUMBERED 13130200W & 13130200W, DATED SEPTEMBER 29, 2004.
  - 5) 1 HANDICAP SPACE IS REQUIRED TO BE VAN ACCESSIBLE WITH A MINIMUM 9' WIDE ACCESS AREA.
  - 6) ACCESSIBLE PARKING AREAS, INCLUDING AISLES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.
  - 7) THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFFSITE WORK, INCLUDING, STORM DRAINAGE, CURBS AND GUTTER AND PAVEMENT, TREES AND GRASSING.
  - 8) REFERENCE ARCH PLANS FOR DIRECTIONAL SIGNAGE, SITE SIGNAGE, BUILDING DIMENSIONS, ETC.
  - 9) ALL NEW PAVEMENT SHALL MEET OR EXCEED GEOTECHNICAL SPECIFICATION. SEE REPORT PREPARED BY MATRIX ENGINEERING GROUP, INC., DATED AUGUST 7, 2020.
  - 10) A SEPARATE BUILDING PERMIT MUST BE ISSUED BY THE CITY TO ALLOW CONSTRUCTION OF EACH RETAINING WALL. THE PLANS FOR THE WALLS MUST BE PREPARED AND CERTIFIED BY A PROFESSIONAL STRUCTURAL ENGINEER.

**NOTE:**  
SEPARATE BUILDING PERMIT MUST BE ISSUED BY THE CITY TO ALLOW CONSTRUCTION OF EACH RETAINING WALL. THE PLANS FOR THE WALLS MUST BE PREPARED AND CERTIFIED BY A PROFESSIONAL STRUCTURAL ENGINEER.

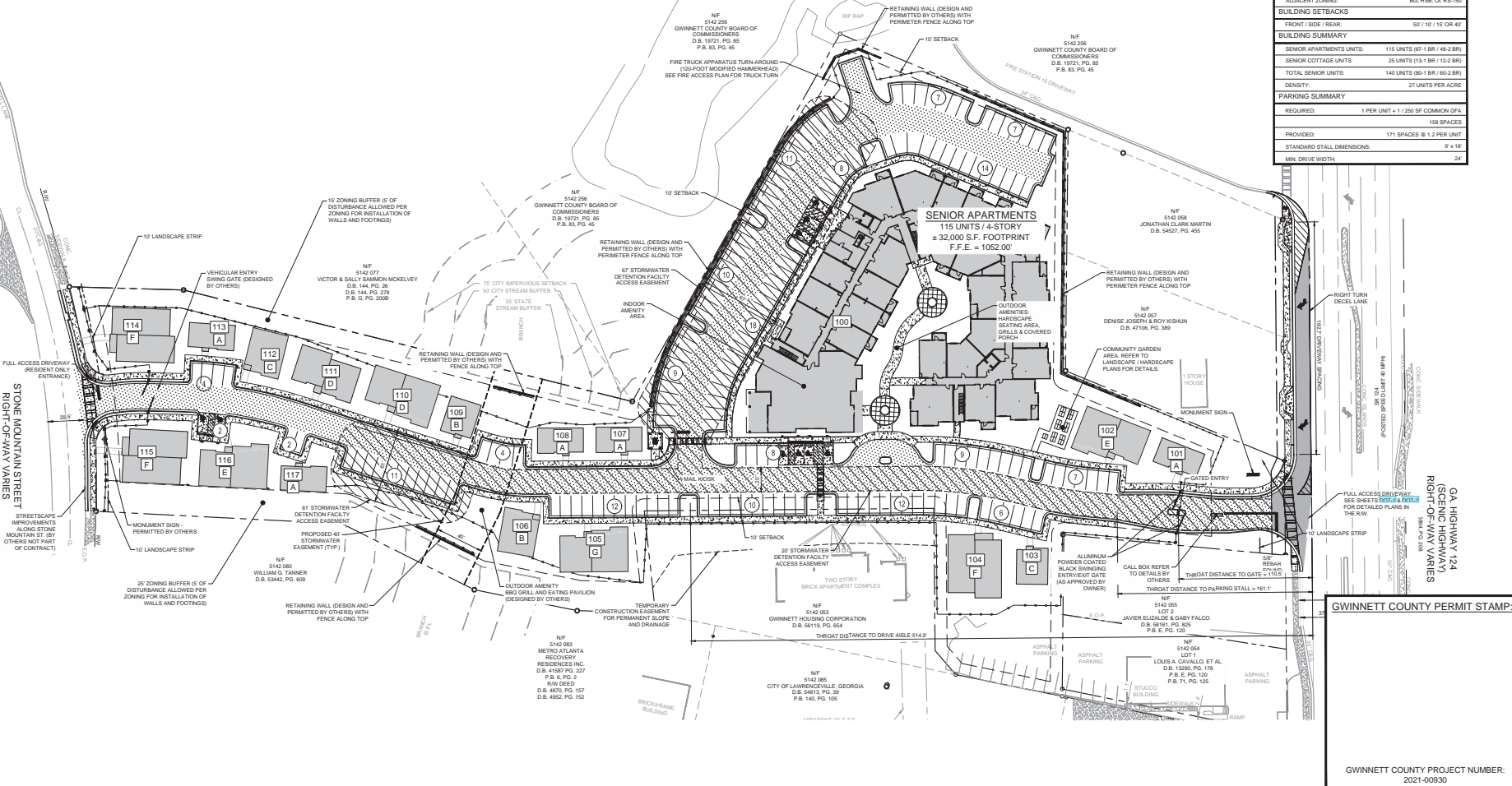
**HATCH LEGEND:**

	HEAVY DUTY ASPHALT PAVEMENT SEE SHEET 0201 FOR SECTION
	GOOD ASPHALT PAVEMENT SEE SHEET 0201 FOR SECTION
	STANDARD DUTY ASPHALT PAVEMENT SEE SHEET 0201 FOR SECTION
	STANDARD DUTY CONCRETE PAVEMENT/ OR PEDESTRIAN SIDEWALK. SEE SHEETS 03 AND 0301 FOR DETAILS
	DECORATIVE STAMPED CONCRETE OR CONCRETE PAVEMENT SIDEWALK. SEE HARDSCAPE PLANS FOR DETAILS (BY OTHERS)
	DETENTION FACILITY ACCESS EASEMENT



**SITE SUMMARY**

SITE AREA	5.99 ACRES
IMPERVIOUS AREA	3.55 ACRES
IMPERVIOUS RATIO (MAX / PROVIDED)	70% / 68%
ZONING CLASSIFICATION	
JURISDICTION	CITY OF LAWRENCEVILLE
ZONING	OH
ADJACENT ZONING	80, H5B, OL, RS-15
BUILDING SETBACKS	
FRONT / SIDE / REAR	50 / 10 / 15 OR 40'
BUILDING SUMMARY	
SENIOR APARTMENTS UNITS	115 UNITS (87-1 BR / 45-2 BR)
SENIOR COTTAGE UNITS	25 UNITS (13-1 BR / 12-2 BR)
TOTAL SENIOR UNITS	140 UNITS (80-1 BR / 60-2 BR)
DENSITY	27 UNITS PER ACRE
PARKING SUMMARY	
REQUIRED	1 PER UNIT + 1 / 250 SF COMMON GAR.
PROVIDED	158 SPACES
STANDARD STALL DIMENSIONS	9' x 18'
MIN. DRIVE WIDTH	24'



**LEICRAW ENGINEERING**  
PROFESSIONAL ENGINEER  
3475 CORPORATE WAY  
DUBLIN, GA 30098  
PHONE: 770.444.0200  
WWW.LEICRAWENGINEERING.COM

**ONESTREET RESIDENTIAL**  
2000 RIVERDEE PARKWAY - SUITE 450 - ATLANTA, GA 30328

**HEARTHSIDE - LAWRENCEVILLE**  
LAND LOT 142 OF THE THIRDDISTRICT PARCEL NO. 51, 53, 78 & 79  
LAWRENCEVILLE, GWINNETT COUNTY, GEORGIA

**SEAL:**  
625/21  
DESIGN TEAM:  
DRAWN BY: JDR  
DESIGNED BY: JDR  
REVIEWED BY: TKR

**GWINNETT COUNTY PERMIT STAMP:**  
Know what's below.  
Call before you dig.  
SCALE & NORTH ARROW:  
SCALE: 1"=40'  
NORTH ARROW

**GWINNETT COUNTY PROJECT NUMBER:**  
2021-00930

**C-3.0**

This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Review of and/or reliance on this document without written authorization and adaptation by LeCraw Engineering, Inc. shall be without liability to LeCraw Engineering, Inc. Copyright LeCraw Engineering, Inc., 2021










# LAWRENCEVILLE

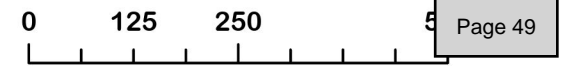
GEORGIA

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

**File # CIC2023-00010**

**Applicant: Dennis Webb**

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












# LAWRENCEVILLE

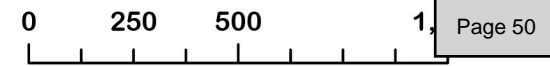
GEORGIA

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

## File # CIC2023-00010

Applicant: Dennis Webb

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







# LAWRENCEVILLE

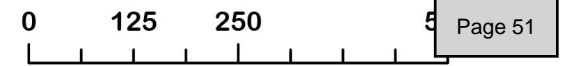
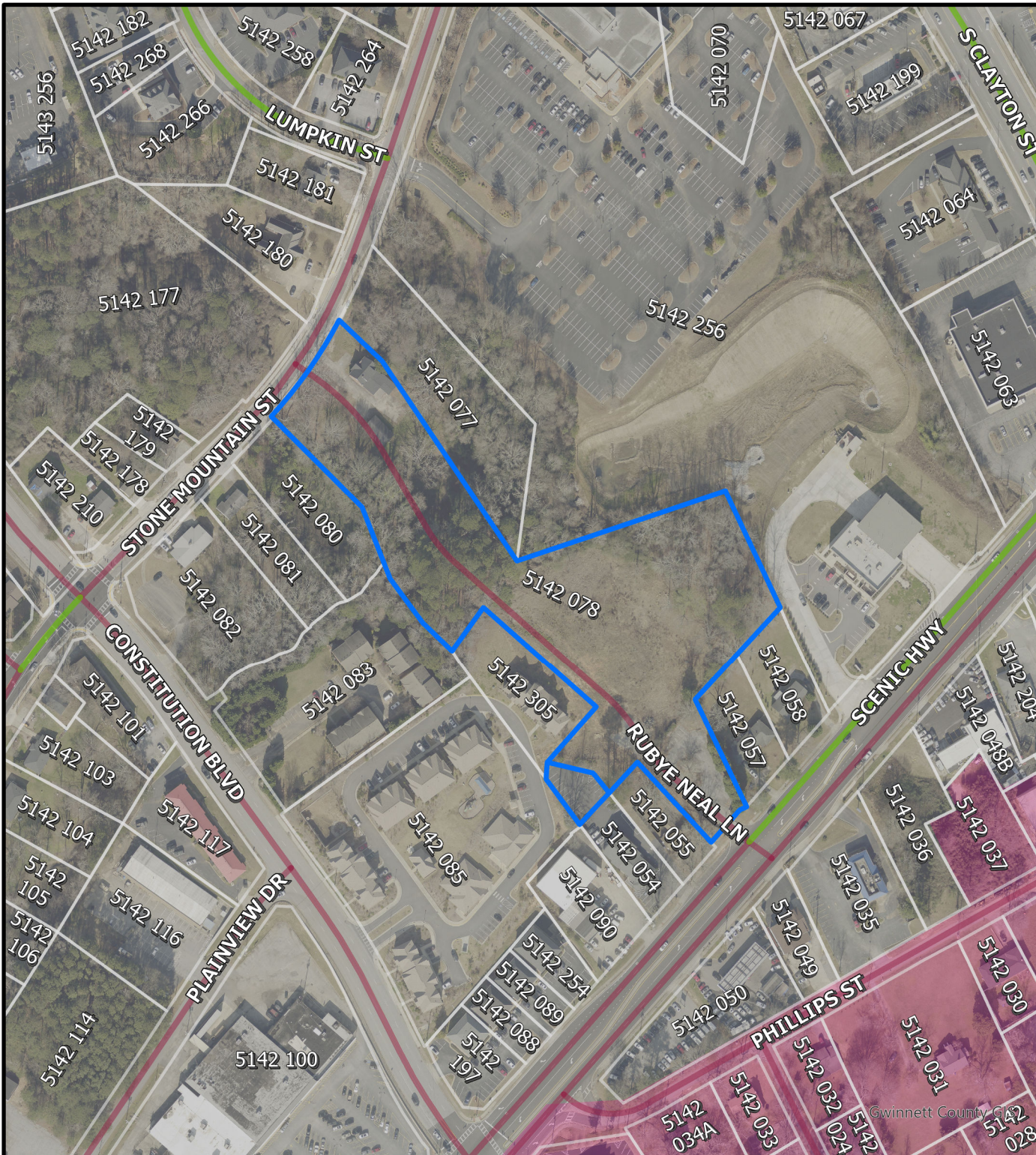
GEORGIA

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

**File # CIC2023-00010**

**Applicant: Dennis Webb**

-  Subject Property
-  Parcels
-  County Maintained Streets
-  City Maintained Streets
- Character Areas**
-  Community Mixed Use
-  Downtown











# LAWRENCEVILLE

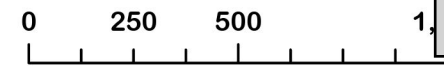
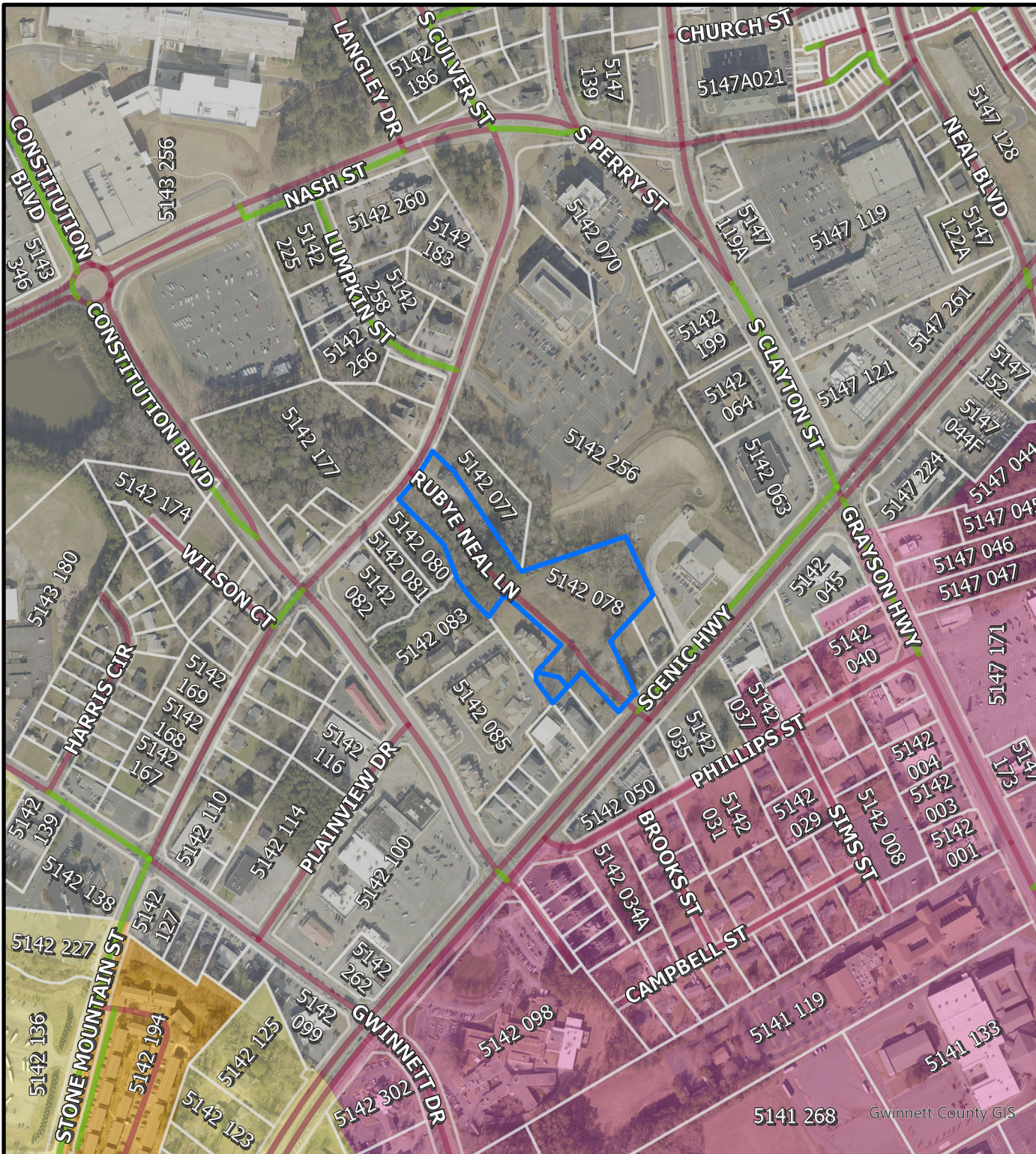
GEORGIA

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

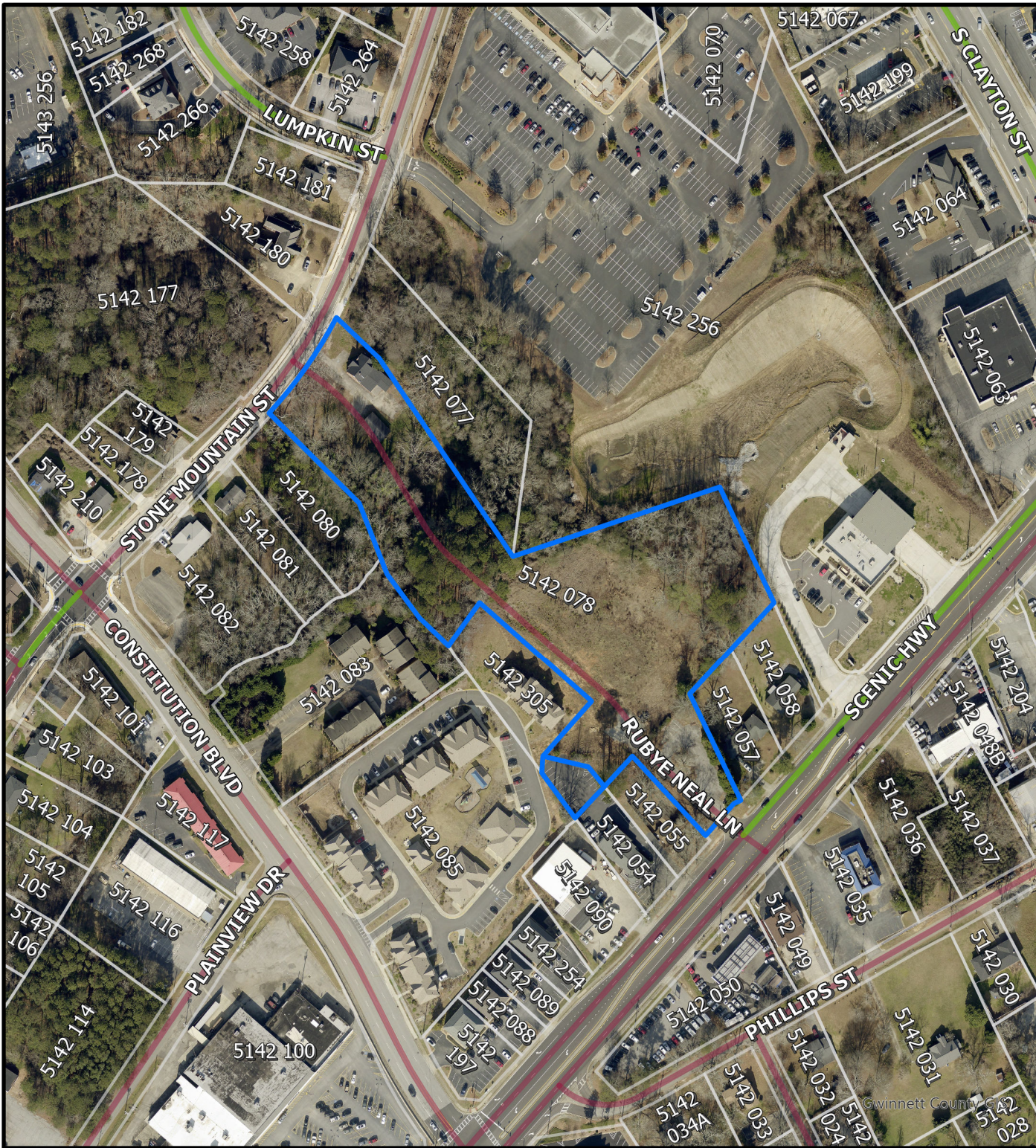
**File # CIC2023-00010**

**Applicant: Dennis Webb**

-  Subject Property
-  Parcels
-  County Maintained Streets
-  City Maintained Streets
- Character Areas**
-  Community Mixed Use
-  Traditional Residential
-  Mixed Residential
-  Downtown







1.





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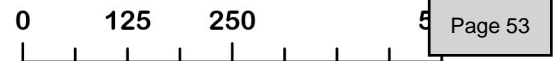
GEORGIA

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

**File # CIC2023-00010**

**Applicant: Dennis Webb**

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











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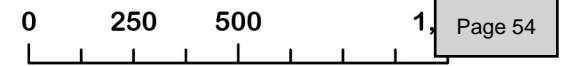
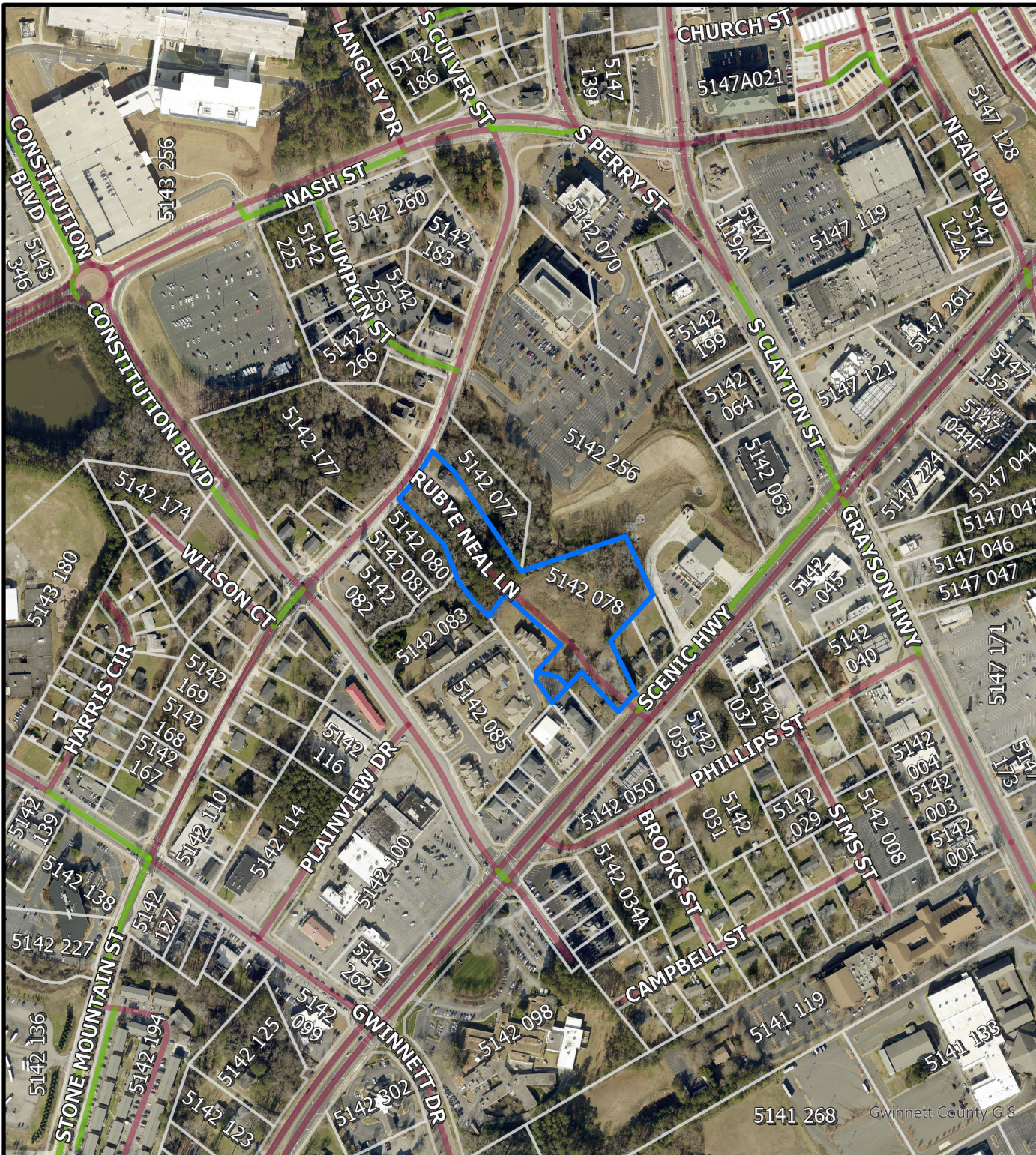
GEORGIA

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

**File # CIC2023-00010**

**Applicant: Dennis Webb**

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


















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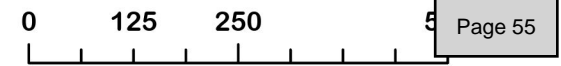
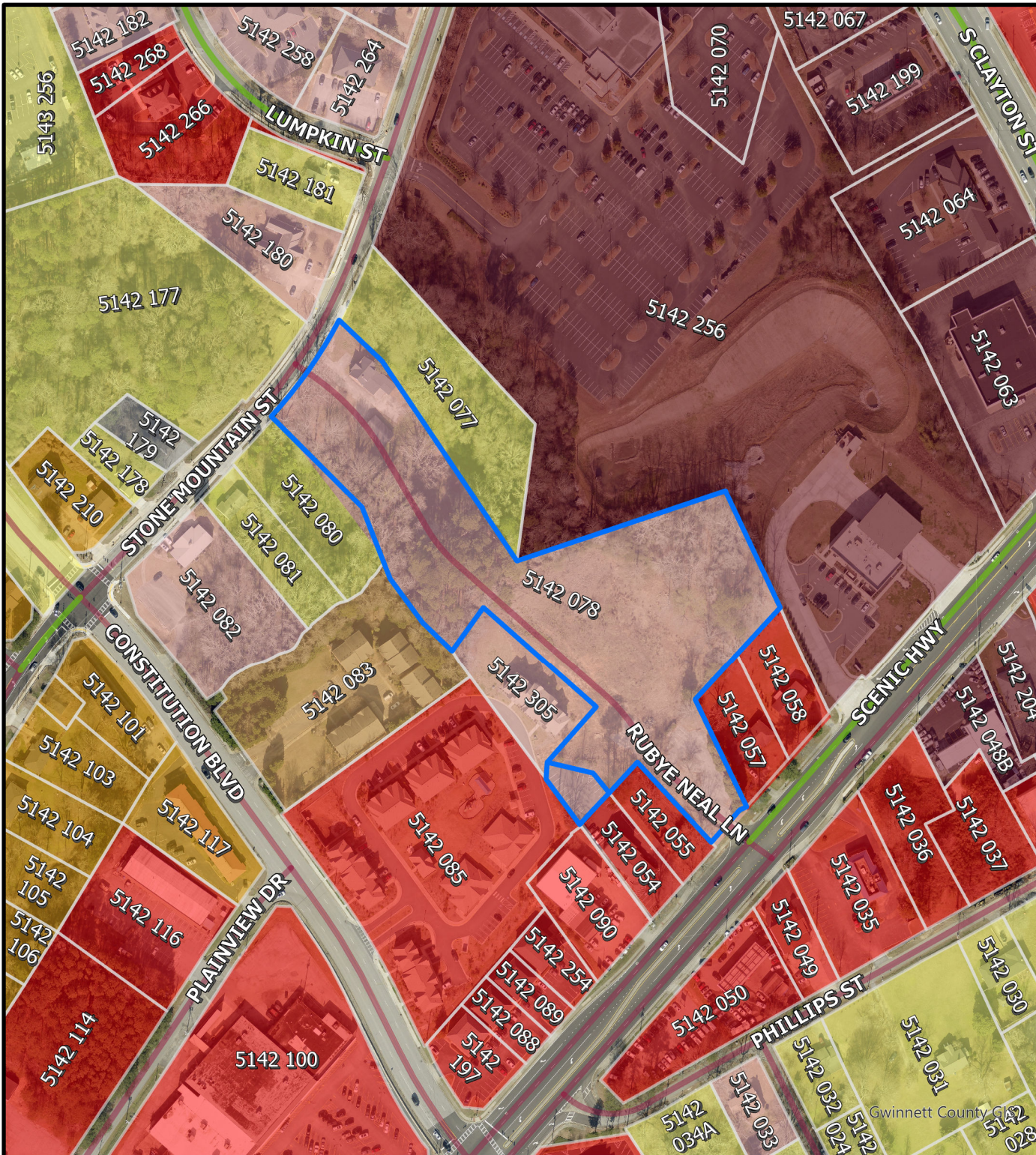
GEORGIA

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

**File # CIC2023-00010**

**Applicant: Dennis Webb**

-  Subject Property
  -  Parcels
  -  County Maintained Streets
  -  City Maintained Streets
- Zoning Districts**
-  BG General Business
  -  HSB Highway Service Business
  -  OI Office/Institutional
  -  ON Office/Neighborhood
  -  RM-12 Multifamily Residential
  -  RM-8 Townhouse Residential
  -  RS-150 Single-Family Residential




















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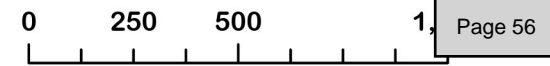
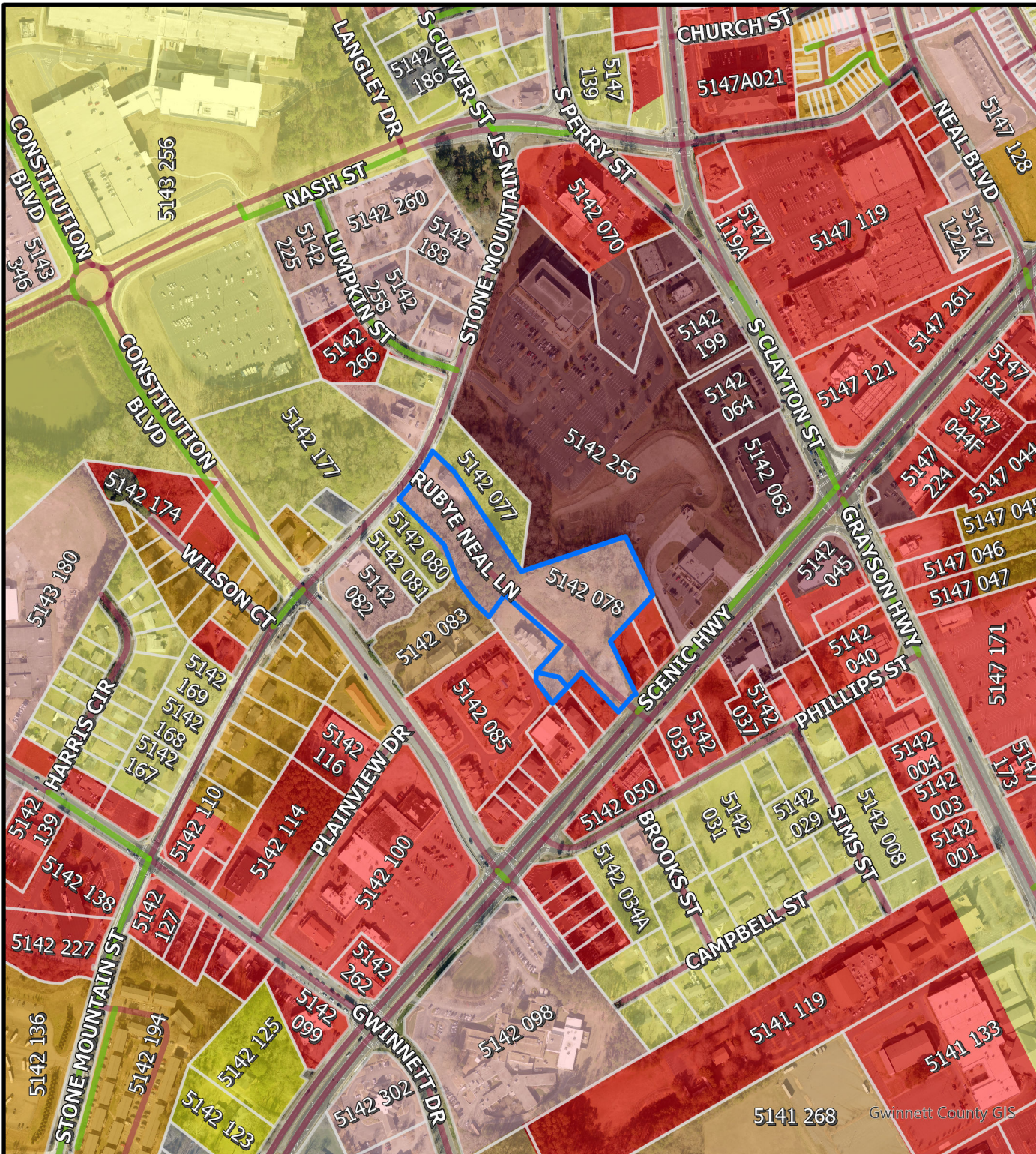
GEORGIA

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

**File # CIC2023-00010**

**Applicant: Dennis Webb**

-  Subject Property
  -  Parcels
  -  County Maintained Streets
  -  City Maintained Streets
- Zoning Districts**
-  BG General Business
  -  BGC Central General Business
  -  HSB Highway Service Business
  -  OI Office/Institutional
  -  ON Office/Neighborhood
  -  RM-12 Multifamily Residential
  -  RM-8 Townhouse Residential
  -  RS-150 Single-Family Residential
  -  RS-180 Single-Family Residential







# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 11, 2023

AGENDA CATEGORY: GENERAL DISCUSSION ITEM

- Item:** Lawrenceville Police Parking Improvements Project
- Department:** Engineering
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** \$148,966.60
- Presented By:** Jim Wright, Public Works Director
- Action Requested:** Award Lawrenceville Police Parking Improvements Project to low bidder, Smith & Co., Inc., amount not to exceed \$148,966.60. Authorization for Mayor to execute contracts subject to approval by the City Attorney. Contracts to follow award.

**Summary:** This project consists of, but is not limited to, demolition, grading, paving, striping, erosion control, and curb & gutter to expand the rear parking area at Police Headquarters.

**Fiscal Impact:** Amount not to exceed \$148,966.60. This contract is funded by the Speed Zone Camera Fund (2853210.541000) Project 09-025.

**Attachments/Exhibits:**

Bid Tabulation

**SB004-24  
Lawrenceville Police Parking Improvements Project  
Engineering Department**

				A&S Paving, Inc.		BM&K Construction, Inc.		CGS	
ITEM #	DESCRIPTION	APPROX. QTY		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Warranties & Bonds	1	LS	\$12,000.00	\$12,000.00	\$60,000.00	\$60,000.00	\$5,500.00	\$5,500.00
2	Grading Complete	1	LS	\$88,300.00	\$88,300.00	\$55,000.00	\$55,000.00	\$35,829.21	\$35,829.21
3	Asphalt Paving	760	SY	\$66.50	\$50,540.00	\$70.00	\$53,200.00	\$125.00	\$95,000.00
4	Striping	1	LS	\$8,000.00	\$8,000.00	\$1,150.00	\$1,150.00	\$3,000.00	\$3,000.00
5	24" Curb and Gutter	400	LF	\$48.00	\$19,200.00	\$40.00	\$16,000.00	\$45.00	\$18,000.00
6	Landscape Wall (Modular Split-Faced Block)	50	LF	\$400.00	\$20,000.00	\$100.00	\$5,000.00	\$230.00	\$11,500.00
7	1019A Storm Drain Inlet W/ Hood (Doghouse)	1	EA	\$14,500.00	\$14,500.00	\$15,000.00	\$15,000.00	\$14,500.00	\$14,500.00
8	Sediment Erosion Control	1	LS	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00	\$2,000.00	\$2,000.00
<b>TOTAL</b>					\$216,540.00		\$215,350.00		\$185,329.21

				PE Structures & Associates, LLC		Smith & Co., Inc.		Woodwind Construction Company, Inc.	
ITEM #	DESCRIPTION	APPROX. QTY		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Warranties & Bonds	1	LS	\$10,700.00	\$10,700.00	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00
2	Grading Complete	1	LS	\$53,600.00	\$53,600.00	\$60,890.00	\$60,890.00	\$54,400.00	\$54,400.00
3	Asphalt Paving	760	SY	\$92.00	\$69,920.00	\$53.61	\$40,743.60	\$90.00	\$68,400.00
4	Striping	1	LS	\$2,430.00	\$2,430.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00
5	24" Curb and Gutter	400	LF	\$17.00	\$6,800.00	\$27.15	\$10,860.00	\$40.00	\$16,000.00
6	Landscape Wall (Modular Split-Faced Block)	50	LF	\$402.00	\$20,100.00	\$147.00	\$7,350.00	\$120.00	\$6,000.00
7	1019A Storm Drain Inlet W/ Hood (Doghouse)	1	EA	\$26,200.00	\$26,200.00	\$17,270.00	\$17,270.00	\$9,000.00	\$9,000.00
8	Sediment Erosion Control	1	LS	\$10,100.00	\$10,100.00	\$4,353.00	\$4,353.00	\$5,000.00	\$5,000.00
<b>TOTAL</b>				\$199,850.00		\$148,966.60		\$164,800.00	

**Recommended Vendor:**

Smith & Co., Inc.  
 1269 Old Monroe Madison Hwy  
 Monroe, GA 30655  
 P: 404-456-8769  
[tony.smith@smithandco.net](mailto:tony.smith@smithandco.net)



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 11, 2023

AGENDA CATEGORY: GENERAL DISCUSSION ITEM

- Item:** 2023 Annual LMIG Resurfacing Project
- Department:** Engineering
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** \$897,000.00
- Presented By:** Jim Wright, Public Works Director
- Action Requested:** Award 2023 Annual LMIG Resurfacing Project to low bidder, Sunbelt Asphalt Surfaces, Inc., amount not to exceed \$897,000.00. Authorization for Mayor to execute contracts subject to approval by the City Attorney. Contracts to follow award.

**Summary:** This project consists of approximately 2.1 miles of asphalt paving, milling, patching, adjusting of manholes to final elevations, and striping of various city streets. The FY 2023 GDOT portion of this project is \$288,000.00.

**Fiscal Impact:** Amount not to exceed \$897,000.00. This project is funded by the Capital Outlay Fund (3554200.522225). Project 26-005.

