

TITLE 6

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Chapter 1

ADULT ENTERTAINMENT***Sec. 6-1-1. Findings; public purpose.**

Based on the experience within Augusta, neighboring counties and in reliance on studies by the Cities of St. Marys, Georgia, Austin, Texas, Amarillo, Texas, Beaumont, Texas, Indianapolis, Indiana, Los Angeles, California, Phoenix, Arizona, St. Paul, Minnesota, Garden Grove, California, and Tucson, Arizona, which experiences and studies have been found by the Augusta-Richmond County Commission to be similar to the problems faced by Augusta, Georgia and in further reliance on federal case law reciting findings on the issue, the Commission takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within the country. Moreover, it is the finding of the Commission that public nudity (either partial or total) under certain circumstances, and the display and sale of material distinguished or characterized by an emphasis on matter depicting, describing, or related to specified sexual activities or specific anatomical areas for observation and purchase by patrons therein, particularly in adult entertainment establishments, begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with public nudity, adult bookstores and adult entertainment establishments are disorderly conduct, prostitution, child molestation and drug trafficking and use. Among the undesirable community conditions identified with public nudity, adult bookstores and adult entertainment establishments are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration

***Editor's note**—Ord. No. 6607, § 1, adopted April 1, 2003, amended Ch. 1, §§ 6-1-1—6-1-27 in its entirety. Formerly, said chapter pertained to similar subject matter and derived from Ord. No. 6532, § 1, 7-18-02; Ord. No. 6540, § 1, 8-6-02.

of community blight by the concentration of such establishments in particular areas, and the resultant difficulty in fostering economic and community development in the surrounding neighborhood. Therefore, the limitation of nude conduct in adult entertainment establishments and the regulation of adult entertainment establishments are in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with adult entertainment establishments.

The Augusta-Richmond County Commission hereby declares that the purpose of this Chapter is to regulate certain types of businesses including, but not limited to, adult entertainment establishments, to the end that the many types of criminal activities and undesirable community conditions frequently engendered by such businesses will be curtailed. However, it is recognized that such regulation cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. As to adult entertainment establishments, this Chapter represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments and the protected rights of adult entertainment establishments and patrons.

Sec. 6-1-2. Definitions.

The following terms used in this Chapter defining adult entertainment establishments shall have the meanings indicated below:

- (a) *Adult bookstore*. An establishment having a substantial or significant portion of its stock in trade, 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 (5) per cent or more of its total floor space, devoted to the sale or display of such materials or five (5) per cent or more of its net sales consisting of printed materials which are distinguished or characterized by their empha-

sis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

- (b) *Adult dancing establishment.* A business that features dancers displaying or exposing specified anatomical areas.
- (c) *Adult motion picture theater.* An enclosed building with a capacity of fifty (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.
- (d) *Adult mini-motion picture theater.* An enclosed building with a capacity of less than fifty (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.
- (e) *Adult motion picture arcade.* Any place to which the public is permitted or invited wherein coins or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
- (f) *Adult video store.* 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 (5) per cent of its total floor space, devoted to the sale or display of such material or which derives more than five (5) per cent 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.

- (g) *Erotic dance establishment.* 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.
- (h) *Escort bureau; introduction services.* 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 amusement, or who may consort with others about any place of public resort or within any private quarters.
- (i) *Good moral character.* A person is of good moral character according to this Chapter if that person has not been convicted of a felony involving sexual misconduct, or a crime not a felony if it involves serious sexual misconduct, in the past five (5) years. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.
- (j) *Reserved.*
- (k) *Reserved.*
- (l) *Minor.* For the purposes of this Chapter, any person who has not attained the age of eighteen (18) years.
- (m) *Permitted premises.* The business location for which a permit and a Business Tax Certificate has been issued to operate an adult entertainment establishment.

- (n) *Specified sexual activities.* Shall include any of the following:
- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship in any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
 - (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
 - (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 - (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 - (6) Erotic or lewd touching, fondling or other sexual contact with an animal by human being; or
 - (7) Human excretion, urination, menstruation, vaginal or anal irrigation.
- (o) *Specified anatomical areas.* Shall include any of the following:
- (1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
 - (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Sec. 6-1-3. 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 permit and Business Tax Certificate issued pursuant to this Chapter.

(b) No later than December first of each year, an erotic dance establishment Business Tax Certificate holder shall file a verified report with the License and Inspection Department showing the Business Tax Certificate holder's gross receipts and amounts paid to dancers for the preceding calendar year.

(c) An erotic dance establishment Business Tax Certificate holder shall maintain and retain for a period of two (2) years the names, addresses and ages of all persons employed as dancers.

(d) No adult entertainment establishment Business Tax Certificate holder shall employ or contract with as a dancer a person under the age of eighteen (18) years or a person not permitted pursuant to this Chapter.

(e) No person under the age of eighteen (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 3:00 a.m. Monday through Friday, and Saturday from 8:00 a.m. through 2:30 a.m. on Sunday. No Business Tax Certificate holder shall permit his place of business to be open on Christmas Day.

(g) No erotic dance establishment Business Tax Certificate holder shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor or controlled substance upon the premises of the Business Tax Certificate holder; provided, however, nothing shall affect any vested rights of the holder of an alcohol license.

(h) An adult entertainment establishment Business Tax Certificate holder shall conspicuously display all Business Tax Certificates required by this Chapter.

(i) All dancing shall occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor and no more than one dancer shall occupy such platform at any one time.

(j) No dancer shall leave that platform without first putting on clothing that does not expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(k) No dancer, waitress, bartender, or other employee shall sit, mingle, wait on customers, or walk around inside the establishment in view of any customer without being clothed as provided in subparagraph (j) above.

(l) All dancing will be performed on permanent platforms as described above, and will be in plain view of the entire audience. No private or "one on one" dances shall be allowed.

(m) No dancing shall occur closer than ten (10) feet to any patron.

(n) No dancer shall touch, fondle or caress any portion of breasts, buttocks, pubic region, or genital area, nor shall she touch, fondle or caress any patron and no patron shall fondle or caress any dancer, or use any clothing or inanimate object to do such.

(o) All dancers shall remain on their feet at all times during their dance show or routine.

(p) Any pay or gratuity from any patron shall only be placed in a garter, worn for that purpose by a dancer on their thigh, just above the knee.

(q) No cameras of any type shall be used by any patron.

(r) If any portion or subparagraph of this section or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application of other persons or circumstances shall not be affected.

Sec. 6-1-4. 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.

Sec. 6-1-5. Permit and business tax certificate required.

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

(b) Any business, corporation or profession operating as an adult entertainment establishment as defined in this Chapter shall be required to have a Business Tax Certificate. The requirements for obtaining, renewing and maintaining such Certificate shall be governed by the applicable provisions of the Augusta-Richmond County Code, Title 2, Chapter 2. The regulatory fee for a Business Tax Certificate issued to any adult entertainment establishment shall be as set forth in § 2-1-3(c).

Sec. 6-1-6. Operation of unpermitted 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 or adult business or adult dancing establishment unless such business shall have a currently valid Business Tax Certificate or shall have made proper application for renewal within the time required thereof under this Chapter, which Business Tax Certificate shall not be under suspension or permanently or conditionally revoked.

Sec. 6-1-7. Admission of minors unlawful.

It shall be unlawful for a Business Tax Certificate holder to admit or permit the admission of minors within the permitted premises.

Sec. 6-1-8. 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 or other adult entertainment facility.

Sec. 6-1-9. Location.

No adult entertainment establishments shall be located in any zone other than one designated as "LI" Light Industrial or "HI" Heavy Industrial under the Comprehensive Zoning Ordinance for Richmond County, as incorporated in the Augusta-Richmond County Code, Title 8, Chapter 5. In addition, no adult entertainment establishment or use restricted hereunder shall be located;

- (a) within 1,000 feet of:
 - (1) A church or place of religious worship;
 - (2) A public or private elementary or secondary school;
 - (3) A child care facility;
 - (4) A boundary of a residential district as defined in the Comprehensive Zoning Ordinance;
 - (5) A public park;
 - (6) A cemetery;
 - (7) The property line of a lot devoted to a residential use as defined in the Comprehensive Zoning Ordinance;
 - (8) Another sexually oriented business which does not have a common entrance with an already licensed or exempted sexually oriented business; or
 - (9) A governmental building or site, which shall be defined as all public building, parks, and recreational areas owned, operated or occupied by Augusta.
 - (10) Another sexually oriented business.
 - (11) Within the parameters of an area designated as an Augusta gateway/

corridor in the Corridor/Gateway Action Plan (2000), as presently existing or hereafter modified, adopted by the Augusta-Richmond County Commission and on file in the office of the Clerk of the Commission. Gateways and Corridors are defined as follows:

- a. Gordon Highway/Doug Barnard Parkway Gateway - All property located within 1000 feet of the intersection of the centerlines of these roadways;
 - b. I-20/Riverwatch Parkway Gateway - All property located within 2000 feet of the intersection of the centerlines of these roadways; and
 - c. Peach Orchard Road/Gordon Highway Corridor - All property located within 1000 feet of the centerline of the following roadways; Peach Orchard Road from Tobacco Road to Gordon Highway, and Gordon Highway from Peach Orchard Road to Walton Way.
- (b) A person commits an offense if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or its portion, or the increase of floor area of any sexually oriented business in any building, structure, or its portion, containing another sexually oriented business.
 - (c) For the purposes of subsection (a) (1) through (9) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or place of religious worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public

park, a cemetery, residential district, residential lot or governmental building or site.

- (d) For purposes of subsection (a)(10) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (e) Any sexually oriented business lawfully operating as of January 1, 2003 that is in violation of subsections (a), (b) or (c) of this section shall be deemed a nonconforming use. Such use will be permitted to continue unless voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.
- (f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church or place of religious worship, public or private elementary or secondary school, governmental building or site as defined herein, cemetery, residential district or residential lot or government building or site within 1,000 feet of the sexually oriented business. This subsection applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.
- (g) All locational requirements of this section must be approved by the Augusta License and Inspection Department within 30 days from the time the application is filed and

all information required by this Ordinance has been submitted to the License and Inspection Department.

- (h) Failure by the Augusta License and Inspection Department to approve or disapprove the location requirements within 30 days from the time the application is filed and all information required by this Chapter has been submitted, shall constitute a waiver of this approval requirement.
- (i) Upon approval or waiver of approval by the Augusta License and Inspection Department, the application shall be submitted to the Augusta-Richmond County Commission for consideration.

Sec. 6-1-10. Adult entertainment establishment employees.

(a) *Qualifications.* Employees of an adult entertainment establishment shall be not be less than eighteen (18) years of age. Every employee must be of good moral character as defined in this Chapter. Any employee who is convicted of a crime constituting a felony involving sexual misconduct or drug trafficking or a crime not a felony involving serious sexual misconduct or drug trafficking while employed as an adult entertainment establishment employee shall not thereafter work on any permitted premises for a period of five (5) 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 such a crime, and the terms employed on the permitted premises and work on any permitted premises shall include as well work done or services performed while in the scope of employment elsewhere than on the permitted premises.

(b) *Approval for employment.* Before any person may work on a permitted premises, he shall file a notice of his intended employment on forms supplied by the License and Inspection Department and shall receive approval of such employment from the License and Inspection Department within 14 days of application. An investigation fee of fifty dollars (\$50.00) shall accompany the notice of intended employment or a receipt of the

License and Inspection Department evidencing the payment of such fee at the time the notice is filed. Upon approval or the failure of the License and Inspection Department to approve or deny within such fourteen (14) day period, the employee may begin working on the permitted premises. If approval is denied, the prospective employee may, within ten (10) days of said denial, apply to Director of the License and Inspection Department for a hearing. The Director shall conduct the requested hearing within ten (10) days and shall approve or deny the requested employment with five (5) days of the hearing. Upon the failure of the Director to approve or deny within such five (5) day period, the employee may begin working on the permitted premises. A decision of the Director of the License and Inspection Department denying approval of employment may be appealed to the Commission which shall hear such appeal at its next regularly scheduled meeting. The Commission shall issue a decision on such appeal with fourteen (14) days of the date of the hearing on the appeal. Upon the failure of the Commission to make a decision on the appeal within said fourteen (14) days, the employee may begin working on the permitted premises. The decision by the Commission, or a failure of the Commission to make a decision within the prescribed number of days, shall constitute a full exhaustion of administrative remedies, after which the applicant may immediately seek judicial relief in a court having proper jurisdiction.

(c) *Independent contractors.* For the purpose of this Chapter, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or Business Tax Certificate holder of any adult entertainment establishment.

Sec. 6-1-11. Application for permit.

(a) All applicants for a license to operate any adult entertainment establishment shall give notice of their intention to make such application by advertisement in the form prescribed by the director of the Augusta License and Inspection Department. *Advertising* as referred to in this section means there shall be a sign posted thirty (30) days prior to the hearing of the application in

a prominent position on the property (i.e. front window where it can be viewed from the road); also, all new permit applications shall be required to advertise three (3) times in the legal gazette before applications are heard by the Commission. Advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission. Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove. Any problems with securing the required advertising should immediately be brought to Augusta's attention. Augusta shall then place the appropriate advertisement on behalf of the applicant, with the applicant being responsible for all cost.

(b) 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 License and Inspection Department. Prior to submitting such application, a nonrefundable fee of \$200.00 shall be paid to Augusta to defray, in part, the cost of investigation, and reporting required by this Chapter. The License and Inspection Department shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the Commission at the time such application is submitted.