**Attachments/Exhibits:**

- Bid Tabulation
- Map

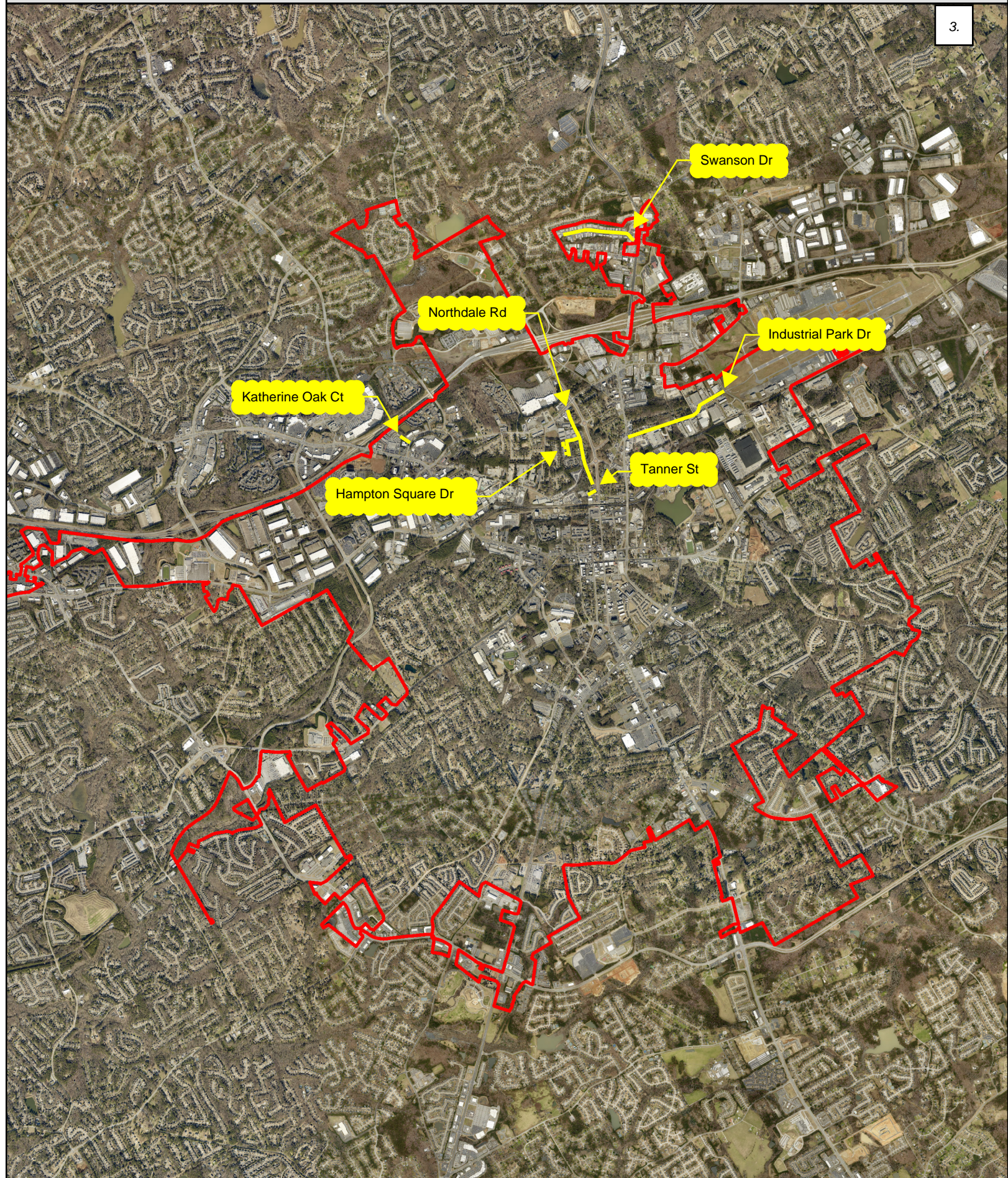
SB005-24  
2021 Annual LMIG Resurfacing Project  
Engineering

			C.W. Matthews Contracting Co., Inc.		Stewart Brothers, Inc.		Summit Construction and Development, LLC		Sunbelt Asphalt Services, Inc.		
ITEM #	DESCRIPTION	APPROX. QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	
<b>Section A: Industrial Park Dr (From Buford Dr to Hosea Rd)</b>											
1	Mobilization	1	LUMP	\$7,092.00	\$7,092.00	\$3,750.00	\$3,750.00	\$40,126.75	\$40,126.75	\$7,500.00	\$7,500.00
2	Traffic Control	1	LUMP	\$88,633.99	\$88,633.99	\$69,150.00	\$69,150.00	\$49,011.75	\$49,011.75	\$20,000.00	\$20,000.00
3	Temporary Striping	1	LUMP	\$5,200.00	\$5,200.00	\$6,200.00	\$6,200.00	\$9,500.00	\$9,500.00	\$6,000.00	\$6,000.00
4	PATCHING depth 4.0" deep – Recycled. Asphalt Con. 12.5 mm, SP, GP2 only TP 1, Incl. Bitumen Mat., HL. & Tack. Milling Included.	158	TON	\$224.83	\$35,523.14	\$373.10	\$58,949.80	\$200.00	\$31,600.00	\$179.00	\$28,282.00
5	PROFILE EDGE Milling Asphalt conc. Pvm. 2.5" below curb face. 2% SLOPE.	7,537	SY	\$13.38	\$100,845.06	\$13.10	\$98,734.70	\$12.50	\$94,212.50	\$5.20	\$39,192.40
6	2.5" of Recycled Asphalt conc. 12.5 mm SURFACE COURSE, TP2, BLEND 1 Incl. Bitumen. Mat., H Lime & Tack Coat.	2,073	TON	\$134.39	\$278,590.47	\$174.50	\$361,738.50	\$155.00	\$321,315.00	\$138.50	\$287,110.50
7	STRIPING DOUBLE SOLID 5" YELLOW line Thermoplastic, INCL. Reflective Pavement markers all colors.	3,250	LF	\$1.50	\$4,875.00	\$1.80	\$5,850.00	\$1.50	\$4,875.00	\$2.00	\$6,500.00
8	STRIPING SOLID 5" WHITE line Thermoplastic	5,870	LF	\$0.75	\$4,402.50	\$1.00	\$5,870.00	\$0.75	\$4,402.50	\$1.50	\$8,805.00
9	Thermoplastic STRIPING 24" STOP BAR	26	LF	\$12.00	\$312.00	\$15.00	\$390.00	\$15.00	\$390.00	\$15.00	\$390.00
10	X-WALK per walking SF Thermoplastic	34	SY	\$15.00	\$510.00	\$18.00	\$612.00	\$18.00	\$612.00	\$20.00	\$680.00
11	MANHOLES/VALVES RINGS/RISERS	6	EACH	\$3,274.00	\$19,644.00	\$550.00	\$3,300.00	\$1,500.00	\$9,000.00	\$600.00	\$3,600.00
<b>Section A Total</b>				\$545,628.16		\$614,545.00		\$565,045.50		\$408,059.90	
<b>Section B: Northdale Rd (From Hurricane Shoals Rd to END)</b>											
1	Mobilization	1	LUMP	\$7,683.00	\$7,683.00	\$3,750.00	\$3,750.00	\$22,954.50	\$22,954.50	\$6,000.00	\$6,000.00
2	Traffic Control	1	LUMP	\$36,606.93	\$36,606.93	\$37,960.00	\$37,960.00	\$31,429.50	\$31,429.50	\$10,000.00	\$10,000.00
3	Temporary Striping	1	LUMP	\$3,800.00	\$3,800.00	\$4,500.00	\$4,500.00	\$3,800.00	\$3,800.00	\$4,500.00	\$4,500.00
4	PATCHING depth 4.0" deep – Recycled. Asphalt Con. 12.5 mm, SP, GP2 only TP 1, Incl. Bitumen Mat., HL. & Tack. Milling Included	135	TON	\$246.00	\$33,210.00	\$373.10	\$50,368.50	\$240.00	\$32,400.00	\$187.00	\$25,245.00
5	PROFILE EDGE Milling Asphalt conc. Pvm. 2% SLOPE variable below curb face. 1.5" below curb face	3,505	SY	\$8.85	\$31,019.25	\$13.10	\$45,915.50	\$9.50	\$33,297.50	\$4.50	\$15,772.50
6	1.5" of Recycled Asphalt conc. 9.5 mm SURFACE COURSE, TP2, BLEND 1 Incl. Bitumen. Mat., H Lime & Tack Coat.	626	TON	\$162.73	\$101,868.98	\$186.20	\$116,561.20	\$155.00	\$97,030.00	\$150.00	\$93,900.00
7	ARROWS TP 2 & 3 Thermoplastic (Reference: GDOT T-12B and T-12B sheet details)	1	EACH	\$100.00	\$100.00	\$120.00	\$120.00	\$125.00	\$125.00	\$200.00	\$200.00
8	Pavement Marking Hatching White/Yellow Thermoplastic (Reference: GDOT T-14 sheet detail)	239	SY	\$10.00	\$2,390.00	\$12.00	\$2,868.00	\$15.00	\$3,585.00	\$20.00	\$4,780.00
9	STRIPING DOUBLE SOLID 5" YELLOW line Thermoplastic, INCL. Reflective Pavement markers all colors.	2,358	LF	\$1.50	\$3,537.00	\$1.80	\$4,244.40	\$2.00	\$4,716.00	\$2.00	\$4,716.00
10	MANHOLES/VALVES RINGS/RISERS	9	EACH	\$3,274.00	\$29,466.00	\$550.00	\$4,950.00	\$1,500.00	\$13,500.00	\$600.00	\$5,400.00
<b>Section B Total</b>				\$249,681.16		\$271,237.60		\$242,837.50		\$170,513.50	
<b>Section C: Tanner St (From Collins Hill Rd Ext to END)</b>											
1	Mobilization	1	LUMP	\$4,728.00	\$4,728.00	\$3,750.00	\$3,750.00	\$7,643.00	\$7,643.00	\$3,000.00	\$3,000.00
2	Traffic Control	1	LUMP	\$9,177.03	\$9,177.03	\$3,163.00	\$3,163.00	\$6,768.00	\$6,768.00	\$3,000.00	\$3,000.00
3	PROFILE EDGE Milling Asphalt conc. Pvm. 2% SLOPE variable. 1.5" below curb face	372	SY	\$25.30	\$9,411.60	\$13.10	\$4,873.20	\$28.00	\$10,416.00	\$5.00	\$1,860.00
4	1.5" of Recycled Asphalt conc. 9.5 mm SURFACE COURSE, TP2, BLEND 1 Incl. Bitumen. Mat., H Lime & Tack Coat.	67	TON	\$253.12	\$16,959.04	\$186.20	\$12,475.40	\$190.00	\$12,730.00	\$200.00	\$13,400.00
<b>Section C Total</b>				\$40,275.67		\$24,261.60		\$37,557.00		\$21,260.00	

Section D: Hampton Square Dr (From Northdale Rd Ext to END)											
1	Mobilization	1	LUMP	\$7,092.00	\$7,092.00	\$3,750.00	\$3,750.00	\$14,629.00	\$14,629.00	\$1,500.00	\$1,500.00
2	Traffic Control	1	LUMP	\$24,923.04	\$24,923.04	\$17,398.00	\$17,398.00	\$13,704.00	\$13,704.00	\$9,500.00	\$9,500.00
3	PATCHING depth 4.0" deep – Recycled. Asphalt Con. 12.5 mm, SP, GP2 only TP 1, Incl. Bitumen Mat., HL. & Tack. Milling Included	16	TON	\$1,280.90	\$20,494.40	\$373.10	\$5,969.60	\$280.00	\$4,480.00	\$200.00	\$3,200.00
4	PROFILE Milling Asphalt conc. Pvm. 2% SLOPE variable. 1.5" below curb face	4,144	SY	\$10.55	\$43,719.20	\$13.10	\$54,286.40	\$8.50	\$35,224.00	\$4.75	\$19,684.00
5	1.5" of Recycled Asphalt conc. 9.5 mm SURFACE COURSE, TP2, BLEND 1 Incl. Bitumen. Mat., H Lime & Tack Coat.	342	TON	\$141.32	\$48,331.44	\$186.20	\$63,680.40	\$165.00	\$56,430.00	\$150.00	\$51,300.00
6	Thermoplastic STRIPING 24" STOP BAR	12	LF	\$12.00	\$144.00	\$15.00	\$180.00	\$15.00	\$180.00	\$15.00	\$180.00
7	MANHOLES/VALVES RINGS/RISERS	6	EACH	\$3,274.00	\$19,644.00	\$550.00	\$3,300.00	\$1,250.00	\$7,500.00	\$600.00	\$3,600.00
8	Asphalt Speed Bump (24 LF)	4	EACH	\$2,233.95	\$8,935.80	\$3,950.00	\$15,800.00	\$2,500.00	\$10,000.00	\$4,000.00	\$16,000.00
<b>Section D Total</b>				\$173,283.88		\$164,364.40		\$142,147.00		\$104,964.00	
Section E: Katherine Oak Ct (From Philip Blvd to END)											
1	Mobilization	1	LUMP	\$4,728.00	\$4,728.00	\$3,750.00	\$3,750.00	\$8,684.00	\$8,684.00	\$4,000.00	\$4,000.00
2	Traffic Control	1	LUMP	\$12,288.29	\$12,288.29	\$7,910.00	\$7,910.00	\$10,959.00	\$10,959.00	\$1,500.00	\$1,500.00
3	PROFILE Milling Asphalt conc. Pvm. 2% SLOPE variable. 1.5" below curb face	1,470	SY	\$9.05	\$13,303.50	\$13.10	\$19,257.00	\$15.00	\$22,050.00	\$5.00	\$7,350.00
4	1.5" of Recycled Asphalt conc. 9.5 mm SURFACE COURSE, TP2, BLEND 1 Incl. Bitumen. Mat., H Lime & Tack Coat.	121	TON	\$183.82	\$22,242.22	\$186.10	\$22,518.10	\$165.00	\$19,965.00	\$190.00	\$22,990.00
5	MANHOLES/VALVES RINGS/RISERS	2	EACH	\$3,274.00	\$6,548.00	\$550.00	\$1,100.00	\$1,500.00	\$3,000.00	\$600.00	\$1,200.00
6	Thermoplastic STRIPING 24" STOP BAR	12	LF	\$12.00	\$144.00	\$15.00	\$180.00	\$15.00	\$180.00	\$15.00	\$180.00
<b>Section E Total</b>				\$59,254.01		\$54,715.10		\$64,838.00		\$37,220.00	
Section F: Swanson Dr (From Buford Dr to END)											
1	Mobilization	1	LUMP	\$7,092.00	\$7,092.00	\$3,750.00	\$3,750.00	\$23,198.75	\$23,198.75	\$4,500.00	\$4,500.00
2	Traffic Control	1	LUMP	\$40,833.67	\$40,833.67	\$25,306.00	\$25,306.00	\$55,523.75	\$55,523.75	\$5,000.00	\$5,000.00
3	PATCHING depth 4.0" deep – Recycled. Asphalt Con. 12.5 mm, SP, GP2 only TP 1, Incl. Bitumen Mat., HL. & Tack. Milling Included	34	TON	\$678.07	\$23,054.38	\$373.10	\$12,685.40	\$280.00	\$9,520.00	\$200.00	\$6,800.00
4	PROFILE EDGE Milling Asphalt conc. Pvm. 2% SLOPE variable. 1.5" below curb face	4,328	SY	\$8.60	\$37,220.80	\$13.10	\$56,696.80	\$9.50	\$41,116.00	\$4.50	\$19,476.00
5	1.5" of Recycled Asphalt conc. 9.5 mm SURFACE COURSE, TP2, BLEND 1 Incl. Bitumen. Mat., H Lime & Tack Coat.	714	TON	\$145.65	\$103,994.10	\$186.20	\$132,946.80	\$155.00	\$110,670.00	\$145.00	\$103,530.00
6	MANHOLES/VALVES RINGS/RISERS	10	EACH	\$3,274.00	\$32,740.00	\$550.00	\$5,500.00	\$1,500.00	\$15,000.00	\$600.00	\$6,000.00
7	STRIPING DOUBLE SOLID 5" YELLOW line Thermoplastic, INCL. Reflective Pavement markers all colors.	45	LF	\$1.50	\$67.50	\$1.80	\$81.00	\$2.50	\$112.50	\$2.00	\$90.00
<b>Section F Total</b>				\$245,002.45		\$236,966.00		\$255,141.00		\$145,396.00	
<b>WARRANTIES AND BONDS</b>				3,550.00		13,660.90		52,600.00		9,586.60	
<b>BID TOTAL</b>				\$1,316,675.33		\$1,379,750.60		\$1,360,166.00		\$897,000.00	

**Recommended Vendor:**  
 Sunbelt Asphalt Surfaces, Inc.  
 1410 Sunbelt Way  
 Auburn, GA 30011  
 770-867-5312  
 jmitchell@sunbeltasphalt.com





- Municipal Boundary



THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. COL GIS makes no warranty concerning the completeness or accuracy of the content represented here.







# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: CITY COUNCIL WORK SESSION, SEPTEMBER 11, 2023

AGENDA CATEGORY: DISCUSSION OF GENERAL CITY BUSINESS

- Item:** Change Order 1 for the Cost Agreement with GA Gwinnett Lawrenceville Pike, LLC
- Department:** Engineering
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** \$201,644.00
- Presented By:** Jim Wright, P.E., Director of Public Works
- Action Requested:** Approval of Change Order 1 for the Cost Agreement with GA Gwinnett Lawrenceville Pike, LLC. Authorization for Mayor to execute Change Order 1.

**Summary:** The cost agreement was approved by City Council September 26, 2022 for GA Gwinnett Lawrenceville Pike, LLC to provide stormwater detention for a 12.6 drainage sub-basin that drained an area outside of the development. The original estimate was \$1,000,000.00, during construction, unsuitable soil was encountered and had to be mitigated. This increased the total cost of the reimbursable project to \$1,201,644.00. Change Order #1 will increase the reimbursement by \$201,644.00.

**Attachments/Exhibits:** Change Order 1, Cost Agreement with GA Gwinnett Lawrenceville Pike, LLC



# CITY OF LAWRENCEVILLE CONTRACT/PO CHANGE ORDER

Department: Engineering Change Order #: 1

Project/PO: Cost Agreement for Park Place Public Drainage Improvements Change Order Date: 8/8/2023

Contractor/Vendor: GA Gwinnett Lawrenceville Pike, LLC

Reason Codes: **A-**New Requirement, **B-** Unforeseen Condition, **C-** Professional Errors & Omissions, **D-** City Request, **E-** Project Close-out and/or Progress Adjustments not included in Change Order

It is agreed to modify the Contract referred to above as follows:

Item	Reason Code	Item and Description of Change	Change in Contract Amount (Increase/Decrease)
n/a	B	Unsuitable soils were encountered and were removed and replaced with rock under the direction of a geotechnical engineer.	\$201,644.00
		Net Amount	\$201,644.00

A completed Change Order Detail Listing must be attached. If applicable, attach justification memo, proposal, etc.

Original Contract/PO Amount: \$1,000,000.00

Previous Change Order Amount: \$0

Amount of Change Order Requested (Increase/Decrease) \$201,644.00

New Contract/PO Amount (Including this Change Order) \$1,201,644.00

This contract period provided for completion will be increased/decreased by n/a calendar days. Adjusted completion date is \_\_\_\_\_, 20\_\_\_\_.

This document will become a supplement to the contract and all provisions of the contract will apply hereto.

*Jim Wright*  
Requestor

*Jim Wright*  
Department Director

\_\_\_\_\_  
Authorized Approval

**APPLICATION AND CERTIFICATE FOR PAYMENT**

AIA DOCUMENT G702

PAGE 1 OF 2 PAGES

TO (OWNER): GA Gwinnett Lawrenceville Pike, LLC  
 1777 Peachtree Street, Suite 200 Atlanta, GA 30309

FROM(CONTRACTOR):  
 Genoa Construction Services  
 2300 Lakeview Parkway, suite 100  
 Alpharetta, GA 30009

APPLICATION NO: 1  
 APPLICATION DATE: 7/26/2023  
 PERIOD TO: 7/19/2023  
 PROJ. NO:

Distribution to:  
 Owner  
 Genoa Files

**CONTRACT FOR: CITY OF LAWRENCEVILLE STORM WATER MANAGEMENT SYSTEM**

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner		\$295,428.00	
Approved this Month			
Number	Date Approved		
TOTALS:		\$295,428.00	\$0.00
Net change by Change Orders:		\$295,428.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

By: David S. Logan Date: 7/26/23  
 Name: David S. Logan

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the owner that to the best of the Architects knowledge, information, and belief the work has progressed as as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

Application is made for Payment, as shown below, in connection with the Contract. CONTINUATION SHEET, AIA DOCUMENT G703, is attached.

1. ORIGINAL CONTRACT SUM .....	\$906,216.00
2. Net change by Change Orders .....	\$295,428.00
3. CONTRACT SUM TO DATE (Line 1+2).....	\$1,201,644.00
4. TOTAL COMPLETED & STORED TO DATE.....	\$1,201,644.00
5. RETAINAGE:	
a. _____	\$0.00
(Column D+E on G 703) AND	
6. TOTAL EARNED LESS RETAINAGE .....	\$0.00
(Line 4 less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAY (Line 6 from prior Certificate).....	\$0.00
8. CURRENT PAYMENT DUE .....	\$1,201,644.00

Subscribed and sworn to before me this \_\_\_\_\_ day of July 2023

Notary Public: Rebecca De Ann Akkoti

My Commission expires:



AMOUNT CERTIFIED.....  
 (Attach explanation if amount certified differs from the amount applied for.)

By: [Signature] Date: 7/27/2023

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

APPLICATION AND CERTIFICATE FOR PAYMENT, containing

APPLICATION NUMBER: 1

Contractor's signed Certificate is attached.

APPLICATION DATE: 7/26/2023

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: 7/19/2023

Use Column I on Contracts where variable retainage for line items may apply.

PROJECT NO: 0.00

A	B	C	D	E	F	G	A	H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN DOR E)	TOTAL COMPLETED AND STORED TO DATE	%	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D+E)	THIS PERIOD					
1	General Conditions	\$61,735.00	\$0.00	\$61,735.00	\$0.00	\$61,735.00	100%	\$0.00	\$0.00
2	Grading	\$57,409.00	\$0.00	\$57,409.00	\$0.00	\$57,409.00	100%	\$0.00	\$0.00
3	Site Utilities	\$643,754.00	\$0.00	\$643,754.00	\$0.00	\$643,754.00	100%	\$0.00	\$0.00
4	Additional GC's due to unsuitables & weather	\$61,735.00	\$0.00	\$61,735.00	\$0.00	\$61,735.00	100%	\$0.00	\$0.00
5	Unsuitable Soil, Dewatering & Added Stone	\$233,693.00	\$0.00	\$233,693.00	\$0.00	\$233,693.00	100%	\$0.00	\$0.00
6	Masonry	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
7	Steel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
8	Wood Framing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
9	Insulation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
10	Drywall	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
11	Exterior Siding	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
12	Glass & Windows	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
13	Roofing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
14	Waterproofing and Caulking	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
15	Doors, Hardware and Wood Trim	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
16	Blinds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
17	Millwork and Countertops	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
18	Elevators	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
19	Accessories	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
20	Painting	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
21	Flooring	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
22	Appliances	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
23	HVAC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
24	Electrical	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
25	Lighting Package	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
26	Fire Protection	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
27	Plumbing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
28	Sales Tax	\$24,762.00	\$0.00	\$24,762.00	\$0.00	\$24,762.00	100%	\$0.00	\$0.00
29	Payroll Taxes	\$29,004.00	\$0.00	\$29,004.00	\$0.00	\$29,004.00	100%	\$0.00	\$0.00
30	Insurance & Sub Bonds	\$21,534.00	\$0.00	\$21,534.00	\$0.00	\$21,534.00	100%	\$0.00	\$0.00
31	Cleaning and Dumpsters	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
32	Overhead	\$34,009.00	\$0.00	\$34,009.00	\$0.00	\$34,009.00	100%	\$0.00	\$0.00
33	G.C. Fee	\$34,009.00	\$0.00	\$34,009.00	\$0.00	\$34,009.00	100%	\$0.00	\$0.00
34	Contingency	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00
<b>TOTALS</b>		\$1,201,644.00	\$0.00	\$1,201,644.00	\$0.00	\$1,201,644.00	100%	\$0.00	\$0.00



**WAIVER AND RELEASE OF LIEN  
AND PAYMENT BOND RIGHTS UPON INTERIM PAYMENT**

**STATE OF GEORGIA  
COUNTY OF FULTON**

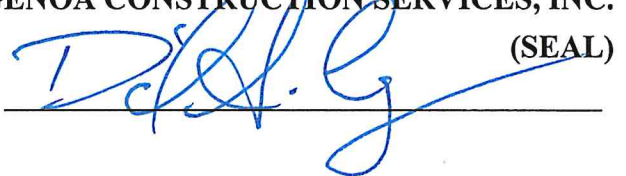
**THE UNDERSIGNED MECHANIC AND/OR MATERIALMAN, GENOA CONSTRUCTION SERVICES, INC., HAS BEEN EMPLOYED BY GA GWINNETT LAWRENCEVILLE PIKE, LLC TO FURNISH AND INSTALL ALL GENERAL CONSTRUCTION WORK FOR THE CONSTRUCTION OF IMPROVEMENTS KNOWN AS CITY OF LAWRENCEVILLE STORM WATER MANAGEMENT SYSTEM WHICH IS LOCATED IN THE CITY OF LAWRENCEVILLE COUNTY OF GWINNETT, AND IS OWNED BY GA GWINNETT LAWRENCEVILLE, LLC, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

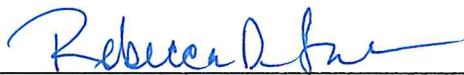
**77 E. PIKE STREET, LAWRENCEVILLE, GA 30046**

**UPON THE RECEIPT OF THE SUM OF \$ 1,201,644.00, THE MECHANIC AND/OR MATERIALMAN WAIVES AND RELEASES ANY AND ALL LIENS OR CLAIMS OF LIENS IT HAS UPON THE FOREGOING DESCRIBED PROPERTY OR ANY RIGHTS AGAINST ANY LABOR AND/OR MATERIAL BOND THROUGH THE DATE OF JULY 26, 2023 AND EXCEPTING THOSE RIGHTS AND LIENS THAT THE MECHANIC AND/OR MATERIALMAN MIGHT HAVE IN ANY RETAINED AMOUNTS, ON ACCOUNT OF LABOR OR MATERIALS, OR BOTH, FURNISHED BY THE UNDERSIGNED TO OR ON ACCOUNT OF SAID CONTRACTOR FOR SAID BUILDING OR PREMISES.**

**GIVEN UNDER HAND AND SEAL THIS 26<sup>th</sup> DAY OF JULY, 2023**

**GENOA CONSTRUCTION SERVICES, INC.**

 (SEAL)



(WITNESS)

**2300 LAKEVIEW PARKWAY, SUITE 100  
ALPHARETTA, GA 30009**

(ADDRESS)



**NOTICE: WHEN YOU EXECUTE AND SUBMIT THIS DOCUMENT, YOU SHALL BE CONCLUSIVELY DEEMED TO HAVE WAIVED AND RELEASED ANY AND ALL LIENS AND CLAIMS OF LIENS UPON THE FOREGOING DESCRIBED PROPERTY AND ANY RIGHTS REGARDING ANY LABOR OR MATERIAL BOND REGARDING THE SAID PROPERTY TO THE EXTENT (AND ONLY TO THE EXTENT) SET FORTH ABOVE, EVEN IF YOU HAVE NOT ACTUALLY RECEIVED SUCH PAYMENT, 90 DAYS AFTER THE DATE STATED ABOVE UNLESS YOU FILE AN AFFIDAVIT OF NONPAYMENT PRIOR TO THE EXPIRATION OF SUCH 90 DAY PERIOD. THE FAILURE TO INCLUDE THIS NOTICE LANGUAGE ON THE FORM SHALL RENDER THE FORM UNENFORCEABLE AND INVALID AS A WAIVER AND RELEASE UNDER O.C.G.A. § 44-14-366.**



<b>GENOA CONSTRUCTION SERVICES, INC.</b> 1000 Mansell Exchange West , Suite 300 Alpharetta, GA 30022 770-984-2337      770-984-2378 - fax WWW.GENOACO.COM		Estimate General Summary Sheet		Estimate Number: <b>I</b> Date: <b>4/14/2023</b> Estimator: <b>DL</b> Type of Building: <b>1</b> Duration: <b>2 Months</b> ENR Cost Index: <b>N/A</b> <b>0.00</b>		
Project: <b>Park Place - City of Lawrenceville Storm Water Capture Costs</b> Owner: <b>Highlands Properties</b> Architect: <b>Nelson / KH</b>		Location: <b>Lawrenceville, GA</b> Floor Area: <b>20,000</b> SF Cost/SF: <b>\$60.08</b>				
ITEMS	MATERIAL	LABOR	SUB	TOTAL	COST/SF	
1. GENERAL CONDITIONS	\$12,710	\$90,636	\$20,124	\$123,470	\$6.17	
2. STORMTRAP SYSTEM	\$341,036	\$0	\$90,002	\$431,038	\$21.55	
3. SITE EXCAVATION & PREP	\$0	\$0	\$57,409	\$57,409	\$2.87	
4. STORM PIPING & CONNECTIONS	\$0	\$0	\$212,716	\$212,716	\$10.64	
5. ADDITIONAL STONE BASE AND EXCAVATION FOR STORMTRAP PER GEOTECH	\$0	\$0	\$212,011	\$212,011	\$10.60	
6. DEWATERING OF STORMTRAP EXCAVATED HOLE	\$0	\$0	\$9,700	\$9,700	\$0.49	
7. ADDITIONAL STONE BASE FOR STORMTRAP PER GEOTECH	\$0	\$0	\$11,982	\$11,982		
<b>SUB TOTAL</b>						
	\$353,746	\$90,636	\$613,944	\$1,058,326	\$52.92	
WWW.GENOACO.COM			Sales Tax	7.00%	\$24,762	\$1.24
			Payroll Taxes	32.00%	\$29,004	\$1.45
			Insurance & Sub Bonds		\$21,534	\$1.08
			Owner's Contingency		\$0	\$0.00
			<b>SUB TOTAL</b>		\$1,133,626	\$56.68
			P & P Bond		\$0.00	\$0.00
			<b>SUB TOTAL</b>		\$1,133,626	\$56.68
			Overhead	3.00%	\$34,009	
			Fee	3.00%	\$34,009	
			<b>TOTAL</b>		\$1,201,644	\$60.08
<b>GRAND TOTAL</b>				\$1,201,644	\$60.08	

These three items are due to unsuitable soils, which also prolonged the installation.

# Proposal Agreement

**StormTrap, LLC**

1287 Windham Parkway

Romeoville, IL 60446

Phone: 815-941-4549

Fax: 331-318-5347



**StormTrap®**

<b>Customer P.O. Number:</b>	<b>Date:</b> October 20, 2022
<b>Purchaser Company .</b> <b>Name:</b> Genoa Construction Services, Inc. Contact: David Logan Address: 2300 Lakeview Parkway Suite 100 City, ST, Zip: Alpharetta, GA 30009 Phone: 678-385-2636 Email: david.logan@genoaco.com	<b>StormTrap Contact</b> Name: Ben Fulghum Email: bfulghum@stormtrap.com Phone: 470-775-0805
	<b>Terms</b> Net 30 Days 40 % Deposit 5 days prior Delivery *Pending Credit Approval
<b>Project Name:</b> Park Place GDOT Dentention South Address: 77 East Pike Street City, ST, Zip: Lawrenceville, GA 30046	<b>Shop Drawings</b> This proposal is based upon and relied upon the attached StormTrap layout (and noted design criteria) dated 06/07/2022 . Any changes to the layout or design criteria will affect the below quoted price.

**Delivery & Freight**

Pieces will be delivered by Common Carrier with the installing contractor responsible for unloading at the job site. 32 total loads allowed. One hour per load is allowed for unloading. \$125 per hour for any time thereafter. The total loads quoted are based on all material being available at the time of delivery. The contractor is responsible for providing safe/adequate means of ingress and egress from the jobsite.

Due to the current extreme volatility of freight, as a result of the time from when the project was bid to when it was actually delivered, StormTrap reserves the right to pass along any additional freight surcharges experienced above and beyond listed on this proposal. The pricing notated on this proposal is cost only. If freight surcharges are imposed upon StormTrap, StormTrap will relay those costs onto the purchaser. Upon request, StormTrap will provide supportive documentation to substantiate the experienced surcharge.

**Seller to Furnish the Following Materials\* Specified Below:**

\*Note: Prices include all necessary joint wrap and joint tape to complete the above stated project.

<u>Description</u>	<u>Pieces</u>	<u>Max Pick Weight</u>
8'-0" DoubleTrap	86 Pieces + 9 Panels	23,403 lbs.

A portion of line 2 on the payapp ↑

**TOTAL ORDER: \$341,036.00**

Taxes not included

Prices do not include unloading, setting, or installing the system. Prices do not include any needed riser rings or frames, covers/grates, or any other material including geogrid or geoweb, when applicable. The purchasing contractor agrees to install or have the system installed by others in compliance with the installation specifications. Before any work begins, a preconstruction meeting must take place between StormTrap and the purchasing contractor.

**To Execute This Order Please Sign and Return Within 30 Days. Price Valid for 30 Days.**

<b>Accepted by:</b> _____ Purchaser  Print Name/Title  Date: _____	<b>Acknowledged by: StormTrap, LLC</b> Seller  Print Name/Title  Date: _____
---	---

**Terms and Conditions:** By signing this Proposal, the terms and conditions on the reverse side of this form apply to the foregoing Proposal, to any orders, quotations, proposals, sales or deliveries from StormTrap, LLC ("Seller") to Purchaser and are hereby incorporated by reference into any StormTrap Proposal to Purchaser. Any different or additional terms in any documents from Purchaser, including but not limited to, order acknowledgements, are objected to and rejected, are deemed to materially adhere these terms, and will not become part of any contract.



**Park Place - Storm Bypass Items**

4/14/2023  
PLANS DATED: LDP 2/6/2023

<b>General Conditions</b>					<b>\$ 7,000.00</b>
DAYLIGHT UTILITIES - VAC TRUCK	2	DY	\$ 3,500.00	\$ 7,000.00	

<b>Construction Layout</b>					<b>\$ 1,500.00</b>
STORM	4	HR	\$ 125.00	\$ 500.00	
UGD'S	8	HR	\$ 125.00	\$ 1,000.00	

<b>Storm Drain System</b>					<b>\$ 261,625.00</b>
36" RCP CL3	18	LF	\$ 175.00	\$ 3,150.00	
30" CMP	74	LF	\$ 109.00	\$ 8,066.00	
48" MANHOLE BASE	1	EA	\$ 640.00	\$ 640.00	
60" MANHOLE BASE	1	EA	\$ 1,150.00	\$ 1,150.00	
84" MANHOLE BASE	1	EA	\$ 4,600.00	\$ 4,600.00	
48" MANHOLE RISER	18	VF	\$ 420.00	\$ 7,560.00	
60" MANHOLE RISER	6	VF	\$ 590.00	\$ 3,540.00	
84" MANHOLE RISER	7	VF	\$ 1,250.00	\$ 8,750.00	
6-4 REDUCER SLAB	1	EA	\$ 1,600.00	\$ 1,600.00	
7-4 REDUCER SLAB	1	EA	\$ 2,810.00	\$ 2,810.00	
FLAT TOP FOR JB/CI/GI	2	EA	\$ 725.00	\$ 1,450.00	
JUNCTION BOX RING & COVER	3	EA	\$ 850.00	\$ 2,550.00	
UNDERGROUND RETENTION #3 (72"/36" CMP)	1	EA	\$ 154,600.00	\$ 154,600.00	
<b>EXCAVATE/FILL UNDERGROUND RETENTION #3</b>	<b>6140</b>	<b>CY</b>	<b>\$ 9.35</b>	<b>\$ 57,409.00</b>	
FLUSH SYSTEM	500	LF	\$ 2.25	\$ 1,125.00	
SET TOPS TO F/G (JB-DI-CI-HGI)	3	EA	\$ 425.00	\$ 1,275.00	
INVERTS/GROUND MANHOLES	3	EA	\$ 450.00	\$ 1,350.00	

\$270,125  
Line 3 & 4 on the payapp

Line 3 on the payapp

<b>StormTrap System</b>					<b>\$ 90,001.25</b>
EXCAVATE, STONE BACKFILL & INSTALL SYSTEM	1	LS	\$ 78,020.00	\$ 78,020.00	
6" COMPACTED STONE BASE UNDER SYSTEM	5325	SF	\$ 2.25	\$ 11,981.25	

A portion of line 2 on the payapp

**Total for All Items Above \$ 360,126.25**



Park Place

4/11/2023

CHANGE ORDER REQUEST

Description of Extra Work Items:  
Extra Work Items for StormTrap Installation

Items of Work						\$ 233,237.65
Additional 6" #57 For Foundation - Per Geotech	5325.00	SF	\$ 2.25	\$	11,981.25	
Haul Off Unsuitables (282 Total Loads)	3102.00	CY	\$ 42.00	\$	130,284.00	
Haul In Structural Fill to Replace Lost Material	3102.00	CY	\$ 26.20	\$	81,272.40	
Dewatering Well	2.00	EA	\$ 4,850.00	\$	9,700.00	

Lines 5, 6, and 7 on the payapp





Dirt Delivered & Haul Off

27626

2505 Mossy Rock Place  
Buford, GA 30519

dirt dawgs@gmail.com  
Fax: 678-855-7144

Mark Pallotta (Cell): 678-300-9751

TRUCK # Master Ticket DATE 03/30/23

CUSTOMER Benchmark

JOB NAME McArthur

ADDRESS Lville

**- TERMS -**

START TIME Master

END TIME \_\_\_\_\_

TOTAL HOURS @  PER HOUR = \_\_\_\_\_

TOTAL LOADS 146 @ \_\_\_\_\_ PER LOAD = \_\_\_\_\_

TOTAL DUE = \_\_\_\_\_

**- TIME -**

1	11	21
2	12 <u>Total</u>	22
3	13	23
4	14 <u>Loads</u>	24
5	15 <u>146</u>	25
6	16	26
7	17	27
8	18	28
9	19	29
10	20	30

Received By Chris Reed



27702



Dirt Delivered & Haul Off

2505 Mossy Rock Place  
Buford, GA 30519

dirtdawgs@gmail.com  
Fax: 678-855-7144

Mark Pallotta (Cell): 678-300-9751

TRUCK # MASTER TICKET DATE 3/29/23

CUSTOMER BENCHMARK

JOB NAME MCARTHUR

ADDRESS LVILLE

- TERMS -

START TIME MASTER TICKET

END TIME \_\_\_\_\_

TOTAL HOURS \_\_\_\_\_ @ \_\_\_\_\_ PER HOUR = \_\_\_\_\_

TOTAL LOADS 136 @ \_\_\_\_\_ PER LOAD = \_\_\_\_\_

TOTAL DUE = \_\_\_\_\_

- TIME -

1	_____	11	_____	21	_____
2	_____	12	_____	22	_____
3	_____	13	_____	23	_____
4	_____	14	_____	24	_____
5	_____	15	_____	25	_____
6	_____	16	_____	26	_____
7	_____	17	_____	27	_____
8	_____	18	_____	28	_____
9	_____	19	_____	29	_____
10	_____	20	_____	30	_____

*Handwritten notes in table: 'TOTAL LOADS' written across rows 2-5, '136' circled in the center, and a signature at the bottom.*

Received By \_\_\_\_\_

**COST AGREEMENT**

**THIS COST AGREEMENT** (this “**Agreement**”) is made by **CITY OF LAWRENCEVILLE, GEORGIA**, a Georgia municipal corporation (“**City**”), and **GA GWINNETT LAWRENCEVILLE PIKE, LLC**, a Georgia limited liability company (“**Park Place**”, and together with City, sometimes, collectively, the “**Parties**”), as of Oct 17, 2022 (the “**Effective Date**”).

**RECITALS:**

A. Park Place is the owner of that certain property more particularly described on **Exhibit “A”** (the “**Property**”), as the same is depicted on the site plan attached hereto as **Exhibit “B”** (the “**Site Plan**”).

B. In connection with the development of the Property, Park Place will be constructing and installing certain improvements on the Property as more particularly set forth on **Exhibit “C”** (collectively, the “**Site Improvements**”). The Site Improvements are needed to create an additional drainage facility to be used by the City as a regional detention facility.

C. Upon completion of the Site Improvements, City agrees to reimburse Park Place for the costs of such Site Improvements pursuant to the provisions hereof.

NOW, THEREFORE, in consideration of Ten and No/100 Dollars, and the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. Site Improvements. Park Place shall (i) cause the construction and installation of the Site Improvements to be completed in a good and workmanlike manner, and (ii) to the extent required by applicable law, obtain the final inspections and approvals of all of the Site Improvements from all applicable governmental authorities.

Section 2. Reimbursement. Upon completion of the Site Improvements in accordance with the terms of Section 1 herein, Park Place shall provide City with copies of all invoices for the Site Improvements. Within thirty (30) days of receipt of such invoice copies, City shall reimburse Park Place for all costs and expenses incurred for construction and installation of the Site Improvements. The parties hereto acknowledge and agree that the cost estimates set forth on **Exhibit “C”** hereto are provided for informational purposes only, and shall not be considered as a cap or binding on the parties hereto, but are merely estimates of what the Site Improvements may ultimately cost, however, the cost of the Site Improvements may not exceed One Million Dollars (\$1,000,000.00) without the specific written approval of the City.

Section 3. Ownership. The site improvements will be and are the property of Park Place. Nothing in this agreement constitutes the City having an ownership in the site improvements. The City will be granted easement rights to drain stormwater into the Site Improvements. These easement rights shall be granted by appropriate documentation approved by both parties on or before the issuance of a Land Disturbance Permit.



Section 4. Maintenance. Park Place and its successors shall be responsible for the maintenance and repair the Site Improvements and all costs associated.

Section 5. Notices. Wherever any notice or other communication is required or permitted hereunder, such notice or other communication maybe given by counsel and shall be in writing and shall be delivered by hand, by nationally-recognized overnight express delivery service, by U. S. registered or certified mail, return receipt requested, postage prepaid, or by electronic transfer by email, to the addresses set out below or at such other addresses as are specified by written notice delivered in accordance herewith:

To Park Place: Highlands Residential Legal Notice  
RE: GA Gwinnett Lawrenceville Pike, LLC  
1777 Peachtree St  
Suite 200  
Atlanta, Georgia 30309  
Attn: David K. Loeffel  
Email address: [LegalNotice@HighlandsResidential.com](mailto:LegalNotice@HighlandsResidential.com)

With a copy to: Continuum Legal Group LLP  
5605 Glenridge Drive  
Suite 600  
Atlanta, Georgia 30342  
Attn: Marc D. Glenn, Esq.  
Email: [mglenn@ContinuumLG.com](mailto:mglenn@ContinuumLG.com)

To City: City of Lawrenceville  
70 South Clayton Street  
P.O. Box 2200  
Lawrenceville, GA 30046  
Attn: Jim Wright, City Engineer  
Email: [Jim.Wright@lawrencevillega.org](mailto:Jim.Wright@lawrencevillega.org)

With a copy to: Thompson, Sweeny, Kinsinger & Pereira, P.C.  
690 Longleaf Drive  
P.O. Drawer 1250  
Lawrenceville, GA 30046  
Attn: V. Lee Thompson, Jr. and Frank Hartley  
Email: [vlt@thompson-sweeny.com](mailto:vlt@thompson-sweeny.com) and  
[fh@thompson-sweeny.com](mailto:fh@thompson-sweeny.com)

Any notice or other communication mailed as hereinabove provided shall be deemed effectively given (a) on the date of delivery, if delivered by hand; (b) on the date mailed if sent by overnight express delivery or if sent by U.S. mail; or (c) on the date of transmission, if sent by email or electronic transfer device. Such notices shall be deemed received (a) on the date of delivery, if delivered by hand or overnight express delivery service; (b) on the date indicated on the return

receipt if mailed; or (c) on the date of transmission, if sent by email electronic transfer device. If any notice mailed is properly addressed but returned for any reason, such notice shall be deemed to be effective notice and to be given on the date of mailing. Upon at least five (5) business days' prior written notice, each party shall have the right to change its address to any other address within the United States of America.

Section 6. Relationship of Parties. Nothing contained in this Agreement shall be deemed or construed, either by the parties hereto or by any third party, to create the relationship of principal and agent or to create any partnership, joint venture or other association between the Parties.

Section 7. Costs and Attorneys' Fees. If any party brings or commences any legal action or proceeding to enforce any of the terms of this Agreement (or for damages by reason of an alleged breach of this Agreement), the prevailing party in such action shall be entitled to recovery of all costs and expenses of litigation, including reasonable attorneys' fees. Notwithstanding anything contained herein to the contrary, (i) "reasonable attorneys' fees" are not, and shall not be, statutory attorneys' fees under the Official Code of Georgia ("O.C.G.A."), (ii) if, under any circumstances either party is required hereunder to pay any or all of the other party's attorneys' fees and expenses, the party shall be responsible only for actual legal fees and out of pocket expenses actually incurred by the other party at customary hourly rates for the work done, and (iii) the party shall not be liable hereunder, under any circumstances, for additional attorneys' fees or expenses under O.C.G.A. Section 13-1-11.

Section 8. Exhibits Incorporated. Each exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.

Section 9. Counterparts. This Agreement may be signed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one instrument.

Section 10. Successors and Assigns. This Agreement shall be binding on the parties, their grantees, assignees, vendees, and successors. Neither party may assign any of its rights or delegate any of its duties under this Agreement to another entity.

Section 11. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

Section 12. Time of the Essence. Time shall be of the essence of this Agreement and each and every term and condition hereof.

*[SIGNATURES CONTAINED ON FOLLOWING PAGE]*

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

**PARK PLACE:**

Signed, sealed and delivered in the presence of:

W. Hunter Holby Jr  
Unofficial Witness

Patricia M. Harper  
Notary Public  
My Commission expires: January 28, 2023



**GA GWINNETT LAWRENCEVILLE PIKE, LLC**, a Georgia limited liability company

By: Highlands Residential LLC, a Georgia limited liability company, its sole manager

By: (Signature) (SEAL)  
David K. Loeffel, its sole manager

**CITY:**

Signed, sealed and delivered in the presence of:

May J. Bonnell  
Unofficial Witness

**CITY OF LAWRENCEVILLE, GEORGIA**, a Georgia municipal corporation

By: David R. Still  
David R. Still, Mayor

Paula Feil  
Notary Public  
My Commission expires: 8-24-2024



Attest: Karen Pierce  
Karen Pierce, City Clerk





**EXHIBIT "A"**

**Legal Description of the Property**

All that tract or parcel of land lying and being in Land Lot 146 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a nail set along the easterly right-of-way margin of McArthur Street (R/W Varies), said nail being shown as Point of Commencement for McArthur Tract "G" on that certain plat or boundary retracement survey of 77 East Pike Street for Highlands Residential, LLC by Gaskins, bearing the seal of Bryant G. Kachel (GA PLS #2700) dated June 6, 2019, last revised February 11, 2020, and having a Georgia State Plane Coordinate value of (N: 1439740.43', E: 2351815.40, NAD 83, Georgia West Zone); Said point being the POINT OF BEGINNING; Thence from the POINT OF BEGINNING as thus established and departing the said easterly right-of-way margin of McArthur Street, South 86 degrees 31 minutes 49 seconds West a distance of 20.02 feet to a nail set along the westerly right-of-way margin of McArthur Street (R/W Varies); Thence departing said westerly right-of-way margin of McArthur Street and following the northerly right-of-way margin of East Pike Street the following five courses and distances: South 84 degrees 53 minutes 15 seconds West a distance of 13.33 feet to a nail found; Thence South 41 degrees 17 minutes 05 seconds West a distance of 28.55 feet to a concrete right-of-way monument found; Thence South 84 degrees 53 minutes 15 seconds West a distance of 79.54 feet to a point; Thence along a curve to the right having an arc length of 26.02 feet and a radius of 1,676.51 feet and being subtended by a chord bearing South 84 degrees 28 minutes 21 seconds West a chord distance of 26.02 feet to a concrete right-of-way monument found; Thence North 73 degrees 20 minutes 23 seconds West a distance of 52.96 feet to a concrete right-of-way monument found at the intersection of said northerly right-of-way margin of East Pike Street and the easterly right-of-way margin of Buford Drive (R/W varies); Thence departing said northerly right-of-way margin of East Pike Street and following said apparent easterly right-of-way margin of Buford Drive the following seven courses and distances: North 42 degrees 28 minutes 12 seconds West a distance of 94.45 feet to a #4 rebar set; Thence North 10 degrees 16 minutes 59 seconds West a distance of 19.69 feet to a # 4 rebar set; Thence North 10 degrees 16 minutes 59 seconds West a distance of 45.83 feet to a point; Thence North 02 degrees 59 minutes 01 seconds West a distance of 51.28 feet to a point; Thence North 01 degrees 17 minutes 18 seconds West a distance of 134.56 feet to a concrete right-of-way monument; Thence North 01 degrees 32 minutes 53 seconds East a distance of 63.04 feet to a point; Thence North 01 degrees 15 minutes 31 seconds East a distance of 57.07 feet to a concrete right-of-way monument found at the southeasterly mitered right-of-way intersection of said easterly right-of-way margin of Buford Drive and the southerly right-of-way margin of Jarman Street (R/W varies); Thence departing the said easterly right-of-way margin of Buford Drive and following the mitered right-of-way of said Buford Drive and Jarman Street North 39 degrees 46 minutes 24 seconds East a distance of 15.60 feet to a concrete right-of-way monument found; Thence departing said mitered right-of-way of said Buford Drive and said Jarman Street and following the said southerly right-of-way margin of Jarman Street the following six courses and distances: North 80 degrees 08 minutes 23 seconds East a distance of 49.99 feet to a #4 rebar set; Thence North 80 degrees 14 minutes 46 seconds East a distance of 23.77 feet to a point; Thence North 01 degrees 13 minutes 08 seconds East a distance of 10.02 feet to a concrete right-of-way

monument found; Thence North 80 degrees 01 minutes 34 seconds East a distance of 75.66 feet to a point; Thence North 02 degrees 43 minutes 00 seconds West a distance of 7.26 feet to a #4 rebar set; Thence North 81 degrees 46 minutes 54 seconds East a distance of 80.50 feet to a nail set at the right-of-way intersection of the said southerly right-of-way margin of Jarman Street and the westerly right-of-way margin of McArthur Street (R/W varies); Thence departing said southerly right-of-way margin of Jarman Street and following the said westerly right-of-way margin of McArthur Street South 03 degrees 24 minutes 40 seconds East a distance of 46.14 feet; Thence departing said westerly right-of-way margin of McArthur Street South 88 degrees 41 minutes 09 seconds East a distance of 29.34 feet to a #4 rebar set on the easterly right-of-way margin of McArthur Street; Thence departing said easterly right-of-way margin of McArthur Street South 88 degrees 41 minutes 09 seconds East a distance of 175.98 feet to a #4 rebar set on the westerly right-of-way margin of CSX Railway (50' R/W) (f/k/a Seaboard Air Line Railway Co.); Thence following said westerly right-of-way margin of CSX Railway the following five courses and distances: South 22 degrees 47 minutes 10 seconds West a distance of 73.40 feet to a point; Thence South 22 degrees 47 minutes 10 seconds West a distance of 69.38 feet to a #4 rebar found; Thence South 22 degrees 47 minutes 08 seconds West a distance of 75.76 feet to a point; Thence along a curve to the left having an arc length of 56.74 feet and a radius of 1,379 feet and being subtended by a chord bearing South 19 degrees 24 minutes 51 seconds West a chord distance of 56.74 feet to a #4 rebar set; Thence along a curve to the left having an arc length of 221.20 feet and a radius of 1,379 feet and being subtended by a chord bearing South 13 degrees 38 minutes 24 seconds West a chord distance of 220.96 feet to a nail set along the northerly right-of-way margin of East Pike Street (R/W Varies); Thence departing the said westerly right-of-way margin of CSX Railroad and along the said northerly right-of-way margin of East Pike Street South 85 degrees 09 minutes 35 seconds West a distance of 1.00 foot to a nail set along the easterly right-of-way margin of McArthur Street (R/W Varies); Thence departing the said northerly right-of-way margin of East Pike Street and along the said easterly right-of-way margin of McArthur Street North 03 degrees 28 minutes 11 seconds West a distance of 32.49 feet to the POINT OF BEGINNING.