(c) The application for permit does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.

Sec. 6-1-12. Application contents.

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

- (a) The full true name and any other names used by the applicant;
- (b) The present address and telephone number of the applicant;
- (c) The previous addresses of the applicant, if any, for a period of five (5) years immediately prior to the date of the application and the dates of residence at each;

- (d) Acceptable written proof that the applicant is at least eighteen (18) years of age;
- (e) The business license history of the applicant and whether such applicant, in previous operations in this or any other county, 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;
- (f) All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions;
- (g) 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. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of all partners, except limited partners having no rights to direct the day to day operations of the business. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the appropriate authority. If one or more partners is a corporation, the provisions of this Chapter 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 Chapter, but only one application fee shall be charged;
- (h) The names and addresses of the owner and less or of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;
- (i) The age and date of birth of the applicant, of any partners, other than limited partners without any right to direct the day to day operations of the business, or of any and all officers and/or directors of the applicant if the applicant is a corporation;
- (j) If the applicant, manager or any partners, officers, or 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 (5) years, and if so, a complete description of any such crime, including date of violation, date of conviction, jurisdiction of any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed;
- (k) 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 State of incorporation, trade name affidavit, if any, last annual report, if any;
- (l) Address of the premises to be permitted;
- (m) 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;
- (n) 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 hereunder regulated, demonstrating compliance with the location requirements of this Chapter.
- (o) Each application for an adult entertainment establishment Business Tax Certificate shall be verified and acknowledged under oath to be true and correct by:
 - (1) If the applicant is an individual, the individual;
 - (2) If by a partnership, by the manager or general partner;

- (3) If a corporation, by the president of the corporation;
- (4) If any other organization or association, by the chief administrative official.
- (p) If the answers to any of the above disclosure requirements should change for any reason whatsoever, that applicant shall submit the changes to the Augusta License and Inspection Department within thirty (30) days. Thus, if the identity of any manager, officer, or director should change, or if the information they are required to disclose at the time of the application should change, they shall report such change to the Augusta Licensing and Inspection Department within thirty (30) days.
- (f) That the applicant, his or her employee, agent, partner, director, officer, or manager has not, within five (5) years of the date of the application, knowingly allowed or permitted any of the specified sexual activities as defined herein 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 herein openly occur;
- (g) That the proposed premises meets all of the location requirements under section 6-1-9 of this Chapter;
- (h) Failure by the Augusta-Richmond County Commission to approve or disapprove an application within the time provided in this Section shall constitute a waiver of this approval requirement. In such event a permit shall be issued to the applicant.

Sec. 6-1-13. Application; investigation.

After approval (or waiver of approval) by the Augusta License and Inspection Department, the Augusta-Richmond County Commission shall have fourteen (14) days to investigate the application and the background of the applicant. Upon completion of the investigation, the Commission, at the next regularly scheduled meeting following such fourteen (14) day period, shall grant the permit if it finds:

- (a) The required fee has been paid;
- (b) The application conforms in all respects to the provisions of this Chapter;
- (c) The applicant has not knowingly made a material misrepresentation in the application;
- (d) The applicant has not had an adult entertainment establishment permit or other similar license or permit denied or revoked for cause by the Augusta-Richmond County Commission, or by any other county or city located in or out of this state prior to the date of application within the previous 12 months;
- (e) The applicant is at least eighteen (18) years of age;

Sec. 6-1-14. Reserved.

Sec. 6-1-15. Same—Nontransferable.

No adult entertainment establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such 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 or partners without effecting a surrender or termination of such permit, and in such case the permit, upon notification to Augusta, shall be placed in the name of the surviving partner.

Sec. 6-1-16. Change of location or name.

(a) No adult entertainment establishment shall move from the location specified on its permit until such change has been approved by the Commission. Such approval shall not be given

unless all requirements and regulations as contained in the Augusta-Richmond County 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 name and the name of the business as specified on his 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 chapter.

Sec. 6-1-17. Appeal; procedure.

(a) Upon an adverse decision by the Augusta License and Inspection Department, the applicant or the Business Tax Certificate holder shall, within ten (10) days after he has been notified of an adverse determination, submit a written notice of appeal to the Augusta-Richmond County Commission;

- (1) The notice of appeal shall be addressed to the Commission 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 Commission and the name and address of the applicant;
- (2) The appeal shall be placed on the agenda of the next regular meeting occurring not less than five (5) nor more than thirty (30) days after receipt of the appeal;
- (3) When an appeal is placed on the Commission agenda, the Clerk shall give the applicant reasonable notice of hearing.

Sec. 6-1-18. Commission hearing of appeal.

Whenever an appeal is heard by the Commission, the Commission shall receive all relevant testimony and evidence from the applicant or Business Tax Certificate Holder, from interested parties and from Augusta's staff. The Commission shall render a decision on the appeal within 14 days of the hearing. Upon an adverse decision by

the Augusta-Richmond County Commission, such decision shall constitute a full exhaustion of administrative remedies and the applicant may exercise the right to prompt judicial review by filing an action with a court having proper jurisdiction. A failure by the Commission to render a decision within said fourteen (14) days shall constitute a reversal, upon which a permit shall be issued.

Sec. 6-1-19. Rules of evidence inapplicable.

The Commission shall not be bound by the traditional rules of evidence in hearings conducted under this Chapter. The rules of evidence as applied in an administrative hearing shall apply.

Sec. 6-1-20. Violations; penalty.

Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, punishable, by a fine not to exceed one thousand (\$1,000.00) per violation or by imprisonment. In addition to such fine or imprisonment;

- (a) Augusta is given full power to suspend, for fifteen days, any permit issued under this Chapter, where Augusta determines, upon sufficient cause, that:
 - (1) The Business Tax Certificate Holder, or its agents, officers, servants or employees, maintains or continues to maintain a nuisance on the licensed premises.
 - (2) The licensed premises are unsanitary as certified by the Richmond County Health Department.
 - (3) The licensed premises are unsafe, as certified by the Building Inspection Department or by the Chief of the Fire Department.
- (b) Before Augusta shall suspend a permit for more than fifteen (15) days or revoke a permit, Augusta shall furnish the permittee a written statement, by certified or registered mail or by personal service, of

the cause for suspension or revocation of the license and the length of time of suspension.