Said tract or parcel contains 3.81 acres (being 166,232 square feet).

**EXHIBIT "B"**

**Site Plan**

[See Attached]



Drawing name: K:\ALP\_P\104519000\_park\_place\_lawrenceville\CAD\plansheets\C3-00 - GRADING & DRAINAGE PLAN.dwg C3-50 DRAINAGE PLAN Aug 26, 2022 3:01pm by: Carl Elert

**NOTES:**  
 IF CMP PIPING IS TO BE USED ON PRIVATE PROPERTY FOR STORMWATER DRAINAGE PIPE, PIPES IS TO BE A MINIMUM 14 GAUGE ALUMINIZED STEEL TYPE 2.

- GRADING & DRAINAGE NOTES:**
1. SITE AREA: 3.82 ACRES  
DISTURBED AREA: 4.48 ACRES
  2. THE EXISTING CONDITIONS FOR THE SITE HAVE BEEN SURVEYED. HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS MGD 88.
  3. CRITICAL SPOT GRADES ARE TO FAVOR IN GRADE UNLESS OTHERWISE NOTED.
  4. CMP PIPING SHALL CONSTRUCT ALL SIDEWALKS AND CROSSINGS WITH A 5.0% MAXIMUM CROSS SLOPE AND A 5.0% MAXIMUM RUNNING SLOPE UNLESS NOTED AS A RAMP. GRADES WITH ADA HANDICAP PARKING AREAS NOT TO EXCEED A 2% MAXIMUM SLOPE IN ANY DIRECTION.
  5. ALL ROOF DRAIN PIPING SHALL BE PVC UNLESS OTHERWISE NOTED.
  6. ALL ROOF DRAIN CLEANOUTS IN PAVED AREAS SHALL HAVE A BRASS CAP SET FLUSH WITH THE PROPOSED GRADE.
  7. ALL PIPE LENGTHS SHOWN IN THESE PLANS ARE THE HORIZONTAL DISTANCE AND ARE SHOWN FOR REFERENCE ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE ACTUAL LENGTHS BASED ON PROPOSED PIPE SLOPE. PIPE LENGTHS IN PLANS ARE MEASURED FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE UNLESS OTHERWISE NOTED.
  8. THIS PROJECT DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DETERMINED BY THE FEMA "FLOOD HAZARD BOUNDARY MAP" COMMUNITY PANEL NUMBER 13132001M4 DATED 05/26/2004.
  9. UTILITIES MAY EXIST WHICH ARE NOT SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES HAVING UTILITIES WITHIN OR ADJACENT TO THE WORK AREA. THE CONTRACTOR SHALL HAVE THE UTILITIES FIELD LOCATED AND COORDINATE WITH THE UTILITY COMPANIES TO HAVE CONFLICTS RELOCATED WHEN NECESSARY OR ADAPTED FOR THEM.
  10. CONTRACTOR TO FIELD VERIFY EXISTING INVERT FOR SANITARY SEWER AND STORM DRAINAGE SERVICE CONNECTIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER OF DISCREPANCY PRIOR TO PROCEEDING.
  11. NO GRADED SLOPE SHALL EXCEED 2H:1V.
  12. ALL WALLS GREATER THAN 30" IN HEIGHT SHALL BE DESIGNED AND PERMITTED BY AN ENGINEER LICENSED IN THE STATE OF GEORGIA.
  13. ALL WALLS GREATER THAN 30" IN HEIGHT SHALL HAVE FALL PROTECTION THROUGH FENCING OR HANDRAIL AT A MINIMUM OF 42" TALL. REFERENCE LANDSCAPE PLANS FOR DETAILS.
  14. THE CITY OF LAWRENCEVILLE ASSUMES NO RESPONSIBILITY FOR FLOODING, EROSION, OR ANY OTHER STORMWATER-RELATED PROBLEMS THAT OCCUR BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, OR FOR THE MAINTENANCE, REPAIR, OR EXTENSION OF ANY STORM DRAIN LINES, STORM DRAIN STRUCTURES, SWALES, CHANNELS, DITCHES, OR NATURAL WATERCOURSES OUTSIDE OF THE CITY RIGHT-OF-WAY.
  15. DEVELOPER/CONTRACTOR IS TO CLEAN OUT ACCUMULATED SILT IN DETENTION FACILITY AT THE END OF CONSTRUCTION WHEN DISTURBED AREAS HAVE BEEN STABILIZED.
  16. THE ENGINEER WHO DESIGNED THE STORMWATER DETENTION FACILITY FOR THIS PROJECT SHALL PROVIDE A CERTIFICATION STATEMENT TO THE ENGINEERING DEPARTMENT PRIOR TO A CERTIFICATE OF COMPLETION BEING ISSUED CERTIFYING THAT THE FACILITY WAS BUILT IN ACCORDANCE WITH THE APPROVED PLANS AND HYDROLOGY STUDY.

**Kimley** Horn  
 PREPARED BY  
 11750 AMHERST PARK DRIVE, SUITE 600  
 ALPHARETTA, GA 30009  
 PHONE: (770) 914-2420  
 WWW.KIMLEYHORN.COM

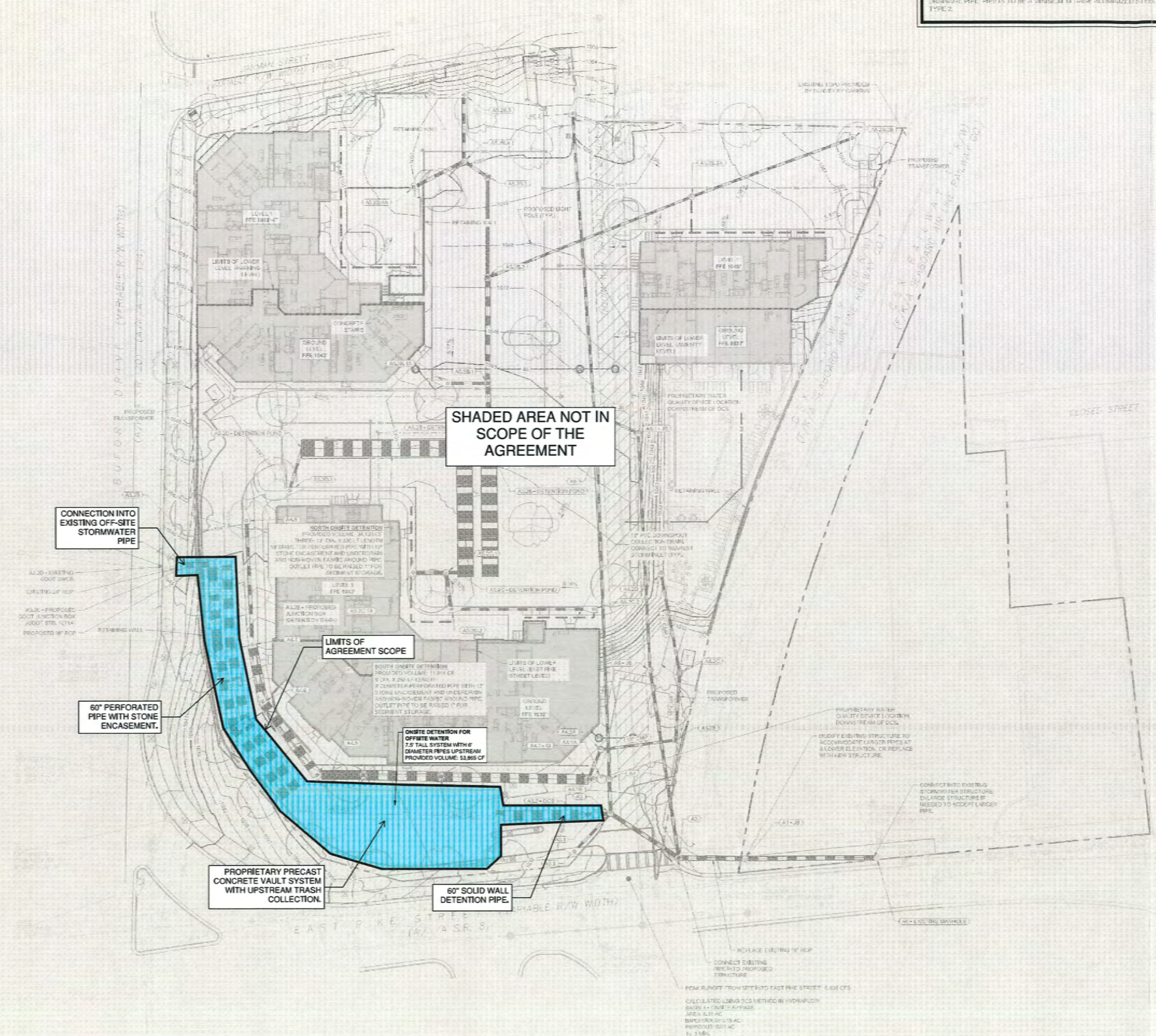
**HIGHLANDS RESIDENTIAL, LLC.**  
 1777 PEACHTREE STREET, ATLANTA, GA 30309  
 PHONE: 404-969-5367

NO.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

**PARK PLACE**  
 77 EAST PIKE STREET  
 LAWRENCEVILLE, GEORGIA 30046

**ISSUED FOR CONSTRUCTION**

GSWCC NO. (LEVEL #) 0000057727  
 DRAWN BY KHA  
 DESIGNED BY KHA  
 REVIEWED BY KHA  
 DATE 06/13/2022  
 PROJECT NO. 014519000  
 TITLE **DRAINAGE PLAN**  
 SHEET NUMBER **C3** Page 82



CONNECTION INTO EXISTING OFF-SITE STORMWATER PIPE

ALL 20" EXISTING GOOT SWCS  
 CRISTINE 24" RCP  
 ALL 18" PROPOSED GOOT JUNCTION BOX (GOOT STL. 1011A)  
 PROPOSED 18" RCP

60" PERFORATED PIPE WITH STONE ENCASEMENT.

LIMITS OF AGREEMENT SCOPE

ON-SITE DETENTION FOR OFF-SITE WATER 24" TALL SYSTEM WITH 6" DIAMETER PIPES UPSTREAM PROVIDED VOLUME: 53,865 CF

PROPRIETARY PRECAST CONCRETE VAULT SYSTEM WITH UPSTREAM TRASH COLLECTION.

60" SOLID WALL DETENTION PIPE.

SHADED AREA NOT IN SCOPE OF THE AGREEMENT

POW RAINFALL FROM SITE INTO EAST PIKE STREET: 6.58 CFS  
 CALCULATED USING SCS METHOD IN HYDRALIN  
 BASIN # 1: 0.87 CFS  
 AREA: 6.31 AC  
 IMPERVIOUS: 3.15 AC  
 PERVIOUS: 3.16 AC  
 I: 1.58"  
 O: 0.18"

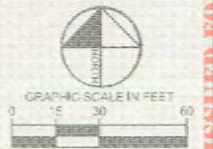
**GRADING LEGEND:**

—	EXISTING MAJOR CONTOUR
- - -	EXISTING MINOR CONTOUR
—	PROPOSED MAJOR CONTOUR
- - -	PROPOSED MINOR CONTOUR
▲	PROPOSED SPOT GRADE
○	PROPOSED TOP GRADE AT WALL
○	PROPOSED BOTTOM GRADE AT WALL
○	PROPOSED TOP OF STAIR GRADE
○	PROPOSED BOTTOM OF STAIR GRADE
○	PROPOSED HIGH POINT GRADE
○	PROPOSED LOW POINT GRADE
○	PROPOSED TOP OF CURB GRADE
○	PROPOSED BOTTOM OF CURB GRADE
→	DRAINAGE FLOW ARROW

**STORM DRAINAGE LEGEND:**

JB	JUNCTION BOX (GOOT 1011A)
CI	HOODED GRATE CURB INLET (GOOT 1019A, TYPE E)
CI	GRATE INLET (GOOT 1019A, TYPE A)
SWCB	SINGLE WING CATCH BASIN (GOOT 1033D)
DWCB	DOUBLE WING CATCH BASIN (GOOT 1034D)
YD	YARD DRAIN (NCS CATCH BASIN OR COMPARABLE)
CO	CLEAN OUT
WQ	WATER QUALITY DEVICE (CONTECH CDS4300-S-C)
DCS	OUTLET CONTROL STRUCTURE (CAST-IN-PLACE)
TD	TRENCH DRAIN
---	PROPOSED ROOF DRAIN PIPE

**GEORGIA811**  
 Know what's below. Call before you dig.





**EXHIBIT "C"**

**Site Improvements**

[See attached]

2300 Lakeside Parkway  
Suite 100  
Alpharetta, GA 30009  
tel 770-984-2337  
fax 770-984-2378



Friday, August 19, 2022

Highlands Residential, LLC  
Mr. Dave Loeffel  
3200 Windy Hill Road  
Suite 755  
Atlanta, GA 30339

Re: Off Site Water Detention System Cost

Dave,

Please see the breakdown below for the cost to install the underground water storage system for the offsite water that will be detained on your property. Please feel free to contact me should you have any further questions.

- \$548,000.00 - detention vault system
- detention piping – Piping for this system is included in the detention vault system
- \$17,600.00 - stone
- \$132,000.00 - excavation costs, backfill, compaction
- Testing – no testing is needed. A letter from manufacturer stating we installed properly is required.
- \$123,000.00 - weir or water control/filtration
- \$82,500.00 - 6" concrete slab

**Total - \$903,100.00**

Sincerely,

David S. Logan  
Senior Project Manager





# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: CITY COUNCIL WORK SESSION, SEPTEMBER 11, 2023

AGENDA CATEGORY: DISCUSSION OF GENERAL CITY BUSINESS

**Item:** Intergovernmental Agreement with Gwinnett County Water and Sewerage Authority for Implementation of the Sandalwood Water Improvement Project

**Department:** Engineering

**Date of Meeting:** Monday, September 11, 2023

**Fiscal Impact:** The actual costs of water improvements per the contact bid will be reimbursed to the City.

**Presented By:** Reginald Anderson, City Engineer

**Action Requested:** Approval of Intergovernmental Agreement with Gwinnett County Water and Sewerage Authority for Implementation of the Sandalwood Water Improvement Project. Authorization for Mayor to execute agreement subject to review and approval by the City Attorney.

**Summary:** Gwinnett County Water and Sewerage Authority has water facilities within the Sandalwood community that need replacement. The city also has several projects budgeted and currently under design. In order to expedite the delivery and efficiency for all improvements within Sandalwood, the City will include the water facility improvements within the scope of work of the entire project. The County will reimburse the City for the actual bid costs of the improvements.

**Background:** The Sandalwood community is a 22-acre development built in the mid-1970s. Besides water and sewer infrastructure, the city has electric facilities, gas facilities and is also served by City Sanitation services. There is also a 4-acre lake that over 230 acres drains to. A study has been completed to determine the regional stormwater effects of the lake and the improvements necessary for the benefit of the region. ARPA funding has been budgeted for these improvements.

**Attachments/Exhibits:** Agreement

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
GWINNETT COUNTY, GWINNETT COUNTY WATER AND SEWERAGE  
AUTHORITY AND THE CITY OF LAWRENCEVILLE FOR  
IMPLEMENTATION OF THE SANDALWOOD  
WATER IMPROVEMENT PROJECT**

STATE OF GEORGIA

CITY OF LAWRENCEVILLE

COUNTY OF GWINNETT

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into on the \_\_\_\_ day of \_\_\_\_\_, 2023, by and between GWINNETT COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its duly elected Board of Commissioners (hereinafter referred to as "Gwinnett County"), the GWINNETT COUNTY WATER & SEWERAGE AUTHORITY, a body corporate and politic and a political subdivision of the State of Georgia, acting by and through its duly appointed governing authority (hereinafter referred to as the "WSA"), and the CITY OF LAWRENCEVILLE, GEORGIA, a municipal corporation of the State of Georgia, acting by and through its duly elected Mayor and Council (hereinafter referred to as "Lawrenceville"). Gwinnett County and the WSA are collectively and sometimes individually referred to herein as "Gwinnett". Gwinnett County, the WSA and Lawrenceville may be referred to herein collectively as the "Parties" or individually as a "Party".

**RECITALS**

WHEREAS, Lawrenceville has a planned infrastructure improvement project within the Sandalwood Townhome Development (hereinafter the "City Sandalwood Improvements") located within the City limits of Lawrenceville; and

WHEREAS, the City Sandalwood Improvements involve rebuilding and paving streets, electrical and gas infrastructure improvements, lake and dam improvements, removal of the tennis courts, and other miscellaneous items; and

WHEREAS, Gwinnett County operates and maintains the water facilities and appurtenances owned by the WSA to provide water services to the public for compensation within Gwinnett County, including the municipal limits of the City of Lawrenceville; and

WHEREAS, Gwinnett desires to implement water infrastructure improvements within the Sandalwood Townhome Development (hereinafter the "Gwinnett Water Improvements"); and

WHEREAS, the Gwinnett Water Improvements involve replacing approximately 1,800 linear feet of existing 6-inch water mains with 8-inch water mains, constructing approximately 120 linear feet of new 8-inch water main to complete a looped system, and abandoning the existing 6-inch water main located through the adjacent dam; and

WHEREAS, incorporation of the Gwinnett Water Improvements into the City Sandalwood Improvements (hereinafter referred to as the "Combined Project"), the limits of which are outlined in Exhibit A attached hereto, will avoid future disruption to the area and minimize impacts to the citizens of the City and County; and

WHEREAS, the Parties desire to partner and work together in good faith for the implementation of the Combined Project.

**TERMS AND CONDITIONS**

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, terms, and agreements contained herein and for other good and valuable mutual consideration, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed by and among the Parties as follows:

**1. Recitals.**

The above Recitals are true, correct and form a material part of this Agreement.

**2. Term of Agreement and Termination.**

The term of this Agreement shall begin on the day and date hereinabove written and shall extend until all obligations of the Parties are met or for a period of fifty (50) years, whichever is sooner.

**3. Obligations of the City of Lawrenceville.**

- a) Except as provided in Paragraph 4(a), herein, in accordance with its rules and regulations, Lawrenceville shall design, bid, and award construction contract(s) to a contractor(s), and administer the contract(s) for the implementation of the Combined Project, including the Gwinnett Water Improvements.
- b) Lawrenceville shall ensure that the contractor performing the Gwinnett Water Improvements is on the current Gwinnett County pre-qualified contractors list for Small Water Mains.



- c) Lawrenceville shall ensure that the bid for construction of the Combined Project shall include a separate bid schedule for construction of the Gwinnett Water Improvements including the repaving of Mateo Walk.
- d) Lawrenceville shall obtain permanent easements for the future operation and maintenance of the Gwinnett Water Improvements and other existing water infrastructure in the Sandalwood Townhome Development. Lawrenceville shall donate the Gwinnett Water Improvements and associated easements to the WSA upon the construction contract(s) for the Combined Project being deemed complete.
- e) Except as provided in Paragraph 4(b), herein Lawrenceville shall be responsible for obtaining any permits required for the Combined Project.

**4. Obligations of Gwinnett County and the WSA.**

- a) Gwinnett County shall obtain the services of a professional engineer to design and prepare construction drawings and specifications for the Gwinnett Water Improvements for use by Lawrenceville.
- b) Gwinnett County shall obtain the permit for the Gwinnett Water Improvements for use by Lawrenceville.
- c) Gwinnett County reserves the right to review and to reject all bids for construction of the Gwinnett Water Improvements.
- d) Gwinnett County shall provide inspection services for the Gwinnett Water Improvements and shall approve the Gwinnett Water Improvements prior to the construction contract(s) for the Combined Project being deemed complete.
- e) Within 30 days of completion of the construction contract(s) for the Combined Project, Gwinnett County shall pay to Lawrenceville One Hundred Percent (100%) of the construction cost for the Gwinnett Water Improvements and appurtenances, including the repaving of Mateo Walk, as set out in the bid schedule created pursuant to Paragraph 3(c), above.
- f) Gwinnett County shall also be responsible for any Gwinnett requested change order(s) associated with the Gwinnett Water Improvements.
- g) The WSA shall accept ownership of the Gwinnett Water Improvements upon the construction contract(s) for the Combined Project being deemed complete.
- h) Gwinnett County shall be responsible for all operation, maintenance and repair of the Gwinnett Water Improvements owned by the WSA and constructed as part of the Combined Project once construction has been approved by Gwinnett.

**5. Reservation of Rights.**

Gwinnett reserves the right to utilize all real estate rights it receives from Lawrenceville in connection with the Combined Project for any and all purposes not inconsistent with the property rights herein obtained.

**6. Remedies.**

- a) In the event of a breach or attempted or threatened breach of the provisions of this instrument, the Parties agree that the remedies at law available to enforce this instrument are inadequate, and therefore, the provisions of this instrument may be enforced by a mandatory or prohibitory injunction or decree of specific performance upon the application of the Party which is enforcing the provision.
- b) The remedies herein are in addition to and not in lieu of any other remedies available under applicable law.

**7. Entire Agreement.**

This Agreement constitutes the entire agreement between Lawrenceville and Gwinnett County and the WSA with respect to the subject matter hereof and supersedes all prior agreements, understandings, discussions, negotiations, and undertakings, whether written or oral, and there are no inducements, representations, warranties, or understandings that do not appear within the terms and provisions of this Agreement.

**8. Severability.**

It is understood and agreed by and between the Parties that if any condition or provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other such condition or provision herein contained, provided, however, that invalidity of any such condition or provision does not materially prejudice either Gwinnett County, the WSA or Lawrenceville with respect to its respective rights and obligations contained in the remaining valid conditions or provisions of this Agreement.

**9. Successors and Assigns.**

The provisions of this Agreement shall bind and inure to the benefit of the Parties and their respective representatives, successors, and permitted assigns.

**10. Evidence.**

The Parties agree that if Gwinnett County or the WSA is sued in subsequent litigation concerning the Combined Project, including, but not limited to, the acquisition of easements or other property interests or the construction of any of the subject facilities and appurtenances, this Agreement may be introduced into evidence.

**11. Attorneys' Fees.**

Each Party shall bear its own costs, expenses and claims to attorneys' fees incurred or arising out of this Agreement or the Combined Project.

**12. Controlling Law, Venue.**

This Agreement was made and shall be performed in Gwinnett County, Georgia, and shall be construed and interpreted under the laws of the State of Georgia. Venue to enforce this Agreement shall be solely in the Superior Court of Gwinnett County, Georgia, and all defenses to venue are waived.

**13. Further Assurances.**

The Parties will sign any additional papers, documents and other assurances, and take all acts that are reasonably necessary to carry out the intent of this Agreement.

**14. Construction.**

This Agreement has been jointly negotiated and drafted. This Agreement shall be construed as a whole according to its fair meaning. The language of this Agreement shall not be constructed for or against any Party.

**15. Legal Advice.**

In entering into this Agreement, the Parties acknowledge that their legal rights are affected by this Agreement and that they have sought and obtained the legal advice of their attorneys. Each Party has made such an investigation of the law and the facts pertaining to this Agreement and of all other matter pertaining thereto as it or they deem necessary. They further represent that the terms of this Agreement have been completely read by them and that all terms are fully understood and voluntarily accepted by them.

**16. Amendment of Agreement.**

Only a writing signed by each of the Parties may modify this Agreement.

**17. Authority.**

The signature of a representative of any Party to this Agreement is a warranty that the representative has authority to sign this Agreement and to bind any and all principals to the terms and conditions hereof.

**18. Headings.**

The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the terms and conditions contained herein or the rights granted hereby.



**19. Time.**

Time is of the essence with respect to all duties and obligations set forth in this Agreement.

**20. Notice.**

- (a) Any notice, request, direction, consent, approval, or other communication required or permitted under this Agreement must be in writing and provided to Lawrenceville at its address set forth below:

City of Lawrenceville  
 City Manager  
 PO Box 2200  
 70 South Clayton Street  
 Lawrenceville, Georgia 30046  
 (678) 407-6389

- (b) Any notice, request, direction, consent, approval, or other communication required or permitted under this Agreement must be in writing and provided to Gwinnett County at its address set forth below:

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

With a copy to:

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

- (c) Any notice, request, direction, consent, approval, or other communication required or permitted under this Agreement must be in writing and provided to the WSA at its address set forth below:

Chairman  
 Gwinnett County Water and Sewerage Authority  
 684 Winder Highway  
 Lawrenceville, Georgia 30045

With a copy to:

Director  
 Department of Water Resources  
 684 Winder Highway

Lawrenceville, Georgia 30045

- (d) Notice via email is acceptable only as an additional method of notice to either regular or certified mail, statutory overnight mail, or hand-delivery.

IN WITNESS WHEREOF, the parties hereto, acting by and through their duly authorized officials, have caused this Agreement to be executed in two counterparts, each to be considered as an original, by their authorized representative the day and date herein above written.

CITY OF LAWRENCEVILLE, GEORGIA

By: \_\_\_\_\_  
David Still, Mayor

Signed, sealed and delivered in the presence of:

ATTEST:

\_\_\_\_\_  
Unofficial witness

\_\_\_\_\_  
City Clerk

(City Seal)



Signed, sealed and delivered in the presence of:

GWINNETT COUNTY, GEORGIA

\_\_\_\_\_  
Unofficial witness

\_\_\_\_\_  
Nicole L. Hendrickson  
CHAIRWOMAN  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Notary Public

ATTEST:

[Notarial seal]

\_\_\_\_\_  
County Clerk

Approved as to Form:

(County Seal)

\_\_\_\_\_  
Senior Assistant County Attorney

GWINNETT COUNTY WATER &  
SEWERAGE AUTHORITY

By: \_\_\_\_\_  
\_\_\_\_\_ Printed  
Name: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Secretary

Signed, sealed and delivered in the  
presence of:

NOTARY:

\_\_\_\_\_  
Unofficial witness

\_\_\_\_\_  
[Notarial seal]

Approved as to Form:

\_\_\_\_\_  
Attorney



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 11, 2023

AGENDA CATEGORY: GENERAL DISCUSSION ITEM

- Item:** Right-of-Way Maintenance Services on an Annual Contract
- Department:** Electric
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** \$390,078.80
- Presented By:** Huston Gillis, Electric Director
- Action Requested:** Award Right-of-Way Maintenance Services on an Annual Contract to low overall bidder, CLCI Services, LLC in the amount of \$390,078.80. Authorization for Mayor to execute contracts subject to approval by the City Attorney. Contracts to follow award.

**Summary:** This contract will provide tree trimming, bush hogging, and herbicide spraying services to prevent damage to the City’s electrical power lines. This service is continually done on a weekly basis. The award is based on the low bidder that submitted for all services.

**Fiscal Impact:** Amount of \$390,078.80. This contract is funded by the Electric Operating Fund (5104610.523850).

**Attachments/Exhibits:**  
Bid Tabulation



SB002-24  
 Right-of-Way Maintenance Services on an Annual Contract  
 Electric Department

				AKA Tree Service, LLC		ArborForce Tree Services, LLC.		Boutte Tree		Buford's Tree, LLC		CLCI Services, 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	Tree trimming hourly rate	2,000	EA	\$320.00	\$640,000.00	\$400.00	\$800,000.00	\$365.00	\$730,000.00	\$180.50	\$361,000.00	\$153.50	\$307,000.00
2	Tree trimming emergency hourly rate	10	EA	\$900.00	\$9,000.00	\$500.00	\$5,000.00	\$450.00	\$4,500.00	\$222.55	\$2,225.50	\$218.88	\$2,188.80
3	Bush Hogging hourly rate	300	EA	\$165.00	\$49,500.00	\$285.00	\$85,500.00	\$300.00	\$90,000.00	\$94.05	\$28,215.00	\$103.50	\$31,050.00
4	Herbicide Spraying hourly rate	400	EA	\$220.00	\$88,000.00	\$265.00	\$106,000.00	\$250.00	\$100,000.00	\$55.86	\$22,344.00	\$120.85	\$48,340.00
5	Arborist hourly rate	10	EA	\$300.00	\$3,000.00	\$115.00	\$1,150.00	\$110.00	\$1,100.00	\$63.72	\$637.20	\$150.00	\$1,500.00
<b>TOTAL</b>				\$789,500.00		\$997,650.00		\$925,600.00		\$414,421.70		\$390,078.80	
Will vendor hold pricing firm? Renewal Option 1				0%		0%		0%		CPI		0%	
Will vendor hold pricing firm? Renewal Option 2				0%		0%		0%		CPI		0%	
Will vendor hold pricing firm? Renewal Option 3				3% Increase		5% Increase		0%		CPI		0%	
Will vendor hold pricing firm? Renewal Option 4				3% Increase		0%		0%		CPI		0%	

				W.A. Kendall & Company, Inc.		Mariani Enterprises, LLC d/b/a Ed Castro Landscape		W.E. Hicks d/b/a Trees Unlimited		Wright Tree Service, Inc.	
ITEM #	DESCRIPTION	APPROX. QTY		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Tree trimming hourly rate	2,000	EA	\$170.28	\$340,560.00	\$385.00	\$770,000.00	\$135.00	\$270,000.00	\$179.04	\$358,080.00
2	Tree trimming emergency hourly rate	10	EA	\$170.28	\$1,702.80	\$835.00	\$8,350.00	\$202.50	\$2,025.00	\$221.27	\$2,212.70
3	Bush Hogging hourly rate	300	EA	\$141.49	\$42,447.00	\$135.00	\$40,500.00	N/B	\$0.00	\$133.41	\$40,023.00
4	Herbicide Spraying hourly rate	400	EA	\$56.02	\$22,408.00	\$150.00	\$60,000.00	\$138.00	\$55,200.00	\$104.89	\$41,956.00
5	Arborist hourly rate	10	EA	\$65.00	\$650.00	\$175.00	\$1,750.00	\$160.00	\$1,600.00	\$64.83	\$648.30
<b>TOTAL</b>				\$407,767.80		\$880,600.00		\$328,825.00		\$442,920.00	
Will vendor hold pricing firm? Renewal Option 1				CPI		3% Increase		1% Increase		3% Increase	
Will vendor hold pricing firm? Renewal Option 2				CPI		3% Increase		1% Increase		3% Increase	
Will vendor hold pricing firm? Renewal Option 3				CPI		3% Increase		1% Increase		3% Increase	
Will vendor hold pricing firm? Renewal Option 4				CPI		3% Increase		1% Increase		3% Increase	

**Recommended Vendor:**  
 CLCI Services, LLC  
 1247 Patterson Plant Road  
 Enoree, SC 29335  
[geoff@clcservice.com](mailto:geoff@clcservice.com)



# LAWRENCEVILLE

## GEORGIA

AGENDA REPORT  
MEETING: CITY COUNCIL WORK SESSION  
AGENDA CATEGORY: NEW BUSINESS

- Item:** Tax Allocation District Intergovernmental Agreement Modification
- Department:** Community & Economic Development
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** \$0
- Presented By:** Jasmine Billings, Director – Community & Economic Development
- Action Requested:** Approval of Tax Allocation District Intergovernmental Agreement Modification

**Summary:** The Tax Allocation District Intergovernmental Agreement with Gwinnett County Board of Commissioners is a partnership aimed at revitalizing a specific area within our municipality. It allocates a portion of property tax revenue to fund redevelopment projects, infrastructure improvements, and economic growth. The agreement outlines roles, responsibilities, and a transparent process for community input. This collaboration will drive positive change while complying with all legal requirements. The City of Lawrenceville entered into an agreement with Gwinnett County Board of Commissioners in 2015 and the modification will allow for continued discussions that include a Tax Allocation District Advisory Committee, triennial milestone meetings, and project redevelopment.

**Attachments:**  
Lawrenceville TAD IGA Modification  
2015 TAD IGA

GCID2015-0499

**INTERGOVERNMENTAL AGREEMENT**

**This INTERGOVERNMENTAL AGREEMENT ("Agreement"), is made and entered into as of this 26<sup>th</sup> day of May, 2015 (the "Effective Date") by and between the CITY OF LAWRENCEVILLE, GEORGIA, a municipal corporation of the State of Georgia (the "City") and the GWINNETT COUNTY BOARD OF COMMISSIONERS, the duly elected governing authority of a political subdivision of the State of Georgia (the "County").**

**W I T N E S S E T H:**

In consideration of the respective representations and agreements hereinafter contained and in furtherance of the mutual public purposes hereby sought to be achieved, the City and the County do hereby agree as follows:

**ARTICLE 1**

**DEFINITIONS**

In addition to the words and terms defined elsewhere herein, the following words and terms shall have the meanings specified below, unless the context or use indicates another or different meaning or intent:

1.1 **"Agreement" or "Intergovernmental Agreement"** means this Intergovernmental Agreement, dated as of the Effective Date, between the City and the County.

1.2 **"Approved Projects"** means, collectively, the Projects recommended to the City for TAD financing by the City's Redevelopment Agency to be undertaken within the City of Lawrenceville TAD #1: Commercial Corridors TAD, by the City and/or by the owners or developers of the subject property to achieve the goals and objectives of the Redevelopment Plan.

1.3 **"Bond Indenture"** means, collectively and each respectively, each Trust Indenture, Bond Resolution, Bond Ordinance, Loan Agreement, Financing Agreement or other document pursuant to which one or more series of TAD financing is issued.

1.4 **"City"** means the City of Lawrenceville, Georgia, a municipal corporation of the State of Georgia.

1.5 **"City Resolution"** means those specific Resolutions adopted by the Lawrenceville City Council on October 6, 2014 and December 17, 2014 approving and amending the City of Lawrenceville Tax Allocation District Number 1: Commercial Corridors TAD Redevelopment Plan and establishing the Tax Allocation Increment Base and the boundaries of Lawrenceville Tax Allocation District Number One – Commercial Corridors TAD.

1.6 **"Commencement of Construction of Significant Projects"** means that one or more building permits shall have been issued for and construction or renovation shall have commenced on, one or more significant structural components of one or more of the Approved Projects in the Redevelopment Plan, which construction constitutes at least 5% of the total project cost and which are anticipated to generate Tax Allocation Increments as estimated in the Redevelopment Plan.



1.7 **"County"** means Gwinnett County, Georgia, a political subdivision of the State of Georgia.

1.8 **"County Resolution"** means that certain resolution adopted by the Board of Commissioners of the County on May 26, 2015, inter alia, consenting to the inclusion of certain County ad valorem taxes in computation of the Tax Allocation Increment with respect to the TAD subject to the terms and conditions set forth therein and herein, authorizing the execution, delivery and performance of this Agreement, and other related matters.

1.9 **"County Tax Allocation Increment"** means that portion of the Tax Allocation Increment, computed in accordance with O.C.G.A. §36-44-3(14) in each calendar year, attributable to the County's portion of the ad valorem taxes for such calendar year. The total millage rate used for computation of future County Tax Allocation Increments shall be calculated as the sum of the "General Fund," "Fire and EMS," and "Recreation" millage charged within the City limits of Lawrenceville.

1.10 **"Initial Financing Period"** means up to a 25-year period from the Effective Date.

1.11 **"Lawrenceville Commercial Corridors TAD" or "TAD"** means that certain tax allocation district (as defined in O.C.G.A. §36-44-3(13)) created by the City pursuant to the City Resolution, and designated as the "City of Lawrenceville TAD #1: Commercial Corridors TAD," as more fully identified in the applicable Redevelopment Plan with respect thereto approved by the City.

1.12 **"Projects"** means those capital improvements (including related professional services costs) undertaken to achieve the goals and objectives of the Redevelopment Plan, as may be presented to the City's TAD Advisory Committee for consideration for TAD Financing, as required by Section 3.8.

1.13 **"Redevelopment Agency"** means the City Council which is the redevelopment agency for the TAD designated by the City of Lawrenceville in accordance with the Redevelopment Powers Law.

1.14 **"Redevelopment Area"** means that certain area located within the geographic limits of the City and within the County created and established as a redevelopment area (as defined in O.C.G.A. §36-44-3(7)) by the City in the City Resolution and designated as the "City of Lawrenceville TAD #1: Commercial Corridors TAD," as more fully described in the City Resolution and the Redevelopment Plan.

1.15 **"Redevelopment Plan"** means the written plan of redevelopment for the Redevelopment Area (as defined in O.C.G.A. §36-44-3(9)) approved by the City in the City Resolution, designated as the "Commercial Corridors TAD Redevelopment Plan," as amended and containing the Lawrenceville Commercial Corridors TAD.

1.16 **"Redevelopment Powers Law"** means Chapter 44 of Title 36 of the Official Code of Georgia Annotated, as amended from time to time.

1.16 "Redevelopment Powers Law" means Chapter 44 of Title 36 of the Official Code of Georgia Annotated, as amended from time to time.

1.17 "Special Fund" means the special fund with respect to the Lawrenceville Commercial Corridors TAD created pursuant to O.C.G.A. §36-44-11(c).

1.18 "Tax Allocation Increment" means the amount of positive tax allocation increment with respect to real property accrued in each calendar year within the Lawrenceville Commercial Corridors TAD as defined in O.C.G.A. §36-44-3(14).

1.19 "TAD Financing" means TAD Bonds issued by the City in accordance with O.C.G.A. §36-44-3(12), funds borrowed from financial institutions in accordance with O.C.G.A. §36-44-16 or revenue bonds issued by the City pursuant to O.C.G.A. §36-44-13(3) with respect to the Lawrenceville Commercial Corridors TAD , that the City may issue or borrow as necessary to implement the provisions of the Redevelopment Plan, as provided in the City Resolution, which may include one or more series of bonds, notes or other obligations and which may be issued at one or more times.

1.20 "Term" means the term of this Agreement as prescribed in Section 3.1 hereof.

1.21 "TAD Advisory Committee" means a committee established by the City of Lawrenceville and Gwinnett County to review and make recommendations to the Lawrenceville City Council regarding future applications of Tax Allocation Increments and/or TAD Financing for Lawrenceville Commercial Corridors TAD .

**ARTICLE 2**

**REPRESENTATIONS**

2.1 Representations of the City. The City makes the following representations as the basis for the undertakings on its part herein contained:

2.1.1 The City created the Urban Redevelopment Plan on August 1, 2011 and on October 6, 2014 created Lawrenceville TAD #1: Commercial Corridors TAD which was amended on December 17, 2014, pursuant to its redevelopment powers as authorized by the Redevelopment Powers Law and the City Resolution. The City duly adopted the Redevelopment Plan pursuant to the Redevelopment Powers Law and the City Resolution.

2.1.2 The City has made certain findings with respect to the Redevelopment Plan in accordance with the Redevelopment Powers Law, including, without limitation, that: (i) the Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the Redevelopment Plan, and (ii) the improvement of the Redevelopment Area is likely to enhance the value of a substantial portion of the real property in the Commercial Corridors TAD #1.

2.1.3 The City intends to authorize the issuance of TAD Bonds or other means of TAD financing as may be necessary to implement provisions of the Redevelopment Plan.

2.1.4 The City is permitted by ARTICLE IX, SECTION III, PARAGRAPH I of the Georgia Constitution to contract for any period not exceeding fifty (50) years with the County for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided such contracts deal with activities, services or facilities the contracting parties are authorized by law to undertake or provide.

2.1.5 The City has the power to enter into this Agreement and perform all obligations contained herein, and by proper action has duly authorized the execution, delivery and performance of this Agreement. This Agreement is a valid and binding legal obligation of the City, enforceable against the City in accordance with its terms.

2.1.6 The City agrees to adopt Tax Allocation District Policies and Guidelines consistent with Gwinnett County's Tax Allocation District general policies, guidelines, methods of financing, and maximum term as well as Gwinnett County's Debt Management Policy related to TAD bonds. The City of Lawrenceville further agrees to utilize an application for TAD financing that is consistent and contains the same information as the "Gwinnett County Application for TAD Financing."

2.2 **Representations of the County.** The County makes the following representations as the basis for the undertakings on its part herein contained:

2.2.1 The County is permitted by ARTICLE IX, SECTION III, PARAGRAPH I of the Georgia Constitution to contract for any period not exceeding fifty (50) years with the City for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided such contracts deal with activities, services or facilities the contracting parties are authorized by law to undertake or provide.

2.2.2 The County has the power to enter into this Agreement and perform all obligations contained in this Agreement, and by proper action has duly authorized the execution, delivery and performance of this Agreement, including, the pledge of certain ad valorem property taxes levied by the County on taxable real property within the Lawrenceville Commercial Corridors TAD in the computation of the Tax Allocation Increments for the purposes set forth in the Redevelopment Plan, pursuant to O.C.G.A. §36-44-9(c).

2.2.3 The County has established certain objectives and promulgated relevant policies for establishing Tax Allocation Districts within unincorporated areas of the County.

2.2.4 The County has determined that the judicious consent to the use of certain Tax Allocation Increment within the Lawrenceville Commercial Corridors TAD in furtherance of the Redevelopment Plan is an effective means of assisting with the redevelopment of an economically-challenged area. Such redevelopment will benefit the residents and businesses of Gwinnett County through ameliorating deteriorating



areas, expanding the local tax base, and restoring targeted and sustainable growth within the Redevelopment Area.

2.2.5 This Agreement is a valid and binding legal obligation of the County, enforceable against the County in accordance with its terms.

**ARTICLE 3**

**COUNTY TAX ALLOCATION INCREMENT**

3.1 **Term of the Agreement.** The term of this Agreement (the "Term") shall commence on the Effective Date, and this Agreement shall remain in full force and effect until: (i) all TAD Financing and eligible Redevelopment Costs have been paid in full; (ii) the Lawrenceville Commercial Corridors TAD has been terminated by Resolution for other reasons; or (iii) twenty-five years have elapsed from the Effective Date, whichever first occurs.

3.2 **Certification of Tax Allocation Increment Base.** The City and the County hereby agree that the Tax Allocation Increment Base for the Commercial Corridors TAD #1, which was certified by the State Revenue Commissioner as of December 31, 2014, is the taxable value of all real property subject to ad valorem property taxation located within the TAD, net of all exemptions and exclusions provided by law, in accordance with O.C.G.A 36-44-10.

3.3 **Inclusion of Ad Valorem Property Taxes in Computation of Tax Allocation Increment for Commercial Corridors TAD #1.**

3.3.1 Pursuant to the County Resolution, the County hereby consents and agrees to the inclusion of County ad valorem taxes on real property within the TAD in the computation of the Tax Allocation Increment for the TAD in accordance with the Redevelopment Powers Law, effective as of December 31, 2014. The total millage rate used for computation of future County Tax Allocation Increments shall be calculated as the sum of the "General Fund," "Fire and EMS," and "Recreation" millage charged within the City limits of Lawrenceville.

3.3.2 Commencing in 2015, the County authorizes the Gwinnett County Tax Commissioner to remit to the City each year during the term of this Agreement, in accordance with the Redevelopment Powers Law, the County Tax Allocation Increment for the TAD for such year within sixty (60) days after the due date for all ad valorem taxes paid by the due date and within sixty (60) days after the end of the year adjustment of the Annual Tax Allocation District Certification as to all such taxes paid after the due date therefore.

3.3.3 During the Initial Financing Period, the County Tax Allocation Increment may be included in TAD Financing of Approved Projects, subject to the terms of this Agreement.

3.3.4 After the Initial Financing Period, a resolution of the County shall be required to authorize the pledge of the County Tax Allocation Increment for additional TAD

Financing. Notwithstanding any decision by the County not to pledge the County Tax Allocation Increment beyond the Initial Financing Period, nothing in this Agreement shall obviate or diminish the pledge of the County Tax Allocation Increment toward the repayment of any TAD Financing then outstanding; any pledge of the County Tax Allocation Increment therefore shall remain pledged until such TAD Financing is completely satisfied.

3.3.5 The term of any or each TAD Financing for which the County Tax Allocation Increment is to be pledged shall mature at such time or times not more than 25 years from their respective issuance dates.

3.3.6 Upon the retirement of all outstanding TAD Financing, any funds derived from the County Tax Allocation Increment remaining in the TAD Special Fund after all redevelopment costs have been paid or otherwise satisfied shall be paid to the County within 60 days after the end of the calendar year in the same manner and in the same proportion as the most recent distribution by the County, in accordance with the Redevelopment Powers Law.

3.4 **Issuance of TAD Bonds or other TAD Financing.**

3.4.1 The aggregate principal amount of any and all TAD Financing issued by the City with respect to the TAD shall be determined on the basis of the judgment of qualified professionals as to the projected estimate of the Tax Allocation Increment.

3.4.2 The Commencement of Construction of Significant Projects shall have occurred by no later than December 31, 2021.

3.4.3 In the event the deadline set forth in subsection 3.4.2 is not met, the consent of the County to the inclusion of its ad valorem taxes on real property within the TAD in the computation of the Tax Allocation Increment for the TAD shall automatically terminate as of December 31, 2021, unless the County waives this deadline by Resolution. If the County's consent so terminates, the County's portion of Tax Allocation Increment accumulated and remaining in the Special Fund through such termination date shall be returned to the County by the City within forty-five (45) days after the termination date.

3.5 **Reporting.** Commencing at the beginning of calendar year 2015 and each of the City's fiscal year thereafter, the City will provide to the County, within sixty (60) days after the end of each such fiscal year, a comprehensive annual report and audit regarding the amount of positive Tax Allocation Increment deposited in the TAD Special Fund, the uses of such funds, and the status of all development undertaken within the TAD.

3.6 **Use of County Tax Allocation Increment.** The County Tax Allocation Increment may be used for the following purposes:

3.6.1 Capital costs, including costs incurred for land clearing and grading, real property acquisition (provided said property is acquired for public use), demolition of existing structures, environmental remediation, construction of parking structures and water, sewer, storm water, or communications infrastructure; intersection, transit,

~~transportation and roadway improvements and conference or civic meeting facilities.~~ Capital costs for which the County's increment may be used include infrastructure improvements that are interior to the project site and assist the overall development area. Any additional categories of expenditures for capital costs must be approved by Resolution of the Board of Commissioners.

3.6.2 TAD Financing costs, as authorized by O.C.G.A. §36-44-3(8); and

3.6.3 Professional service costs, imputed administrative costs and organizational costs, as authorized by O.C.G.A. §36-44-3(8).

3.6.4 The County Tax Allocation Increment may not be used or pledged to pay for or reimburse the costs of real property assembly associated with private development on private property.

3.7 Periodic Review. Commencing on January 1, 2022, and continuing every three (3) years thereafter, the City and the County agree to cooperatively review the report to determine whether the goals and incremental milestones of the Commercial Corridors TAD #1 as stated in the Redevelopment Plan have been achieved during the previous 3-year period and whether there has been sufficient Tax Allocation Increments generated and deposited into the Special Fund to pay all debt service payments when due on TAD financing, to satisfy all other terms of the Bond Indenture, and meet any other obligations related to TAD financing.

### 3.8 TAD Project Approval Process.

3.8.1 The City agrees to jointly create with Gwinnett County a five-member TAD Advisory Committee, which will review all Projects involving the expenditure of Tax Allocation Increments, and/or all issuances of TAD financing, prior to their consideration for approval by the City Council. Such TAD Advisory Committee shall include three members representing Gwinnett County to include the Chair of the Gwinnett County Board of Commissioners or that official's designee, the Gwinnett County Director of Planning & Development or that official's designee, and the Economic Development Division Director or that official's designee as voting members of such Committee, with the same powers and voting rights as all other members of said Committee. In the event that such Advisory Committee contains more than five members, Gwinnett County shall have the right to appoint representatives in the same proportion of representation as it has on the five member advisory committee.

3.8.2 Prior to the issuance of TAD financing for any Project, in whole or in part, with County Tax Allocation Increment, such Project will be reviewed by the TAD Advisory Committee for feasibility and consistency with the objectives of the Redevelopment Plan. Information to be evaluated by the Redevelopment Agency for each proposed Project shall include but is not limited to, experience of the development team, proposed capital improvements to the site, analysis of non-TAD financing commitments or equity in the Project, and Tax Allocation Increment projected to be generated by such Project. Any Project recommended for TAD



financing to the City Council first must receive a favorable vote by a simple majority of the TAD Advisory Committee, at which time it will become an Approved Project.

3.8.3 Any proposed amendments to the Redevelopment Plan to materially increase redevelopment costs or materially amend the nature and scope of redevelopment for Commercial Corridors TAD #1 shall be recommended to the City only by majority vote of the TAD Advisory Committee, and by approval of the County Administrator. Any proposed amendments to the Redevelopment Plan to expand the boundaries of the Redevelopment area for which the County Tax Allocation Increment is requested to be pledged must be approved by Resolution of the City Council and by Resolution of the Board of Commissioners.

3.9 **TAD Project Financing Limit.** Unless otherwise authorized by the County in writing, no privately developed Project shall receive benefit of the County Tax Allocation Increment from either the TAD Special Fund or from the proceeds of TAD Financing in an amount which exceeds 15% of the total project value. Public facilities in support of the redevelopment plan which are linked to a major private investment are excluded from this limitation.

3.10 **Payment in Lieu of Taxes.** Commencing with remittance of the 2015 County Tax Allocation Increment, if any, the City agrees to make an annual payment in lieu of taxes ("PILOT") to the County, as authorized by O.C.G.A. §36-44-3(8)(G), in an amount which equals the incremental portion of the County Tax Allocation Increment, if any, which accrues from the tax levy for Parks and Recreation collected within the TAD. This payment shall be made by the City to the County within 60 days after the end of the calendar year.

3.11 **Future Request to Include School Increment.** The parties specifically acknowledge that that the City may request the consent of the Gwinnett County Board of Education for the inclusion of certain ad valorem taxes levied for educational purposes on real property within the boundaries of the TAD in the computation of the Tax Allocation Increment for the purposes of paying redevelopment costs. If such request is made, the City shall provide the Gwinnett County Tax Commissioner with the appropriate information.

3.12 **Special Conditions, Stipulations or Requirements.** The City shall promptly notify the County in writing of any special conditions, stipulations or requirements imposed at any time or from time to time hereafter by any other taxing authority with respect to the Tax Allocation Increment and the TAD. If so elected by the County, the County shall be entitled to the benefit of any special conditions, stipulations or requirements imposed with respect to the Tax Allocation Increment and the TAD. The parties hereto hereby agree that this Agreement shall be amended or supplemented to provide for such special financial conditions, stipulations or requirements imposed hereafter if so elected by the County, and the City hereby agrees to enter into any such amendment or supplement to this Agreement required as aforesaid.

3.13 **City's Indemnification of County.** To the extent allowed by law, the City hereby agrees to defend and hold harmless the County and its Commissioners, officials, employees, agents and representatives from and against any and all claims, losses, damages, costs or expenses arising from or in connection with any actions, claims, suits or challenges of any kind related to the exercise, use, implementation or performance by the City or its Redevelopment Agency of the City's rights, powers or authority under the Redevelopment Powers Law or the actions of the City or its Redevelopment Agency under this Agreement.

3.14 Limitation of Obligations. The County shall have no financial obligation as a result of the redevelopment and improvement of the TAD or the Redevelopment Area other than the inclusion of certain County ad valorem taxes in the computation of the Tax Allocation Increment of the TAD as provided herein. TAD Bonds shall not constitute an indebtedness of or a charge against the general taxing power of the County.

**ARTICLE 4**

4.1 Governing Law. This Agreement and the rights and obligations of the parties hereto shall be governed, construed, and interpreted according to the laws of the State of Georgia.

4.2 Entire Agreement. This Agreement expresses the entire understanding and all agreements between the parties hereto with respect to the matters set forth herein.

4.3 Survival of Warranties. All agreements, covenants, certifications, representations, and warranties of the parties hereunder, or made in writing by or on behalf of them in connection with the transactions contemplated hereby shall survive the execution and delivery hereof, regardless of any investigation or other action taken by any person relying thereon.

4.4 Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

4.5 Amendments in Writing. This Agreement may be amended, supplemented or otherwise modified solely by a document in writing duly executed and delivered by the County and the City. No waiver, release, or similar modification of this Agreement shall be established by conduct, custom, or course of dealing, but solely by a document in writing duly executed and delivered by a duly authorized official of the County.

4.6 Notices. Except as otherwise specifically provided herein, any notices, demands, approvals, consents, requests, and other communications hereunder shall be in writing and shall be deemed given when the writing is delivered in person, or one business day after being sent by reputable overnight registered delivery service, charges prepaid, or three business days after being mailed, if mailed, by certified mail, return receipt requested, postage prepaid, to the City and the County at the addresses shown below or at such other addresses as may be furnished by the City and the County in writing from time to time:

**CITY:**

**Bob Baroni**  
**City Manager**  
70 South Clayton Street  
Post Office Box 2200  
Lawrenceville, Georgia 30046  
(770) 963-2414

**With A Copy to:**

**Lee Thompson**  
**City Attorney**  
Thompson, Sweeny, Kinsinger & Pereira, P.C.  
690 Longleaf Drive  
Post Office Drawer 1250  
Lawrenceville, Georgia 30046  
(770) 963-1997 telephone  
(770) 822-2913 facsimile

**COUNTY:**

**Glenn Stephens**  
**County Administrator**  
Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, GA 30046  
(770) 822-7000

**With A Copy to:**

**William J. Linkous, III**  
**County Attorney**  
Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, GA 30046  
(770) 822-8707

4.7 **Severability.** If any provision of this Agreement shall be held or deemed to be inoperative or unenforceable by a court of competent jurisdiction under any particular circumstances, because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or sections contained in this Agreement shall not affect the remaining portions of this Agreement or any part thereof.

4.8 **Limitation of Rights.** Nothing in this Agreement, express or implied, shall give to any person, other than the parties hereto and their successors and assigns hereunder, any benefit or any legal or equitable right, remedy, or claim under this Agreement.

SIGNATURES APPEAR ON SUBSEQUENT PAGES

IN WITNESS WHEREOF, the City and the County have caused this Intergovernmental Agreement to be executed in their respective official names and have caused their respective official seals to be hereunto affixed and attested by their duly authorized officers, all as of the Effective Date set forth hereinabove.

CITY OF LAWRENCEVILLE,  
GEORGIA

By: Judy Jordan Johnson  
Judy Jordan Johnson, Mayor

Attest: Karen Pierce  
Karen Pierce, City Clerk  
[SEAL]



Approved as to Form:

Lee Thompson  
Lee Thompson, City Attorney



**GWINNETT COUNTY BOARD OF COMMISSIONERS**

By: Charlotte J. Nash  
Charlotte J. Nash, Commission  
Chairman

Attest: Diane Kemp  
Diane Kemp, Clerk



Approved as to Form:

M. Van Stephens  
M. Van Stephens, Chief Assistant County Attorney

**MODIFICATION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAWRENCEVILLE, GEORGIA AND THE GWINNETT COUNTY BOARD OF COMMISSIONERS DATED MAY 26, 2015**

This Modification (the “Modification”) is made and entered into between the CITY OF LAWRENCEVILLE, GEORGIA a municipal corporation duly formed by the State of Georgia (the “City”) and the GWINNETT COUNTY BOARD OF COMMISSIONERS, the duly elected governing authority of Gwinnett County, a political subdivision of the State of Georgia (the “County”) (the City and the County being collectively described herein as the “Parties”). The Parties have entered into this Modification for the purpose of modifying certain deadlines set forth in the Intergovernmental Agreement between the City and the County, the same being dated May 26, 2015 (the “IGA”). Those modifications are explicitly provided below.

**W I T N E S S E T H**

In consideration of the respective representations and agreements hereinafter contained and in furtherance of the mutual public purposes hereby sought to be achieved, the City and the County do hereby agree as follows:

**ARTICLE I**

**INCORPORATION AND RESTATEMENT OF IGA**

This Modification of the IGA shall not be interpreted as a repudiation of any of the mutual obligations, covenants, representations, or agreements contained in the IGA, except that the Parties agree to the modifications and extensions of certain deadlines set forth in the IGA as explicitly provided in the following subsections. All modifications below are intended to replace and restate those paragraph numbers as explicitly identified herein. Those Paragraphs and Sections of the IGA not explicitly modified, amended or restated in this Modification shall remain in full force and effect and are further incorporated and restated in this Modification.

All capitalized and defined terms used in the Modification shall be given the same meaning as prescribed in the IGA. References in this Modification to articles or paragraphs without reference to a particular agreement, either by parenthetical or otherwise, shall be interpreted as references to the articles and paragraphs of the IGA.

**ARTICLE II**

**MODIFICATIONS**

2.1 **Modifications of Paragraph 3.4.2 of the IGA.** Paragraph 3.4.2 of the IGA shall be modified to provide the following:

3.4.2 The Commencement of Construction of Significant Projects shall have occurred by no later than December 31, 2029.

2.2 **Modifications of Paragraph 3.4.3 of the IGA.** Paragraph 3.4.3 of the IGA shall be modified to provide the following:

3.4.3 In the event the deadline set forth in subsection 3.4.2 [of the IGA] is not met, the consent of the County to the inclusion of its ad valorem taxes on real property within the TAD in the computation of the Tax Allocation Increment for the TAD shall automatically terminate as of January 1, 2030, unless the County waives this deadline by Resolution. If the County's consent so terminates, the County's portion of Tax Allocation Increment accumulated and remaining in the Special Fund through such termination date shall be returned to the County by the City within forty-five (45) days after the termination date.

2.3 **Modifications of Paragraph 3.7 of the IGA.** Paragraph 3.7 of the IGA shall be modified to provide the following:

3.7 Commencing on January 1, 2026 and continuing every three (3) years thereafter, the City and the County agree to cooperatively review the report generated in accordance with Section 3.5 [of the IGA] to determine whether the goals and incremental milestones of the Commercial Corridors TAD #1 as stated in the Redevelopment Plan have been achieved during the previous 3-year period and whether there has been sufficient Tax Allocation Increments generated and deposited into the Special Fund to pay all debt service payments when due on TAD financing, to satisfy all other terms of the Bond Indenture, and meet any other obligations related to TAD financing.

2.4 **Modifications of Paragraph 4.6 of the IGA.** Paragraph 4.6 of the IGA shall be modified to read accordingly:

4.6 **Notices.** Except as otherwise specifically provided herein, any notices, demands, approvals, consents, requests, and other communications hereunder shall be in writing and shall be deemed given when the writing is delivered in person, or one business day after being sent by reputable overnight registered delivery service, charges prepaid, or three business days after being mailed, if mailed, by certified mail, return receipt requested, postage prepaid, to the City and the County at the addresses shown below or at such other addresses as may be furnished by the City and the County in writing from time to time:

**CITY:**

**Chuck Warbington**  
**City Manager**  
70 S Clayton Street  
P.O. Box 2200  
Lawrenceville, Georgia 30046  
(678) 407-6577

**With A Copy to:**

**V. Lee Thompson, Jr.**  
**City Attorney**  
Pereira, Kirby, Kinsinger & Nguyen, LLP  
690 Longleaf Drive  
Post Office Drawer 1250  
Lawrenceville, Georgia 30046  
(770) 963-1997 telephone  
(770) 822-2913 facsimile

**COUNTY:**

**Glenn Stephens**  
**County Administrator**  
Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, GA 30046  
(770) 822-7000

**With A Copy to:**

**Michael Ludwiczak**  
**County Attorney**  
Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, GA 30046  
(770) 822-8700

**ARTICLE III**

**MISCELLANEOUS PROVISIONS**

- 3.1 **Governing Law.** This Modification and the rights and obligations of the parties hereto shall be governed, construed, and interpreted according to the laws of the State of Georgia.
- 3.2 **Entire Modification.** This Modification expresses the entire understanding and all agreements between the parties hereto with respect to the matters set forth herein.
- 3.3 **Survival of Warranties.** All agreements, covenants, certifications, representations, and warranties of the parties hereunder, or made in writing by or on behalf of them in connection with the transactions contemplated hereby shall survive the execution and delivery hereof, regardless of any investigation or other action taken by any person relying thereon.



3.4 **Counterparts.** This Modification may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

3.5 **Amendments in Writing.** This Modification may be amended, supplemented or otherwise modified solely by a document in writing duly executed and delivered by the County and the City. No waiver, release, or similar modification of this Agreement shall be established by conduct, custom, or course of dealing, but solely by a document in writing duly executed and delivered by a duly authorized official of the County.

SIGNATURES APPEAR ON SUBSEQUENT PAGES

**IN WITNESS WHEREOF**, the City and the County have caused this Intergovernmental Agreement to be executed in their respective official names and have caused their respective official seals to be hereunto affixed and attested by their duly authorized officers, all as of the Effective Date set forth hereinabove.

**CITY OF LAWRENCEVILLE, GEORGIA**

**By:** \_\_\_\_\_  
**David Still, Mayor**

**Attest:** \_\_\_\_\_  
**Karen Pierce, City Clerk**  
**[SEAL]**

**Approved as to Form:**

\_\_\_\_\_  
**V. Lee Thompson, Jr., City Attorney**

**GWINNETT COUNTY  
BOARD OF COMMISSIONERS**

**By: \_\_\_\_\_  
Nicole L. Hendrickson, Chairwoman**

**Attest: \_\_\_\_\_  
Tina King, Clerk**

**[SEAL]**

**Approved as to Form:**

\_\_\_\_\_  
**Michael P. Ludwiczak, County Attorney**



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: WORK SESSION, SEPTEMBER 11, 2023

AGENDA CATEGORY: GENERAL CITY BUSINESS

- Item:** Update to the City Code of Ordinances, Chapter 12 - Businesses and Business Regulations
- Department:** City Manager
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** none
- Presented By:** City Attorney
- Action Requested:** Approve the ordinance amendment to the City Code of Ordinances, Chapter 12.

**Attachments/Exhibits:** Redline version of Chapter 12 updates



**Chapter 12 BUSINESSES AND BUSINESS REGULATIONS<sup>1</sup>**

**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 ~~Clerk~~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 ~~Clerk~~Finance Director~~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 ~~Clerk or City Council~~ 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 ~~Clerk~~Finance Director~~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

<sup>1</sup>State law reference(s)—Local taxes and fees, Ga. Const. art. IX, § IV, ¶ 1; limitation on expanding the power of municipal regulation over any business activity regulated by the public service commission, O.C.G.A. § 36-35-6(a)(5); business and occupation taxes, O.C.G.A. § 48-13-5 et seq.

Nationality Act will also be verified through the Systematic Alien Verification of Entitlement (SAVE) Program.

(Code 2005, § 32-101; Ord. of 12-1-2008)

**Sec. 12-2. Procedure for issuance.**

- (a) *Review by Clerk.* The City ~~Clerk-Financial Officer~~ shall be designated the Reviewing Officer for review of an application for a license. The City ~~Clerk-Finance Director~~ 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) *Clerk-dDiscretion.* 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.

(Code 2005, § 32-102)

**Sec. 12-3. Display of license.**

It shall be the duty of any person conducting ~~any licensed~~ 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.

(Code 2005, § 32-103)

**Sec. 12-4. Inspections.**

- (a) *Search of premises.* Whenever inspections of the premises used for, or in connection with, the operation of a ~~licensed~~ 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 ~~Clerk-Finance Director~~ 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.

(Code 2005, § 32-104)

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**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.

(Code 2005, § 32-105)

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

The City ~~Council~~ 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 ~~Council~~ Manager may deem necessary.

(Code 2005, § 32-106)

**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 ~~Clerk~~ Finance Director ~~Chief Financial Officer~~, and provided that all building and zoning requirements are complied with.

(Code 2005, § 32-107)

**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.

(Code 2005, § 32-108)

**Sec. 12-9. Duplicate license.**

A duplicate license shall be issued by the City ~~Clerk~~ Finance Director ~~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 ~~Clerk~~ Finance Director ~~Chief Financial Officer~~.

(Code 2005, § 32-109)

**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

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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.

(Code 2005, § 32-110)

**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.

**Commented [TB1]:** The method of late fee calculation is set out very specifically in O.C.G.A. Section 48-13-21(b).

(Code 2005, § 32-111)

**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 ~~conviction~~ 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.

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(Code 2005, § 32-112)

**Secs. 12-13—12-42. Reserved.**

**ARTICLE II. BUSINESSES REGULATIONS**

**DIVISION 1. GENERALLY**

**Secs. 12-43—12-72. Reserved.**

**DIVISION 2. INSURANCE BUSINESSES**

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**Sec. 12-73. License and fee.**

- (a) *License required.* Each person, agency, firm or company ~~doing operating~~ an insurance business within the municipal corporate limits shall be required to obtain a license from the City ~~Clerk~~ [Finance Director/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 ~~doing operating~~ an insurance business shall pay to the City the annual license fee as provided under section 34-2.

(Code 2005, § 32-201; Ord. of 7-11-2011)

**Secs. 12-74—12-104. Reserved.**

~~*DIVISION 3. CONSTRUCTION CONTRACTORS*~~

~~**Sec. 12-105. License and fee.**~~

~~(a) *License required.* All contractors of whatever nature shall be required to obtain a license from the City Clerk in the manner specified in this chapter.~~

~~(b) *Fee established.* The annual license fee shall be \$50.00.~~

~~(Code 2005, § 32-202)~~

~~**Secs. 12-106—12-123. Reserved.**~~

~~*DIVISION 4. SUB-CONTRACTORS*~~

~~**Sec. 12-124. License and fee.**~~

~~(a) *License required.* All sub-contractors of whatever nature shall be required to obtain a license from the City Clerk in the manner specified in this chapter.~~

~~(b) *Fee established.* The annual license fee shall be \$37.50.~~

~~(Code 2005, § 32-203)~~

~~**Secs. 12-125—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 ~~Clerk~~ [Finance Director/Chief Financial Officer](#) in the manner specified in this chapter.

**Commented [TB2]:** State law preempts city regulatory fees/business licenses on contractors unless the city has had them in place since before July 1, 2004 and/or they regulate something outside of existing state regulation. See O.C.G.A. Section 43-41-17. Should we identify the regulation and inspections or investigations these license fees are levied in order to support?

(Code 2005, § 32-204(1))

State law reference(s)—Local regulation of used motor vehicle dealers, O.C.G.A. § 43-47-13.

**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 \$~~75250~~.00.

(Code 2005, § 32-204(2))

State law reference(s)—Local regulation of used motor vehicle dealers, O.C.G.A. § 43-47-13.

**Sec. 12-149. ~~Review of application. Reserved.~~**

~~No action on any application for a license under this division shall be taken by the City Council until the Police Chief has reviewed such application and forwarded his recommendation thereon to the City Clerk in the manner specified in this chapter.~~

~~(Code 2005, § 32-204(3))~~

~~State law reference(s)—Local regulation of used motor vehicle dealers, O.C.G.A. § 43-47-13.~~

**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.

(Code 2005, § 32-204(4))

State law reference(s)—Local regulation of used motor vehicle dealers, O.C.G.A. § 43-47-13.

**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 ~~serial number~~ vehicle identification number (VIN), and its engine number, and which record shall always be kept available, for the ~~Police Chief~~ City, ~~in~~ 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.

(Code 2005, § 32-204(5))

State law reference(s)—Local regulation of used motor vehicle dealers, O.C.G.A. § 43-47-13.

**Sec. 12-152. Inspections.**

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

(Code 2005, § 32-204(6))

State law reference(s)—Local regulation of used motor vehicle dealers, O.C.G.A. § 43-47-13.

Commented [TB3]: Are the police doing this?

**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.

(Code 2005, § 32-204(7))

State law reference(s)—Local regulation of used motor vehicle dealers, O.C.G.A. § 43-47-13.

**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 ~~Clerk~~ Finance Director/Chief Financial Officer in the manner specified in this chapter.

(Code 2005, § 32-205(1))

**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.

(Code 2005, § 32-205(2))

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**Sec. 12-178. Fees established.**

(a) The ~~business license~~ 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	<del>\$100</del> 300.00 per event
Carnivals	<del>\$100</del> 300.00 per event
Sideshows and Concessions	<del>\$100</del> 300.00 per event
Rides	<del>\$100</del> 300.00 per event

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

(Code 2005, § 32-205(3))

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(Supp. No. 9)

**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) ~~All rides have been inspected for mechanical, structural, electrical and other hazards by the appropriate officers and employees of the City, and adequate safeguards have been placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electrical switches, and other possible or potential hazards. 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 ~~Clerk~~ ~~Finance Director~~ 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.

(Code 2005, § 32-205(4))

**Commented [TB4]:** State law expressly preempts local governments from inspecting/permitting safety of carnival rides. These inspections are carried out by the state and they should have a current permit for the rides. See O.C.G.A. Section 25-15-101.

**Commented [TB5]:** This language mirrors state law requirements.

**Sec. 12-180. Inspections.**

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

(Code 2005, § 32-205(5))

**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.

(Supp. No. 9)

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*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.

(Code 2005, § 32-208(1); Ord. of 3-1-2010)

**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.

(Code 2005, § 32-208(2); Ord. of 3-1-2010)

**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 ~~Police-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 ~~Planning and Zoning Department of 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 ~~Police-Finance~~ Department.

- (1) *Form of application.* The application for a pawn license shall be completed on a form prescribed by the ~~Police Chief~~~~Finance Director~~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 ~~\$100~~~~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 ~~Police Chief~~~~Finance Director~~Chief Financial Officer~~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.

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(Supp. No. 9)

- (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 ~~Police-Finance~~ Department to the ~~Zoning Board of Appeals~~ City Manager. Such appeal shall be by written petition, filed in the ~~office of the City Clerk~~ Finance Department within 15 days after the final order or action of the ~~Police-Finance~~ Department and, in order to defray administrative costs, must be accompanied by a filing fee of ~~\$400~~ \$150.00.
- (6) *Renewal.* Owners are required to renew the license upon expiration thereof and shall be required to pay a renewal fee of ~~\$400~~ \$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 ~~Police Chief~~ Finance Director ~~Chief Financial Officer~~ or his or her designee. All pawn licenses remain the property of the City of Lawrenceville. Upon notice by the ~~Lawrenceville Police Department~~ 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 ~~Police Chief or his or her designee~~ 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 ~~Police Chief~~ Finance Director ~~Chief Financial Officer~~ to the ~~Zoning Board of Appeals~~ City Manager.

Commented [TB6]: City Manager?

(Code 2005, § 32-208(3); Ord. of 3-1-2010)

**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 ~~Police-Finance~~ Department.

- (1) *Form of application; fee required.* An application for a work permit shall be made on a form prescribed by the ~~Police Chief~~ Finance Director ~~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 ~~Police Chief~~ Finance Director ~~Chief Financial Officer~~ 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.

Commented [TB7]: City Manager instead?

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(Supp. No. 9)

- (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 ~~Police Department~~~~Finance Director~~~~Chief Financial Officer~~ to the ~~Zoning Board of Appeals~~~~City Manager~~. Such appeal shall be by written petition, filed in the office of the City ~~Clerk~~~~Manager or his or her designee~~ within 15 days after the final order or action of the ~~Police Department~~~~Finance Department~~ and, in order to defray administrative costs, must be accompanied by a filing fee of ~~\$50~~~~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 ~~\$50~~~~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 ~~Police~~ 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, Lawrenceville Police Officer.~~
- (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 ~~Police Chief~~~~Finance Director~~~~Chief Financial Officer~~ or his ~~or her~~ designee. All permits remain the property of the City of Lawrenceville. Upon notice by the Lawrenceville ~~Police~~ 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 ~~Police Chief~~~~Finance Director~~~~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 ~~Police Chief~~~~Finance Director~~~~Chief Financial Officer~~ to the ~~Zoning Board of Appeals~~~~City Manager~~.

Commented [TB8]: City Manager instead?

Commented [TB9]: City Manager?

(Code 2005, § 32-208(5); Ord. of 3-1-2010)

**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.

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(Supp. No. 9)

- (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 ~~Police Chief~~~~Finance Director~~~~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 ~~Police Chief~~~~Finance Director~~~~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 ~~Police Chief~~~~Finance Director~~~~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 ~~Police Chief~~~~Finance Director~~~~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 ~~Police Chief~~~~Finance Director~~~~Chief Financial Officer~~ or his or her designee, which may be a third-party administrator of the automated reporting system.

**Commented [KL10]:** This is really for law enforcement records to review for stolen items. I'm not sure the CFO is the correct person to make this decision. I know we say or designee, but this really is a Police matter.

**Commented [TB11R10]:** This is up to the city, but in most cities, this would be a police function.

**Commented [BM12R10]:** CFO to be Champion.... and designate as appropriate.

**Commented [KL13]:** Same as above

**Commented [KL14]:** Same as 12-204 (3)

**Commented [KL15]:** Same as 12-204 (3)

(Code 2005, § 32-208(6); Ord. of 3-1-2010)

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(Supp. No. 9)



**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 ~~Police Chief~~~~Finance Director~~~~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.

(Code 2005, § 32-208(7); Ord. of 3-1-2010)

**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.

(Code 2005, § 32-208(11); Ord. of 3-1-2010)

**Sec. 12-207. Responsibility for enforcement.**

The Lawrenceville ~~Police-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 ~~Police Chief~~~~Finance Director~~~~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.

(Code 2005, § 32-208(12); Ord. of 3-1-2010)

**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.

(Code 2005, § 32-208(13); Ord. of 3-1-2010)

**Secs. 12-209—12-239. Reserved.**

*DIVISION 8. TEMPORARY OUTDOOR ACTIVITY*

(Supp. No. 9)

Created: 2022-05-05 15:02:00 [EST]

**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.

(Code 2005, § 32-209(1); Ord. of 2-6-2006)

**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.

(Code 2005, § 32-209(2); Ord. of 2-6-2006)

**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) Temporary outdoor activities shall be permitted only within the City's BG, HSB, and BGC Zoning Districts.~~
- (45) 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.
- (56) No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.

Commented [TB16]: This needs to be removed and addressed in the zoning ordinance.

- (67) 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.
- (87) No more than one temporary outdoor activity shall be permitted simultaneously on a parcel.
- (98) 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.
- (109) 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.
- (104) Charitable or nonprofit events for which sale proceeds benefit charitable organizations are not regulated by this article. Furthermore, the Lawrenceville Tourism and Trade Association (LTTA) is specifically exempt from the requirements of this division.

(Code 2005, § 32-209(3); Ord. of 2-6-2006)

**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.

(Code 2005, § 32-209(4); Ord. of 2-6-2006)

**Secs. 12-244—12-264. Reserved.**

~~DIVISION 9. FINANCE COMPANIES~~

Commented [TB17]: Suggest repealing this Division.

~~Sec. 12-265. License and fee.~~

~~(a) License required. All finance companies shall be required to obtain a license from the City Clerk in the manner specified in this chapter.~~

~~(b) Fee established. The annual license fee is \$125.00.~~

~~(Code 2005, § 32-210)~~

~~Secs. 12-266—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. ~~For the purpose of this division, the term "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; and the term "fortune telling" means the prediction of the future for a fee, gift or donation.~~

Commented [TB18]: This is redundant, as these terms are defined below.

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(Supp. No. 9)

(Code 2005, § 32-212(a))

**Sec. 12-295. Fee established.**

The annual business license fee for each handwriting analyst or fortune teller shall be \$~~100~~200.00.

(Code 2005, § 32-212(b))

**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.

(Code 2005, § 32-212(a))

**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 ~~Bureau of Police Services~~Finance Department on forms to be prepared and approved by the ~~City Manager~~Finance Director~~Chief Financial Officer~~ or his or her designee. The applicant shall meet the following requirements prior to being licensed to practice handwriting analysis or fortune telling in the City:

Commented [TB19]: Police Department?

- (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 ~~Bureau of Police Services~~City at the time of application; and
- (4) Furnish the ~~Bureau~~City two photographs showing a front and side picture of the full face of the applicant, size 2½ inches by 2¾ inches.

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(Code 2005, § 32-212~~(e)~~(e))

**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.

(Code 2005, § 32-212(d))

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**Sec. 12-299. Location of business.**

~~Pursuant to the City Zoning Ordinance, any person performing the services of a handwriting analyst or fortune teller may maintain such a business only in the HSB Zoning Classification.  
(Code 2005, § 32-212(e))~~

**Commented [TB20]:** This provision does not match the zoning ordinance. The zoning ordinance does not list handwriting analysis as a permitted use. The zoning ordinance allows fortune telling to be a permitted use in both HSB and BCG. We should add handwriting analysis to the fortune telling use and delete this language.

**Secs. 12-300—12-316. Reserved.**

**DIVISION 11. MASSAGE THERAPYISTS 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.
- (Code 2005, § 32-213(1); Ord. No. 2014-11, 4-7-2014)

**Commented [TH21]:** Please clarify name of professions or businesses - O.C.G.A. TITLE 43 Professions And Businesses (Chs. 1 — 51), CHAPTER 24A Massage Therapy Practice (Arts. 1 — 2)

**Commented [TB22R21]:** State law uses the term "massage therapy businesses. So long as it is clear and consistent throughout the code and the distinction is clearly made between the business and the licensed therapist, it should be fine.

**Sec. 12-318. Definitions.**

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

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

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

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

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

*Massage therapy* means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The ~~term~~ term "massage ~~therapy~~ 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~~ term "massage ~~therapy~~ therapy" also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. The ~~term~~ term "massage ~~therapy~~ 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.

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*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.

(Code 2005, § 32-213(2); Ord. No. 2014-11, 4-7-2014)

**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~~term "~~conviction~~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 ~~Clerk~~Finance Director~~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 ~~Clerk~~ Finance Director/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 ~~certificate~~ shall be required for each person, firm, corporation or other entity operating a massage ~~therapy establishment~~ business. The annual regulatory license fee shall be \$~~1,52,000.00~~ per massage therapy business and shall be in addition to occupation taxes.

(b) *Application for license.*

- (1) To operate a massage therapy business within the boundaries of the City, the applicant must first make application to the City ~~Clerk~~ on a form provided by the City ~~Finance Director/Chief Financial Officer~~ Clerk 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 ~~Clerk~~, 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 practitioner~~, performing or anticipated to perform massage at its location, for inspection and copying. ~~The applicant shall also supply a set of fingerprints taken by the Lawrenceville Police Department or other approved location for each licensed massage therapist employed by the applicant and two forms of photo identification. 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 or fingerprints 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 ~~Clerk~~ Finance Director/Chief Financial Officer a true and correct copy or original of the State license or state provisional permit, ~~fingerprints taken by the Lawrenceville Police Department or other approved location and two forms of photo identification~~ and two form of photo identification for each new massage ~~practitioner-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 ~~practitioner-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 ~~Clerk~~ Finance Director/Chief Financial Officer within 30 days of such departure.
- (4) Each applicant for a license shall make his or her affidavit before the City ~~Finance Director/Chief Financial Officer~~ Clerk, on a form provided by the ~~Clerk~~ Finance Director/Chief Financial Officer, upon oath, swearing or affirming that all persons practicing massage on the premises of his or her massage

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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 that will be employed by the applicant.~~ 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 ~~establishment~~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 ~~certificate~~license.
  - l. A set of fingerprints taken by the ~~Lawrenceville Police Department~~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 ~~Lawrenceville Police Department~~City or other approved location for each owner, partner, and manager of each massage therapy business.

Commented [TB23]: Local governments are preempted from requiring licensed massage therapists from submitting to criminal background checks.

(Code 2005, § 32-213(3); Ord. No. 2014-11, 4-7-2014; Ord. No. 2014-24, 8-4-2014)

**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.

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- (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 ~~and/or occupation tax placard~~, the applicant will provide to the City ~~Clerk~~ 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.

(Code 2005, § 32-213(4); Ord. No. 2014-24, 8-4-2014)

**Sec. 12-321. License renewal.**

Licenses for massage therapy businesses ~~may~~ 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.

(Code 2005, § 32-213(5); Ord. No. 2014-11, 4-7-2014)

**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 ~~Clerk~~ Finance Director ~~Chief Financial Officer~~, the authorized designee of the City ~~Clerk~~ Finance Director ~~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 ~~practitioner~~ 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.

(Code 2005, § 32-213(6); Ord. No. 2014-11, 4-7-2014)

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**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.

(Code 2005, § 32-213(7); Ord. No. 2014-11, 4-7-2014)

**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.

(Code 2005, § 32-213(8); Ord. No. 2014-11, 4-7-2014)

**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 business as that term is defined in section 12-401.

(Code 2005, § 32-213(9); Ord. No. 2014-11, 4-7-2014)

**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.

(Code 2005, § 32-213(10); Ord. No. 2014-11, 4-7-2014)

**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 ~~an officer of the Police Department or~~ a duly authorized agent of the City ~~Clerk Finance Director~~ Chief Financial Officer. It shall be unlawful for any person holding a massage ~~facility~~ 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 ~~facility~~ therapy license.

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- (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 ~~certification~~ 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 certification~~ 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.

(Code 2005, § 32-213(11); Ord. No. 2014-11, 4-7-2014)

**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.

(Code 2005, § 32-213(12); Ord. No. 2014-11, 4-7-2014)

**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.

(Code 2005, § 32-213(13); Ord. No. 2014-11, 4-7-2014)

**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.

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- (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 ~~facility-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 ~~facility-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.

(Code 2005, § 32-213(14); Ord. No. 2014-11, 4-7-2014)

**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 ~~Clerk~~ 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 ~~Clerk~~ 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 ~~Clerk~~. 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 ~~Clerk~~. 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.

(Code 2005, § 32-213(15); Ord. No. 2014-11, 4-7-2014)

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

- (a) *Revocation and suspension.* Upon notice, the City ~~Clerk~~ 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 ~~Clerk~~ 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.

(Code 2005, § 32-213(16); Ord. No. 2014-24, 8-4-2014)

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

- (a) Whenever, in the opinion of the City ~~Clerk~~ Finance Director ~~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.

(Code 2005, § 32-213(17); Ord. No. 2014-11, 4-7-2014)

**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 ~~Clerk~~ Finance Director ~~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 ~~Clerk~~ Finance Director ~~Chief Financial Officer~~ may have a review thereof by appeal to the ~~Mayor and Council~~ City Manager or his or her ~~or their~~ designated hearing officer.
- (c) Appeals shall be made by written petition filed in the ~~Office of the City Clerk~~ City Finance Department within 15 days of the final decision or action of the City ~~Clerk~~ Finance Director ~~Chief Financial Officer~~.

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- (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 ~~Zoning Board of Appeals~~ City Manager or ~~their his or her~~ designated hearing officer on each properly filed appeal within 30 days of the filing of the appeal with the ~~Office of the City Clerk~~ City Finance Department, unless a continuance is agreed upon by the appellant and the City ~~Clerk~~ Finance Director 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 ~~Clerk~~ Finance Director Chief Financial Officer shall bear the burden of proof by a preponderance of the evidence standard. The determination and findings by the City ~~Clerk~~ Finance Director Chief Financial Officer shall not be set aside unless the ~~Mayor and Council or their~~ 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 Zoning Board of Appeals City Manager or ~~their his or her~~ designated hearing officer shall be forwarded to the City ~~Clerk~~ Finance Director 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 Zoning Board of Appeals City Manager or his or her or their 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.

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(Code 2005, § 32-213(18); Ord. No. 2014-24, 8-4-2014)

**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 therapists licensed by the State may perform massage therapy services in the home of a client, provided that the massage therapy business the therapist is associated with is properly licensed under this division and complies with section 12-319 (application) and section 12-321 (renewal). Massage therapy businesses providing client home services shall not be subject to the provisions of this division regulating the physical locations where massage therapy shall be performed, but shall comply section 12-330(e) (prohibiting massage of sexual or genital area, or to act in a manner intended to arouse, appeal to or gratify the lust or passions or sexual desires); section 12-327(a) (regulating hours of operation) and section 12-325 (prohibiting escort services and adult entertainment). Massage therapy businesses providing client home~~

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~~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.