- (1) Augusta shall, within ten (10) days of notification, seek judicial review of the proposed decision in a court of competent jurisdiction.
- (2) The Business Tax Certificate Holder may seek judicial review of the proposed decision in a court of competent jurisdiction at anytime after notification.
- (3) Augusta shall have the burden of demonstrating the validity of the proposed suspension or revocation in any judicial review, whether review is brought by the applicant or Augusta.
- (c) The permit shall be suspended if more than three violations of this Chapter have been committed during any ninety-day period by the permittee, or any officer, employee, agent, servant, or independent contractor of the permittee, if each violation was done within such officers', employees', agents' or servants' scope of employment and authority of owner or permittee.
- (d) The license shall be revoked if more than five violations of this Chapter have been committed during any one-year period by the licensee or any officer, employee, agent, servant or independent contractor of the licensee.
- (e) A suspension for more than 15 days or revocation of a license shall not become effective until approved by a trial court of competent jurisdiction.

Sec. 6-1-21. Unlawful operation declared nuisance.

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this Chapter shall be and the same is hereby declared to be unlawful and a public nuisance. Augusta may, in addition to or in lieu of prosecuting a criminal action hereunder, com-

mence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this Chapter.

Sec. 6-1-22. Cleaning of permitted premises.

Each permitted 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 permitted premises. There shall be provided adequate facilities, equipment and supplies on the permitted premises to meet this requirement, and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire permitted premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the permitted premises but shall be disposed of daily or as often as collections permit.

Sec. 6-1-23. Self-inspection of permitted premises.

The Business Tax Certificate holder of a permitted premises or his designated representative shall make sanitary inspections of the permitted premises at least once a month and shall record his findings on a form supplied by the License and Inspection Department. Each permitted premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

Sec. 6-1-24. Sealing for unsanitary or unsafe conditions.

A permitted premises or any part thereof may be sealed by order of Court, when the Director of the License and Inspection Department finds a violation of this Chapter resulting in an unsanitary or unsafe condition as determined by the Richmond County Health Department or the ap-

plication of the Technical Codes enumerated in Augusta-Richmond County Code section 7-1-16 and petitions the Court for said order. The License and Inspection Department shall affix to the sealed premises a conspicuous sign labeled *Unclean* or *Unsafe* as the case may be.

Sec. 6-1-25. Abatement as sanitary nuisance.

A permitted premises or any part thereof may be abated as a sanitary nuisance.

Sec. 6-1-26. Obscene devices not permitted.

Nothing contained in this Chapter shall in any way be construed to authorize, license or permit any machine or device which exhibits or allows viewing of photographs or moving pictures, of an obscene nature, or authorize, license or permit the display or sale of any other obscene material prohibited by law or the ordinances of Augusta, the State of Georgia, or the United States.

Sec. 6-1-27. Severability.

In the event that any section, subsection, clause, phrase or portion of this ordinance is held illegal, invalid, or unconstitutional in a court of proper jurisdiction, such holding shall not affect the validity of the remainder of this Chapter.

Chapter 2

ALCOHOLIC BEVERAGES**ARTICLE 1 IN GENERAL****Sec. 6-2-1. Purposes.**

This Chapter has been enacted in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community, to establish reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages and operation of bottle houses, to protect and preserve schools and churches, to give effect to existing land use and to preserve certain residential areas, with reasonable consideration, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhood and property values, and to protect against the evils of concentration of the retail outlets for whiskey in one (1) family or to prevent undesirable persons from engaging in or having any interest in alcoholic beverages.

Sec. 6-2-2. Definitions.

The following are definitions of terms as used in this Chapter:

- (a) *Alcohol*. Ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever process produced.
- (b) *Alcoholic beverage*. Includes all alcohol, whiskey, liquor, beer, malt beverage, wine, or fortified wine.
- (c) *Beer*. Any alcoholic beverage obtained by the fermentation of barley, malt, hops, or any other similar product, or any combination of such product in water containing not more than 6% alcohol by volume, and including ale, porter brown style lager beer, small beer, and strong beer.
- (d) *Director of License & Inspection*. The person named as director of the Richmond County License & Inspection Department, the City of Augusta Business License and Enforcement Department, the City Sheriff, or the successor to such departments.
- (e) *Liquor*. Distilled spirits, which means any alcoholic beverage obtained by distillation or containing more than 21% alcohol by volume, including but not limited to all fortified wines.
- (f) *Off-premises consumption*. The sale of alcoholic beverages in unbroken packages for consumption in a location other than the licensed premises.
- (g) *On-premises consumption*. The sale of alcoholic beverages by the drink or in broken packages for consumption on the licensed premises.
- (h) *Premises*. One physical identifiable place of business consisting of one room, or two or more contiguous rooms operating under the same trade name where distilled spirits by the drink are sold. On-premises outlets which cannot be determine as one identifiable place of business shall require additional licenses regardless of such establishments having the same trade name, ownership, or management; provided nothing herein shall require additional licenses for service bars, or portable bars used exclusively for the purpose of mixing or preparing such drinks when such bars are accessible only to employees of the licensed establishment and from which drinks are prepared to be served in the licensed premises. Premises shall not include common facilities located in a shopping center area.
- (i) *Package*. A bottle, can or other original consumer container.
- (j) *Retail sale*. The sale of alcoholic beverages either in unbroken packages or for consumption on the premises, only to consumers and not for re-sale.
- (k) *Wine*. Any alcoholic beverage containing not more than 21% 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, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

Sec. 6-2-3. Sale a privilege, not a right.

Nothing in this chapter shall be construed as giving a person a right to sell alcoholic beverages, but the manufacture, sale, and distribution of alcoholic beverages is declared to be a privilege in this state and in Augusta-Richmond County.

Sec. 6-2-4. In general.

It shall be unlawful for any person, corporation, partnership, association or any other entity, unless specifically exempt under this Ordinance, to engage in any of the following activities:

- (a) To drink, serve or offer for drinking or have possession for sale or distribution, any type of alcoholic beverage in any Augusta-Richmond County park, playground or building without a license and business tax certificate.
- (b) To sell or offer for sale, or serve for remuneration whether the payment is direct or indirect, any alcoholic beverage at retail or wholesale without a license and business tax certificate.
- (c) To engage in any act involving the sale, service or consumption of alcoholic beverages prohibited by laws of the State of Georgia.
- (d) To violate any of the provisions of this chapter.

Sec. 6-2-5. Consumption at parks, playgrounds, public streets and public areas owned or operated by Augusta.

(a) It shall be unlawful for any person to serve, to consume or offer for the purpose of consumption to anyone else or to be in possession of beer,

wine, or any type of intoxicating liquor or beverages, in and on any public park, playground, or building thereon, or other public area, owned or operated by Augusta, at any time whatsoever, with the exception of Julian Smith Casino, Julian Smith Park Barbecue Pit, Fleming Park Community Center, Reynolds Park, Jamestown Community Center, Hephzibah Community Center and McBean Community Center, May Park, Brigham Center, Savannah Place, Warren Road Community Center, New Savannah Bluff Lock & Dam Recreation Area, Gracewood Community Center, McDuffie Wood, Diamond Lakes Community Center, Bernie Ward Community Center, Blythe Area Recreation Center, The Boathouse, Old Government House, Minnick Park, Augusta Municipal Golf Course, Eastview Park and Doughty Park, Sandhills Recreation Center, Augusta Common, 8th Street Plaza, or any other recreational facility or property owned, controlled, or maintained by Augusta, except in accordance with subsection (b) and (c) below, or otherwise provided by the Augusta-Richmond County Code or Georgia law.

(b) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of the Recreation Department, when alcoholic beverages are served or consumed at Julian Smith Casino, Julian Smith Park Barbecue Pit, Fleming Park Community Center, Reynolds Park, Jamestown Community Center, Hephzibah Community Center and McBean Community Center, May Park, Brigham Center, Savannah Place, Warren Road Community Center, New Savannah Bluff Lock & Dam Recreation Area, Gracewood Community Center, McDuffie Wood, Diamond Lakes Community Center, Bernie Ward Community Center, Blythe Area Recreation Center, The Boathouse, Old Government House, Minnick Park, Augusta Municipal Golf Course, Eastview Park and Doughty Park, Sandhills Recreation Center, Augusta Common, 8th Street Plaza, or any other recreational facility or property owned, controlled, or maintained by Augusta.

(c) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of Riverwalk, when alcoholic beverages are served or consumed at Augusta Common or the 8th Street Plaza.

(d) It shall be unlawful for any person to serve, to consume or offer for the purpose of consumption to anyone else or to be in possession of any type of intoxicating liquor or beverages in and on the Golf Hall of Fame property at any time whatsoever, except as provided in subsection (e) below.

(e) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of License and Inspection, when alcoholic beverages are served or consumed at the Golf Hall of Fame.

(f) It shall be unlawful for any person to serve, to consume or offer for the purpose of consumption to anyone else or to be in possession of beer, wine, or any type of intoxicating liquor or beverages, in an open container, cup, or glass, on any public street, sidewalk, alley, or other public area, owned or operated by Augusta, at any time whatsoever, except in accordance with subsection (b) and (c) above, or otherwise provided by the Augusta-Richmond County Code or Georgia law. ; Ord. No. 6639, § 1, 9-2-03 (Ord. No. 6364, § 1, 4-3-01; Ord. No. 6550, § 1, 9-17-02; Ord. No. 6639, § 1, 9-2-03)

Sec. 6-2-6. Right of Augusta-Richmond County officials to enter premises for enforcement purposes.

Agents and inspectors appointed by the Augusta-Richmond County Commission for the enforcement of this Ordinance, including officers of the Richmond County Sheriff's Department, are empowered and authorized to enter upon the premises of any person or entity engaged in the manufacture, sale, distribution, storage, or transportation of alcoholic beverages and liquors at any time for the purpose of inspecting said premises and shall have access during such inspection to all books, records, and supplies relating to the manufacture, sale, distribution, storage, and transportation of alcoholic beverages and liquors.

Sec. 6-2-7. Notice to Augusta-Richmond County of disciplinary action against licensee.

(a) Disciplinary action as used herein means any action taken by any municipal, county, state, or federal agency against the licensee, his employees, or his place of business, including, but not limited to:

- (1) Arrest by local, state, or federal authorities of the licensee or of any of his employees.
- (2) Citations issued by local, state, or federal authorities, to the licensee or any of his employees.
- (3) Indictments, presentments, or accusations in any local, state, or federal courts against the licensee or any of his employees.
- (4) Conviction of, or penalties imposed pursuant to a plea of nolo contendere or non vult against, the licensee or any of his employees in any local, state, or federal court.
- (5) Penalties imposed by any regulatory agency against the licensee or any of his employees.
- (6) Any other written charges or reprimands by local, state, or federal authorities.

(b) Any licensee who has any disciplinary action taken against him or his employees by any authority, either municipal, county, state or federal, shall notify the Augusta-Richmond County Commission in writing within forty-eight (48) hours of such action, and of the disposition of any charges or the time and place where such charges will be heard. Any licensee who fails to so notify the Commission within the prescribed time may be cited before the Commission to show cause why his license shall not be suspended or revoked. Notice shall be sent to the Commission, c/o Director of License & Inspection, P.O. Box 1477, Augusta, Georgia 30903.

Sec. 6-2-8. Days sales allowed.

(a) Licensees hereunder shall not permit the sale of any alcoholic beverage on Sunday (except as provided in sections 6-2-15 and 6-2-16. Furthermore, no liquor store may be open on Thanksgiving Day or Christmas Day.

(b) Election days. Pursuant to the delegation of authority granted to Richmond County by Act No. 750 (House Bill No. 247) approved April 10, 1985, amending Official Code of Georgia Annotated section 3-3-20(b)(B), the sale by wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during such time as the polls are opened.

(c) Notwithstanding the foregoing, no alcoholic beverages of any kind shall be sold during any day or part of the day when the sale of said alcoholic beverage is prohibited by state law.

(d) On all days and times that the sale of alcoholic beverages is prohibited by state law, consumption-on-premises licensees shall not open for any purposes (except as provided in sections 6-2-15 and 6-2-16 except with the prior written permission and consent of the Richmond County Sheriff's Department, for maintenance or similar purposes.

Sec. 6-2-9. Reading of regulations required.

No person shall be approved for a license hereunder, or approved for employment by a licensee, unless such person shall have read the Augusta-Richmond County wine, beer and whiskey regulations in full text, and shall certify in writing the fact of such reading and the knowledge thereof.

Sec. 6-2-10. Copy of regulations to be maintained on premises; employees to be instructed.

It shall be the duty of the management of the premises licensed under this Ordinance to maintain a copy of this Ordinance, or the ordinance from which this Ordinance derives, and all amendments thereto, on such premises, and to instruct each and every employee on the terms thereof.

Sec. 6-2-11. Adulteration of beverages, refilling bottles, etc.

It shall be unlawful for any person to add to the contents of any bottle labeled as containing an

alcoholic beverage, or to refill any such empty bottle, or in any manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

Sec. 6-2-12. Illumination of certain premises.

All premises for which a Class A (on-premises consumption of beer), C (on-premises consumption of wine) or E (on-premises consumption of liquor) license has been issued under the provisions of this Ordinance shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by customers therein.

Sec. 6-2-13. Advertising signs.

Signs advertising alcoholic beverages must be turned off when the business is closed or the sale of alcoholic beverages is prohibited.

Sec. 6-2-14. Hours of sale.