(Code 2005, § 32-213(19); Ord. No. 2014-11, 4-7-2014)

**Secs. 12-336—12-358. Reserved.**

***DIVISION 12. TAXICABS RESERVED.***

**Sec. 12-359. Definitions. Reserved.**

~~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. Where words are not herein defined, but are defined elsewhere in this Code, those words shall have the meaning as defined therein.~~

~~*Limousine* means any motor vehicle that meets the manufacturer's specifications for luxury limousines, with an extended wheel base, and a designed seating capacity of no less than five and no more than nine passengers behind the operator of the vehicle. No vehicle shall be allowed to operate as both a taxicab and a limousine.~~

~~*Open stand* means locations on the streets of the City of Lawrenceville, including the locations on the premises of public transit stations that may be used by any taxicab on a nonexclusive, first come, first served basis, and not by private vehicles or other public conveyances.~~

~~*Paratransit service* means a service provided for individuals with disabilities who are unable to utilize fixed route services.~~

~~*Stretcher service* means a service providing non-emergency transport by stretcher from licensed nursing home facilities to licensed hospitals, clinics, doctor offices, hospice facilities, or home health care, or from licensed hospitals, clinics, doctor offices, hospice facilities, or home health care to licensed nursing homes.~~

~~*Taxicab* means any vehicle operated as transportation for hire that picks up passengers or markets services within the City of Lawrenceville, excluding vehicles operating on a designated route, limousines, animal drawn conveyances, paratransit service, stretcher service, transit service operated by a government entity, or emergency transport vehicles operated by any government entity or licensed medical service.~~

~~*Taxicab business* means an entity with its primary business being the operation of motor vehicles used to transport passengers for a fee or fare.~~

~~*Taximeter* means an instrument or device attached to a motor vehicle and designed to measure the distance traveled by such vehicle, or an instrument or device attached to a motor vehicle and designed to compute and indicate the fare or fee to be charged to the passenger.~~

~~*Vehicle for hire* means a limousine, taxicab or other motorized passenger-carrying vehicle that is used to transport passengers for a fee. Vehicles regulated by the Georgia Public Service Commission, and passenger vans with a capacity of 15 or more passengers, shall not be considered a vehicle for hire.~~

~~(Code 2005, § 32-214(1); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

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**Sec. 12-360. ~~Doing business defined.~~ Reserved.**

~~Any person shall be deemed doing business in the City of Lawrenceville under this division if such person is transporting passengers in the City and accepting or soliciting any consideration, charge or fee which is determined by agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any motor vehicle or other vehicle designed or used for the purpose of transporting passengers. Any person shall also be deemed as doing business in the City under this division if such person has established a business relationship with independent contractors or operates vehicles for hire on such person's own behalf for the purpose of transporting passengers in the City. An exception to doing business in the City of Lawrenceville shall arise if a person is transporting a passenger from another jurisdiction, where they are fully licensed and permitted, into the jurisdiction of the City. The permit for the vehicle from the originating jurisdiction shall be displayed as required under sections 12-368 and 12-372.~~

~~(Code 2005, § 32-214(2); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-361. ~~Compliance; zoning.~~ Reserved.**

~~No person shall conduct the business of operating vehicles for hire in the City of Lawrenceville without first meeting the requirements of this division. Vehicle for hire businesses shall meet all applicable zoning, development, and building code requirements for the use of land and structures located within the City of Lawrenceville.~~

~~(Code 2005, § 32-214(3); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-362. ~~Occupational tax certificate holder's responsibilities for violations.~~ Reserved.**

~~Occupational tax certificate holders are responsible for violations of this division by their employees, lessees, sub-contractors, and independent contractors, including drivers and dispatchers.~~

~~(Code 2005, § 32-214(4); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-363. ~~Notice.~~ Reserved.**

~~For the purposes of this division, notice shall be deemed delivered when personally served or when served by mail within three days after the date of deposit in the U.S. mail.~~

~~(Code 2005, § 32-214(5); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-364. ~~Hearings.~~ Reserved.**

~~(a) Decisions of the business license office that adversely affect or aggrieve any occupational tax certificate applicant or holder under this division may, within five business days, be appealed to the City Clerk. Decisions of the Police Department that adversely affect or aggrieve any workers permit applicant or holder may, within five business days, be appealed to the Police Chief or his designated representative. Any applicant or occupation tax certificate holder who is aggrieved or adversely affected by a final decision of the City Clerk or any applicant or permit holder who is aggrieved or adversely affected by a final decision of the Police Chief or his designated representative may request an appeal to the Zoning Board of Appeals. Such appeal shall be by written petition, filed in the business license office along with a \$50.00 appeal fee and within 15 days after the final decision.~~

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~~(b) A hearing shall be conducted on each appeal within 30 days of the date of filing the written petition, unless a continuance of such hearing is agreed to by the appellant and the City Clerk. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses.~~

~~(c) The findings of the Zoning Board of Appeals shall be forwarded to the City Clerk after the conclusion of the hearing. It shall be the duty of the City Clerk to notify the appellant of the action of the review board.~~

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~~(d) The findings of the zoning board of appeals shall not be set aside unless found to be:~~

- ~~(1) Contrary to law or ordinances;~~
- ~~(2) Unsupported by substantial evidence on the records as a whole; or~~
- ~~(3) Unreasonable.~~

~~(e) The findings of the Zoning Board of Appeals shall be final unless appealed within 30 days of the date of said finding by certiorari to the Superior Court of the City of Lawrenceville. An aggrieved party shall have all other remedies provided by law or at equity to all ordinances.~~

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~~(Code 2005, § 32-214(6); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-365. Audits. Reserved.**

~~Each business and individual operating under the provisions of this division shall be subject to audit upon reasonable notice by the City Clerk.~~

~~(Code 2005, § 32-214(7); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-366. Occupational tax certificates. Reserved.**

~~It shall be unlawful for any person, entity, partnership, or corporation to operate a taxicab within the City of Lawrenceville unless such person, entity, partnership or corporation shall have complied with and continues to comply with the regulations, rules, restrictions and conditions set forth in this division. The City of Lawrenceville maintains the right, within its discretion, to grant or deny any application for license or permit for the privilege of engaging in the taxicab business. An exception to doing business in the City of Lawrenceville shall arise if a person is transporting a passenger from another jurisdiction, where they are fully licensed and permitted, into the jurisdiction of the City. The permit for the vehicle from the originating jurisdiction shall be displayed as required under sections 12-368 and 12-372.~~

- ~~(1) An applicant for an occupational tax certificate is required to provide information showing its qualifications on a form provided by the City Clerk.~~
- ~~(2) Applicants must be approved by the City Clerk or designee, and such clearance shall include a background of the applicant.~~
- ~~(3) No occupational tax certificate shall be issued to any business owning or leasing less than one vehicle. The applicant must provide the issuing authority with a list of all vehicles to be used in furtherance of the business to include the VIN and State registration (tag) number of each vehicle and a copy of the applicable insurance certificate or policy.~~
- ~~(4) If the applicant is not a sole proprietor or individual then all partners, officers or managers of the legal entity shall be required to comply with the provisions of this division.~~
- ~~(5) All applicants must:~~

- a. ~~Be at least 21 years of age;~~
- b. ~~Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service;~~
- c. ~~Have not been convicted, been on probation, parole, or been imprisoned for a period of five years previous to the date of application, for the violation of any of the following offenses of the State of Georgia, of any other state, or of the United States: any felony; driving under the influence of drugs or alcohol; criminal solicitation to commit any of the offenses listed in this subsection; attempt to commit any of the offenses listed in this subsection; any misdemeanor crime of violence or theft, any misdemeanor crime of possession, sale or distribution of illegal drugs or any crime involving moral turpitude. Discharge without court adjudication of guilt pursuant to O.C.G.A. § 42-8-62 shall not disqualify an applicant from applying for an occupational tax certificate;~~
- d. ~~Provide a verifiable dispatch location staffed by business agents or employees and have a published telephone number;~~
- e. ~~File applications for the initial inspection of the taxicabs, with a list of all drivers that will be scheduled for driver permitting, indicating whether drivers are business employees or contract drivers. A copy of each contract driver's insurance coverage must be included in the application;~~
- f. ~~Provide a copy of the applicant's rate schedule and the daily hours of operation;~~
- g. ~~Provide the name, address and telephone number of a responsible individual residing in Gwinnett County who will be the registered agent for the purpose of service of process or receipt of citations; and~~
- h. ~~Pay a \$50.00, nonrefundable, occupational tax certificate application fee.~~

~~(Code 2005, § 32-214(9); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-367. Insurance. Reserved.**

~~Before an occupational tax certificate is granted or renewed for operating a taxicab business in the City, the applicant shall file with the business license office a certificate or policy of insurance issued by a responsible insurer, covering all vehicles to be operated as taxicabs by the license applicant or employees.~~

- ~~(1) All businesses applying for an occupational tax certificate pursuant to the provisions of this division shall provide with their application, and shall maintain for the duration of the certificate, a certificate of insurance showing proof of motor vehicle insurance covering public liability and property damage issued by a State-approved insurer. Such insurance shall insure passengers and third persons against personal injury and property damage in amounts specified by this section.~~
- ~~(2) All businesses applying for an occupation tax certificate pursuant to the provisions of this division shall provide with their application, general liability coverage and automobile comprehensive coverage on all vehicles owned or leased by the business in a minimum amount of \$300,000.00. The insurance coverage shall be provided by a State-approved insurer having a rating of at least B(vii).~~
- ~~(3) Additionally, all occupational tax certificate holders must provide the Police Chief or his designee with an annual certificate of insurance showing the existence of such policies of insurance as required by this division. The annual certificate of insurance must be provided to the Police Chief or his designee 30 days prior to the expiration of any such insurance.~~

~~(Code 2005, § 32-214(10); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

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**Sec. 12-368. ~~Work permits generally. Reserved.~~**

~~Prior to any person operating a vehicle as a taxicab, he must obtain a permit to operate a taxicab from the Police Department. Nothing in this section shall give rise to a right to obtain a permit to operate a taxicab, as the City maintains the right to refuse any application for permit for cause. The possession of such a permit shall not override any State or federal requirements for vehicle operation.~~

- ~~(1) No person shall drive a taxicab without a valid work permit issued pursuant to the requirements of this division. Each applicant shall complete a form designated by the Police Chief, provide a current and valid Georgia driver's license, a \$50.00 processing fee, and a driver's history from the State covering at least seven years prior to the date of application. If the applicant lived in a state other than Georgia within the seven year period, a driver's history report from the other state must also be included with the application. No business shall employ, including independent contractors, any driver who has not first met the requirements of this division and been issued a valid work permit as authorized by this article.~~
- ~~(2) No work permit shall be issued to any person who is not employed by or represented by an approved business. All work permits shall expire on the drivers' birthday and shall be renewed annually. A work permit shall only be good for one business which it was obtained for. If a driver works for more than one cab business, he must have a work permit for each and every business the driver works for.~~
- ~~(3) The permit shall take a form designated by the Police Chief. In any event, the permit must include a photograph of the holder of the permit, the name of the permit holder, the expiration date and a unique permit number.~~
- ~~(4) Any taxicab operator must display the permit in the taxicab at all times while operating the vehicle. The operator's permit number must also be affixed to the rear of the vehicle at all times while the vehicle is being operated. Work permits must be posted on the dash or sun visor of the vehicle being driven so that it is visible from the passenger area. The permit must be displayed to a police officer upon request. Failure to display a work permit or have a permit number on the vehicle shall subject the operator to a fine of no more than \$150.00, six months of imprisonment, or both. Any person found to be operating a taxicab with another person's permit number displayed shall be subject to a fine of no more than \$150.00, six months of imprisonment, or both. The Police Chief or the Municipal Court may administratively suspend or revoke the displayed permit. The company owning the taxicab shall be subject to an administrative fine of \$500.00. Businesses under this division are responsible for checking to ensure that each driver has a current work permit in the driver's possession and posted on the dash or sun visor of the vehicle being operated along with a visible permit number displayed on the rear of the vehicle.~~
- ~~(5) No request for a work permit will be processed unless the permit applicant presents a letter on business stationery to the Police Department from a current occupational tax certificate holder requesting issuance of a work permit to the named individual. The work permit applicant will further furnish information requested on a form to be provided by the Police Department and submit to a police clearance consisting of a background investigation. Work permit applicants must meet the following requirements:
 
  - ~~a. Be at least 21 years of age.~~
  - ~~b. Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.~~
  - ~~c. Possess a current valid state driver's license. Such license must not be limited as defined in O.C.G.A. §§ 40-5-58 and 40-5-64.~~~~

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- d. ~~Exhibit a proficiency with the English language so as to be able to comprehend and interpret traffic signs, issue written receipts to passengers and obey lawful orders of police and others in lawful authority.~~
- e. ~~Have not been convicted, been on probation, parole, or been imprisoned for a period of five years previous to the date of application, or for the violation of any of the following offenses of the State, of any other state or of the United States: any felony; driving under the influence of drugs or alcohol; child molestation; criminal solicitation to commit any of these listed offenses; attempts to commit any of these offenses; any crime of violence or theft; any crime of possession, sale or distribution of illegal drugs or moral turpitude. Discharge without court adjudication of guilt pursuant to O.C.G.A. § 42-8-62 shall not disqualify an applicant.~~
- f. ~~Have not been convicted of four or more moving traffic violations, or one or more mandatory suspensions as defined by Georgia law, within the 12-month period preceding the date of application or renewal of the application. Discharge without court adjudication of guilt pursuant to O.C.G.A. § 42-8-62 shall not disqualify an applicant.~~

- (6) ~~Drivers are responsible for reporting any change in qualifications or other licensing or permitting information previously supplied to the Police Department within ten days of the change.~~
- (7) ~~Any Lawrenceville Police Officer who issues a citation to an operator of a taxicab shall include the taxicab permit number in the remarks section of the citation. Upon adjudication of a case in Municipal Court, the Court Administrator shall make notification to the Police Chief of the disposition of the case.~~
- (8) ~~Any vehicle purporting to be a taxicab operating within the City of Lawrenceville shall be in compliance with all of the provisions of this division or shall be deemed to be in violation of this division.~~

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(Code 2005, § 32-214(11); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)

**Sec. 12-369. Proration of license, permit, or inspection fees; fees nonrefundable. Reserved.**

~~Fees required by this division are nonrefundable and are not prorated.~~

(Code 2005, § 32-214(12); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)

**Sec. 12-370. Transfer and term of work permits and occupation tax certificates. Reserved.**

~~No work permit or occupation tax certificate required by this division are transferable; and they shall expire annually as provided in this division. If not renewed in compliance with this division, all work permits and occupation tax certificates shall expire annually and be of no further force and effect.~~

(Code 2005, § 32-214(13); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)

**Sec. 12-371. Suspension or revocation of occupation tax certificate or work permit. Reserved.**

- (a) ~~Suspension. For reasons set forth in this subsection, an occupation tax certificate or a work permit issued under this division may be suspended until these conditions no longer exist:
 
  - (1) ~~Failure to maintain all of the general qualifications applicable to the initial issuance of an occupation tax certificate or a work permit.~~
  - (2) ~~Violation of any part of this division.~~~~



~~(3) For work permits only: have been convicted of four or more moving traffic violations, or one or more mandatory suspensions as defined by Georgia law, within the 12-month period preceding the date of application or renewal of the application. Discharge without court adjudication of guilt pursuant to O.C.G.A. § 42-8-62 shall not disqualify an applicant.~~

~~(4) Allowing the required insurance coverage to lapse, or allowing a vehicle to operate without the maintenance required by this division.~~

~~(b) Suspension for six months. For reasons set forth in this subsection, an occupation tax certificate or a work permit issued under this division may be suspended for six months:~~

~~(1) Willful failure to comply with this division.~~

~~(2) Refusing to accept a passenger solely on the basis of race, color, national origin, religious belief, sex or sexual orientation. The term "sexual orientation" means the state of being heterosexual, homosexual or bisexual. Operators shall not refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.~~

~~(c) Revocation. An occupation tax certificate or a work permit issued under this division may be revoked where the applicant furnishes fraudulent or untruthful information, or omits information requested in the application.~~

~~(d) Revocation upon violation. An occupation tax certificate or work permit may be revoked for a violation of this division if any occupation tax certificate holder, employee, or independent contractor of a occupation tax certificate holder is found to have violated this division on three or more occasions in a 12-month period.~~

~~(e) Other remedies. In addition to any other remedies provided by law, the occupation tax certificate holder may also be cited for violating the provisions of this division, and such citations shall be prosecuted in accordance with the requirements of this division in the Municipal Court of the City of Lawrenceville.~~

~~(f) Requirements in addition to other laws. The requirements of this division shall be in addition to all other taxing, and regulatory provisions of local, State or federal law and shall not authorize violations of any other applicable laws.~~

~~(Code 2005, § 22-214(14); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-372. ~~Vehicle ownership, condition and equipment; inspection and maintenance of vehicles. Reserved.~~**

~~(a) Ownership. All vehicles used as a taxicab shall be owned or leased by the holder of the occupation tax certificate for operating a taxicab business. An owned vehicle shall be a vehicle titled in the name of the holder of the occupation tax certificate. A leased vehicle shall be a vehicle on which a valid commercial lease in the name of the holder of the occupation tax certificate exists and for which insurance has been issued in the name of the holder of the occupation tax certificate.~~

~~(b) Vehicle style and age. Any vehicle used as a taxicab shall be either a four-door sedan or passenger van, and such vehicle may be no more than eight years old as determined by the model year of the vehicle.~~

~~(c) Maintenance. Drivers and businesses are responsible for maintaining each vehicle for hire in a clean and mechanically safe condition. The interior and exterior shall meet the requirements set out under inspection requirements outlined in this section.~~

~~(d) Markings, inspection and maintenance records required. Drivers are not to drive and businesses are not to allow drivers to operate a vehicle without the required markings, inspection and maintenance records. Required markings shall include the name of the business painted or affixed by decal to the outside right and~~

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left front doors and the schedule of rates, including minimum fares, painted or affixed by decal to the outside right and left rear doors. Magnetic signs, or non-permanent signs or markings, shall be prohibited.

~~(e) — Inspection of vehicles. Prior to being placed in service for use as a taxicab, and annually thereafter, the vehicle must be inspected by an approved ASE or Master ASE Mechanic at the occupational tax certificate holder's expense and approved for use by the Police Department. The ASE or Master ASE Mechanic conducting the inspection shall be approved by and complete an inspection form as prescribed by the Police Chief. A list of approved ASE or Master ASE Mechanics qualified to perform an inspection under the division will be made available at the Police Department. The original inspection form shall be retained by the Police Department and a copy shall be provided to the owner. A copy of the inspection form shall be kept in the vehicle at all times when being operated, and the inspection form shall be presented to a police officer upon request. Any attempt by the occupational tax certificate holder to fraudulently obtain the required inspection will result in being disqualified from operating such a business in the City of Lawrenceville and may result in the loss of the current occupation tax certificate. The occupational tax certificate holder shall bring proof of the inspection to the City of Lawrenceville Police Department and upon payment of a \$50.00 processing fee an inspection sticker shall be affixed to the left side of the rear window. The requirements that each vehicle must meet are as follows:~~

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~~(1) — Exterior inspection shall ensure that headlights, taillights, brake lights, directional signal lights, license plate lights, windshield wipers, all vehicle glass, window cranks or electric windows, doors and door locks, trunk lid, trunk, hood, door handles, exhaust system, bumpers, fenders, body, tires and other vehicle parts are in good condition and functioning properly. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. There shall be no unrepaired body damage or any body condition which would create a safety problem or interfere with the operation of the vehicle.~~

~~(2) — Interior inspection shall include the rearview mirror, steering wheel, foot brakes, parking brakes, air conditioning and heating systems to ensure each item is in good operating condition. The upholstery, floor mats, headlining, door panels and the trunk compartment shall be inspected to ensure there are no tears, that they are clean and have no offensive odors and that the trunk has sufficient space for passenger luggage.~~

~~(3) — The vehicle shall have a spare tire, a jack, and reflective safety triangles.~~

~~(4) — Vehicles shall be subject to random inspections by a police officer at any time. Vehicles found to be substandard shall be removed from service immediately and shall not return to service until the vehicle has become compliant and has been re-inspected and approved by the Police Department for use.~~

~~(f) — Proof of license and insurance. The inspection sticker is proof that the business met the license and insurance requirements at the time of license issuance and that the vehicle passed the last vehicle inspection. Each vehicle driver must have in the vehicle proof of current insurance coverage. Any business or vehicle letting insurance coverage lapse shall have the inspection stickers removed by the Police Department and the business license and/or occupation tax certificate suspended or revoked. Business operations shall not be resumed until proof of insurance is provided to the business license office or the Police Department, the business license and occupation tax certificate reinstated and the vehicles re-inspected and new inspection stickers issued by the Police Department.~~

~~(g) — Inspection and proper maintenance required for operation. No business shall use any vehicle that has not been inspected and properly maintained as required by this article.~~

~~(h) — Stickers not transferable. Inspection stickers are not transferable from vehicle to vehicle and are nonrefundable if the vehicle is wrecked or taken out of service for any reason. The Police Department must be notified within ten days of any vehicle being taken out of service; stickers from vehicles taken out of service must be turned in to the Police Department. Stickers for replacement vehicles or additional vehicles are issued under the same procedures as original inspection stickers.~~

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(i) ~~Expiration.~~ Inspection stickers shall expire on the date the Georgia motor vehicle license tag expires.  
(Code 2005, § 32-214(15); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)

**Sec. 12-373. ~~Miscellaneous requirements and regulations.~~ Reserved.**

- (a) ~~All drivers shall maintain in each vehicle a suitable map or street guide of the metropolitan Atlanta and Gwinnett area.~~
  - (b) ~~All drivers shall make a reasonable search of their vehicle immediately following each trip, and upon discovery of any personal property left by a passenger in the vehicle, shall immediately notify the dispatcher so that the dispatcher can attempt to locate the owner to return the property. If the owner cannot be located within 24 hours, the dispatcher shall forward the property to the Police Department.~~
  - (c) ~~All drivers shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.~~
  - (d) ~~No driver shall refuse to accept a passenger, unless the passenger is obviously intoxicated or dangerous. All employees and independent contractors of companies pursuant to this article shall be courteous and respectful to members of the public.~~
  - (e) ~~No driver shall refuse to accept a passenger solely on the basis of that passenger's race, color, gender, religion, sex, national origin, sexual orientation, age or disability.~~
  - (f) ~~All drivers shall provide receipts upon request of a passenger, showing the amount of fare paid, the name of the business, the work permit number of the driver, the number of passengers, and origin and termination location of the trip.~~
  - (g) ~~No driver shall refuse to transport a blind or disabled person or that person's guide or service dog. No driver shall charge any extra fee for the guide or service dog to accompany said blind or disabled person.~~
  - (h) ~~All drivers shall practice good personal hygiene, and wear proper dress while operating taxicab. Proper dress shall mean shoes (not sandals), ankle-length pants, and a shirt or blouse with sleeves and a collar. Hats must be of the baseball style or a chauffeur's cap. Clothing must be clean and not visibly soiled.~~
  - (i) ~~A driver, while carrying passengers, shall not play the radio or smoke if objected to by a passenger.~~
  - (j) ~~Occupation tax certificate holders are responsible for ensuring that any driver who is affiliated in any way with such business complies with the requirements of this division. In addition to being cited for a violation of this division, violation of this section may be grounds for suspension or revocation of the occupational tax certificate issued pursuant to this division.~~
  - (k) ~~Failure of a driver to comply with this article shall result in the issuance of a citation and/or the driver's arrest and the impoundment of the taxicab.~~
- (Code 2005, § 32-214(16); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)

**Sec. 12-374. ~~Trip sheets or logs.~~ Reserved.**

~~Drivers must maintain daily trip sheets or logs, including the number of passengers, the time, place of entry, the destination of each passenger, the amount charged and an itemization of any personal property left in the vehicle for hire. Trip sheets must be maintained in the vehicle for 48 hours and, thereafter, transferred to and maintained at the business premises for a period of time not less than five years.~~  
(Code 2005, § 32-214(17); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)

**Sec. 12-375. ~~Call jumping. Reserved.~~**

~~Businesses under this division shall not participate in nor allow their drivers to practice call jumping or the act of intercepting a passenger who has requested service from another business.~~

~~(Code 2005, § 32-214(19); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-376. ~~Schedule of fares. Reserved.~~**

~~(a) The owner of a taxicab service shall either use a meter to calculate fees or provide a rate quote to the passenger prior to departing. If the service utilizes a meter, the rates and method of computation must be posted and plainly visible to passengers in the taxicab. The driver of a taxicab utilizing a meter to calculate fees must use the most direct route available from departure to destination.~~

~~(b) Taximeters, if utilized, shall be calibrated by the permitted taxicab driver or taxicab business to calculate the fares in accordance with the posted fare schedule. The occupation tax certificate holder shall install lead and wire seals to the taximeter once it is calibrated so that no adjustments, alterations or replacements may be made to the taximeter that affects in any way its accuracy or indications.~~

~~(Code 2005, § 32-214(22); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Sec. 12-377. ~~Enforcement. Reserved.~~**

~~The City of Lawrenceville Police Department shall be responsible for the enforcement of this division. The Police Department is authorized to inspect taxis anytime without a warrant to ensure compliance with this division.~~

~~(Code 2005, § 32-214(23); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Commented [TB36]:** Since the police department is no longer administering this section, I think it best to simply remove this sentence and assume that the city and taxicab companies would arrange times to inspect vehicles.

**Sec. 12-378. ~~Penalty. Reserved.~~**

~~Except where otherwise stated, any person who violates any provision of this division may be subject to arrest or summoned to appear in the City of 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.~~

~~(Code 2005, § 32-214(24); Ord. of 7-9-2007; Ord. of 11-20-2007; Ord. of 7-11-2011)~~

**Secs. 12-379—12-399. Reserved.**

**DIVISION 13. ADULT ENTERTAINMENT**

**Sec. 12-400. Purpose.**

(a) The purpose of this division is to regulate certain types of businesses, including, but not limited to, adult entertainment establishments. The City considered specific evidence of the undesirable secondary effects of sexually explicit businesses when it enacted the provisions of this section. Before adopting the ordinance from which this article is derived, the City considered and reviewed an extensive report prepared by the City of Austin, Texas, concerning adult-oriented businesses in that city and considered the increased criminal activity around such adult entertainment establishments and the expenditure of additional funds for law

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(Supp. No. 9)

enforcement to combat such criminal activity. The City also reviewed studies prepared in Garden Grove, California; Seattle, Washington; and Oklahoma City, Oklahoma. However, it is recognized that such regulation cannot amount to prohibition; otherwise, a protected form of expression would vanish. As to adult dance establishments, this division represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods and property values through the regulation of adult entertainment establishments versus the protected rights of adult entertainment establishments and patrons.

- (b) It is the finding of the Mayor and Council that public nudity, either partial or total, under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or adult entertainment, whether such alcoholic beverages are sold on the premises or not, begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community.
- (c) Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, drug use and drug trafficking. Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol, commercial nudity in general, and cinematographic or videographic adult entertainment are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior described in this section. The Mayor and Council find it is reasonable to believe that some or all of these undesirable community conditions will result in the City of Lawrenceville as well.
- (d) Furthermore, it is the finding of the Mayor and Council that other forms of adult entertainment, including, but not limited to, adult book stores, adult novelty shops, adult video stores, peep shows, adult theaters, and massage parlors have an adverse effect upon the quality of life in surrounding communities.
- (e) The Mayor and Council find that the negative secondary effects of adult entertainment establishments upon the City of Lawrenceville are similar whether the adult entertainment establishment features live nude dancing or sells video tapes depicting sexual activities. In addition, the experiences of other cities and counties with adult bookstores have shown that a substantial amount of activity at the bookstore involves booths which an individual may enter, view videos depicting sexual activity, and sexually interact with a bookstore patron in an adjoining booth through a hole strategically placed in the wall of adjoining booths.
- (f) The Mayor and Council therefore find that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children's daycare facilities to prevent or reduce the adverse impacts of adult entertainment establishments. Therefore, the Mayor and Council find that licensing and regulations are necessary for any adult entertainment establishment. The Mayor and Council find that these regulations promote the public welfare by furthering legitimate public and governmental interests, including, but not limited to, reducing criminal activity and protecting against or eliminating undesirable community conditions and further finds that such will not infringe upon the protected constitutional rights of freedom of speech or expression. To that end, the ordinance from which this division is derived is hereby adopted.

(Code 2005, § 32-215(1))

**Sec. 12-401. 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:

(Supp. No. 9)

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*Adult bookstore* means an establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such materials or five percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

*Adult business* means either:

- (1) Each of those enterprises defined in this article;
- (2) Any business other than those expressly specified in this division, where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or
- (3) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.

*Adult dancing establishment* means a business that features dancers displaying or exposing specified anatomical areas.

*Adult entertainer* means any person employed by an adult entertainment establishment who exposes his or her specified anatomical areas, as defined in this section. The term "adult entertainer" includes employees as well as independent contractors.

*Adult entertainment* means entertainment that is characterized by an emphasis on the depiction, display or the featuring of specified anatomical areas.

*Adult entertainment establishment* includes the following types of business:

- (1) Any commercial establishment that employs or uses any person live, in any capacity in the sale of service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her specified anatomical areas;
- (2) Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas, as defined in this section or where such performances are distinguished or characterized by an emphasis on specified sexual activities, as defined in this section;
- (3) Any commercial establishment which holds, promotes, sponsors, or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in this section;
- (4) Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as those terms are defined in this section, or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales for the sale or rental of such material;
- (5) Any commercial establishment utilizing an enclosed building with a capacity of 50 or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas, as defined in this section, for observation by patrons therein;

- (6) Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined in this section.

The term "adult entertainment establishment" does not include traditional or live theater (mainstream theater) which means a theater, concert hall, museum, educational institution or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of specified anatomical areas or specified sexual activities in that the depiction, display, description or featuring is incidental to the primary purpose of any performance.

*Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

*Adult mini-motion picture theater* means an enclosed building with a capacity of less than 50 persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

*Adult motion picture arcade* means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

*Adult video store* means an establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

*Children's day care facility* means a structure or portion of a structure wherein is provided care and supervision of children away from their place of residence for less than 24 hours per day on a regular basis for compensation. For the purpose of this division, the term "children's day care facility" includes, but is not limited to, the terms "nursery school," "early learning center," "pre-kindergarten," "private kindergarten," "play school," or "pre-school."

*Erotic dance establishment* means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

*Escort bureau or introduction service* means any business, agency or persons who, for a fee, commission, hire, reward or profit, furnish or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of resort or within any private quarters.

*Good moral character.* A person is of good moral character according to this division if that person has not been convicted of a felony, or any crime not a felony if it involves moral turpitude, in the past five years. The City may also take into account such other factors as are necessary to determine the good moral character of the applicant or employee. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

*Minor* means any person who has not attained the age of 18 years.

*Operator* means the manager or other person principally in charge of an adult entertainment establishment.

*Owner* means any individual or entity holding more than a 20 percent interest in an adult entertainment establishment.

*Premises* means the defined, closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

*Specified sexual activities* means and includes any of the following:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia;
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

*Specified anatomical areas* includes any of the following:

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

(Code 2005, § 32-215(2))

**Sec. 12-402. Erotic dance establishment regulations.**

- (a) No person, firm, partnership, corporation or other entity shall advertise or cause to be advertised an erotic dance establishment without a valid adult entertainment establishment license issued pursuant to this division.
- (b) No later than March 1 of each year, an erotic dance establishment licensee shall file a verified report with the license officer showing the licensee's gross receipts and amounts paid to dancers and performers for the preceding calendar year.
- (c) An erotic dance establishment licensee shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as dancers and performers.
- (d) No adult entertainment establishment licensee shall employ or contract with as a dancer or a performer a person under the age of 18 years or a person not licensed pursuant to this division.
- (e) No person under the age of 18 years shall be admitted to an adult entertainment establishment.
- (f) An erotic dance establishment may be open only between the hours of 8:00 a.m. and 2:00 a.m. Monday through Friday, and Saturday from 8:00 a.m. to 2:55 a.m. on Sunday. No licensee shall permit his place of business to be open on Christmas Day.
- (g) No erotic dance establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any ~~intoxicating liquor~~ alcoholic beverage or controlled substance upon the premises of the licensee.

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(Supp. No. 9)

- (h) An adult entertainment establishment licensee shall conspicuously display all licenses required by this division.
- (i) All dancing shall occur on a platform intended for that purpose which is raised at least 18 inches from the level of the floor.
- (j) No dancing shall occur closer than four feet to any patron.
- (k) No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.
- (l) No patron shall directly pay or give any gratuity to any dancer.
- (m) No dancer shall solicit any pay or gratuity from any patron.
- (n) All areas of an establishment licensed under this division shall be fully lighted at all times patrons are present. The term "full lighting" means illumination equal to 3.5 foot candles per square foot.
- (o) If any portion or subsection of this section or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

(Code 2005, § 32-215(3))

**Sec. 12-403. Certain activities prohibited.**

No person, firm, partnership, corporation or other entity shall publicly display or expose or suffer the public display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area or buttocks in a lewd and obscene fashion.

(Code 2005, § 32-215(4))

**Sec. 12-404. Permit required.**

It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on in or upon any premises within the City of Lawrenceville any of the adult entertainment establishments defined in this division without a permit so to do. No permit so issued shall condone or make legal any activity if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States.

(Code 2005, § 32-215(5))

**Sec. 12-405. Operation of unlicensed premises unlawful.**

It shall be unlawful for any person to operate an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult hotel or motel, adult motion picture arcade, cabaret, encounter center, escort bureau, adult business, adult video store, or adult dancing establishment unless such business shall have a currently valid license or shall have made proper application for renewal within the time required thereof under this article, which license shall not be under suspension or permanently or conditionally revoked.

(Code 2005, § 32-215(6))

**Sec. 12-406. Admission of minors unlawful.**

It shall be unlawful for a licensee to admit or permit the admission of minors within a licensed premises.

(Supp. No. 9)

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(Code 2005, § 32-215(7))

**Sec. 12-407. Sales to minors unlawful.**

It shall be unlawful for any person to sell, barter or give or to offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult massage parlor or adult dancing establishment, adult video store, or other adult business.

(Code 2005, § 32-215(8))

**Sec. 12-408. Location.**

- ~~(a) No adult business or use restricted under this division shall be located:
 
  - ~~(1) Within 1,000 feet of any parcel of land which is either named or used for residential uses or purposes;~~
  - ~~(2) Within 1,000 feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground is located;~~
  - ~~(3) Within 1,000 feet of any parcel of land upon which another establishment regulated or defined under this division is located;~~
  - ~~(4) Within 1,000 feet of any parcel of land upon which any other establishment selling alcoholic beverages is located;~~
  - ~~(5) On less than three acres of land containing at least 150 feet of road frontage;~~
  - ~~(6) Within any zoning classification other than the HSB or HM district with a special use permit pursuant to Article VII, Section 7.11 or Section 7.13 of the City's Zoning Ordinance.~~~~
- ~~(b) For the purposes of this section, distance shall be by straight line measurement from the property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.~~
- ~~(d) The interior lighting of any premises licensed in this division shall provide adequate visibility for patrons and public safety personnel with a minimum of ten candles at all times, as measured from the floor.~~
- ~~(e) The premises at which the licensed activity takes place shall have a minimum of one parking space for each 25 square feet of gross building area.~~
- ~~(f) The premises at which the licensed activity takes place shall be on a lot having a minimum of 150 feet of road frontage on a public road, street, or highway.~~
- ~~(g) The premises at which the licensed activity takes place shall have a minimum of two driveways, which shall provide access to a public road, street, or highway.~~
- ~~(h) The premises at which the licensed activity takes place shall have a minimum of one security camera for each light standard or pole in the parking lot. In order to protect the safety and security of patrons, employees, and visitors, surveillance tapes from the cameras shall be maintained for 90 days.~~

(Code 2005, § 32-215(9))

**Sec. 12-409. Adult entertainment establishment employees.**

- (a) *Qualifications.* Employees of an adult entertainment establishment shall be not less than 18 years of age. Every employee must be of good moral character as defined in this division. Any employee, who is convicted

(Supp. No. 9)

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**Commented [TB37]:** We should have someone in the planning department verify for us that there is at least 1-2 locations in the city where such a business could hypothetically be located in accordance with these provisions.

**Commented [TB38]:** I would recommend dealing with the distance requirements in the zoning ordinance.

**Commented [BM39]:** This section says 10 candles. Section 12-402(n) says 3.5 footcandles per SF. Do these align with each other or are they contradicting? Same with 12-671(2) where it says 10 candles.

**Commented [TB40R39]:** In light of Todd's comments, it makes sense to delete this section and handle it in the zoning code. The 3.5 foot candles per square foot seems to be a standard requirement in various adult business codes. I think the video store section should be folded into this adult entertainment section and the conflict in lighting requirements explained or reconciled.

**Commented [TH41]:** Recommend deleting with the parking requirements and allow existing Zoning Ordinance, Article 5 Parking to dictate policy.

Proposed Code of the City of Lawrenceville (CoL), Part II – Code, Chapter 12 Businesses and Business Regulations, Division 13. – ADULT ENTERTAINMENT, Sec. 12.408.

- Adult Entertainment Off-Street Parking Spaces Required (minimum) – 1 per 25 gross square feet
- Assuming an adult entertainment facility would consist of 5,000 square feet the required parking space would be as follows: 200 parking spaces.

CoL Article 5 Parking, Section 508, Table 5-3: Number of Off-Street Parking Spaces Required (minimum) - an adult entertainment facility would require the following.

- Adult Uses Off-Street Parking Spaces Required - 1 parking space per 300 square feet of gross floor area

**Commented [TB42]:** This may also need to be in the zoning ordinance.

**Commented [TH43]:** City, County, and State require minimum of 200 feet separating driveways, public roads, and side streets. Recommend deleting in it entirety, and allow existing Development Regulations to dictate policy.

**Commented [TH44]:** City, County, and State require minimum of 200 feet separating driveways, public roads, and side streets. Recommend deleting in it entirety, and allow existing Development Regulations to dictate policy.



of a crime constituting a felony or a crime not a felony involving moral turpitude while employed as an adult entertainment establishment employee, shall not thereafter work on any licensed premises for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime, and the terms "employed on the licensed premises" and "work on any licensed premises" shall include as well work done or services performed while in the scope of employment elsewhere than on the licensed premises.

- (b) *Approval for employment.* Before any person may work on a licensed premises, he ~~or she~~ shall file a notice with the ~~Licensing Officer~~Finance Department of his ~~or her~~ intended employment on forms supplied by the ~~Licensing Officer~~City and shall receive approval of such employment from the ~~Licensing Officer~~Finance Department. The prospective employee shall supply such information as the ~~Licensing Officer~~City requires, including a set of fingerprints, on regular City of Lawrenceville or United States Department of Justice forms. Upon approval, the employee may begin working on the licensed premises. If approval is denied, the prospective employee may, within ten days of said denial, apply to the ~~Licensing Officer~~Finance DirectorChief Financial Officer for a hearing. The decision of the ~~Licensing Officer~~Finance DirectorChief Financial Officer, after hearing, may be appealed to the City ~~Council~~Manager, which may issue such order as is proper in the premises. An investigation fee of \$50.00 shall accompany the notice of intended employment or a receipt of the ~~Licensing Officer~~City evidencing the payment of such fee at the time the notice is filed.
- (c) *Suspension, revocation of license.* Violation of the provisions of this Code, the ordinances of the City of Lawrenceville, laws and regulations of the State of Georgia, or the rules and regulations of the City shall subject an employee to suspension or revocation of license.
- (d) *Independent contractors.* For the purpose of this division, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

(Code 2005, § 32-215(10))

**Sec. 12-410. Application for permit.**

- (a) Any person, association, partnership or corporation desiring to obtain a permit to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the City ~~Administrator~~Finance DirectorChief Financial Officer or his ~~or her~~ designated representative. Prior to submitting such application, a nonrefundable fee, ~~established by resolution of the City Council, of \$50~~ shall be paid to the City ~~Clerk~~ to defray, in part, the cost of investigation and report required by this article. The City ~~Clerk~~ shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the City ~~Administrator~~Finance DirectorChief Financial Officer at the time such application is submitted.
- (b) The application for permit does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.

(Code 2005, § 32-215(11))

**Sec. 12-411. Application contents.**

Each application for an adult entertainment establishment permit shall contain the following information:

- (1) The full true name and any other names used by the applicant;
- (2) The present address and telephone number of the applicant;

- 
- (3) The previous addresses of the applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;
  - (4) Acceptable written proof that the applicant is at least 18 years of age;
  - (5) The applicant's height, weight, color of eyes and hair and date and place of birth;
  - (6) Two photographs of the applicant at least two inches by two inches taken within the last six months;
  - (7) Business, occupation or employment history of the applicant for the five years immediately preceding the date of application. Business or employment records of the applicant, partners in a partnership, directors and officers of a corporation and, if a corporation, all shareholders holding more than five percent of the shares of corporate stock outstanding;
  - (8) The business license history of the applicant and whether such applicant, in previous operations in this or any other city, state or territory under license, has had such license or permit for an adult entertainment business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
  - (9) All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions;
  - (10) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership ~~filed with the County Clerk~~. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this article, but only one application fee shall be charged;
  - (11) The names and addresses of the owner and lessor of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;
  - (12) Such other identification and information as the ~~Police Department~~City may require in order to discover the truth of the matters specified in this section as required to be set forth in the application;
  - (13) The age and date of birth of the applicant, of any partners, or of any and all officers, of any stockholders of more than five percent of the shares of the corporation stock outstanding, directors of the applicant if the applicant is a corporation;
  - (14) If the applicant, any partners or any of the officers or stockholders holding more than five percent of the outstanding shares of the corporation, or the directors of the applicant if the applicant is a corporation, have ever been convicted of any crime constituting a felony, or any crime not a felony involving moral turpitude, in the past five years and, if so, a complete description of any such crime, including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed;
  - (15) The City shall require the individual applicant to furnish fingerprints of the applicant;
  - (16) If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded. If the applicant is a corporation, a copy of authority to do business in Georgia, including articles of incorporation, trade name affidavit, if any, last annual report, if any;

- (17) At least three character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the application if the license is granted and who have not been convicted of any felony or a Municipal Code violation involving moral turpitude in the past five years. The ~~Licensing Officer~~ Finance Department shall prepare forms consistent with the provisions of this subsection for the applicant, who shall submit all character references on such forms;
- (18) Address of the premises to be licensed;
- (19) Whether the premises are owned or rented and, if the applicant has a right to legal possession of the premises, copies of those documents giving such legal right;
- (20) A plat by a registered engineer, licensed by the State of Georgia, showing the location of the proposed premises in relation to the neighborhood, the surrounding zoning, its proximity to any church, school, public park, governmental building or site or other business regulated under this division;
- (21) Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:
  - a. If the applicant is an individual, the individual;
  - b. If a partnership, by the manager or general partner;
  - c. If a corporation, by the president of the corporation;
  - d. If any other organization or association, by the chief administrative official.

(Code 2005, § 32-215(12))

**Sec. 12-412. Applicant to appear.**

The applicant, if an individual, or designated responsible managing officer, if a partnership or corporation, shall personally appear at the City of Lawrenceville and produce proof that a nonrefundable application fee, ~~established by resolution of the City Council of \$200~~, has been paid and shall present the application containing the information described in section 12-411.

(Code 2005, § 32-215(13))

**Sec. 12-413. Application; investigation.**

The City shall have 30 days to investigate the application and the background of the applicant. Upon completion of the investigation, the Council may grant the permit if it finds:

- (1) The required fee has been paid;
- (2) The application conforms in all respects to the provisions of this article;
- (3) The applicant has not knowingly made a material misrepresentation in the application;
- (4) The applicant has fully cooperated in the investigation of his application;
- (5) The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct or convicted of an attempt to commit any of the above-mentioned offenses, or convicted in any state of any offense which, if committed or attempted in this State, would have been punishable as

(Supp. No. 9)

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**Commented [TB45]:** This needs to be a reasonable amount.

**Commented [TB46]:** I would not raise this fee. The applicable case law looks at these fees very closely and cities often lose on this point because they cannot tie the fee down closely enough to demonstrate conclusively that is not a prior restraint on speech. See ZEBULON ENTERPRISES, INC., v. DUPAGE COUNTY, ILLINOIS, 594 F.Supp.3d 1064 (2022). It simply isn't worth the risk.

one or more of the above-mentioned offenses, or any crime involving dishonesty, fraud, deceit or moral turpitude;

- (6) The applicant has not had an adult entertainment establishment permit or other similar license or permit denied or revoked for cause by this City or any other city located in or out of this State prior to the date of application;
- (7) The building, structure, equipment or location of such business as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, distance, fire and safety requirements and standards;
- (8) The applicant is at least 21 years of age;
- (9) That the applicant, his employee, agent, partner, director, officer, stockholder or manager has not, within five years of the date of the application, knowingly allowed or permitted any of the specified sexual activities to be committed or allowed in or upon the premises where such adult entertainment establishment is to be located or to be used as a place in which solicitations for the specified sexual activities, as defined in this division, openly occur;
- (10) That on the date the business for which a permit is required in this division commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open;
- (11) That the proposed premises is not to be located too close to any church, school, library, governmental building or site or any other business restricted under this division;
- (12) That the grant of such license will not cause a violation of this division or any other ordinance or regulation of the City of Lawrenceville, the State of Georgia or the United States;
- (13) Any other inquiry deemed necessary or desirable by the City to ensure the health, safety and welfare of the citizens of the City of Lawrenceville or the preservation of its neighborhoods.

(Code 2005, § 32-215(14))

**Sec. 12-414. Persons prohibited as licensees.**

- (a) No license provided for by this division shall be issued to or held by:
  - (1) An applicant who has not paid all required fees and taxes for a business at that location or property taxes;
  - (2) Any person who is not of good moral character;
  - (3) Any corporation, any of whose officers, directors or stockholders holding over five percent of the outstanding issued shares of capital stock are not of good moral character;
  - (4) Any partnership or association, any of whose officers or members holding more than five percent interest therein are not of good moral character;
  - (5) Any person employing, assisted by or financed, in whole or in part, by any person who is not of good moral character;
  - (6) Any applicant who is not qualified to hold and conduct a business according to the laws of the United States, the State of Georgia or the City of Lawrenceville.
- (b) Should there be a sufficient number of current licenses to meet the needs and desires of the inhabitants of the City, no new licenses shall be issued. In determining the needs and desires of the inhabitants, the

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(Supp. No. 9)

standard of review shall be that the market is virtually unrestrained as defined in *Young v. American Mini Theaters, Inc.*, 427 U.S. 50, 81.

(Code 2005, § 32-215(15))

**Sec. 12-415. Permit.**

- (a) *Refusal; appeal.* If the City, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this division, it shall notify the City ~~Clerk~~ ~~Finance Director~~ Chief Financial Officer of such opinion and, within 30 days of the date of application, provide copies of the investigation report to the City ~~Clerk~~ ~~Finance Director~~ Chief Financial Officer. The City ~~Clerk~~ ~~Finance Director~~ Chief Financial Officer shall, within ten days, notify the applicant by certified mail of such denial. Any applicant who is denied a permit may appeal such denial to the ~~Mayor and Council~~ City Manager.
- (b) *Renewal.* Permits for adult entertainment establishments ~~may~~ shall be renewed on a year-to-year basis, provided that the permittee continues to meet the requirements set out in this division. The renewal fees for the adult entertainment establishment permits shall be ~~established by resolution of the City Council~~ \$200.
- (c) *Nontransferable.* No adult entertainment establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner without effecting a surrender or termination of such permit, and in such case the permit, upon notification to the City, shall be placed in the name of the surviving partner. An adult entertainment establishment permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit or any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.

(Code 2005, § 32-215(16)–(18))

**Sec. 12-416. Change of location or name.**

- (a) No adult entertainment establishment shall move from the location specified on its permit until a change of location fee, ~~established by resolution of the City Council~~ of \$100, has been deposited with the City and approval has been obtained from the City ~~Administrator and the Zoning Department~~ ~~Finance Director~~ Chief Financial Officer. Such approval shall not be given unless all requirements and regulations as contained in this Code have been met.
- (b) No permittee shall operate, conduct, manage, engage in or carry on an adult entertainment establishment under any name other than his or her name and the name of the business as specified on his or her permit.
- (c) Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require inspection and shall comply with the provisions and regulations of this division.

(Code 2005, § 32-215(19))

**Commented [TB47]:** I would not raise this fee. The applicable case law looks at these fees very closely and cities often lose on this point because they cannot tie the fee down closely enough to demonstrate conclusively that is not a prior restraint on speech. See ZEBULON ENTERPRISES, INC., v. DUPAGE COUNTY, ILLINOIS, 594 F.Supp.3d 1064 (2022). It simply isn't worth the risk.

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(Supp. No. 9)



**Sec. 12-417. Appeal—Procedure.**

- (a) The permittee shall, within ten days after he or she has been notified of an adverse determination, submit a notice of appeal to the City ~~Clerk~~Finance Director~~Chief Financial Officer~~.
- (b) The notice of appeal shall be addressed to the Council City Manager and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the Council City Manager and the name and address of the applicant.
- (c) ~~The clerk shall place the appeal on the agenda of the next regular Council meeting occurring~~A hearing shall take place not less than five nor more than 30 days after receipt of the application for Council City Manager action. The City Manager upon receipt of an appeal, may conduct the hearing or appoint a designee to serve as a hearing officer.