(a) *Generally.* Any and all holders of licenses under the authority of this Ordinance shall observe the following schedule of hours of operation, which shall be determined by eastern standard time or daylight savings time, whichever is in effect:

- (1) Holders of Class A, C, and E licenses (on-premises consumption of beer, wine and liquor) shall not open for business earlier than 8:00 a.m. Monday through Friday and may serve any authorized alcoholic beverage until 2:30 a.m. on the next following day; provided, further that said premises shall be vacated of all persons, including employees, by no later than 3:00 a.m. On Saturday, consumption-on-premises license holders shall not open for business earlier than 8:00 a.m. and may serve authorized alcoholic beverages until 11:55 p.m. on Saturdays and the two (2) hours immediately following such time; provided, further, that said premises shall be vacated of all persons, including employees, by no later than 2:30 a.m. on Sunday. Where the sale of alcoholic beverages is in conjunction with the sale of food, the aforesaid hours of sale shall be

applicable only to the sale of alcoholic beverages and not applicable to the sale of food; provided, however, no alcoholic beverage shall be allowed to remain on any bars, tables, or be in possession of patrons after 3:00 a.m. Tuesday through Saturday and 2:30 a.m. Sunday, and the inventory of alcoholic beverages must be secured as described in section 6-2-17 of this Ordinance.

- (2) Holders of a Class F license (off-premises consumption of liquor) shall not open for business earlier than 8:00 a.m. Monday through Saturday and may remain open for business until 11:45 p.m. Monday through Saturday.
- (3) Holders of Class B and D licenses (off-premises consumption of beer and wine) who are not licensed to sell liquor shall be prohibited from selling beer and/or wine only between the hours of 11:45 p.m. Saturday and 6:00 a.m. on the Monday next following.
- (4) No licensee, employee of such licensee, or any person acting on behalf of such licensee shall furnish, or give beverage alcohol to an person on any day or at any time when the sale of same is prohibited by law.

Sec. 6-2-15. Sunday sales.

(a) The sale of alcoholic beverages is authorized for consumption on-premises in eating establishments, or inns, as defined herein, on Sundays between the hours of 12:30 p.m. and 2:00 a.m. Monday; provided, further that the area where alcoholic beverages are being sold and/or served shall be vacated of all persons, including employees, by no later than 3:00 a.m. Where the sale of alcoholic beverages is in conjunction with the sale of food, the aforesaid hours of sale shall be applicable only to the sale of alcoholic beverages and not applicable to the sale of food; provided, however, no alcoholic beverage shall be allowed to remain on any bars, tables, or be in possession of patrons after 2:30 a.m. Monday, and the inventory of alcoholic beverages must be secured as described in section 6-2-17 of this Ordinance.

For the purpose of this subsection, eating establishment shall mean an establishment which is licensed to sell alcoholic beverages for consumption on the premises and which derives at least fifty (50) percent of its total annual gross food and beverages sales from the sale of prepared meals or food, and shall further mean a restaurant meeting criteria for license eligibility provided in section 6-2-52. For the purpose of this subsection, inn means an establishment which is licensed to sell alcoholic beverages and which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging. (Ord. No. 6669, 1-6-04; Ord. No. 6904, § 1, 8-1-06)

Sec. 6-2-16. Sunday sales of beer and wine in public stadiums.

Authorized holders of a Class A license or a Class C license may serve beer and wine for on-premises consumption in public stadiums owned or controlled by Augusta-Richmond County and having a seating capacity in excess of 2,500 people on Sunday between the hours of 12:30 p.m. and midnight.

Sec. 6-2-17. Inventory to be kept under lock and key when sale prohibited.

(a) On all days and times that the sale of alcoholic beverages or a particular type of alcoholic beverage is prohibited by state law and where the business is otherwise open and operating for the purpose of the sale of other items, it is required that all coolers designated as alcoholic beverage coolers be kept under lock and key during the period of time that sale of alcoholic beverages is prohibited and also that any inventory of alcoholic beverages must be kept under lock and key during these periods.

(b) Further provided, if a Class B (off-premises consumption of beer) or D (off-premises consumption of wine) license is issued in connection with the operation of a grocery store, the beer and/or wine at said location shall be separated from the stock of groceries and shall be locked up or covered up during any hours of the day when the sale of said beverages are prohibited by law.

Sec. 6-2-18. Prices to be indicated.

Retailers shall indicate plainly, by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, or on an exposed sign prominently placed, the price of all alcoholic beverages exposed or offered for sale.

Sec. 6-2-19. Furnishing to minors—Prohibited.

(a) Except as otherwise authorized by law:

- (1) No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under twenty-one (21) years of age;
- (2) No person under twenty-one (21) years of age shall purchase or knowingly possess any alcoholic beverage;
- (3) No person under twenty-one (21) years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage; and
- (4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for, or on behalf of, a person under twenty-one (21) years of age.

(b) The prohibitions contained in paragraphs (1), (2) and (4) of subsection (a) of this section shall not apply with respect to the sale, purchase or possession of alcoholic beverages for consumption:

- (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
- (2) At a religious ceremony; or
- (3) In the home of the parent or guardian, with the parent or guardian present.

(c) The prohibition contained in paragraph (1) of subsection (a) of this section shall not apply with respect to sale of an alcoholic beverage by a person when such person has been furnished with

proper identification showing that the person to whom the alcoholic beverage is sold is twenty-one (21) years of age or older. For purposes of this subsection, the term proper identification means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and including, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. Sec. 40-5-100 through Sec. 40-5-104. Proper identification shall not include a birth certificate nor a traffic citation.

(d) If such conduct is not otherwise prohibited pursuant to section 6-2-25, nothing contained in this section shall be construed to prohibit any person under twenty-one (21) years of age from:

- (1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishment;
- (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured;
- (3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.

(e) Each retail business establishment in Augusta-Richmond County which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place or places a notice which shall contain the provisions of the laws of this state which deal with the unlawful sale of such items to underage persons and the penalties for violating such laws.

(f) No person who holds a license or is responsible for the day-to-day operation of an establishment holding a license permitting the sale of alcoholic beverages for on-premises consumption shall allow any individual under the age of 21 to be in, frequent or loiter about the licensed premises unless such individual is accompanied by a parent or legal guardian except as provided herein. This prohibition shall apply regardless of whether or not said establishment on said date or time is operating for the purpose of the sale of alcoholic beverages for on-premises consumption, and regardless of what other type of license or business

tax certificate said establishment may have. This section shall not prohibit individuals under the age of 21 from being in a qualified eating establishment or entertainment venue as defined in this Ordinance or attending a special event for which a license for a single event is issued pursuant to this Ordinance, and does not apply to such individuals who are employees of the licensee with assigned duties in the licensed premises. (Ord. No. 6904, § 2, 8-1-06)

Sec. 6-2-20. Same—Penalty for violation.

(a) Any licensee hereunder, or any person in the employ of the licensee or any person in the employ of the retail business establishment for which the license was granted, who violates the provisions of section 6-2-19 herein, shall subject the license of the licensee to suspension or revocation, and shall be guilty of an offense and, upon trial and conviction of a misdemeanor, shall be punished by a fine in an amount not to exceed five hundred dollars (\$500.00) and/or imprisonment in jail for a period not to exceed sixty (60) days.