(Code 2005, § 32-215(20))

**~~Sec. 12-418. Same—Council determines procedure.~~**

~~When an appeal is placed on the Council agenda, the Council may take either of the following actions:~~

- ~~(1) Set a hearing date and instruct the City Clerk to give such notice of hearing as may be required by law;~~
- ~~(2) Appoint a Hearing Officer and fix the time and place for hearing. The Hearing Officer may or may not be a City employee and may be appointed for an extended period of time. The City Clerk shall assume responsibility for such publication of notice of the hearing as may be required by law. If a Hearing Officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this division.~~

~~(Code 2005, § 32-215(21))~~

**Sec. 12-419. City Council Manager hearing.**

Whenever the City ~~Clerk~~Finance Director~~Chief Financial Officer~~ has scheduled an appeal before the City ~~Council~~Manager, at the time and date set therefor, the Council City Manager shall receive all relevant testimony and evidence from the permittee, from interested parties and from City staff. The City ~~Council Manager or designated hearing officer~~ may sustain, overrule or modify the action complained of. The action of the City ~~Council Manager or designated hearing officer~~ shall be final.

(Code 2005, § 32-215(22))

**Sec. 12-420. Powers of City Manager or Hearing Officer.**

The City Manager or Hearing Officer appointed pursuant to the procedure set out in this division may receive and rule on admissibility of evidence, hear testimony under oath and call witnesses as he or she may deem advisable with respect to the conduct of the hearing.

(Code 2005, § 32-215(23))

**Sec. 12-421. Rules of evidence inapplicable.**

The City ~~Council Manager and or~~ the Hearing Officer shall not be bound by the traditional rules of evidence in hearings conducted under this division. Rules of evidence as applied in an administrative hearing shall apply.

(Code 2005, § 32-215(24))

**Sec. 12-422. City Manager or Hearing Officer—Report.**

(a) The City Manager or Hearing Officer shall, within a reasonable time not to exceed 30 days from the date such hearing is terminated, submit a written report ~~to the Council~~. Such report shall contain a brief summary of the evidence considered and state findings ~~and~~ conclusions ~~and recommendations~~. All such reports shall be filed with the City Clerk and shall be considered public records. A copy of such report shall be forwarded by certified mail to the permittee/appellant the same day it is filed with the City Clerk, ~~with additional copies furnished the City Administrator and Police Chief.~~

~~(b) The City Clerk shall place the Hearing Officer's report on the agenda of the next regular Council meeting occurring not less than ten days after the report is filed and shall notify the permittee/appellant of the date of such meeting at least ten days prior to the meeting unless the permittee/appellant stipulates to a shorter notice period.~~

(Code 2005, § 32-215(25))

**Sec. 12-423. Same—Action by Council Reserved.**

~~The Council may adopt or reject the Hearing Officer's decision in its entirety or may modify the proposed recommendation. If the Council does not adopt the Hearing Officer's recommendation, it may decide the case upon a review of the entire record before the Hearing Officer with or without taking additional evidence.~~

~~(Code 2005, § 32-215(26))~~

**Sec. 12-424. Denial; procedure.**

Within 30 days of actual receipt of an application for an adult entertainment establishment license, the City ~~Clerk Finance Director~~ Chief Financial Officer shall either approve or deny the application. In no event shall the decision whether to approve or deny the adult entertainment establishment license application be held without decision for more than 30 days after actual receipt of the application. In the event that such an application is held without decision for a period of more than 30 days, however, the license application shall be deemed approved, and expressive conduct may begin immediately notwithstanding the fact that no license has been issued. The City ~~Clerk Finance Director~~ Chief Financial Officer shall issue an adult entertainment establishment license to an applicant who informs the City ~~Clerk Finance Director~~ Chief Financial Officer of the fact that an application has been submitted, but no decision has been made thereon for a period of more than 30 days following actual receipt of the application. The City ~~Clerk Finance Director~~ Chief Financial Officer shall issue an adult entertainment establishment license under such circumstances within three business days of actual receipt of written notice by the applicant of such circumstances. In the event that the City ~~Clerk Finance Director~~ Chief Financial Officer denies an application for an adult entertainment establishment license, notice of such denial shall be delivered to the applicant in person or by certified mail within five business days of such denial. Any person aggrieved by any decision of the City, its officials, employees or agents, may seek review of such decision by filing an application for a writ of certiorari or a writ of mandamus to the Superior Court of Gwinnett County, Georgia.

(Code 2005, § 32-215(27))

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(Supp. No. 9)

**Sec. 12-425. Violations; penalty.**

Any person violating the provisions of this division shall be ~~guilty of a misdemeanor~~, punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. In addition to such fine or imprisonment, violation of this division shall also be grounds for immediate suspension or revocation of the license issued under this division.

(Code 2005, § 32-215(28))

**Sec. 12-426. Unlawful operation declared nuisance.**

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this division shall be, and the same is hereby declared to be, unlawful and a public nuisance. The City may, in addition to or in lieu of prosecuting a criminal action under this division, commence an action, proceeding for abatement, removal or enjoinder thereof in the manner provided by law. It shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this division. In addition, violation of the provisions of this division shall be per se grounds for suspension or revocation of a license granted under this division.

(Code 2005, § 32-215(29))

**Sec. 12-427. Cleaning of licensed premises.**

Each licensed premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the licensed premises. There shall be provided adequate facilities, equipment and supplies on the licensed premises to meet this requirement, and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire licensed premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the licensed premises but shall be disposed of daily or as often as collections permit.

(Code 2005, § 32-215(30))

**Sec. 12-428. Self-inspection of licensed premises.**

The licensee of a licensed premises or his or her designated representative shall make sanitary inspections of the licensed premises at least once a month and shall record his or her findings on a form supplied by the ~~Licensing Officer~~ ~~Finance Director~~ ~~Chief Financial Officer~~. Each licensed premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

(Code 2005, § 32-215(31))

**Sec. 12-429. Sealing for unsanitary or unsafe conditions.**

A licensed premises or any part thereof may be sealed by order of the ~~Licensing Officer~~ ~~Finance Director~~ ~~Chief Financial Officer~~ ~~Code Enforcement Manager~~ on his or her finding of a violation of this division resulting in an unsanitary or unsafe condition. Prior to sealing, the ~~Licensing Officer~~ ~~Finance Director~~ ~~Chief Financial Officer~~ ~~Code Enforcement Manager~~ shall serve on the licensee, by personal service on him or her or by posting in a conspicuous place on the licensed premises, a notice of the violation and an order to correct it within 24 hours after service. If

(Supp. No. 9)

Created: 2022-05-05 15:02:02 [EST]

the violation is not so corrected, the ~~Licensing Officer~~~~Finance Director~~~~Chief Financial Officer~~~~Code Enforcement Manager~~ may physically seal that portion of the licensed premises causing the violation and order the discontinuance of use thereof until the violation has been corrected and the seal removed by the ~~Licensing Officer~~~~Finance Director~~~~Chief Financial Officer~~~~Code Enforcement Manager~~. The ~~Licensing Officer~~~~Finance Director~~~~Chief Financial Officer~~~~Code Enforcement Manager~~ shall affix to the sealed premises a conspicuous sign labeled "Unclean" or "Unsafe," as the case may be.

(Code 2005, § 32-215(32))

Commented [BM48]: Should this be done by CFO or someone else? Perhaps code enforcement?

Commented [TB49R48]: Entirely up to the city, but code enforcement makes more sense to me.

**Sec. 12-430. Abatement as sanitary nuisance.**

A licensed premises or any part thereof may be abated as an unsanitary nuisance.

(Code 2005, § 32-215(33))

**Sec. 12-431. Automatic license forfeiture for non-use.**

Any holder of any license under this division who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the products authorized shall, after the said three-month period, automatically forfeit the license without the necessity of any further action.

(Code 2005, § 32-215(34))

**Sec. 12-432. Miscellaneous.**

Nothing contained in this division shall be deemed to permit or condone any activity whatsoever which is otherwise found to be obscene, lewd or illegal under applicable code, regulation or statute which provides any prohibition upon nudity or unlawful sexual activity. Further, the activities and uses which are regulated and permitted by this division shall only be allowed if they are not obscene or lewd and not in violation of any other such prohibitions on nudity or unlawful sexual activity.

(Code 2005, § 32-215(35))

**Secs. 12-433—12-462. Reserved.**

**DIVISION 14. ANIMAL-DRAWN CARRIAGES**

Commented [TB50]: Is this something the city wants to continue to allow going forward, even if no one is doing this now?

**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 ~~Clerk~~ 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.

Commented [BM51R50]: Yes. At some point we may have someone ask for this.

(Supp. No. 9)

Created: 2022-05-05 15:02:02 [EST]

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- (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.

Created: 2022-05-05 15:02:03 [EST]

(Supp. No. 9)



(f) *Temporary suspension of license.* The City ~~Clerk~~ may temporarily suspend any carriage company license for violation of the provisions of this division.

(Code 2005, § 32-218(1))

**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 ~~City Clerk~~ Finance Department at least 30 days before the same shall take effect.

(Code 2005, § 32-218(2))

**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 Gwinnett County Society for the Prevention of Cruelty to Animals (S.P.C.A.)~~ 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 ~~S.P.C.A.~~ City or who complies with the order and returns the subject animal to service before being inspected and approved by the ~~S.P.C.A.~~ City shall be ~~guilty~~

**Commented [TB52]:** The SPCA was merged/taken over by the Atlanta Humane Society in 2018. The City can not delegate its decision making power to a non-profit organization, but it may rely on their opinion in coming to a decision.

Created: 2022-05-05 15:02:03 [EST]

(Supp. No. 9)

~~of the offense of refusing to obey an order the of the S.P.C.A in violation of this code section and subject to citation to thepunishable upon adjudication in the Municipal Court for violation of this division.~~

(Code 2005, § 32-218(3))

**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.

(Code 2005, § 32-218(4))

**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.

(Code 2005, § 32-218(5))

**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.

Created: 2022-05-05 15:02:03 [EST]

(Supp. No. 9)

- (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.

(Code 2005, § 32-218(6))

**Sec. 12-469. Use of whips.**

No driver may whip an animal with more than a light touch by a light whip ~~approved by the Gwinnett County S.P.C.A.~~

(Code 2005, § 32-218(7))

**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.

(Code 2005, § 32-218(8))

**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.

(Code 2005, § 32-218(9))

**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.

(Code 2005, § 32-218(10))

(Supp. No. 9)

Created: 2022-05-05 15:02:03 [EST]

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

A proposed detailed route system shall be submitted to the City ~~Police Chief~~ for review, recommendation and approval. The ~~Police Chief~~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.

(Code 2005, § 32-218(11))

**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 ~~Police Chief~~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.

(Code 2005, § 32-218(12))

**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.

(Code 2005, § 32-218(13))

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

- (a) *Registration.* The number assigned an animal-drawn carriage in accordance with this division together with the names of the owner and operator of the animal-drawn carriage shall be registered with the City ~~Clerk~~ 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.

(Supp. No. 9)

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(Code 2005, § 32-218(14), (17))

**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.

(Code 2005, § 32-218(15), (16))

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

The ~~Finance Director~~~~Chief Financial Officer~~ ~~City Clerk or Police Chief~~ 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 ~~Clerk or Police Chief~~ to remove a vehicle from the streets may be appealed to the ~~Mayor and Council~~~~City Manager~~.

(Code 2005, § 32-218(18))

**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.

(Code 2005, § 32-218(19))

**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 ~~Council upon the recommendation of the City Clerk~~. 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 ~~Council~~ for the establishment of the animal-drawn carriage stand, setting out the location desired for the stand.

(Code 2005, § 32-218(20))

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**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.

(Code 2005, § 32-218(21))

**Sec. 12-482. ~~Soliciting passengers prohibited.~~ Reserved.**

~~It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, at any animal-drawn carriage stand or upon the streets of the City.~~

~~(Code 2005, § 32-218(22))~~

Commented [TB53]: Streets are traditional public fora and the First Amendment to the US Constitution protects soliciting on them.

**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.

(Code 2005, § 32-218(23))

**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.

(Code 2005, § 32-218(24))

**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.

(Code 2005, § 32-218(25))

**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.

(Code 2005, § 32-218(26))

**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.

(Code 2005, § 32-218(27))

**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.

(Code 2005, § 32-218(28))

**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 \$1,0500.00 per violation, ~~six months in jail or and/or~~ community service, ~~or any combination thereof.~~

(Code 2005, § 32-218(29))

**Secs. 12-490—12-516. Reserved.**

**DIVISION 15. ~~TATTOO ESTABLISHMENTS~~ 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 ~~applies any tattoo or other needle-driven processes involving the manipulation of the superficial tissues of the human body, including, but not limited to, tattoos, body paint and similar treatment of the human body within the City limits. The rules and regulations promulgated by the Gwinnett County Board of Health titled "Rules of Gwinnett County Board of Health Body Art Studios and Artists" are hereby adopted by the City of Lawrenceville, Georgia and incorporated by reference into the law of this City.~~

(Code 2005, § 32-219(a); Ord. of 8-7-2006)

**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:

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**Commented [TB54]:** Although someone really mistreating an animal could be charged with a serious offense that would go to superior court, we may want to impose more severe penalties in municipal court for this ordinance violation-particularly for repeat offenders. Thus, I have suggested increasing the potential penalty here.

**Commented [TH55]:** Please clarify name of professions or businesses - TITLE 31 Health (Chs. 1 — 54), CHAPTER 40 Body Art Studios (§§ 31-40-1 — 31-40-10)

**Commented [TB56R55]:** Changed to comport with state statute.

**Formatted:** Paragraph 1

(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. Tattoo means to mark or color the skin, by pricking in coloring matter so as to form indelible marks or figures, or by the production of scars; provided, however, that the term "tattoo" does not mean a mark placed upon the skin by a physician for medical identification purposes.

~~Tattoo artist or practitioner means any person who actually performs the work of tattooing.~~

~~Tattoo establishment means the room, place or building where tattooing is practiced or where any part of the business of tattooing is conducted.~~

~~Tattoo operator means any person, firm, or entity which controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not.~~

(Code 2005, § 32-219(b); Ord. of 8-7-2006)

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

Any person desiring to engage in the business, trade or profession of a tattoo 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 ~~City Council~~ Finance Director ~~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 ~~in section 12-517~~. A copy of the required permits shall be attached to ~~the city~~ this application;
- (2) Operator and employees must be fingerprinted by the ~~Police Departments~~ 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;

**Commented [TH57]:** Please clarify definitions of professions or businesses - TITLE 31 Health (Chs. 1 — 54), CHAPTER 40 Body Art Studios (§§ 31-40-1 — 31-40-10)

**Commented [TB58R57]:** Changed to comport with state statute.

- (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.

(Code 2005, § 32-219(c); Ord. of 8-7-2006)

**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) ~~Location restricted. No permit shall be issued for the operation of a tattoo establishment or to any person engaged as a tattoo operator in any area other than that zoned HSB (Highway Service Business) by the City. In addition, no permit shall be issued if the proposed location is within 1,000 feet, measured by the shortest distance, of a church, school, school yard, day care center, library or other public building.~~

(c) *Issuance; fee.* If the application is submitted in proper form and is approved by the ~~Council~~City, then the ~~business license~~Finance department is authorized to issue a ~~business~~ license to the operator upon the payment of any ~~business-occupation~~ taxes and ~~any~~ regulatory fees due.

(Code 2005, § 32-219(4)—(6); Ord. of 8-7-2006)

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

It shall be the duty of all persons holding a license under this article to file with the City ~~Clerk~~Finance Department the names of all employees, their home addresses, home telephone numbers and places of

**Commented [TB59]:** This conflicts with the city's zoning ordinance which allows tattoo operations in both BG and HSB districts, but only with a special use permit. There is no language in the zoning ordinance, nor is there any evidence cited supporting the requirement of a special use permit as being aimed at curbing any negative secondary effects of these establishments. This is a problem that must be addressed given the holding of the 11th Circuit Court of Appeals in Buehrl v. City of Key West, 813 F.3d 973 (2015) in which it determined that tattoo parlors are entitled to First Amendment expression protection and that governmental regulations must be held to strict scrutiny.

**Commented [TB60]:** There are additional distance requirements in the zoning ordinance, and the zoning ordinance does not include this distance provision.

**Commented [TH61]:** Proposed amendments to Zoning Ordinance, Article 1, 2, and 10 were revised by deleting the reference to Tattoo, and relating terms in its entirety, and inserted in lieu of the term Body Art and relating terms.

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(Supp. No. 9)

employment. Changes in the list of employees with the names of new employees must be filed with the City ~~Clerk~~ within three days from the date of any such change.

(Code 2005, § 32-219(7); Ord. of 8-7-2006)

**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 ~~license-inspector or City police officer~~employee or agent.

(Code 2005, § 32-219(8); Ord. of 8-7-2006)

**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 ~~Clerk~~ Finance Director/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 business-occupation tax or regulatory fee.

(Code 2005, § 32-219(9); Ord. of 8-7-2006)

**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 ~~tattoo-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.

(Code 2005, § 32-219(10); Ord. of 8-7-2006)

**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 ~~tattoo-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.

(Code 2005, § 32-219(11); Ord. of 8-7-2006)

**Sec. 12-526. Hours of operation.**

No ~~tattoo-body artist practitioner~~ 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.

(Code 2005, § 32-219(12); Ord. of 8-7-2006)

**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.

(Code 2005, § 32-219(13); Ord. of 8-7-2006)

**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.

(Code 2005, § 32-219(14); Ord. of 8-7-2006)

**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 ~~an occupation tax certificate~~ a permit for such activity from the City ~~Clerk~~ Finance Director ~~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 Clerk ~~Finance Department~~ and furnishing the ~~Police Department~~ City written confirmation of their tax exempt status and a list of their representatives including names, addresses, date of birth, ~~Social Security number~~, and telephone numbers.
- (b) The application shall include but shall not be limited to ~~the information required on all occupation tax returns, along with~~ the following ~~additional~~ information:
  - (1) Full name, date of birth, ~~and address, and Social Security number~~ of applicant.
  - (2) Full name(s), date(s) of birth, ~~and Social Security number(s)~~ 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 Social Security numbers~~, and titles of corporate officers where appropriate.
  - (4) Full name, address, telephone number, date of birth, title, ~~and Social Security number~~ of individuals to be employed.
- (c) It shall be the duty of all persons holding ~~an occupation tax certificate~~ a permit under this section to annually file, along with the renewal application for the ~~occupation tax certificate~~ 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.

Commented [TB62]: Are the social security numbers necessary? Holding on to these creates potential liability.

Commented [BM63R62]: deleted

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

- (a) Prior to the issuance of ~~an occupation tax certificate~~ an entity permit, a work permit shall be required for ~~individual~~ the owner(s), manager(s) and employee(s).
- (b) Applications for work permits shall be submitted to the Police ~~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 Police ~~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.

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- (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 ~~Police-Finance~~ Department to the ~~Zoning Board of Appeals~~ City Manager. Such appeal shall be by written petition, filed in the office of the City ~~Clerk~~ Finance Director/Chief Financial Officer within 15 days after the final order or action of the ~~Police-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 ~~occupation tax certificate~~ 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 ~~certificate-permit~~ entity 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 ~~occupation tax certificate~~ entity permit and shall be made available for inspection by ~~the Chief of Police or designee or City Clerk or designee~~ city employees or agents. A copy of such record shall be forwarded to the ~~Chief of Police or his~~ City Finance Director/Chief Financial Officer or his or her designee quarterly.

**Sec. 12-557. Suspension or revocation of ~~occupation tax certificate or permit~~.**

- (a) The work permit or ~~certificate~~ 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 ~~by the Police Department~~, 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 ~~Police-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 ~~certificate~~ entity permit or the canvasser or solicitor permit will be reinstated and will be valid until date of original expiration.
- (b) The ~~certificate or~~ entity 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 ~~Chief of Police or designee or the City Clerk or designee~~ from the time of such conviction, guilty, or nolo contendere sentencing.
- (c) The ~~certificate or~~ entity 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 ~~Chief of Police or designee or the City Clerk or designee~~ from the time of such sentencing.

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(d) If a ~~certificate or work~~ 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 ~~Zoning Board of Appeals~~ City Manager. Such appeal shall be by written petition, filed in the office of the City ~~Clerk~~ Finance Director ~~Chief Financial Officer~~ within 15 days after the final order or action of the ~~Police-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 ~~certificate or~~ 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 ~~certificate or~~ 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.

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(Supp. No. 9)

- (14) Canvasser, solicitor or peddler to engage in any of the conduct described in this article during a period in which their ~~certificate or~~ permit is denied, suspended, or revoked.
- (15) Canvasser, solicitor or peddler to lend, rent, or sell their ~~certificate or~~ permit card to another, or canvass or solicit using the ~~certificate or~~ permit card of another.
- (16) The canvasser, solicitor or peddler to deviate from the stated guidelines as set out in the ~~certificate or~~ permit application or amendments thereto filed by applicant ~~or certificate holder~~.

( Ord. No. 2021-4, § 1, 5-24-2021 )

**Secs. 12-559—12-584. Reserved.**

*DIVISION 17. ~~BILLIARD ROOMS RESERVED~~*

**Sec. 12-585. ~~Definitions. Reserved.~~**

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:

*Billiard room* means any public place where a person is permitted to play the game of billiards and for which a charge is made for use of equipment.

*Billiards* means any of the several games played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue and shall include all forms of the game known as carom billiards, pocket billiard, and English billiards.

(Code 2005, § 32-222(1); Ord. of 1-7-2008)

**Sec. 12-586. ~~Occupational tax certificate required; application. Reserved.~~**

- (a) ~~Required.~~ All persons, firms or corporations desiring to operate a billiard room shall, prior to commencing such business, trade or profession, comply with all rules and regulations adopted by the governing authority regulating the operation of billiard rooms.
- (b) ~~Application.~~ The application shall include, but shall not be limited to, the information required on all occupational tax returns, along with the following additional information:
  - (1) ~~Name and residence address of the owner applicant;~~
  - (2) ~~If the owner applicant is a corporation, the names of the officers, along with the name and address of the agent for service of process;~~
  - (3) ~~The name of the manager, and the name of all shareholders holding 20 or more percent of any class of corporate stock;~~
  - (4) ~~Failure to furnish required information, and in the form designated, shall automatically serve to dismiss the application;~~
  - (5) ~~All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths; and~~
  - (6) ~~In all instances in which an application is denied under the provision of the article, and after lapse of the time for appeal, or upon the adjudication of the appeal with decision rendered in favor of the City,~~

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(Supp. No. 9)



the applicant may not reapply for an occupational tax certificate for at least 120 days from the final date of denial.

~~(c) Applicant disqualifications.~~

~~(1) No occupational tax certificate shall be granted to any person who has had any occupational tax certificate revoked within two years prior to filing the current application.~~

~~(2) The City Clerk may decline to issue a certificate when any person having an ownership or management interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the certificate holder.~~

~~(Code 2005, § 32-222(2), (3); Ord. of 1-7-2008)~~

**Sec. 12-587. ~~General operating provisions. Reserved.~~**

~~(a) No gambling or other games of chance shall be permitted in a billiard room except as authorized by the State of Georgia.~~

~~(b) All establishments which have three or more billiard tables shall have a manager, or designated employee on duty during operating hours whose responsibility is the operation of the billiard tables.~~

~~(c) Any establishment which serves any type of alcohol shall have no more than two billiard tables.~~

~~(Code 2005, § 32-222(4); Ord. of 1-7-2008)~~

**Sec. 12-588. ~~Inspection of registered establishments. Reserved.~~**

~~Sworn officers of the Police Department or Planning Department shall have the authority to inspect establishments registered under this division during the hours in which the premises are open for business. Such inspection shall be made for the purpose of verifying compliance with the requirements of this division.~~

~~(Code 2005, § 32-222(5); Ord. of 1-7-2008)~~

**Sec. 12-589. ~~Unlawful or prohibited activities. Reserved.~~**

~~No occupational tax certificate shall be granted to any person under the age of 18 years 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, 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 and has been released from parole or probation.~~

~~(Code 2005, § 32-222(6); Ord. of 1-7-2008)~~

**Sec. 12-590. ~~Hours of operation. Reserved.~~**

~~No billiard room shall be open or operated during the hours of 12:00 midnight to 6:00 a.m.~~

~~(Code 2005, § 32-222(7); Ord. of 1-7-2008)~~

**Sec. 12-591. ~~Penalties. Reserved.~~**

~~Any person who shall conduct a business or occupation without having obtained a license therefor, or who shall violate any other provision of this division, shall, upon conviction therefor, be punished by a fine not to exceed \$1,000.00 and costs or by imprisonment not to exceed six months, or both, any and all such penalties to be imposed in the discretion of the Judge of the Municipal Court.~~

~~(Code 2005, § 32-222(8); Ord. of 1-7-2008)~~

~~State law reference(s) — Local regulatory authority concerning billiard rooms, O.C.G.A. § 43-8-2.~~

**Secs. 12-592—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 ~~Police Chief or his designee~~ 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 Police Chief or his designee~~ shall not process any application which does not contain certification of the registration or exemption of the charitable organization.

(Code 2005, § 32-223(1), (2))

**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 Directox ~~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

(Supp. No. 9)

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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 ~~Police Chief or his designee~~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 ~~Police Chief~~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 ~~Police Chief~~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, ~~he the eCity~~ shall deny the request for a permit. If ~~he the eCity~~ 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, ~~he the eCity~~ may grant the permit. In either case, the ~~Police Chief or his designee~~the eCity shall indicate ~~his-its~~ disposition on the application in writing and shall notify the applicant of the action taken.

~~(d) — Waiver. The Police Chief, in his discretion, may waive any of the foregoing requirements of the application.~~

(Code 2005, § 32-223(3)—(6))

**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.

(Code 2005, § 32-223(7))

**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 ~~Police Chief of his designee~~the eCity.e-

(Code 2005, § 32-223(8))

**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.

(Code 2005, § 32-223(9))

**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.

(Code 2005, § 32-223(10))

**Secs. 12-622—12-645. Reserved.**

*DIVISION 19. RESERVED*

**Secs. 12-646—12-669. Reserved.**

Editor's note(s)—Ord. No. 2016-06, § 1, adopted Mar. 7, 2016, repealed Div. 19, §§ 16-646—16-648, which pertained to telecommunication companies. For prior history, see Code Comparative Table.

*DIVISION 20. VIDEO STORES*

**Sec. 12-670. Purpose.**

- (a) Based on the experiences of other counties and municipalities, including, but not limited to, Houston, Texas; Tucson, Arizona; Chattanooga, Tennessee; Minneapolis, Minnesota; Dayton, Ohio; and Gwinnett County, Georgia, which experiences are found to be relevant to the problems faced by the City of Lawrenceville, Georgia, the Mayor and Council take note of the opportunity for unlawful sexual activities, including, but not limited to, masturbation and oral and anal sex to occur at video stores which provide private or semi-private booths or cubicles for viewing films or videos depicting nudity, and for sexually transmitted diseases to spread as a result of the unhealthy conditions and unlawful activities associated with such booths, and the Mayor and Council further note that persons frequent such video booths for the purpose of engaging in sexual activities within such video viewing booths, and bodily fluids, including semen, urine and feces are found in such video viewing booths.
- (b) The Mayor and Council find that removal of doors on such video viewing booths and prohibiting holes between such booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in such booths. The Mayor and Council therefore find that it is in the best interest of the health, safety and welfare of the community to require that doors or other partitions on video viewing booths in video stores be removed and that no doors or holes be allowed to exist between or on adjoining booths. The Mayor and Council find that these regulations promote the public welfare by furthering legitimate public and governmental interests, including, but not limited to, reducing unlawful sexual activities and unhealthy conditions in video viewing booths found in video stores. The Mayor and Council further find that these regulations will not infringe upon the protected constitutional rights of freedom of speech or expression. To those ends, this division is hereby adopted.

**Sec. 12-671. Requirements.**

Any video store having available for customers, patrons, or members, any booth, room, or cubicle for the private viewing of any video or motion picture must comply with the following requirements:

(Supp. No. 9)

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- (1) *Access.* Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the video store, and shall be unobstructed by any curtain, door, lock, or other control-type or view-obstructing devices or materials.
  - (2) *Construction.* Every booth, room, or cubicle shall meet the following construction requirements:
    - a. Each booth, room, or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.
    - b. Each booth, room, or cubicle shall have at least one side totally open to a public lighted area or aisle so that there is an unobstructed view of anyone occupying the booth from the area in which the cash register for the video store is located.
    - c. All walls shall be solid and without openings, extended from the floor to a height of not less than six feet and be light-colored, nonabsorbent, and smooth-textured.
    - d. The floor must be light-colored, nonabsorbent, and smooth-textured.
    - e. The lighting level of each booth, room, or cubicle when not in use shall be a minimum of ten candles at all times, as measured from the floor.
  - (3) *Occupants.* Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room, or cubicle. No individual shall damage or deface any portion of the booth, room, or cubicle.
  - (4) *Definition of video stores.* The term "video store" means any establishment having a substantial or significant portion of its stock in trade which includes videotapes or movies or other reproductions, whether for sale or rent, or an establishment with a segment or section comprising five percent of more of its total floor space devoted to the sale or display of such material or which derives more than five percent of its net sales from videos. The term "video store" includes adult video stores as defined in section 12-401.
  - (5) *Enforcement.* The provisions of this division may, in addition to any criminal remedy available, be enforceable through an action for abatement of a nuisance in the manner provided by law. The City may apply to a court with jurisdiction to grant equitable relief to abate or remove private video viewing booths and to restrain or enjoin any person from operating or engaging in conduct contrary to the provisions of this division.

(Code 2005, § 32-225)

**Secs. 12-672—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.

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(Supp. No. 9)



*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.

(Code 2005, § 32-226(1); Ord. of 9-13-2010)

**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 principle 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.

(Code 2005, § 32-226(2); Ord. of 9-13-2010)

**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 ~~Police Department~~ 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 ~~Planning and Zoning Department of 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 ~~Police Chief or his designee~~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 ~~Police Chief~~Finance Director~~Chief Financial Officer or his designee~~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.

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(Supp. No. 9)

- (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 ~~Police Department Finance Director~~ Chief Financial Officer to the ~~City Manager Zoning Board of Appeals~~. 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 Finance Director~~ 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 ~~Police Chief or his designees~~ City. All precious metals dealer licenses remain the property of the City of Lawrenceville. Upon notice by the ~~Lawrenceville Police Department~~ City, the holder of a precious metals dealer license must surrender said license.
- (10) *Suspension or revocation of license; appeal.* The ~~Police Chief Finance Director~~ 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 ~~Police Chief to the Zoning Board of Appeals~~ Finance Director 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.

(Code 2005, § 32-226(3); Ord. of 9-13-2010)

**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 ~~Lawrenceville Police Department~~ 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 ~~Police Chief or his designees~~ 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.

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(Supp. No. 9)

- (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 ~~Police Department to the Zoning Board of Appeals~~ Finance Director/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* ~~Police Department~~ 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 ~~Lawrenceville police officer~~ 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 ~~Police Chief or his designee~~ City. All permits remain the property of the City of Lawrenceville. Upon notice by the ~~Lawrenceville Police Department~~ City, the holder of a permit must surrender said permit.
- (10) *Suspension or revocation of permit; appeal.* The ~~Police Chief, or his designee~~ 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 ~~Finance Director/Chief Financial Officer to the City Manager~~ Police Chief to the Zoning Board of Appeals.
- (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.

(Code 2005, § 32-226(4); Ord. of 9-13-2010)

**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

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(Supp. No. 9)

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 ~~Police Chief or his designee~~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 ~~Police Chief or his designee~~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 ~~Police Chief or his designee~~cityChief 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 ~~Police Chief or his designee~~Finance DirectorChief 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 ~~Police Chief~~Finance DirectorChief Financial Officer or his ~~or her~~ designee, which may be a third-party administrator of the automated reporting system.

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Commented [TB65R64]: Would agree with Keith that these are normally enforced by the police.

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(Code 2005, § 32-226(5); Ord. of 9-13-2010)

**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 ~~Police Chief~~ ~~Finance Director~~ 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.

(Code 2005, § 32-226(6); Ord. of 9-13-2010)

**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.

(Code 2005, § 32-226(7); Ord. of 9-13-2010)

**Sec. 12-708. Responsibility for enforcement.**

The ~~Lawrenceville Police~~ ~~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 ~~Police Chief~~ ~~Finance Director~~ 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.

(Code 2005, § 32-226(8); Ord. of 9-13-2010)

**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.

(Code 2005, § 32-226(9); Ord. of 9-13-2010)

State law reference(s)—State law does not prevent local government from licensing precious metals dealers, O.C.G.A. § 43-37-5.

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(Supp. No. 9)



PART II - CODE  
Chapter 12 - BUSINESSES AND BUSINESS REGULATIONS  
ARTICLE II. - BUSINESSES REGULATIONS  
DIVISION 22. ESTATE SALES

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 ~~court~~ 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.

( Ord. No. 2016-01, 2-1-2016 )

**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 ~~Police Department~~. There shall be no fee charged for such permit; however, no permit will be granted unless all requirements set forth herein have been met.

( Ord. No. 2016-01, 2-1-2016 )

**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.

( Ord. No. 2016-01, 2-1-2016 )

Commented [BM68]: Should this be removed & covered in Zoning Ord?

Commented [TB69R68]: I'd suggest leaving it here. The licensing requirement makes it easier to enforce the code against folks that are always having perpetual yard sales or claim to be doing so when just storing junk outside.

**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 ~~shall 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.  
( Ord. No. 2016-01, 2-1-2016 )

**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.  
( Ord. No. 2016-01, 2-1-2016 )

**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 ~~X-7~~ of the City of Lawrenceville Zoning Ordinance.
- (7) Such further conditions as the Chief of PoliceCity shall deem necessary to ensure the general health, safety and welfare of the public.

( Ord. No. 2016-01, 2-1-2016 )

**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 Chief of PoliceCity if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading information or statements.
- (b) The Chief of PoliceCity 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.

( Ord. No. 2016-01, 2-1-2016 )



# LAWRENCEVILLE

## GEORGIA

AGENDA REPORT  
MEETING: WORK SESSION, SEPTEMBER 11, 2023  
AGENDA CATEGORY: DISCUSSION OF GENERAL DISCUSSION

- Item:** Discuss Draft Alcohol Ordinance
- Department:** City Manager
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** None
- Presented By:** Michael Fischer – Assistant City Manager of Operations
- Action Requested:** Discuss Draft Alcohol Ordinance

**Summary:** The draft for the revisions of Chapter 4 of the Code of Ordinances; Alcoholic Beverages is attached for review. The revisions impact Change of Authority, Application Signage, Fees, Wineshops, Indoor Venues and some miscellaneous minor revisions. The documents attached are the redlined draft of Chapter 4, the fee structure, and revision presentation. No action is requested, other than a review of the draft Ordinance for adoption at the October 23, 2023, Mayor and City Council Meeting.

**Fiscal Impact:** None currently

**Attachments/Exhibits:** Items for discussion, draft ordinance, fee structure, revision presentation.

# Alcohol Ordinance Revisions

*M&CC Work Session  
September 11, 2023*



# Topics

- **Change of Authority**
- **Application Signage On-Premise**
- **Fees**
- **Wine Shop Section**
- **Indoor Venues**
- **Miscellaneous/Questions**





## Change of Authority

- **Historically Authority was assigned to the City Clerk**
- **Revise to have the City Manager as the Issuing Authority**
- **Definition of City Manager includes, “or City Manager’s Designee”.**



## **Application Signage On-Premise**

- **An applicant must make a public notice**
- **The public notice is a sign at the place of business in the application**
- **The sign size is proposed to be revised from 48"X48", to 36"X36"**
- **The sign must be installed no later than 10 days from submission of the application**



# Fees

	<b>Current</b>	<b>Proposed</b>	<b>Range</b>
• <b>Restaurants/Spirits:</b>	<b>\$2,500</b>	<b>\$4,000</b>	<b>\$2,500 - \$5,000</b>
• <b>Restaurants/Beer or Wine:</b>	<b>\$600</b>	<b>\$1,000</b>	<b>\$500 - \$1,500</b>
• <b>Restaurants/Beer and Wine:</b>	<b>\$1,200</b>	<b>\$2,000</b>	<b>\$500 - \$3,000</b>
• <b>Store/ Beer or Wine:</b>	<b>\$600</b>	<b>\$800</b>	<b>\$500 - \$1,000</b>



## Wine Shop

- **Can sell and serve beer and wine by the drink**
  - **Beer Limit: 32 ounces in a 24-hour period**
  - **High Gravity Beer Limit: 20 ounces in a 24-hour period**
  - **Wine Limit: 12 ounces in a 24-hour period**
  - **Restricted to the lowest volume (12, 20 or 32) sold to one individual**
- **Sell wine or beer by the package**
- **Can sell food**
- **To provide alcohol on Sunday for consumption...50% of business must be food**



## **Indoor Special Event Facility**

- **May receive a permit to authorize alcohol consumption and sales**
- **Alcohol may be served by a licensed caterer as set forth in section 4-144**
- **Alcohol may be served by the owner licensed through this Alcohol Ordinance**
- **Not to be permitted in Zoning Category HM or HSB.**





## Miscellaneous/Questions

- Some terms have been updated to reflect current usage
- Definitions were added
- More efficient renewal option

# QUESTIONS

**Chapter 4 ALCOHOLIC BEVERAGES<sup>1</sup>**

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**ARTICLE I. IN GENERAL**

**Sec. 4-1. Sale within City limits; license a privilege; severability.**

- (a) Alcoholic beverages may only be sold in the City of Lawrenceville under a license granted by the City [Clerk/Manager](#) upon the terms and conditions provided in this chapter.
- (b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this Code and State law.
- (c) All licenses issued pursuant to this chapter shall have printed on the front these words:  
"THIS LICENSE IS A PRIVILEGE SUBJECT TO BE REVOKED AND ANNULLED AND IS SUBJECT TO FURTHER ORDINANCES WHICH MAY BE ENACTED."
- (d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the State before any sales commence. Additionally, City licensees are required to abide by all applicable State regulations and laws.
- (e) It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the City to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$500.00 and/or up to 30 days in jail.
- (f) Severability. Should any part, paragraph or portion of this chapter be declared invalid for any reasons by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this chapter not so declared to be invalid, but all such remaining portions of this chapter shall remain in full force and effect as if they were separately adopted.

(Code 2005, § 34-101)

**Sec. 4-2. Definitions.**

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

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

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.

<sup>1</sup>State law reference(s)—Local licensing authority, O.C.G.A. § 3-3-2; local regulatory authority, O.C.G.A. §§ 3-4-49, 3-5-40 et seq., 3-6-40.

*Alcoholic frozen consumables* means a frozen consumable that contains any measurable amount of ethyl alcohol, which is regulated by and in accordance with Georgia Department of Revenue Policy Bulletin ATD-2019-01.

*Art shop* means a retail business located in the Downtown [Overlay-Entertainment](#) District devoted exclusively to providing art education limited to instruction in painting, sculpture and similar crafts. An art shop may also sell portraits, paintings, sculptures, art supplies, and similar crafts or display for viewing portraits, paintings, sculptures and similar art work. An art shop shall not allow any activities that would cause the business to be an adult entertainment establishment, as defined in section 12-401.

*Beer or malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider as may be defined by state law. Also included are beverages known as nonalcoholic beer, which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

*Brewer* means a manufacturer of beer or malt beverages.

*Brewpub* means a restaurant in which beer or malt beverages are manufactured or brewed, subject to State law barrel production limitations.

*Church* means a permanent building where persons regularly assemble for religious worship.

*City ~~clerk~~Manager* means the person holding the official title of ~~clerk~~Manager for the City or the ~~clerk~~Manager's designee.

*Distilled spirits or spirituous liquor* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

*Distiller* means a manufacturer of distilled spirits or spirituous liquor.

*Fixed salary* means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

*Food means prepared meals or individual items that are required to be cooked, ~~heated~~heated, or prepared on-site and does not include pre-packaged or processed items that are purchased and do not require preparation on-site.*

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*Fortified wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

*Frozen consumables* means ice cream, frozen yogurt, frozen custard, popsicles or other frozen consumable or edible products.

*Governing authority* means the Mayor and City Council of the City of Lawrenceville.

*Growler* means a reusable container used to transport draft beer or wine for off-premises consumption that is not to exceed 68 ounces and not less than 12 ounces and is filled with beer or wine from a keg by a licensee or an employee of a licensee holding a license as a retail dealer of beer sold in original packages for consumption off the premises from the City or holding a license as a growler shop subject to the provisions of section 4-151.

*High gravity beer* means any beer or malt beverage containing six percent or more alcohol by volume.

*Hotel* means any building or other structure providing sleeping accommodations for hire to the general public. Such hotels shall maintain a minimum of 75 rooms available for hire and have one or more public dining rooms with an adequate kitchen. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this chapter and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.

*Indoor commercial recreational establishment.*

- (1) The term "indoor commercial recreational establishment" means and is limited to an establishment which:
  - a. Regularly serves prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the Gwinnett County health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and
  - b. Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.
- (2) The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Neither outdoor commercial recreational activities, nor concession stand sales of alcoholic beverages are permitted under this provision. Dance halls, nightclubs, taverns, billiard parlors, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments. Furthermore, no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the State.
- (3) Notwithstanding the limitations set forth in this definition, indoor commercial recreational establishments are allowed to have dancing, provided that the dancing is limited to a dance floor area of five percent of the public floor space of the establishment or 200 square feet whichever area is smaller.
- (4) Notwithstanding the limitations set forth in this definition, indoor commercial recreational establishments are allowed to have no more than two billiard tables in the establishment.

*Indoor publicly owned civic and cultural center* means and is limited to publicly owned establishments which the sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. The term "indoor publicly owned civic and cultural center" includes the City-owned Depot Building, the ~~City-owned Oakes House~~, [the City owned Lawrenceville Arts Center](#) and the Historic Courthouse.

*Indoor special event facility* means a privately-owned commercial establishment which:

- (1) Provides a gathering space for rental purposes for special events;
- (2) Serves prepared food at every event held at the facility at which alcohol is consumed and has a food or catering preparation area consisting of a sink and warming unit(s), where food is prepared and/or staged;
- (3) Charges a rental fee for use of the event facility for special events;
- (4) Has at least 3,000 square feet of enclosed heated space;
- (5) Has an occupant capacity of at least 200 people;

- (6) May allow professional, live, or musical entertainment to be performed on-site indoors during a private special event or a properly permitted special event; and
- (7) Does not allow sexually related adult entertainment [as defined in City of Lawrenceville Ordinances Chapter 12, Division 13, Sec. 12-401](#) to be performed in the event facility.

The primary activity on the premises of the indoor special event facility shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to: corporate events, wedding receptions, birthday parties, holiday parties, and other similar uses. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, [as defined in City of Lawrenceville Ordinances Chapter 12, Division 13, Sec. 12-401](#), and similar uses are specifically excluded from this definition of indoor special event facility.

*License* means an authorization granted by the City to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

*Licensed location* means a location for which the City of Lawrenceville has issued a permit allowing the sale of alcoholic beverages.

*Licensee* means the individual to whom a license is issued or the person designated by the application and approved by the City ~~Clerk/Manager or his designee~~ to be responsible for the day to day operations of a licensed establishment to whom a license is issued or, in the case of closely held partnerships or corporations, all partners, officers, and directors of the partnership or corporation.

*Liter* means the metric measurement currently used by the United States.

*Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The term "manufacturer" also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

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

*Performing arts facility* means and is limited to an establishment:

- (1) Which is located in the Downtown [Overlay-Entertainment](#) District;
- (2) Which operates in a building owned by the City of Lawrenceville;
- (3) Which has as its principal objective or business the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and
- (4) Which does not feature, show, allow, promote or advertise adult businesses as defined and regulated in chapter 12, including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments.

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



*Pouring permit* means an authorization granted by the City to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed to serve beer, wine, or liquor for consumption on site (which shall specifically include brewers and distillers if they serve for consumption on site as allowed under Georgia law).

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

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members;
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
  - a. A suitable kitchen and dining room space and equipment;
  - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
  - c. Has no member, officer, agent or employee, directly or indirectly, receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary as established by its members at any annual meeting or by its governing board out of the general revenue of the club; except that for the purposes of this section, tips which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

*Restaurant.*

- (1) The term "restaurant" means any public place selling prepared food for consumption by the public on the premises with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the Gwinnett County Health and Fire Departments. A restaurant will be prepared to serve food every hour they are open and will derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcoholic beverages. A restaurant shall not be permitted to charge a cover charge or fee of any kind for entrance into the premises or into any part of the premises.
- (2) Notwithstanding the limitations set forth in this definition, restaurants are allowed to have dancing, provided that the dancing is limited to a dance floor area of five percent of the public floor space of the establishment or 200 square feet, whichever area is smaller.
- (3) Notwithstanding the limitations set forth in this definition, restaurants are allowed to have no more than two billiard tables in the establishment.

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

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

*School building or educational building* shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and are accredited by the state or federal government.