(b) Whenever an Alcoholic Beverage License(s), under section 6-2-20(a) is suspended, or suspended and made subject to probation by the Augusta-Richmond County Commission for all or a part of said period of suspension, said license shall not be reinstated unless the licensee pays to the County a reinstatement fee of \$500.00. Said reinstatement fee shall be due and payable and remitted to Augusta-Richmond County not less than five (5) business days prior to the end of any period of suspension or probated suspension imposed by the Augusta-Richmond County Commission. Only one such fee shall be paid by any one license holder on any one occasion irrespective of the number of licenses to be reinstated. Any fee paid pursuant to this Code section shall be paid into the General Fund. (Ord. No. 6763, §§ 1, 2, 1-18-05)

Sec. 6-2-21. Premises to be kept in orderly manner, with outside gatherings of patrons restricted.

(a) Owners and/or applicant managers and employees shall be responsible for keeping an orderly place, and no patron shall cause a distur-

bance of any kind, nor shall any patron be allowed to stand, sit, mingle or assemble outside the building, in parking lots or autos, and drink alcoholic beverages except as provided in subparagraph (b) hereof.

(b) Businesses with on-premises alcoholic beverage consumption licenses may serve alcoholic beverages only within the definite closed locality, whether room, shop or building, where alcoholic beverages are sold by the drink. However, any business with such license, which has an outside patio area that is actually and permanently attached to the main building, may serve alcoholic beverages in the patio area; provided, however, a bar may not be set up in such an outside patio area, nor are portable bars, beer tents or other such facilities for the sale of alcoholic beverages permitted. Sales through doorways or windows to sidewalks, parking lots, or patio areas are also prohibited.

(c) The provisions of subsection (b) above shall not apply to the sale of alcoholic beverages in the area designated as Riverwalk. Sales in the Riverwalk area shall be allowed as provided in section 6-2-22 hereof.

Sec. 6-2-22. Sales at Riverwalk.

Sales in the Riverwalk area shall be allowed in areas designated for alcohol sales by the License & Inspection Department as permanent locations.

Sec. 6-2-23. Sanitation requirements.

All premises used for the retail sale of alcoholic beverages or for the storage thereof for sale shall be kept in a clean and sanitary condition and shall be in full compliance with the regulations of the department of public health regulating the condition of premises used for the storage or sale of food for human consumption. All premises for which a Class A (on-premises consumption of beer) or Class E (on-premises consumption of liquor) license has been issued shall afford therein adequate sanitary toilet facilities.

Sec. 6-2-24. Games of chance; cause for suspension or revocation of license.

Gambling, betting, or the operation of games of chance, punchboards, slot machines, lotteries, or tickets or chances therein, or any other such scheme or device involving the hazarding of money or any other thing of value in any licensed place of business, or in any room adjoining the same owned, leased or controlled by him, shall be cause for suspension or revocation of his license; provided, however, nothing herein shall prohibit the operation of a properly licensed Georgia Lottery outlet, bingo game or any device not otherwise prohibited by law.

Sec. 6-2-25. Visual obstructions prohibited.

No screen, blind, curtain, partition, article or thing shall be permitted in the window or upon the doors of the licensed premises which shall prevent a clear view into the interior of the premises from the street or road at any time, and no booth, screen, partition or other obstruction shall be permitted within the interior of the licensed premises, and the same shall be so lighted so the interior of the premises is plainly visible from the street or road day and night.

Sec. 6-2-26. Employment of persons under eighteen years of age prohibited.

(a) No person shall allow or require a person in his employment under eighteen (18) years of age to dispense, serve, sell or take orders for any alcoholic beverages.

(b) This section shall not prohibit persons under eighteen (18) years of age who are employed in supermarkets, convenience stores, breweries or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.

Sec. 6-2-27. Adult entertainment establishments.

(a) Findings; public purpose. Pursuant to the Constitutional Amendment, ratified on November 8, 1994, to Article III, Chapter VI of the Constitution of the State of Georgia, which amendment

added a new Section VII to said article and delegated the State's power to regulate, restrict, or prohibit activities involving alcoholic beverages to the counties and municipalities of this State; and

In recognition and reliance upon those certain studies, by the City of Austin, Texas and the City of Dallas, Texas, of the effects of adult entertainment establishments in which alcohol is consumed on the premises, which studies show that such establishments engender crime and create undesirable community conditions in the area surrounding them and which studies have previously been considered by the Board of Commissioners of Richmond County;

It is hereby declared that the purpose of this section is to regulate certain types of businesses including, but not limited to, adult entertainment establishments, to the end that the many types of criminal activities and undesirable community conditions frequently engendered by such businesses will be curtailed. However, it is recognized that such regulation cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. As to adult dance establishments, this section represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments and the protected rights of adult entertainment establishments and patrons.

(b) Sale or consumption of alcohol prohibited. No holder of a license or business tax certificate for an adult entertainment establishment shall serve, sell, distribute or suffer the consumption or possession of any alcoholic beverage or controlled substance upon the premises of the licensee or business tax certificate holder; provided, however, nothing herein contained shall affect any vested rights.

Sec. 6-2-28. Financial transactions.

No licensee, or his business associates, shall borrow or accept from or give or lend to vending machine owners, lessors, suppliers or operators, money or other valuable considerations. Vending

machines shall mean coin-in-slot devices dispensing goods, services, or amusements, or any other thing of value.

Sec. 6-2-29. Licensee purchases from licensed wholesaler.

No retail dealer or retail consumption dealer shall buy or arrange to buy or in any way effect the transfer of any beverage alcohol to him or for his account except from a licensed wholesaler. No arrangement whereby a wholesaler shall handle, clear or in any other way arrange to transfer for any licensed retail dealer or retail consumption dealer shall be permitted, and all sales by wholesalers to licensed retail dealers or retail consumption dealers shall be bona fide sales transactions from the wholesaler to the licensed retail dealer or retail consumption dealer. The making of any forbidden arrangements shall be cause for revocation of the licenses of all licensed wholesalers and retail dealers or retail consumption dealers involved.

Sec. 6-2-30. Solicitation of drinks.

No person while holding any license shall require, permit, suffer, encourage, or induce any employee or person other than the patron and guests of the patron, to solicit the purchase by the patron of any drink, whether alcoholic or non-alcoholic, or money with which to purchase the same; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for herself, himself, or for others, the purchase by the patron of any drink, whether alcoholic or non-alcoholic.

Sec. 6-2-31. Consideration of goods bought or sold to be in cash; exceptions.

(a) The consideration for all alcoholic beverages sold by any licensee shall be cash only and the delivery and payment therefor shall be a simultaneous transaction within the licensed place of business. There shall be no maneuver, device or shifts, of any kind whereby credit is extended. The use of post-dated checks is prohibited.