*Sports club* means an association or corporation organized and existing under the laws of the State, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption dealer's license, a sports club must have been actively in operation within the City at least two years prior to an application for license under this chapter. The two-year operational requirement shall not apply to golf club associations or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be

permitted to serve alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

*Vintner* means a manufacturer of wine. This includes a manufacturer of fortified wine if not considered a distiller.

*Wholesaler or wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

*Wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Code 2005, § 34-102; Ord. No. 2764-001, § 34-102, 8-6-2012; Ord. No. 2016-16, 6-6-2016; Ord. No. 2018-28, § 1, 11-5-2018; Ord. No. 2019-15, §§ 1, 2, 4-10-2019; Ord. No. 2019-18, § 1, 7-10-2019; Ord. No. 2021-14, §§ 1—3, 12-15-2021)

**Secs. 4-3—4-22. Reserved.**

## **ARTICLE II. APPLICATION AND FEES**

### **Sec. 4-23. License application, form and contents and advertising requirements.**

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the City [ClerkManager](#). Separate applications must be made for each location and separate licenses must be issued.
- (b) The application shall include, but not be limited to, the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a corporation, the names of the officers; the names and address of the registered agent for service of process; the name and address of the manager; and the name of all shareholders holding more than ten percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought.
- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the City [ClerkManager](#) and to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths. No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the City, applicable county regulations, the State Revenue Commissioner and the State. The proposed building shall also be subject to final inspection and approval when completed by the Building Inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are visible. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such

applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by the customers therein.

(e) Licensing qualifications.

- (1) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or to any person who is not lawfully admitted and lawfully residing in the United States.
- (2) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all partners, officers and majority stockholders. In the case of a corporation the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to all the partners owning at least ten percent of the partnership; or if the no partner owns ten percent then the general partner, managing partner or the partner with the greatest ownership will be licensed.
- (3) No person shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City ~~ClerkManager or the ClerkManager's designee~~ that such person, partners, partners in the firm, officers, and directors of the corporation and on-site managers have not been convicted or pled guilty or entered a plea of nolo contendere to any felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First Offender Act shall not apply to such consideration. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or county ordinance shall not, by itself, make a person ineligible for an alcohol license. An applicant who is found to have falsified an application or any information therein shall be denied a permit.
- (4) Any licensee who is convicted or pleads guilty or pleads no lo contender to a felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime shall have the license immediately revoked and canceled.
- (5) It shall be unlawful for any City employee involved in the issuance of alcoholic beverage licenses under this article or elected City Official to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.
- (6) No license for the sale of alcoholic beverages shall be granted to any person who has had any City license revoked within two years prior to the filing of the application.
- (7) The City ~~ClerkManager~~ may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the licensing qualifications set forth in this section.
- (8) All applicants for an alcoholic beverage license must be of good character and all operators, managers, ~~clerk~~clerks, or other employees shall be of like good character. Corporate or firm applicants shall be of a good business reputation.
- (9) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

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(Supp. No. 9)

(10) The City ClerkManager may in the ClerkManager's discretion consider extenuating circumstances which may reflect favorably or unfavorably upon the applicant, application or the proposed location of the business. If in the ClerkManager's judgment the circumstances are such that granting the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

- (f) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the final date of such denial.
- (g) All licensees shall list in their application their home address, home telephone number and places of employment. Thereafter, if any person other than the one listed in the application as manager shall be employed as manager, the name, address and telephone numbers of the new Manager shall be filed with the City ClerkManager within three days of the date of such employment.
- (h) Each application for license under this chapter shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative cost. The Chief of PoliceCity Manager shall have a complete search made of any police record of the applicant based on the information given in the application. Any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code.
- (i) Advertisement of intent to engage in business; signs posted. All applicants desirous of obtaining a license for the sale of alcohol shall give notice at their expense of the making of an application by advertisement at least twice a week for two consecutive weeks, said advertisement to begin no later than ten days following submission of the application required by this section, application; form; content; process; deposit. The advertisement shall be published in the newspaper in which the legal advertisements of the City are published. The advertisement referred to herein shall be of type not smaller than ten-point capital in lower case and shall be at least a two-inch, one-column advertisement in size. Said notice shall contain a complete description of the location of the proposed business and shall give the name of the applicant and if a partnership, the names of the partners, whether limited or general, and if a corporation, the names of the officers and all stockholders having more than ten percent of any class of corporate stock therein, and the date the application was filed with the City clerkManager. The advertisement shall contain the following additional statement:

"AN APPLICATION HAS BEEN FILED ON (date) WITH THE CITY CLERKMANAGER OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO OPERATE \_\_\_\_\_ AT THE ABOVE LOCATION. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CITY CLERKMANAGER OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CITY CLERKMANAGER OF THE CITY OF LAWRENCEVILLE."

- (1) Tear sheets and a publisher's affidavit shall be furnished to the City by the applicant(s) prior to the applicant's application being considered complete.
- (2) The applicant shall cause to be placed at their expense upon the location of the proposed business no later than ten days following submission of the application, a sign or signs stating the following:

AN APPLICATION HAS BEEN FILED ON (date) WITH THE CLERKCITY MANAGER OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO SELL \_\_\_\_\_. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERKCITY MANAGER OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERKCITY MANAGER OF THE CITY OF LAWRENCEVILLE."

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**Commented [SN1]:** Is this necessary? Can we post on our website too? Most people don't read the legal ads.

**Commented [FH2R1]:** O.C.G.A. 3-2-27 provides: (a) No application for a retail dealer license for the sale of distilled spirits shall be acted upon until after the applicant has published in the newspaper which publishes the legal advertisements of the county wherein such person proposes to engage in business a notice of his intention to secure a retail dealer license. Such notice shall be published at least once during the 30 days immediately preceding the filing of the application for a license. Such notice shall be in large boldface type and shall state:

- (1) The type of license for which application has been filed;
- (2) The exact location of the place of business for which a license is sought;
- (3) The names and addresses of each owner of the business; and
- (4) If the applicant is a corporation, the names and titles of all corporate officers.

(b) Proof of publication of the notice required by this Code section shall be attached to an application for a retail dealer license.

(c) An applicant for a renewal license shall not be subject to the notice requirements of this Code section.

**Commented [FH3R1]:** City can add additional publication on city's website if desired.

- (3) The sign or signs required by subsection (i)(2) of this section shall be constructed of wood or metal and shall be placed with the base of the sign not more than three feet from the ground and shall be not less than ~~36~~48 inches by ~~36~~48 inches in size and shall face toward all public streets, alleys, sidewalks or other public property adjoining the proposed location. The statement above shall be printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be required to comply with the requirements of article 10 of the zoning ordinance pertaining to signs.
- (4) The advertising requirements of this section shall not be required for license renewals or in cases where the location of the proposed business has previously served as a location where alcoholic beverage sales have been licensed within five years of the date of the application for license.

(Code 2005, § 34-103; Ord. No. 2011-XX, § 34-103, 6-2-2012; Ord. of 12-17-2014(01))

**Sec. 4-24. Withdrawal of application.**

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required in this article.

(Code 2005, § 34-104)

**Sec. 4-25. Expiration; renewal of license.**

- (a) All licenses granted under this article shall expire on March 1 of each year. Licensees who desire to renew their licenses shall file applications with the requisite fee with the City [Clerk/Manager](#) on the form provided for renewal of the license for the ensuing year. All renewal applications shall contain an affidavit confirming that the information set forth on the initial application and the criminal history information of the applicant remains true and correct or shall provide an update for any information that has changed since the initial application or last renewal. Applications for renewal must be filed on or before January 31 of each year. Any renewal applications received after January 31 shall be subject to, in addition to the annual fee, a late charge of 20 percent. If the license application is received after March 1, such application shall be treated as an initial application and the application shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after March 1, investigative and administrative cost will be assessed. The establishment shall immediately stop selling alcohol and remove all alcoholic beverages offered for sale on the premises on March 2 of each year unless the establishment has applied for and received a renewal of its license.
- (b) All licenses granted under this article shall be for a period of no more than one year and shall expire on March 1 of each year. The full license fee must be paid for a license application filed prior to September 1 of the licensed year. One-half of a full license fee shall be paid for a license application filed after September 1 of the license year, except for applications for temporary or event licenses authorized under this article.

(Ord. No. 2013-17, 10-7-2013; Ord. No. 2016-28, 11-7-2016 )

**Commented [SN4]:** Do we put something here about renewal background check not required if they file an affidavit verifying the original data in the application is still accurate?

**Commented [FH5R4]:** Is background currently completely yearly? Every 5 years? Or only if not properly renewed by March 1st?

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**Sec. 4-26. Automatic license forfeiture for non-use.**

Any holder of any license under this article who shall, for a period of three consecutive months after the license has been issued, cease to operate the business and sale of the products authorized shall, after the three-month period, automatically forfeit the license without the necessity of any further action.

(Code 2005, § 34-106)

**Sec. 4-27. Transferability of license.**

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (b) Nothing in this section, however, shall prohibit one or more of the partners holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.
- (c) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license pursuant to this article automatically, without the necessity of any hearing.
- (d) Violation of this section shall result in revocation of the license being used and a fine on both the new ownership and the old ownership of not less than \$1,000.00 and/or one year in jail. No license will be issued to the old or the new owner in the City for one year from the date of the violation.
- (e) Should a licensee make application to the City ClerkManager for a transfer of location and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in the amount of \$300.00.

(Code 2005, § 34-107)

**Sec. 4-28. License fee scale.**

Before a license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the Mayor and Council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the fees set forth in section 4-29.

(Code 2005, § 34-108)

**Sec. 4-29. License fees enumerated.**

License fees applicable to this article are set out as follows:

- (1) Retail dealers of distilled spirits to be consumed on the premises, ~~\$4,027~~500.00 per year (subject to fixed bar/moveable bar regulations).
- (2) Retail dealers of beer to be consumed on the premises, ~~\$1,06~~00.00 per year (subject to fixed bar/moveable bar regulations).

(Supp. No. 9)

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- (3) Retail dealers of wine to be consumed on the premises, ~~\$1,060.00~~ per year (subject to fixed bar/moveable bar regulations).
- (4) Retail dealers of beer and wine to be consumed on the premises, ~~\$2,042.00~~ per year (subject to fixed bar/moveable bar regulations).
- (5) Retail dealers of beer sold in original packages for consumption off the premises, ~~\$1,060.00~~ per year.
- (6) Retail dealers of wine sold in original packages for consumption off the premises, ~~\$1,060.00~~ per year.
- (7) Retail dealers of beer and wine sold in original packages for consumption off the premises, ~~\$2,042.00~~ per year.
- (8) Wholesale dealers in beer, whose principal place of business is in the City, ~~\$3025.00~~ per year.
- (9) Wholesale dealers in wine, whose principal place of business is in the City, ~~\$3025.00~~ per year.
- (10) Wholesale dealers in beer and wine, whose principal place of business is in the City, ~~\$6500.00~~ per year.
- (11) Any additional fixed bar at any previously licensed location for consumption of alcoholic beverages on the premises, ~~\$5600.00~~ per year.
- (12) Any movable bar at any previously licensed location for consumption of alcoholic beverages on the premises, ~~\$1200.00~~ per year.
- (13) Temporary license for nonprofit civic organizations, \$50.00 per day, maximum five days per year.
- (14) Nonprofit private club beer to be consumed on the premises, ~~\$2500.00~~ per year.
- (15) Nonprofit private club wine to be consumed on the premises, ~~\$2500.00~~ per year.
- (16) Nonprofit private club beer and wine to be consumed on the premises, ~~\$51,000.00~~ per year.
- (17) Nonprofit private club distilled spirits to be consumed on the premises, ~~\$12,000.00~~ per year.
- (18) Hotel-motel in-room service, \$100.00 per year.
- (19) Wholesale dealers in distilled spirits whose principal place of business is in the City, \$1,000.00 per year.
- (20) Retail dealers of distilled spirits, beer and wine by the drink to be consumed outdoors or in a public facility pursuant to a special use permit, \$2,000.00 per event.
- (21) Patio sales, \$200.00 per year.
- (22) Catering license, \$200.00 per year.
- (23) Catering permit for out-of-jurisdiction catering licensee, \$50.00 per event.
- (24) Wine shop license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (25) Performing arts facility license, ~~\$1,500.00~~ per year (subject to fixed bar/moveable bar regulations).
- (26) Indoor special events facility license, \$2,000.00 per year.
- (27) Art shop license, \$500.00 per year.
- (28) Brewpub license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (29) Growler shop license, \$500.00 per year (subject to fixed bar/moveable bar regulations).
- (30) Brewer's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (31) Distiller's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (32) Alcoholic frozen consumables license, \$100.00 per year.

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(Code 2005, § 34-109; Ord. No. 2764-001, § 34-109, 8-6-2012; Ord. No. 2016-16, 6-6-2016; Ord. No. 2019-15, § 3, 4-10-2019; Ord. No. 2019-18, § 2, 7-10-2019; Ord. No. 2021-14, § 4, 12-15-2021)

**Sec. 4-30. Reporting of employees to ~~the City Manager~~ police department.**

It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the ~~City Manager~~ chief of police or his designee the name of the establishment, the license number and a list of all employees, ~~including each employees' with their~~ home addresses and ~~a~~ home telephone numbers for each employee twice annually, once during the month of June and again during the month of December. Failure to file ~~to~~ this report may result in the suspension or revocation of any license or permit issued under this chapter.

( Ord. No. 2019-15, § 4, 4-10-2019 )

**Secs. 4-31—4-46. Reserved.**

**ARTICLE III. ALCOHOL EXCISE TAX<sup>2</sup>**

**Sec. 4-47. Per drink excise tax.**

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such tax shall be collected by the licensee licensed under this article, and such licensee shall remit the same to the city on or before the 20th day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all ~~credit card~~ sales ~~regardless of method of payment~~, and shall be reported and taxes collected thereon shall be submitted to the City ~~Clerk~~ Manager or his designee to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from State tax under part V of the Georgia Retailer's and Consumer's Sales and Use Tax Act, O.C.G.A. § 48-8-50, as now written or hereafter amended, provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.
- (b) Excise taxes received in the Office of the City ~~Clerk~~ Manager after the 20th day of the month shall be charged interest and penalties in accordance with this section.
  - (1) Interest calculations that apply to late alcoholic beverage tax payments will be based on an annual calculation of the federal prime rate, plus three percent. Interest rate will change when the federal reserve announces the new bank prime loan rate each January.
  - (2) ~~In addition to interest in (b)1 above, a~~ five percent penalty will be assessed after 120 days with an additional five percent assessed after each successive 120 days, to a maximum of 20 percent of the principal amount due until all taxes are collected by the City.

Commented [SN6]: Can we remove this section?

Commented [FH7R6]: Policy decision. Purpose of this is to audit and make sure all employees (which are required to do so) have obtained work permits.

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<sup>2</sup>State law reference(s)—Authority to impose excise tax on sale of distilled spirits by the drink, O.C.G.A. § 3-4-130; imposition of excise tax on malt beverages required, O.C.G.A. § 3-5-80.

- (c) Any licensee who violates any provision of this article may, upon conviction, be punished by a fine of not less than \$300.00 for each offense and/or 30 days in the common jail of the County and the license of such location may be suspended or revoked.

(Code 2005, § 34-150; Ord. No. 2019-15, § 5, 4-10-2019 )

**Sec. 4-48. Excise tax and bond requirement on wholesalers.**

- (a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to retailers in the City of Lawrenceville. Such tax shall be paid to the City ~~ClerkManager or his designee~~ by the wholesale distributor on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in the City of Lawrenceville as follows: each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees under this article shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. The \$0.22 per liter shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful and a violation of this article for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting said tax. It shall be unlawful and a violation of this article for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of the said tax.
- (b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the City of Lawrenceville at the rate of \$0.05 per 12-ounce container and \$6.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

Size of Container	Tax Per Container
7 ounces	\$0.0291
8 ounces	\$0.0333
12 ounces	\$0.0500
14 ounces	\$0.0583
16 ounces	\$0.0666
32 ounces	\$0.1333
½ barrel (15½ gallons)	\$6.00
1 barrel (31 gallons)	\$12.00

- (c) *Collection of fees or taxes sums due.* Excise taxes received in the Office of the City ~~ClerkManager~~ after the 20th day of the month shall be charged interest and penalties in accordance with this section.
  - (1) Interest calculations that apply to late alcoholic beverage tax payments will be based on an annual calculation of the federal prime rate, plus three percent. Interest rate will change when the federal reserve announces the new bank prime loan rate each January.
  - (2) In addition to interest in (c)1 above, a A five percent penalty will be assessed after 120 days with an additional five percent assessed after each successive 120 days, to a maximum of 20 percent of the principal amount due until all taxes are collected by the City.
  - (3) If any person shall fail to pay the sum due under this article, the City ~~ClerkManager or designee~~ shall issue an execution against the person so delinquent and his property for the amount of the delinquent fee or tax.

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(Supp. No. 9)

- (d) The provisions of this section shall apply to brewers in accordance with O.C.G.A. §§ 3-5-24.1 and 3-5-81.
  - (e) The provisions of this section shall apply to brewpubs in accordance with O.C.G.A. § 3-5-36.
  - (f) The provisions of this section shall apply to distillers in accordance with O.C.G.A. §§ 3-4-24.2 and 3-4-61.
- (Code 2005, § 34-151; Ord. No. 2019-15, §§ 6—8, 4-10-2019 )

**Secs. 4-49—4-69. Reserved.**

**ARTICLE IV. GENERAL REGULATIONS**

**Sec. 4-70. Drinking in public; consumption of alcohol on City streets prohibited or limited in certain areas.**

- (a) Except as provided in subsection (b) of this section or in a licensed establishment, it shall be unlawful for any person to consume any alcoholic beverage in or upon any street, alley, sidewalk or other public way or place in the City or within any public building. Except as provided in subsection (b) of this section, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of an alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, or within any public building within the City limits.
- (b) Consumption of alcohol in an open container outside of a licensed establishment shall be allowed only in the locations specified below:
  - (1) Inside the Historic Courthouse Building by a licensed caterer as set forth in section 4-144;
  - (2) On the patio of a licensed establishment which meets all of the requirements and is specifically licensed for patio sales in accordance with section 4-146;
  - (3) Outdoor special event permit.
    - (i) This subsection shall apply to all events except those exempted by (ii) below. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by Mayor and Council to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special event permit and license under this subsection. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises. A permit fee of \$1.00 per square foot or \$2,000.00, whichever is greater, shall be charged per event payable at the time of issuance of the permit. The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant. Security officers shall be off duty Police Officers or Sheriff's deputies from the County or one of its municipalities.
    - (ii) This subsection shall apply only in the case of an event sponsored by the City. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by the City Manager to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special

(Supp. No. 9)

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event permit and license under this subsection. An application fee of \$100.00 shall be submitted with the special event application. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises;

- (4) A person may remove an alcoholic beverage purchased from an establishment licensed for consumption on the premises and possess and consume said alcoholic beverage subject to the following requirements:
  - (i) The alcoholic beverage shall be purchased from an establishment licensed for consumption on the premises and located within the Downtown Entertainment District;
  - (ii) The alcoholic beverage shall be in a shatterproof or plastic cup no larger than 16 ounces;
  - (iii) Only one drink at a time per person may be carried out of an establishment;
  - (iv) The hours of open carry under this paragraph shall be Monday through Sunday from 11:00 a.m. until 11:59 p.m.
  - (v) The beverage cannot be carried into an establishment that does not serve alcohol unless permitted by the establishment; and
  - (vi) The area in which this subsection applies shall be known as the Downtown Entertainment District. The boundaries of the Downtown Entertainment District are established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City [Clerk/Manager](#). If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the City to which this subsection applies.

(Code 2005, § 34-170; Ord. No. 2015-99 , 5-6-2015; Ord. No. 2019-15, § 9, 4-10-2019 ; Ord. No. 2021-14 , § 5, 12-15-2021)

**Sec. 4-71. Outdoor special event permit minimum requirements.**

- (a) The following are minimum special event permit requirements for the exemptions set forth in subsection 4-70(b)(3).
  - (1) The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant; however, there shall be a minimum of one security officer for all events. Security officers used to comply with this section shall be off-duty police officers or sheriff's deputies from [Gwinnett](#) County or one of its municipalities.
  - (2) An outdoor special event permit shall only be granted within the Downtown Entertainment District.
  - (3) A separate event application shall be required for any party/person/use seeking to obtain an outdoor special event permit.
- (b) The following additional regulations shall apply to dispensing and drinking alcohol pursuant to the exceptions set forth in section 4-70(b)(3) and shall be made conditions of each special event permit issued for such exceptions:
  - (1) *Two drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup or aluminum container, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time and provided the alcohol is consumed in the area specified in the special event permit granted in subsection 4-70(b)(3).

**Commented [SN8]:** Does this conflict with 4(iii) above?

**Commented [FH9R8]:** Not as long as the special event area is maintained and they aren't allowed to leave the area carrying. If allowed to leave the area carrying, it could, yes. Clarifying language needed?

**Commented [MF10R8]:** ...two such alcoholic beverages at a time "during a permitted special event"...

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(Supp. No. 9)

- (2) *Size limitation.* No container in which an alcoholic beverage is dispensed or served pursuant to subsection 4-70(b)(3) shall exceed 16 fluid ounces in size; provided, however, that beer or a malt beverage may be dispensed or served in a container up to but not exceeding 24 fluid ounces in size. No person shall hold in possession within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size, except for a container of beer or a malt beverage which shall not exceed 24 fluid ounces in size.
- (3) *Drinking from glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a glass container or to possess in a glass container any alcoholic beverage outside or in the defined area.
- (4) *Drinking outside the designated area.* It shall be a violation of this article to take an alcoholic beverage served in the designated area outside of the designated area for any reason.
- (5) *Hours and days.* It shall be unlawful for any person to purchase, distribute, or consume alcoholic beverages outside of the hours of sale provisions contained in this article.

(Ord. No. 2016-19 , 8-1-2016; Ord. No. 2019-15 , § 10, 4-10-2019; Ord. No. 2021-14 , § 6, 12-15-2021)

Editor's note(s)—Ord. No. 2016-19 , adopted Aug. 1, 2016, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter. For prior history, see Code Comparative Table.

**Sec. 4-72. Public drunkenness.**

It shall be unlawful for any person to be and appear in an intoxicated condition on any public or private street or highway within the City of Lawrenceville or within the curtilage of any private residence not in the exclusive possession of the person so intoxicated or at any place of business open to the public or at any other place or public gathering or assembly or place accessible to or visible to all members of the community. Said intoxication may be caused by the excessive use of intoxicating wines, beers, liquors, or opiates, or narcotics or other dangerous or hazardous drugs, and must be made manifest by boisterousness, or by indecent condition or actions or by vulgar, profane, or unbecoming language, or loud and violent discourse of the person so intoxicated, and further, a person may be deemed intoxicated within the meaning of this article where his excessive use of intoxicants produces such a material change in his normal mental status that his behavior becomes unpredictable and uncontrolled and, as a result, either:

- (1) Slight irritations, real or imaginary, cause outbursts of anger that find expression in acts of physical violence against another person, either police officers or citizens; or
- (2) The accused becomes unable to exercise any care for his own safety.

(Code 2005, § 34-172)

**Sec. 4-73. Possession of alcoholic beverages by a minor.**

It shall be unlawful for a person under the age of 21 to possess alcoholic beverages within the corporate limits of the City of Lawrenceville. The Municipal Court of the City of Lawrenceville shall have jurisdiction to try and dispose of cases where a person is charged with the possession of alcoholic beverages. No person under the age of 21 years of age shall attempt to purchase any alcoholic beverage or misrepresent his age in any manner whatever for the purpose of obtaining alcoholic beverages. Violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 and imprisonment not to exceed one year.

(Code 2005, § 34-173)

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**Sec. 4-74. Registered agent.**

All licensed establishments must have and continuously maintain with the City a registered agent upon whom any process, notice or demand required or permitted by law or under this article to be served upon the licensee or owner may be served. This person must be a resident of Gwinnett County. The licensee shall file the name of such agent, along with the written consent of such agent, with the City [Clerk/Manager](#), in such form as may be prescribed.

(Code 2005, § 34-174)

**Sec. 4-75. Distance requirements.**

(a) For the purposes of this section, distance shall be measured by the most direct route of travel on the ground in a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale, to the front door of the building of a church, government owned treatment center, housing authority property, or to the nearest property line of the real property being used for school or educational purposes.

(b) Within the boundaries of the Downtown Entertainment District, no license permitting the retail sale (package) of malt beverages or wine or both shall be issued for any proposed location which is:

~~Within a distance of 100 yards of any school building, educational building, school grounds or college campus; or~~

(1) Within a distance of 100 yards of an alcoholic treatment center owned by the state or any county or municipal government.

(c) Outside the boundaries of the Entertainment District, no license permitting the retail sale (package) of alcoholic beverages shall be issued for any proposed location which is:

(1) Within a distance of 100 yards of any private residence unless such residence is located in a commercially zoned (BN, BG, HSB) district;

(2) Within a distance of 100 yards of any church building;

(3) Within a distance of 100 yards of any public library or branch thereof;

(4) Within a distance of 100 yards of a public park;

(5) Within a distance of 200 yards of any school building, educational building, school grounds or college campus; or

(6) Within a distance of 100 yards of an alcoholic treatment center owned by the state or any county or municipal government.

(d) No license permitting the retail sale of alcoholic beverages for consumption on the premises shall be issued for any proposed location which is within a distance of 100 yards of any housing authority property.

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**Commented [FH12R11]:** Updated in 2023, Need to replace with 2023 language adopted.

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- (e) As used in this chapter, the Downtown Entertainment District shall mean the boundaries/area established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City Clerk. If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the City known as the Downtown Entertainment District.
- (f) As used in this section, the term "school building" or "educational building" shall apply only to State, County, City, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this State and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b).
- (g) As used in this section, the term "church building" shall mean the main structure used by any religious organization for the purpose of worship.

(Code 2005, § 34-175; Ord. No. 2023-01, § 02-27-2023)

**Sec. 4-76. Display of license at place of business.**

- (a) Each license issued under this chapter shall at all times be kept in public in a public area plainly exposed to view upon the licensed premises.
- (b) All retail consumption dealers and retail dealers who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign that clearly reads: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."
- (c) Each retail business establishment which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place a notice which shall contain the provisions in the laws of this State which deal with the unlawful sale of such items to underage persons and the penalties for violating such laws.

(Code 2005, § 34-176; Ord. No. 2019-15, § 11, 4-10-2019 )

**Sec. 4-77. Advertising; location requirements; signs.**

As a condition of the privilege of having a license and permit pursuant to this article, the holder agrees not to use any outdoor advertising or signs to promote the sale of alcoholic beverages or the prices of such beverages. No advertising or signs shall be permitted to be physically attached to the windows of any such establishment. Any signs or advertising inside the permitted location shall be of a size and type that is directed to customers inside the facility.

(Code 2005, § 34-177)

**Commented [SN13]:** Is this required by State law or can we change it to meet City Council standards?

**Sec. 4-78. Retailer to purchase from licensed wholesaler only.**

- (a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed in accordance with State law. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this article; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

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- (b) The City ~~Clerk/Manager~~ or his designee may request from time to time information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

(Code 2005, § 34-178)

**Sec. 4-79. Retail consumption dealers to store inventory only on premises.**

No retail consumption dealer licensed under this article shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

(Code 2005, § 34-179)

**Sec. 4-80. Adding to contents prohibited.**

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner. Notwithstanding the foregoing prohibition, retail package malt beverage licensees may fill and refill growlers with draft beer at a licensed location for retail package sales so long as the growler is not less than 32 ounces in volume and that said growler is sealed on premises with a tamper-proof plastic cap. A Brewer is a manufacturer and may fill or refill kegs, bottles, or cans with products manufactured at the licensed premises.

(Code 2005, § 34-180; Ord. No. 2019-15, § 12, 4-10-2019 )

**Sec. 4-81. Familiarity with ordinance provisions; responsibility of licensee for violations.**

Each licensee hereunder shall make this article available for review in the licensed premises and shall instruct any person working therein with respect to the terms hereof and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the State or of the rules and regulations of the State Revenue Commissioner.

(Code 2005, § 34-181; Ord. No. 2019-15, § 13, 4-10-2019 )

**Sec. 4-82. Employment of underage persons prohibited; exceptions.**

- (a) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (c) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed under this article without written consent from the parents or guardian of the underage person. Written consent shall be maintained by the establishment until the entertainer is no longer working at the establishment or the entertainer has reached the age of 18 years old.

(Code 2005, § 34-182)

**Commented [SN14]:** Who has the written consent? Does the City get a copy?

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**Sec. 4-83. Underage sales and sales to intoxicated persons prohibited.**

No holder or employee of the holder of a license authorizing the sale of alcoholic beverages shall do any of the following upon the licensed premises:

- (1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
- (2) The prohibition in subsection (1) of this section shall not apply with respect to the sale of alcoholic beverages to a person when such person has furnished proper identification showing that the person to whom the alcoholic beverages are being sold is 21 years of age or older. For the purposes of this subsection, the term "proper identification" means any document issued by a government agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the Department of Public Safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
- (3) It shall be a violation not to require and properly check identification to ensure that an underage person is not sold, served, or does not have in his possession alcoholic beverages while in a licensed establishment. The term "identification," in this section, means any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or ID card issued by a governmental entity.
- (4) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian; and provided further that this section shall not apply to minors who are employees under the terms of this article.
- (5) It shall be unlawful to sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.
- (6) The penalty for violation of this section by an individual shall be as follows:
  - a. For the first offense, a minimum fine of \$250.00 and a requirement to attend a training class approved by the City.
  - b. For the second offense and subsequent violations, a minimum fine of \$500.00.
  - c. Any licensed establishment where three or more violations of this section, or O.C.G.A. § 3-3-23, have occurred within any 36-month period shall be punished as follows:
    - 1. For the third offense within any 36-month period, suspension of license for a period not to exceed 90 days.
    - 2. For the fourth and any subsequent violation within any 36-month period, suspension of license for a period not to exceed one year.

(Code 2005, § 34-183; Ord. No. 2019-15, § 14, 4-10-2019 )

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**Sec. 4-84. Promotions and sales.**

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
  - (1) Offer or deliver any free alcoholic beverage to any person or group of persons.
  - (2) Deliver more than one alcoholic beverage to one person at a time.
  - (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar day, except at private functions not opened to the public.
  - (4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public.
  - ~~(65) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, in any container which holds more than 32 fluid ounces (0.947 liters), except to two or more persons at any one time.~~
  - ~~(76) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week.~~
  - ~~(87) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.~~
- (b) Each licensee shall maintain a written schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from hour to hour within a single day. The written schedule of prices shall be available to the paying public, and the schedule shall be effective for not less than one calendar day.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, to prohibit licensees from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.
- (e) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.
- (f) Licensees guilty of violating this section may be subject to revocation proceedings.

(Code 2005, § 34-184; Ord. No. 2019-15, § 15, 4-10-2019 )

**Sec. 4-85. Sale on election days.**

- (a) The sale of wholesale and retail of alcoholic beverages shall be lawful during the polling hours of any election; provided, however, nothing in this section shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.
- (b) All ordinances and parts of ordinances in conflict with this section are hereby expressly repealed.

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(Code 2005, § 34-185)

**Sec. 4-86. Bring your own bottle (brown bagging) prohibited.**

It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages; provided, however, that the establishments that meet the definition of a restaurant set forth in this chapter and that are licensed pursuant to this chapter as a retail dealer of distilled spirits to be consumed on the premises, and/or a retail dealer of beer to be consumed on the premises, and/or a retail dealer of wine to be consumed on the premises may allow customers to bring in a bottle or bottles of wine and charge a corkage fee as a convenience charge for opening and serving the wine brought in by the customer. Facilities licensed as an art shop under this chapter may also allow customers to bring in a bottle or bottles of wine and/or beer subject to the specific provisions governing the operation of an art shop.

(Ord. No. 2764-001, § 34-186, 8-6-2012)

**Sec. 4-87. Removing a partially consumed bottle of wine from a restaurant.**

A partially consumed bottle of wine purchased with a meal from a restaurant and resealed may be removed from the restaurant by a patron as permitted by O.C.G.A. § 3-6-4 and Ga. Comp. Rules and Regs. 40-6-253(2).

(Code 2005, § 34-187)

**Sec. 4-88. Package sales not permitted.**

Nothing in this chapter shall be construed to permit the package sale of distilled spirits or spirituous liquor.

(Code 2005, § 34-188; Ord. No. 2019-15, § 16, 4-10-2019 )

**Sec. 4-89. Criminal gangs and criminal activity.**

The Mayor and Council shall have the right to revoke any license or permit issued under this chapter after a hearing if by a preponderance of the evidence it is established that the licensed establishment is participating in helping, fostering, harboring or encouraging the unlawful activities described in ~~Chapter 26 section 26-143~~ or any other criminal activity.

(Code 2005, § 34-189)

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**Sec. 4-90. Fixed bar and moveable bar regulations.**

All licensees are entitled to one bar. A licensee may permit additional fixed or moveable bar(s) subject to the fee schedule in this chapter and subject to the regulations set below:

- (1) A map showing the location of any additional fixed or moveable bar shall be submitted to the City [Clerk/Manager](#) for approval.
- (2) The City [Clerk/Manager](#) may limit the number of additional fixed or moveable bars based on the square footage of the licensed establishment.
- (3) A moveable bar shall be a temporary bar that is used occasionally and is not in regular operation.

(Ord. No. 2021-14 , § 7, 12-15-2021)

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Secs. 4-91—4-106. Reserved.

**ARTICLE V. AUDITS, INSPECTION, PENALTIES AND REVOCATION/SUSPENSION OF LICENSE**

**Sec. 4-107. Records and audits of licensees.**

- (a) All licensed establishments must maintain the following records for a three-year period and make them available to authorized City representatives for audit at the licensed premises:
  - (1) Monthly income or operating statements.
  - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
  - (3) Daily cash register receipts such as Z tapes or guest tickets.
  - (4) Monthly State sales and use tax reports.
  - (5) Daily purchase receipts for liquor, beer and wine.
  - (6) Federal and State income tax returns.
- (b) The City ~~Clerk/Manager is and the Lawrenceville Police Department are~~ authorized to conduct an audit of the records and books of any licensee at any time to ensure compliance with this chapter. The City ~~Clerk/Manager or Police Department~~ may designate a City employee or other designated person to perform the audits authorized in this section.
- (c) The City ~~Clerk/Manager, Lawrenceville Police Department~~ or authorized designee conducting an audit shall notify the licensee of the date, time and place of the audit not less than 24 hours prior to the audit.
- (d) A licensee who fails to cooperate with the audit authorized under this section shall be subject to revocation of his license.
- (e) A licensee who is unable to produce the records required to be maintained by this section shall be subject to revocation of his license.
- (f) A licensee who produces incomplete, erroneous, or fraudulent records shall be subject to revocation of his license.

(Code 2005, § 34-190)

**Sec. 4-108. Inspection of licensed establishments by the ~~Police Department~~City.**

In addition to the audit provisions set forth in section 4-107, sworn officers of the city’s Police Department, city code enforcement officers, and others personnel designated by the City Manager shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the City during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and State law. This section is not intended to limit the authority of any other City officer to conduct inspections authorized by other provisions of this Code.

(Code 2005, § 34-191)

**Commented [SN16]:** City? Does it have to be sworn officers? Code Enforcement or other city employees or agents?

**Commented [FH17R16]:** Yes, can add code enforcement and other employees designated by the City Manager.

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**Sec. 4-109. Suspension or revocation of license.**

- (a) A license may be suspended or revoked by the City [ClerkManager](#) where the licensee furnishes fraudulent or untruthful information in the application for a license or for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the State shall revoke any permit or license to sell alcoholic beverages, the City license shall thereupon be automatically revoked. The City [ClerkManager](#) shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of any provision of this chapter shall be subject to immediate revocation or suspension.
- (d) The City [ClerkManager](#) shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.
- (e) The City [ClerkManager](#) shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The City [ClerkManager](#) may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to him.
- (g) An act or omission of a licensee, owner of more than ten percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed which constitutes a violation of federal or State law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the City [ClerkManager](#) determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the City [ClerkManager](#) must determine that the acts of the employee were known to or, under reasonable circumstances should have been known to, the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.
- (h) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the City, the license may be suspended or revoked.
- (i) Wherever this article permits the City [ClerkManager](#) to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
  - (1) No suspension shall be for a period of time longer than the time remaining on such license.
  - (2) The following factors may be considered on any revocation or suspension as set out in this section:
    - a. Consistency of penalties mandated by this chapter and those set by the City [ClerkManager](#) ;
    - b. Likelihood of deterring future wrongdoing;
    - c. Impact of the offense on the community;
    - d. Any mitigating circumstances or remedial or corrective steps taken by licensee;
    - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

(Code 2005, § 34-192; Ord. No. 2764-001, § 34-192, 8-6-2012; Ord. No. 2019-15, § 17, 4-10-2019 )

**Sec. 4-110. License revocation/suspension hearings.**

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as provided in this section. This provision does apply to pouring permits for employees.
- (b) The City [ClerkManager](#) shall provide written notice to the applicant or licensee of his order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the City [ClerkManager](#) may have a review of a final action by appeal to the [Zoning Board of AppealsBoard of Appeals](#). Such appeal shall be by written petition, filed in the Office of the City [ClerkManager](#) within 15 days after the final order or action of the City [ClerkManager](#) and, in order to defray administrative costs, must be accompanied by a filing fee of \$500.00; except that the filing fee for appeals relating only to pouring permits for employees shall be \$50.00. The City [ClerkManager](#), at his discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing the appeal. The [Zoning Board of AppealsBoard of Appeals](#) may, at the request of the appellant, refund the filing fee by a majority vote.
- (c) A hearing shall be conducted on each appeal within 30 days of the date of filing with the City [ClerkManager](#) unless a continuance of such date is agreed to by the appellant and the City [ClerkManager](#). The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. The appellant shall have the burden of proof on any such appeal.
- (d) Before hearing an appeal, each member of the [Zoning Board of AppealsBoard of Appeals](#) shall confirm on the record that he is not related to any owner of the licensed establishment in question in the appeal being considered and that he has no financial interest in the outcome of the appeal. Should any member be unable to truthfully make such confirmation, that member shall not serve on that appeal, and the case shall be heard by the remaining members of the [Zoning Board of AppealsBoard of Appeals](#).
- (e) The [Zoning Board of AppealsBoard of Appeals](#) shall be authorized to affirm the recommendation of the City [ClerkManager](#), reduce a proposed revocation to a suspension for a certain number of days ~~certain~~, or to reduce the duration of a proposed suspension.
- (f) The findings of the [Zoning Board of AppealsBoard of Appeals](#) shall be forwarded to the City [ClerkManager](#) within 15 days after the conclusion of the hearing, and it shall be the duty of the City [ClerkManager](#) to notify the appellant of the action of the [Zoning Board of AppealsBoard of Appeals](#).
- (g) The findings of the [Zoning Board of AppealsBoard of Appeals](#) shall not be set aside unless found to be:
  - (1) Contrary to law or ordinances;
  - (2) Unsupported by substantial evidence on the records as a whole; or
  - (3) Unreasonable.
- (h) The findings of the [Zoning Board of AppealsBoard of Appeals](#) shall be final unless appealed within 30 days of the date of the finding by certiorari to the Superior Court of Gwinnett County.

(Code 2005, § 34-193)

**Sec. 4-111. Notice.**

For the purpose of this chapter, notice shall be deemed delivered when personally served or when served by certified mail within three days after the date of deposit in the U.S. mail.



(Code 2005, § 34-194)

**Sec. 4-112. Penalties for violation of article.**

Except as otherwise provided in this chapter, any person who violates any provisions of the sections in this article may, upon conviction in the Municipal Court, be punished by a fine of not more than \$1,000.00 for each offense and/or one year in jail.

(Code 2005, § 34-195)

**Sec. 4-113. Notice to Georgia Department of Revenue of violations.**

(a) As used in this section, the following terms shall mean:

*Bar* means any premises at which a retailer licensed to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.

*Disciplinary action* means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

*Governmental entity* means the United States government, any state government, any local government, and any department, agency, or instrumentality thereof.

*Licensee* means any person issued a license pursuant to this chapter that meets the definition of a bar.

- (b) Within 45 days of any disciplinary action, the licensee shall notify the Georgia Department of Revenue ("Department") of the details of such disciplinary action, including the date such action was taken, the nature of such action, and any other information required by the Department.
- (c) Every county or municipality which issues licenses to a licensee authorizing the manufacture, distribution, or sale of alcoholic beverages shall by resolution or ordinance adopt a policy and implement a process by which any disciplinary action against a licensee shall be reported to the department within 45 days of any officer, department, agency, or instrumentality of such county or municipality taking such disciplinary action.

( Ord. No. 2019-15, § 18, 4-10-2019 )

**Secs. 4-114—4-137. Reserved.**

**ARTICLE VI. REGULATION OF ALCOHOL SALES FOR CONSUMPTION ON THE PREMISES**

**Sec. 4-138. Retail sales of malt beverages and wine for consumption on the premises.**

No beer or wine may be sold by the drink for consumption on the premises where sold except pursuant to a license and under one of the following categories:

- (1) In restaurants with a seating capacity of at least 30 people, excluding stools and counter seating, regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be

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Commented [SN20]: See above comment.

approved by the County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of beer and wine.

- (2) In zoning districts where such restaurants are conforming uses or where such establishments are incidental to a hotel.
- (3) In indoor commercial recreation establishments.
- (4) In an indoor publicly owned civic and cultural center.
- (5) In a performing arts facility where the facility meets the definition for a performing arts facility set forth in section 4-2 (establishment located in the Downtown ~~Overlay-Entertainment~~ District; operates in a building owned by the City or the Lawrenceville Building Authority, has its principal objective or business as the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and does not feature, show, allow, promote or advertise adult businesses as defined and ~~regulated in as defined and regulated in City of Lawrenceville Ordinances Chapter 12, Division 13, Sec. 12-401 chapter 10 of this Code~~, including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments); provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.
  - a. A business meeting the definition of a performing arts facility under this Code shall be eligible to apply for and be considered for an annual license to allow alcohol consumption on the premises from the City ~~Clerk~~Manager in the same manner as set forth in article II of this chapter.
  - b. A business granted a performing arts facility license for consumption of alcohol on the premises shall be required to obtain all required licenses from the State and to follow all State and local laws, ordinances and rules governing the consumption of alcohol on the premises.
  - c. Alcohol may also be sold and/or dispensed at a performing arts facility as defined in section 4-2 by a licensed caterer in the same manner set forth in section 4-144 without the need for the facility or the caterer to obtain a performing arts facility license.
  - d. In addition to the hours of sale requirements set out in section 4-139, alcohol may not be dispensed at a performing arts facility earlier than one hour before the start of a performance or later than one hour after the performance has ended.
- (6) In a wine shop under the conditions set forth in section 4-147.
- (7) In a brewery, provided that only beer is sold and such establishment meets all requirements of O.C.G.A. § 3-5-24.1.
- (8) In indoor special event facilities under the conditions set forth in section 4-156.

(Code 2005, § 34-200; Ord. No. 2019-15 , § 19, 4-10-2019; Ord. No. 2021-14 , § 8, 12-15-2021)

**Sec. 4-139. Hours of sale of beer/wine for consumption on the premises.**

- (a) Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. It shall be unlawful for businesses holding a consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.

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(Supp. No. 9)

- (b) No consumption on the premises license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.
- (c) The sale of beer and/or wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in:
  - (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;
  - (2) In any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
  - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (d) Beer and/or wine may be sold for consumption on the premises from the hours of 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.

(Code 2005, § 34-201; Ord. No. 2019-15, § 20, 4-10-2019 ; Ord. No. 2019-4, § 1, 1-7-2019 )

**Sec. 4-140. Distilled spirits consumption on the premises.**

- (a) No distilled spirits may be sold by the drink for consumption on the premises where sold except:
  - (1) In restaurants regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
  - (2) In zoning districts where such restaurants are conforming uses or where such establishments are incident to a hotel.
  - (3) In indoor commercial recreation establishments.
  - (4) In an indoor publicly owned civic and cultural center.
  - (5) In a performing arts facility which holds a performing arts facility alcohol license and which meets all of the definitional requirements set forth in this chapter; provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.
  - (6) In a distillery as permitted by O.C.G.A. § 3-4-24.2.
  - (7) In indoor special event facilities under the conditions set forth in section 4-156.
- (b) Any restaurant or indoor commercial recreational establishments where distilled spirits are to be consumed on the premises shall also meet the following requirements:
  - (1) Such establishments shall have a seating capacity of at least 30 people, excluding stools and counters;
  - (2) The establishment shall be used, advertised and held out to the public as a place where meals are served and meals are actually served;
  - (3) Such establishment shall serve two meals per day for at least six days per week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted with the serving of distilled spirits to be consumed on the premises as incidental

**Commented [SN21]:** Is this state law or can we reduce it to one meal per day, 6 days per week?

**Commented [FH22R21]:** See change below. Or change to 1 meal per day?

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(Supp. No. 9)

thereto. Eating establishments serving full course meals during an extended period of not less than ~~six~~five hours per day at least six days per week shall be deemed to be serving two meals per day.

(Code 2005, § 34-202; Ord. No. 2019-15 , §§ 21—23, 4-10-2019; Ord. No. 2021-14 , § 9, 12-15-2021)

Commented [SN23]: This may cover the exception in the first sentence.

Commented [FH24R23]: Reduce 6 hours to 5 hours to match Dominik's hours?

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**Sec. 4-141. Distilled spirits consumption on the premises hours and days of sale and additional restrictions.**

- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. It shall be unlawful for businesses holding a consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- (b) No consumption on the premises license holder shall furnish, sell, or offer for sale any distilled spirits at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.
- (c) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in:
  - (1) Any licensed restaurant which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;
  - (2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
  - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (d) Distilled spirits may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.
- (e) Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle.

Commented [SN25]: Same sentence. Remove f.

(Code 2005, § 34-203; Ord. No. 2019-15, § 24, 4-10-2019 ; Ord. No. 2019-4, § 2, 1-7-2019 )

**Sec. 4-142. No consumption outside premises.**

Except as allowed in sections 4-70 and 4-146, the following restrictions shall apply:

- (1) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. ~~However, nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption at a publicly owned or privately owned golf course.~~
- (2) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (3) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

Commented [SN26]: Should we take this out?

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(Code 2005, § 34-204)

**Sec. 4-143. Reserved.**

Editor's note(s)—Ord. No. 2019-15 , § 25, adopted Apr. 10, 2019, repealed § 4-143, which pertained to noise from establishments prohibited, and derived from Code 2005, § 34-205.

**Sec. 4-144. Licensed caterers.**

- (a) Notwithstanding any other provision of this chapter to the contrary, a licensed caterer shall be permitted to sell alcoholic beverages for consumption on the premises of a duly authorized catered event held at one of the following locations:
  - (1) Performing arts facilities as defined in this chapter;
  - (2) Indoor publicly owned civic and cultural centers as defined in this chapter (the City-owned Depot building, ~~the City-owned Oakes House,~~ and the Historic Courthouse);
  - (3) Indoor special event facilities as defined in this chapter; and
  - (4) An authorized outdoor special event which has been granted an outdoor special event permit in accordance with subsection 4-70(b)(3).
- (b) A licensed caterer authorized under this section must be a retail dealer licensed pursuant to State law and must possess the following licenses and permits:
  - (1) A license permitting the sale of alcoholic beverages for consumption on the premises issued by the city or another licensing jurisdiction;
  - (2) An alcoholic beverage catering license issued by the City or another licensing jurisdiction; and
  - (3) An off-premises permit for the specific event being catered.
- (c) All licensed alcoholic beverage caterers desiring to engage in activities permitted by this section shall make written application to the City [ClerkManager](#) for the appropriate off-premises permit. The application shall include, but not be limited to, the name, address and telephone number of the applicant; the date, address and time of the proposed catered event and the licensed alcoholic beverage caterer's State license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths. If an applicant has had his license to sell alcohol by the drink for consumption on the premises issued by another jurisdiction, the application shall be accompanied by an off-premises permit fee of \$50.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. If an applicant has had his license to sell alcohol by the drink for consumption on the premises issued by the City, such off-premises permit fee is waived. However, such permit must still be obtained.
- (d) The City [ClerkManager](#) shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice.
- (e) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for an off-premises permit shall be cause for the denial or revocation thereof.
- (f) If such off-premises permit is granted by the City [ClerkManager](#), it shall be good only for the specific event at the specified address, for the date(s) and time set forth in the application.
- (g) Except as set forth in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

**Commented [SN27]:** Does this still qualify since it is a coffee shop?

**Commented [FH28R27]:** The Lawrenceville Art's Center is a separate category?

**Commented [SN29]:** This is not being enforced at Laundry.

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(Code 2005, § 34-206; Ord. No. 2016-30 , 12-14-2016; Ord. No. 2021-14 , § 10, 12-15-2021)

**Sec. 4-145. Pouring permit required.**

- (a) No person shall be employed to dispense, sell, serve, take orders for, or mix alcoholic beverages, or serve in any managerial position, by an establishment holding a license under this chapter until such person has applied for and received a permit from the City of Lawrenceville ~~Police Department~~, indicating that the person is eligible and has been issued a pouring permit.
- (b) This section shall not be construed to include employees whose duties are limited solely to those of host, bus boy, cook, or dishwasher. Poured alcoholic beverages shall be transported from the point of dispensing to the customer only by employees that possess a City of Lawrenceville pouring permit.
- (c) No permit shall be processed until such time as a signed application has been filed with the ~~City Manager~~~~Police Department~~, and a fee as established by the Mayor and Council has been paid. The application shall be made on forms approved by the ~~City Manager~~~~Police Chief~~.
- (d) The ~~City Manager~~~~Police Chief or his designee~~ shall conduct a background check on each applicant to determine whether the applicant is eligible to hold a permit. If it is found that the person is not eligible for a permit, the ~~City Manager~~~~Police Chief or his designee~~ shall notify the person, in writing, that he is not eligible to receive a permit, the cause of such denial and the right to appeal.
- (e) No person shall be granted a pouring permit if the ~~City Manager~~~~Police Chief or his designee~~ determines that such person has been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual-related crime within a period of five years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First Offender Act shall not apply to such consideration. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or County ordinance shall not, by itself, make a person ineligible for an alcohol pouring permit. An applicant who is found to have falsified an application or any information therein shall be denied a permit.
- (f) An alcohol pouring permit shall be issued for a period of one calendar year from the date of the original application. The alcohol pouring permit must be in the possession of the holder while the holder is working at the licensed establishment. This permit must be available for inspection by ~~the City Manager~~~~members of the Police Department or other City representatives~~.
- (g) All permits issued through administrative error shall be terminated and seized by the ~~City Manager~~~~Police Chief or his designee~~.
- (h) Replacement permits may be issued upon paying one-half of the fees charged for an original permit. The original expiration date shall remain in force for any replacement permit.
- (i) All permits issued under this chapter remain the property of the ~~City Manager~~~~Police Department~~ and shall be produced for inspection upon the demand of any ~~employee~~~~officer~~ or designee of the ~~City~~~~Police Department~~.
- (j) No licensee shall allow any employee or manager required to hold a permit to work on the premises unless the employee or manager has in his possession a current valid City pouring permit. For new employees, a receipt issued by the ~~City~~~~Manager~~~~Police Department~~ may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee required to do so has in his possession a valid current alcohol pouring permit.
- (k) The penalty for service of alcoholic beverages to a minor by an individual who holds an alcoholic beverage pouring permit shall be as follows:

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- (1) For the first offense, a minimum fine of \$250.00;
- (2) For the second offense and subsequent violations, a minimum fine of \$500.00;
- (3) Any individual holding an alcoholic beverage pouring permit where three or more violations of serving alcoholic beverages to a minor have occurred within any 36-month period shall be punished as follows:
  - a. For the third offense within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed 90 days.
  - b. For the fourth and any subsequent violation within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed one year.

(Code 2005, § 34-207)

**Sec. 4-146. Open area and patio sales.**

- (a) Alcoholic beverage sales may be made by a licensed consumption on-premises establishment in a patio/open sales area type environment if the establishment has been approved to do so by the City [Clerk/Manager](#).
- (b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of 3.5 feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be submitted to and approved by the [head of the City's City Manager - Planning and Zoning Department](#).
- (d) The only exit from this type area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit shall be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided that such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel.
- (f) Notwithstanding any provisions to the contrary in this section, any licensed consumption on premises establishment permitted to sell alcoholic beverages in a patio/open sales area type environment which is located in the Downtown Entertainment District shall not be required to meet the requirements of (b), (c) and (d) above. The patio/open area shall be clearly separated from the public sidewalk or right-of-way and shall be under the exclusive control of the licensed establishment.

(Code 2005, § 34-208; Ord. No. 2016-28, 11-7-2016 ; Ord. No. 2019-15, § 26, 4-10-2019 )

**Sec. 4-147. Wine shop.**

- (a) Notwithstanding any other provision of this chapter to the contrary, the City [Clerk/Manager](#) is authorized to issue a wine shop license to businesses:
  - (1) Which meet all other license application requirements set forth in this chapter [and shall be located in the Downtown Entertainment District](#); and
  - (2) ~~Which operate primarily as a retail package dealer and earn a minimum of 70 percent of annual gross revenue from package sales of wine.~~

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**Commented [FH30]:** Proposed wine shop wanted this requirement removed, is that correct?

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(b) A wine shop established under this section may:

- (1) Sell and serve beer and wine by the drink for consumption on the premises. ~~The total amount of beer served to a patron for consumption on the premises shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a high gravity beer the total sample amount in a 24-hour period shall be reduced to 20 ounces in volume. The total amount of wine served to a patron for consumption on the premises shall not exceed a total of 12 ounces in volume to any one individual within a 24-hour period. A wine shop shall not be permitted to sell 20/32 ounces of beer and 12 ounces of wine to one individual. The intent of this section is that the primary purpose of a wine shop is to be a package off premises operation but may allow consumption on the premises as part of its operations. The intent of this provision is to restrict the amount sold to one individual to the lowest volume (12, 20 or 32 ounces) based on any combination of alcoholic beverage, except on Sundays in compliance with this Chapter, and The amount of wine served to any on individual for consumption on the premises shall be limited to \_\_\_\_ ounces in a 24 hour period. The amount of beer served to any one individual for consumption on premises shall not exceed \_\_\_\_ ounces in a 24 hour period.~~
- (2) Sell wine and beer by the package ~~must remain sealed on the licensed premises with a tamper proof cap and may not thereafter be opened or consumed on the premises.-~~

(c) Nothing in this subsection shall prohibit a wine shop from serving food, ~~provided that it meets all of the requirements for restaurants in this Code and is properly permitted by the City. In order to serve alcohol for consumption on the premises on Sunday, the establishment must receive 50% of its revenue from the sale of prepared meals or food in accordance with the requirements of O.C.G.A. Section 3-3-7 as currently exist or as may be amended in the future.~~

(Code 2005, § 34-209; Ord. No. 2019-15 , § 27, 4-10-2019; Ord. No. 2021-14 , § 11, 12-15-2021)

**Sec. 4-148. Private clubs.**

- (a) Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the City governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations of the City.
- (b) Veteran organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food as a condition of licensing for consumption on the premises. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.
- (c) Alcoholic beverages shall not be sold for consumption on the premises at a private club except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.
- (d) No private club consumption on the premises license holder shall furnish, sell, or offer for sale any alcoholic beverages at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council. It shall be unlawful for private clubs holding a consumption on the premises license to fail to remove from its service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the club is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest.
- (e) The sale of alcoholic beverages for consumption on the premises is permitted in a private club on Sundays from 11:00 a.m. until 12:00 midnight in:

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(Supp. No. 9)

- (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;
  - (2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
  - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (f) Alcoholic beverages may be sold for consumption on the premises at a private club from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.
- (Code 2005, § 34-210; Ord. No. 2019-4, § 3, 1-7-2019 )

**Sec. 4-149. Art shop.**

- (a) Notwithstanding any other provision of this chapter to the contrary, the City [ClerkManager](#) is authorized to issue an art shop license to businesses:
    - (1) Located in the Downtown [Overlay-Entertainment](#) District;
    - (2) Which meet all other license application requirements set forth in this chapter; and
    - (3) Which operate as an art shop.
  - (b) An art shop established under this section may allow customers to bring in bottles of wine and beer to be consumed on the premises, except on Sundays.
    - (1) Any wine and/or beer served on the premises shall only be served by an employee of the art shop otherwise authorized to serve alcoholic beverages under this article.
    - (2) No customer of an art shop shall consume more than two six-ounce servings of wine or two 12-ounce servings of beer during a three-hour period or four six-ounce servings of wine or four 12-ounce servings of beer within a single business day.
    - (3) The serving of wine and/or beer in an art shop shall be subject to all of the provisions related to the service of other alcoholic beverages under this article, including, but not limited to, the prohibition of serving wine or beer to anyone under 21 years of age or to anyone intoxicated.
  - (c) Nothing in this section shall prohibit an art shop from serving food, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.
- (Ord. No. 2764-001, § 34-211, 8-6-2012)

**Sec. 4-150. Brewpub.**

- (a) No person shall be permitted to own or operate a brewpub without first obtaining a brewpub license from the City [ClerkManager](#) pursuant to the same procedures as are set forth in this chapter, and each brewpub license holder shall comply with all other applicable state and local license requirements.
- (b) A brewpub license authorizes the holder of such license to:
  - (1) Manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail.

- (2) Operate a restaurant that shall be the sole retail outlet for such beer. Such outlet may offer for sale any other alcoholic beverages produced by other manufacturers which are separately authorized for consumption on the premises by this chapter, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers for consumption on the premises only; and
  - (3) Notwithstanding any other provision of this section, sell up to a maximum of 5,000 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers.
  - (c) Possession of a brewpub license shall not prevent the holder of such license from obtaining another license authorized under this chapter for the same premises.
  - (d) A brewpub license does not authorize the holder of such license to sell alcoholic beverages at retail by package for consumption off the premises.
  - (e) A brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed as manufacturers, retailers, and, where applicable, wholesalers.
  - (f) A brewpub licensee shall measure all beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required.
  - (g) Except as set forth in this section, a brewpub license holder shall be subject to all provisions of this chapter.
- (Ord. No. 2764-001, § 34-212, 8-6-2012; Ord. No. 2019-15, § 28, 4-10-2019 )

**Sec. 4-151. Growler shop.**

- (a) No person shall be permitted to own or operate a growler shop without first obtaining a growler shop license from the City ~~Clerk~~ Manager pursuant to the same procedures as are set forth in this article, and each growler shop license holder shall comply with all other applicable State and local requirements.
- (b) A growler shop shall be located in the Downtown ~~Overlay~~ Entertainment District. Growlers may not be sold at any establishment engaged in the sale of distilled spirits.
- (c) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this article, provided that after the growler is filled the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the growler shop may fill or refill growlers with draft beer or wine at a growler shop as provided in this section in a growler not smaller than 12 ounces in volume and not to exceed 68 ounces in volume.
- (d) A growler shop shall be authorized to sell samples of draft beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample ~~amount about~~ in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d) or (e) shall not exceed a total of ~~120~~ ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and ~~120~~ ounces of wine to one individual. The intent of this section is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest volume (~~120~~, 20 or 32 ounces) based on any combination of alcoholic beverage.

- (e) In addition to growlers, a growler shop may sell beer and/or wine in cans, bottles, or other sealed package as a retail dealer. The growler shop shall be authorized to sell samples of beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample ~~amount~~ ~~about~~ in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d) or (e) shall not exceed a total of ~~ten~~12 ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and 12~~0~~ ounces of wine to one individual. The intent of this ordinance is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest volume (12~~0~~, 20 or 32 ounces) based on any combination of alcoholic beverage.
  - (f) Nothing in this section shall prohibit a growler shop from serving food or other non-alcoholic products, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.
- (Ord. No. 2764-001, § 34-213, 8-6-2012; Ord. No. 2019-15 , § 29, 4-10-2019; Ord. No. 2021-14 , § 12, 12-15-2021)

**Sec. 4-152. Brewer/brewery.**

- (a) A brewer shall be permitted to manufacture beer with the right to sell the product of the brewer for resale within and outside of the limits of the State of Georgia.
  - (b) The right to sell the manufactured product of the brewer for resale within the City and the State of Georgia may be revoked separately from the right to manufacture and sell the product for resale outside of this State.
  - (c) A licensed brewer may sell up to 3,000 barrels of beer per year produced at the brewer's licensed premises to individuals who are present on such premises for:
    - (1) Consumption on the premises; and
    - (2) Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of beer per consumer per day.
  - (d) A licensed brewer shall be subject to the provisions related to hours and days of sale as set forth in section 4-139 of this chapter.
  - (e) A licensed brewer shall submit excise taxes to the City on a monthly basis in accordance with O.C.G.A. §§ 3-5-24.1 and 3-5-81 and section 4-48 of this Chapter.
  - (f) A licensed brewer shall abide by all federal, state and local laws, regulations or rules. The failure to ~~comply~~ ~~comply~~ with such laws, regulations or rules may serve as a basis for revocation of the license issued by the City.
- ( Ord. No. 2019-15, § 30, 4-10-2019 )

**Sec. 4-153. Distiller/distillery.**

- (a) A distiller shall be permitted to manufacture distilled spirits with the right to sell the product of the distiller for resale within and outside of the limits of the State of Georgia.
- (b) A licensed distiller may sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are present on such premises for consumption on the premises.

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- (c) A licensed distiller shall be subject to the provisions related to hours and days of sale as set forth in section 4-140 of this chapter.
- (d) A licensed distiller shall submit excise taxes to the City on a monthly basis in accordance with O.C.G.A. §§ 3-4-24.2 and 3-4-61 and sections 4-47 and 4-48 of this chapter.
- (e) A licensed distiller shall abide by all federal, state and local laws, regulations or rules. The failure to ~~comport~~ comply with such laws, regulations or rules may serve as a basis for revocation of the license issued by the City.

( Ord. No. 2019-15, § 31, 4-10-2019 )

**Sec. 4-154. Amenity license permit.**

- (a) A non-eating establishment that offers beer and/or wine as an act of hospitality, where it is clearly a secondary function of the business, shall be eligible to apply for a beer and/or wine amenity license permit. Eating establishments shall not be eligible for a beer and/or wine amenity license permit.
- (b) An amenity license permit shall allow the license permit holder to offer beer and/or wine for sell as an act of hospitality and shall not be part of the core operations of such establishments.

~~(c) The amenity permit need only be applied for once and shall automatically renew when the occupational tax certificate is renewed, provided, however that the City may revoke or suspend such amenity permit and/or impose such conditions on its operation at the City's discretion for violations of this chapter or in furtherance of the health, safety, and welfare of the City's inhabitants. Amenity sales license permits the licensee to sell a patron either two (2) six (6) ounce glasses of wine or two (2) twelve (12) ounce serving of beer or other malt beverage per day.~~

~~(d) In no event shall a licensee's total annual gross alcohol revenue exceed ten (10) percent of the licensee's gross annual revenues.~~

~~(e) Amenity alcohol sales licensees shall be required to obtain a state alcohol license for consumption on the premises and except as expressly provided for herein, shall be subject to all state and local laws, rules and requirements, including licensing requirements and the other provisions of this chapter related to the sale of alcohol for consumption on the premises. Notwithstanding the foregoing, amenity sales licensees shall not be required as a condition of their license to post signs as required by this chapter.~~

~~(f) Notwithstanding other provisions in this chapter regarding penalties for violation of this chapter, upon a determination that a holder of an amenity sales license has violated any provision of this chapter the license shall be revoked and the holder shall be ineligible to obtain an amenity sales license for a period of five (5) years following the effective date of the revocation.~~

~~(g) The amenity permit application shall include a background check. A \$50.00 administrative fee shall be charged to cover this administrative process.~~

( Ord. No. 2019-15, § 32, 4-10-2019 )

**Sec. 4-155. Alcoholic frozen consumables.**

- (a) An establishment that makes alcoholic frozen consumables shall be permitted to sell, serve, and/or dispense alcoholic frozen consumables.

**Commented [SN31]:** Need to update to comply with DOR regulations. I borrowed Duluth's language and matched what we call it. Please review.

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- (b) Alcoholic frozen consumables shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. The sale of alcoholic frozen consumables is permitted on Sundays from 11:00 a.m. until 12:00 midnight if the establishment derives at least 50 percent of its total annual gross sales from the sale of non-alcoholic frozen consumables and prepared meals or food in all of the combined retail outlets of the individual establishment.
  - (c) Alcoholic frozen consumables may be carried in the Downtown Entertainment District in accordance with the provisions of section 4-70(b)(5).
  - (d) Any establishment licensed under this section shall comply with all relevant and applicable provisions of this chapter.
- ( Ord. No. 2019-18, § 3, 7-10-2019 )

**Sec. 4-156. Indoor Special Event Facility.**

In an indoor special event facility pursuant to a license issued by the ~~Mayor and Council~~City Manager setting forth specific operational requirements and restrictions for the facility that control consumption at the facility. An annual permit fee of \$2,000.00 shall be charged for a permit to authorize alcohol consumption and sales at an indoor special event facility. Alcohol may only be served at an indoor special events facility by a licensed caterer under the provisions set forth in section 4-144 or by the owner of the indoor special events facility ~~event facility~~in compliance with all applicable sections of this Chapter. ~~An indoor special event facility shall not be permitted within or upon any property with a zoning classification of HM or HSB. An indoor special events facility shall be located in the Downtown Entertainment District (map on file with City Clerk) in order to obtain an alcohol license.~~

(Ord. No. 2021-14 , § 13, 12-15-2021)

**Commented [SN32]:** Do we want to put in some standard requirements like security, hours of operation, no loitering in the parking lot of the facility, compliance with noise ordinance, etc.?

**Secs. 4-157—4-170. Reserved.**

**ARTICLE VII. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE**

**Sec. 4-171. Type of retail establishment where permitted.**

No beer or wine shall be sold at retail package except in the following establishments:

- (1) In retail establishments devoted principally to the retail sale of groceries and food products and which are located in zoning districts in which food establishments are permitted as a conforming use;
- (2) In retail establishments devoted principally to the retail sale of fish bait and fishing equipment and which are located in zoning districts in which retail sale of fish bait and fishing equipment are a permitted use;
- (3) In a licensed wine shop as set forth in section 4-147; or
- (4) In a licensed beer growler establishment where beer and malt beverages are sold.

(Code 2005, § 34-250)

**Sec. 4-172. Hours and days of sale.**

- (a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both, shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday.
- (b) No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.

(Code 2005, § 34-251)

**Sec. 4-173. Use of tags or labels to indicate prices.**

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all beer and wine exposed or offered for sale.

(Code 2005, § 34-252)

**Sec. 4-174. Quantity sale requirements.**

Single cans or bottles or other containers of alcoholic beverages may be sold.

(Code 2005, § 34-253)

**Secs. 4-175—4-201. Reserved.**

**ARTICLE VIII. WHOLESALERS**

**Sec. 4-202. License required.**

Any person, firm or corporation designed to sell at wholesale any beer, wine, or distilled spirits in the incorporated area of the City shall make application to the City [Clerk/Manager](#) for a license to do so, which application shall be in writing on the forms authorized and prescribed by the City [Clerk/Manager](#). No beer, wine, or distilled spirits shall be delivered to any retail sales outlet in the City except by a duly licensed wholesaler in licensed vehicles. The name of the wholesale distributor shall be clearly marked on the vehicles.

(Code 2005, § 34-300; Ord. of 12-11-2019 )

**Secs. 4-203—4-227. Reserved.**

**ARTICLE IX. HOTEL-MOTEL IN-ROOM SERVICE**

**Sec. 4-228. License.**

- (a) The term "in-room service" means the provision of a cabinet or other facility located in a hotel-motel guestroom which contains beer and/or wine only, which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the beer and/or wine

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contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.

- (b) Any hotel-motel that acquires this in-room service shall also be required to obtain a consumption on the premises license and meet all of the requirements of this chapter.
- (c) No hotel-motel shall be authorized to provide in-room service until it has been issued a special license to do so. A license fee of \$100.00 [for each hotel-motel](#) shall be imposed to provide only beer and/or wine by in-room service.
- (d) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.
- (e) Keys for in-room service shall only be sold to guests between the hours of 11:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. and 12:00 midnight on Sunday.

(Code 2005, § 34-350)

		Restaurant							Tavern		Store		Package Store	Wholesale		Brewery		
	Application Fee	Spirits	Beer or Sunday	Beer or Wine	Wine- Sunday	Beer & Wine	Beer & Wine Sun	Spirits, Beer & Wine	Spirits, Beer & Wine	Beer& Wine	Beer or Wine	Beer or Wine- Sunday	Spirits, Beer & Wine	Beer/Wine	Distillery	Wine	Beer	Spirits
Auburn	\$ 300	4000	500	500	85	1000	125				500			250				
Berkeley Lake	\$ 200			1000		2000		3500			500		6000					
Braselton	\$ 150	4000		500		1000					500			250		250	750	1000
Buford	\$ 500	4000	1000	1000	250	2000	350							250	1000			
Dacula	\$ 500	4800	1000	600	250	1200	500	6000			600	250	6000					
Duluth	\$ 250			500		1000		3500	4000	1200	500			5000				
Grayson	\$ 500			1000		1500		2500			1000		6000					
<b>Lawrenceville (Current)</b>	<b>\$ 300</b>	<b>2500</b>		<b>600</b>		<b>1200</b>					<b>600</b>			<b>1500</b>		<b>2500</b>		
Lilburn	\$200-500			850		1700		7200			850		5000				500	500
Loganville	\$ 200	3500		500		1000												
Norcross	\$ 338	3000	125	1000		1500												
Peachtree Corners	\$ 500	4500	1000	600	250	1200	500	5700			600	250		500	1000	600	600	4500
Rest Haven																		
Snellville	\$ 200	5000		750		1500					500							570
Sugar Hill	\$ 250	2500		1500		3000					500							
Suwanee	\$ 150	5000		500		500		6000			500							2500
<b>Lawrenceville (Proposed)</b>	<b>\$ 300</b>	<b>4000</b>		<b>1000</b>		<b>2000</b>		<b>6000</b>			<b>800</b>			<b>1500</b>		<b>2500</b>		

License	Current	Proposed	Variance	Number	Increase Revenue	
Retail dealers of distilled spirits to be consumed on the premises, \$2,500.00 per (subject to fixed bar/moveable bar regulations).	\$2,500	\$4,000	\$1,500	25	\$37,500	
Retail dealers of beer to be consumed on the premises, \$600.00 per year (subject to fixed bar/moveable bar regulations).	\$600	\$1,000	\$400	9	\$3,600	
Retail dealers of wine to be consumed on the premises, \$600.00 per year (subject to fixed bar/moveable bar regulations).	\$600	\$1,000	\$400	4	\$1,600	
Retail dealers of beer and wine to be consumed on the premises, \$1,200.00 per year (subject to fixed bar/moveable bar regulations).	\$1,200	\$2,000	\$800	0	\$0	
Retail dealers of beer sold in original packages for consumption off the premises, \$600.00 per year.	\$600	\$1,000	\$400	4	\$1,600	
Retail dealers of wine sold in original packages for consumption off the premises, \$600.00 per year.	\$600	\$1,000	\$400	0	\$0	
Retail dealers of beer and wine sold in original packages for consumption off the premises, \$1,200.00 per year.	\$1,200	\$2,000	\$800	49	\$39,200	
Wholesale dealers in beer, whose principal place of business is in the City, \$250.00 per year.	\$250	\$300	\$50	0	\$0	
Wholesale dealers in wine, whose principal place of business is in the City, \$250.00 per year.	\$250	\$300	\$50	0	\$0	
Wholesale dealers in beer and wine, whose principal place of business is in the City, \$500.00 per year.	\$500	\$600	\$100	0	\$0	
Any additional fixed bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$500.00 per year.	\$500	\$600	\$100	0	\$0	
Any movable bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$100.00 per year.	\$100	\$200	\$100	0	\$0	
Temporary license for nonprofit civic organizations, \$50.00 per day, maximum five days per year.	\$50	\$50	\$0	0	\$0	
Nonprofit private club beer to be consumed on the premises, \$250.00 per year.	\$250	\$500	\$250	0	\$0	
Nonprofit private club wine to be consumed on the premises, \$250.00 per year.	\$250	\$500	\$250	0	\$0	
Nonprofit private club beer and wine to be consumed on the premises, \$500.00 per year.	\$500	\$1,000	\$500	0	\$0	
Nonprofit private club distilled spirits to be consumed on the premises, \$1,000.00 per year.	\$1,000	\$2,000	\$1,000	0	\$0	
Hotel-motel in-room service, \$100.00 per year.	\$100	\$100	\$0	0	\$0	
Wholesale dealers in distilled spirits whose principal place of business is in the City, \$1,000.00 per year.	\$1,000	\$1,000	\$0	0	\$0	
Retail dealers of distilled spirits, beer and wine by the drink to be consumed outdoors or in a public facility pursuant to a special use permit, \$2,000.00 per event.	\$2,000	\$2,000	\$0	0	\$0	
Patio sales, \$200.00 per year.	\$200	\$200	\$0	0	\$0	
Catering license, \$200.00 per year.	\$200	\$200	\$0	1	\$0	
Catering permit for out-of-jurisdiction catering licensee, \$50.00 per event.	\$50	\$50	\$0	10	\$0	
Wine shop license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).	\$2,500	\$2,500	\$0	0	\$0	
Performing arts facility license, \$500.00 per year (subject to fixed bar/moveable bar regulations).	\$500	\$500	\$1,000	4	\$4,000	
Indoor special events facility license, \$2,000.00 per year.	\$2,000	\$2,000	\$0	1	\$0	
Art shop license, \$500.00 per year.	\$500	\$500	\$0	3	\$0	
Brewpub license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).	\$2,500	\$2,500	\$0	2	\$0	
Growler shop license, \$500.00 per year (subject to fixed bar/moveable bar regulations).	\$500	\$500	\$0	1	\$0	
Brewer's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).	\$2,500	\$2,500	\$0	0	\$0	
Distiller's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).	\$2,500	\$2,500	\$0	0	\$0	
Alcoholic frozen consumables license, \$100.00 per year.	\$100	\$100	\$0	0	\$0	
<b>Totals</b>					<b>113</b>	<b>\$87,500</b>



# LAWRENCEVILLE

## GEORGIA

AGENDA REPORT  
MEETING: WORK SESSION SEPT 11, 2023  
AGENDA CATEGORY: GENERAL DISCUSSION

- Item:** Discussion of Multi-Family Inspection Ordinance
- Department:** Code Enforcement
- Date of Meeting:** Monday, September 11, 2023
- Fiscal Impact:** None
- Presented By:** Alan Bannister Code Enforcement Manager
- Action Requested:** Further direction on the development of new city ordinance.

**Summary:** Consideration for the creation and adoption of a multi-family inspection ordinance for rental developments consisting of 4 rental units or more. This ordinance would improve and maintain a high standard of quality living throughout the city.

**Attachments/Exhibits:**  
Draft Ordinance



City of Lawrenceville  
Multi-Family Ordinance (Draft)

**Note: The following was taken directly from the City of Brookhaven’s Ordinance and has not been reviewed by the City Attorney. The yellow highlighted areas need attention to make it correspond with Lawrenceville codes.**

**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:

*Building official* means the chief building inspector, Code Enforcement Director or their designee, for the city.

*Certified building inspector* means any person inspecting for compliance with this article who is certified pursuant to (Need to include in Chapter 1 sec 1-3 definitions)

*Code compliance certificate* means a certificate, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report attached thereto.

*Inspection report* means the report attached to the code compliance certificate describing minimum requirements for inspection of each multifamily rental unit in the premises.

*Lease* means any written agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

*Multifamily rental dwelling* means any structure, building, or other facility containing four or more multifamily rental units that is leased to a tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

*Multifamily rental unit* means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

*Occupant* means all tenants, lessees and persons residing within a multifamily rental unit.

*Owner* means any person, agent, firm, corporation, or other entity having a legal interest in a premises.

*Owner-occupied* means any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

City of Lawrenceville  
Multi-Family Ordinance (Draft)

*Premises* means any lot or piece of land that includes a multifamily rental dwelling or multifamily rental units.

**Fee and Certificate required.**

(a) *Occupational tax.* **All owners of multifamily rental dwellings or multifamily rental units within the city that receive income for use of four or more such multifamily rental units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the city shall be subject to an occupational tax** as provided in **(insert chapter/section)** and shall provide to the city, prior to **(insert date)**, a code compliance certificate covering 100 percent of the multifamily rental units within the 12-month period immediately preceding the date of the code compliance certification. Said code compliance certificate shall be certified by the owner and the certified building inspector that all multifamily rental units have been inspected and are in compliance with those standards contained in the code compliance certificate and inspection report. **New multifamily rental developments are exempt from the interior evaluation requirements described herein, provided proper permits are obtained from the city, for five years after the date of the certificate of occupancy issued by the city.**

(b) *Inspection.* Upon initial inspection of such multifamily rental dwellings or multifamily rental units, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the building official, outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the building official as reasonable and justified, an extension may be granted for up to one year for completion of repairs and compliance with this article. Notwithstanding anything to the contrary contained herein, no extension shall be granted for noncompliance of life safety code issues and any such multifamily rental units containing such noncompliant life safety issues shall not be leased until brought into full compliance with the minimum standards contained in this chapter and re-certification provide to the building official by the owner.

(c) *Code compliance certificate.* Each owner shall submit a code compliance certificate annually, commencing on **January 1, 2025**, with their occupational tax certificate renewal. Such subsequent **code compliance certificate shall cover at least one half of the multifamily rental units on the premises, provided all multifamily rental units contained on the premises shall be inspected, at a minimum, every two years.** All multifamily rental units inspected shall be listed individually on the code compliance certificate submitted to the city by the owner.

(d) *Written record of inspection.* Furthermore, each owner shall keep a written record of all inspections for each multifamily rental unit including the date of the inspection, items inspected and all violations, if any, observed. In addition, the most recent copy of the inspection reports for the multifamily rental units shall also be maintained at the premises. Such records shall be presented to the city within ten business days after such request is made in writing to the owner at the contact address listed on the code of compliance

City of Lawrenceville  
Multi-Family Ordinance (Draft)

certificate. Failure to provide such records shall nullify the code compliance certificate for those multifamily dwelling units included in the request.

e. *Authority to audit and inspection warrants.* The building official or its designee shall have the authority to inspect the interior of those units that are included in each annual code compliance certificate submitted to the city pursuant to subsection (c) of this section when there is probable cause to believe there has been a violation of this chapter or other applicable code sections.

Said inspection may, at the discretion of the building official, include such number of submitted units included in the code compliance certificate as determined by the building official or its designee. Once determined that an audit inspection will be conducted, the building official shall give written notice to the certified building inspector issuing the code compliance certificate, the owner and/or the property management company of the date of the inspection which inspection shall take place, which shall be no sooner than seven days from the date of the notice and shall be conducted on from 9:00 a.m. to 5:00 p.m. during weekdays, other than nationally recognized holidays.

The written notice shall state that the owner and/or property management company shall have the right to refuse the inspection and the building official or designee's right to seek issuance of an inspection warrant in the event of any such refusal. The owner, the certified building inspection or a member of the property management company shall be available to accompany the building official during the inspection. In the event the owner and/or property management company refuses inspection, the building official or designee shall have the right to seek issuance of an inspection warrant from a judge of the municipal court in accordance with section

**Failure to provide code compliance certificate.** (Chapter number and section number needed)

(a) Failure to provide the code compliance certificate as provided herein shall be a violation of this chapter and is subject to those penalties contained herein and in section\_\_( Code Section needs to be added to city ordinances)

(b) Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental units to inspection by the building official, at a fee as determined by the governing body of the city, that includes all costs of such inspection by the city. Said inspection by the city, if required, shall be performed at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for in city Code. Nothing contained in this chapter shall prevent the city from enforcement of the state minimum standard codes as provided in this chapter during the city's inspection of the multifamily rental units.

City of Lawrenceville  
Multi-Family Ordinance (Draft)

(c) Failure to pay the occupational tax as provided herein shall be a violation of Article II, Section 34-23\_ and is subject to those penalties set forth in Article II, Section 34-33 and as otherwise provided in the Code.

**Penalty for false inspection**

(a) An owner who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwellings or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.

(b) A certified building inspector who knowingly, recklessly, or negligently furnishes an inspection report which contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum standards of this chapter, shall be guilty of a violation of this Code, may be subject to the provisions of section\_\_ and may be fined, by the court for each violation up to \$1,000.00 for each dwelling or unit, each dwelling or unit shall constitute a separate offense. In addition, the certified building inspector's right to submit inspection reports to the city shall be suspended for a stated period of time, up to five years.

(c) A property manager who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwelling or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.

**Certified building inspector requirements (Needs to be in definition section as well as inspection requirement section)**

All inspectors wishing to submit or participate in the city's multifamily rental housing evaluation program must comply with the following requirements:

(1) The inspector must be a licensed design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.

(2) The inspector must submit a copy of his business license or occupational tax certificate and certificate of insurance of liability insurance.

(3) The inspector must meet with the building official to present the qualifications noted in subsections (1) and (2) of this section for approval prior to performing any inspections pursuant to this chapter. Upon completion of this meeting, an inspector determined to be

## City of Lawrenceville Multi-Family Ordinance (Draft)

qualified by the building official will be placed on a list of approved certified building inspectors to be maintained by the city.

(4) From time to time, mandatory meetings will be called by the city building official which all certified building inspectors participating in the program must attend, except as permitted on an individual basis by the building official due to extenuating circumstances. Ample notice will be provided by the city to the contact address provided by the certified building inspector no less than two weeks prior to the date of the meeting.

### Interior evaluations of multifamily rental units

Interior evaluations will be conducted to ensure compliance with the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein and, at a minimum, will include inspections of the following items. The 2006 International Property Maintenance Code and the 2006 International Fire Code, or the latest version of the same as updated periodically by the governing body of the code, are the referenced codes.

(1) Apartment numbers identification posted in accordance with IPMC section 304.3. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the public or private street or road fronting the multifamily dwelling unit. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(2) Flooring is an impervious surface in the kitchen and bath areas in accordance with IPMC 305.3.

(3) All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition with no chipping or flaking paint or loose plaster, decayed wood and other defective surface conditions.

(4) Hot and cold water at kitchen baths and laundry rooms is provided in accordance with IPMC section 505.1. Every sink, lavatory, bathtub, or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

(5) Privacy for bathrooms shall be provided in accordance with IPMC section 503.1. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

City of Lawrenceville  
Multi-Family Ordinance (Draft)

(6) Heating facilities are in good working order in accordance with IPMC section 602.2 and 603.1. No unvented heating appliances in sleeping rooms. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section (603.1). All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

(7) Garbage disposal facilities are in accordance with IPMC sections 307.3, 307.3.1 and 307.3.2. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. (307.3.1) The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each multifamily rental unit; an approved incinerator unit in the structure available to the occupants in each multifamily dwelling unit; or an approved leak-proof, covered, outside garbage container. (307.3.2) The owner of every multifamily rental unit producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(8) Smoke detector devices shall be provided in accordance with IPMC section 704.2. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

b. In each room used for sleeping purposes.

c. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

d. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

e. Per O.C.G.A. § 25-2-40.

f. For multifamily rental units constructed before 1987: At least one battery operated between the living and sleeping areas.



City of Lawrenceville  
Multi-Family Ordinance (Draft)

g. Unless over three or more stories, detectors shall be installed within each multifamily rental unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in sleeping rooms of that living unit.

h. For multifamily rental units constructed after 1987, detectors must be located on every level and outside of the sleeping area.

i. For multifamily rental units constructed after 2007, detectors must be installed per IPMC including one on every level, outside of the sleeping area and inside of every sleeping room.

(9) Window spaces for light, ventilation, operable and emergency escape shall conform with IPMC sections 304.13.1, 304.13.2, 304.14, 304.18.2, 402.1 and 702.4. (304.13.1) All glazing materials shall be maintained free from cracks and holes. (304.13.2) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. (304.14) During the period from April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. (304.18.2) Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. (402.1) Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the exterior of the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. (702.4) Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: (i) required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; (ii) bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(10) Plumbing facilities to be maintained in a safe working condition in accordance with IPMC section 502.1. Every multifamily rental unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to

City of Lawrenceville  
Multi-Family Ordinance (Draft)

the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(11) Electrical devices, service equipment and luminaries are in safe working condition with no exposed wires in accordance with IPMC sections 604 and 605. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 605. Multifamily rental units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, improper wiring or installation, deterioration, or damage, or for similar reasons, the defects are to be corrected to eliminate the hazard.

(605) All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Every public hall, interior stairway, toilet room, kitchen, bathroom, bedroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. GFCI devices are provided in required locations dependent on the time of construction, repair or remodel generally in accordance with the following standards:

- a.1971 Receptacles within 15 feet of pool walls.
- b.1973 All outdoor receptacles.
- c.1975 Bathrooms, 120-volt pool lights, and fountain equipment.
- d.1978 Garage receptacles.
- e.1981 Whirlpools and tubs.
- f.1984 Distance of GFCI protection extended to 20 feet from pool walls.
- g.1987 Unfinished basements.
- h.1987 Kitchen countertop receptacles within six feet of sink.
- i.1990 Crawlspace (with exception for sump pumps or other dedicated equipment).
- j.1993 Wet bar countertops within six feet of sink.
- k.1993 Any receptacle replaced in an area presently requiring GFCI.
- l.1996 All kitchen counters—not just those within six feet of sink.

City of Lawrenceville  
Multi-Family Ordinance (Draft)

m.2005 Receptacles near laundry and utility sinks within six feet.

(12) Door units, jambs and hardware are in good working order in accordance with IPMC sections 304.13, 304.18, 305.3 and 305.6 and required opening protective devices be maintained in an operative condition. In accordance with IPMC section 703.2 (304.13), every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (304.18) Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. (305.3) All interior surfaces, including windows and doors, shall be maintained in good condition. Loose plaster and decayed wood shall be corrected. (305.6) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. (703.2) Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(13) Interior stairs, handrails and guards are maintained in a sound condition and good repair in accordance with IPMC sections 305.4, 305.5, and 306.1. (305.4) Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition. (305.5) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good repair. (306.1) Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have handrails. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

(14) Interior floors, walls and ceilings are maintained in good repair, structurally sound and in sanitary condition in accordance with IPMC section 305. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

All structural members shall be maintained structurally sound and be capable of supporting the imposed loads. Defective surface conditions shall be corrected. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition.

(15) Occupancy limitations per bedroom in accordance with IPMC section 404. Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm)

City of Lawrenceville  
Multi-Family Ordinance (Draft)

between counter fronts and appliances or counter fronts and walls. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

a. Every bedroom shall comply with the requirements of sections 404.4.1 through 404.4.5.

b.404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of additional floor area for each occupant thereof.

c.404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.

d. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

e. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

f. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of the IPMC.

g. Multifamily rental units shall not be occupied by more occupants than permitted by the minimum area requirements (insert table of minimum area requirements)

(16) Insect and rodent infestation in accordance with IPMC section 308.1. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(17) Means of egress shall be provided in accordance with IPMC section 702. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. The required width of aisles in accordance with the International Fire Code shall be unobstructed. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the International Building Code.

City of Lawrenceville  
Multi-Family Ordinance (Draft)

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(18) Fire extinguisher shall be present and tagged or inspection current in accordance with IFC 906.1 and NFPA 10 (906.1). Portable fire extinguishers shall be installed in the following locations: (1.) In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies and; (2.) (NFPA 10) Fire extinguishers must be within 75-foot travel distance of the most remote location of a dwelling. (906.2) Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

(19) Sprinkler heads clear and unobstructed. NFPA 25 Sprinkler heads must be free from dust, debris, paint, and obstructions that would otherwise inhibit their operation.

**Exterior and publicly accessible evaluation of multifamily properties**

(a) Exterior evaluations will be conducted evaluating for compliance with the latest edition of the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein.

(b) All premises containing multifamily rental dwellings or multifamily rental units will be subject to an evaluation of the exterior, public and mechanical areas in accordance with policy approved by the city. After the exterior inspection, the owner of the premises will be presented with a report containing the findings of the city's inspection. Compliance must be achieved in a timeframe as specified in the exterior inspection report.

(c) Failure by the owner to properly address the exterior inspection report findings in the timeframe outlined therein as presented shall be a violation of this article and is subject to those penalties provided by the International Property Maintenance Code, allowed by law, contained herein or in Article V- Section 10-118- Duty of the Property Owner.

City of Lawrenceville  
Multi-Family Ordinance (Draft)

**Revisions to the International Property Maintenance Code (Need to add to code)**

The following revisions shall be made to the International Property Maintenance Code:

Section 101.1. Insert: City.

Section 103.5. Insert: As adopted by the city council.

Section 302.4. Insert: 12 inches.

Section 304.14. Insert: April 1 to October 1.

Section 602.3. Insert: October 15 to March 15.

Section 602.4. Insert: October 15 to March 15.

**Inspection warrants (Section needs to be added to city ordinance)**

(a) The building official, in addition to other procedures provided by law, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the building official to conduct a search or inspection of property without the consent of the person whose property is to be searched, or inspected, under the conditions set out in this section.

(b) Inspection warrants may be issued by any judge of the municipal court when the issuing judge is satisfied that all the following conditions are met:

(1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property, or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property;

(2) The issuing judge determines that the issuance of the warrant is authorized by this division and all other applicable law;

(3) The warrant is attached to the affidavit required to be made in order to obtain the warrant;

(4) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes a search or inspection;

(5) The warrant indicates the conditions, objects, activities, or circumstances which the search or inspection is intended to check or reveal; and

(6) The warrant refers, in general terms, to the provisions of the Code or state law sought to be enforced.