(b) The use of a credit card for the purchase of alcohol beverages from a licensee shall not be prohibited provided such credit card represents an unqualified obligation to pay without recourse on the part of the person, institution or agency issuing such card. Hotels and motels licensed to sell beverage alcohol shall not be prohibited from billing guests of such hotel or motel for such beverage alcohol provided that payment is tendered at the time such guest leaves or checks out of such hotel or motel. The sale of beverage alcohol by bona fide private clubs and lodges wherein members pay all charges on a monthly basis shall not be prohibited provided the receivables from such transactions are promptly placed for collection consistent with sound business practices.

Sec. 6-2-32. Violations; unlawful activities.

(a) Any person holding any license issued pursuant to this Ordinance or any employee or agent of such person who violates any provision of this Ordinance, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension or revocation. For purposes of administering and enforcing this Ordinance, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.

(b) It shall be a violation of this Ordinance for any licensee to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency. With respect to any such activity, it shall be rebuttably presumed that the same was done with the knowledge or consent of the licensee; provided however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

Sec. 6-2-33. Subterfuge.

Any act which may be construed as a subterfuge in an effort to circumvent any provision of

this Ordinance shall be deemed a violation of the section or subsection attempted to be circumvented.

Secs. 6-2-34—6-2-50. Reserved.

ARTICLE 2 LICENSING

Sec. 6-2-51. License required.

(a) No alcoholic beverage may be sold, possessed for sale, or distributed in Augusta-Richmond County, other than in the City of Hephzibah or the City of Blythe if said municipalities legally authorize same, except under a license granted by the City Council of Augusta or the Richmond County Board of Commissioners for the calendar year 1996, and thereafter by the Augusta-Richmond County Commission.

(b) Licenses granted hereunder shall fall into one or more of the following classes:

- (1) Class A: On-premises consumption of beer
- (2) Class B: Off-premises consumption of beer
- (3) Class C: On-premises consumption of wine
- (4) Class D: Off-premises consumption of wine
- (5) Class E: On-premises consumption of liquor
- (6) Class F: Off-premises consumption of liquor
- (7) Class G: Brewer, Manufacturer of Malt Beverages
- (8) Class H: Brewpub Operator
- (9) Wholesale Beer
- (10) Wholesale Wine
- (11) Wholesale Liquor
- (12) Sunday Sales

Sec. 6-2-52. License for eating establishment and entertainment venue; authority to sell for consumption on the premises.

(a) For an eating establishment to be eligible to sell alcoholic beverages for consumption on the premises, it must be a public place kept, used,

maintained, advertised and held out to the public as a place where substantial meals are served and where substantial meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least 40 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable meals for its guests as a bona fide eating establishment operation. The serving of such meals shall be the principal business conducted, with the serving of distilled spirits to be consumed on the premises as only incidental thereto, and to qualify as an eating establishment under this section, such establishment must derive at least 50 percent of its total annual gross food and beverage sales from the sales of prepared meals and foods. The director of license and inspection, upon receiving an application from an eating establishment to sell alcoholic beverages for consumption on the premises, shall inspect the restaurant to determine if the applicant is in compliance with the above requirements for a restaurant and shall advise the Commission the determination of his/her inspection.

(b) For an entertainment venue to be eligible to sell alcoholic beverages for consumption on the premises; it must have a minimum seating capacity of 200 fixed seats, affixed to the floor or attached to each other in rows of at least five seats in each row, in a theatre-like design in front of a stage; and it must be a public place kept, used, maintained, advertised and held out to the public as an entertainment venue. Entertainment shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto, and to qualify as an entertainment venue under this section, such establishment must derive at least 50 percent of its total annual gross entertainment and beverage sales from the sales of entertainment admission tickets.

The director of license and inspection, upon receiving an application from an entertainment venue to sell alcoholic beverages for consumption on the premises, shall inspect the location to determine if the applicant is in compliance with the above requirements for an

entertainment venue and shall advise the commission the determination of his/her inspection.

The sale of alcoholic beverages is authorized for consumption on-premises in entertainment venues as defined herein, on Sundays between the hours of 12:30 p.m. and 11:00 p.m. provided, further that the area where alcoholic beverages are being sold and/or served shall be vacated of all persons, including employees, by no later than 12:00 midnight. No alcoholic beverage shall be allowed to remain on any bars, tables, or be in possession of patrons after 12:00 midnight. For the purpose of this subsection, entertainment venue shall mean an establishment which is licensed to sell alcoholic beverages for consumption on the premises and which derives at least 50 percent of its total annual gross entertainment and beverages sales from the sale of entertainment admission tickets, and shall further mean an entertainment venue meeting criteria for license eligibility provided in section 6-2-52.

(c) Any business operating as an entertainment venue as defined in this Code shall be required to have a business tax certificate. The requirements for obtaining, renewing and maintaining such certificate shall be governed by the applicable provisions of the Augusta-Richmond County Code, Title 2, Chapter 2. The regulatory fee for a business tax certificate issued to any entertainment venue shall be as set forth in section 2-1-3(c).

(d) Upon renewal of an alcoholic beverage license at a premise where an eating establishment or entertainment venue is in operation, verified records of sales of food or admission tickets as they relate to the total sales of food and beverages or admissions shall be furnished. Verifications must be submitted by both the license holder and the management of the establishment. The director of license and inspection may cause an audit of the books of a qualifying eating establishment or entertainment venue to be made at any time. Failure of a licensee which is a qualifying eating

establishment or entertainment venue to cooperate in the execution of the audit shall be a violation of this Ordinance.

(Ord. No. 5961, 10-7-97; Ord. No. 6904, § 3, 8-1-06)

Editor's note—Ord. No. 6904, § 3, adopted Aug. 1, 2006, amended the title of § 6-2-52 to read as herein set out. Formerly, said title pertained to similar subject matter.

Sec. 6-2-53. Licenses for brewpubs and breweries.

(a) *Required.* No individual shall be permitted to own or operate a brewpub without first obtaining a proper license from the Augusta-Richmond County Commission, and each brewpub license holder shall comply with all other applicable state and local license requirements.

(b) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- (1) *Brewpub.* Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, for retail consumption on the premises and solely in draft form. As used herein, the term eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least fifty percent (50%) of its total annual gross food and beverages sales from the sale of prepared meals or food.
- (2) *Brewer.* A manufacturer of malt beverages.

(c) *Terms of license.*

- (1) A brewpub license authorizes the holder of such license to:
 - a. Manufacture on the licensed premises not more than 5,000 barrels of beer in a calendar year solely for retail sale on the premises and solely in draft form; and
 - b. Operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other

manufacturers which are authorized for retail sale under licenses issued by the Augusta-Richmond County Commission, 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.

- (2) Possession of a brewpub license shall not prevent the holder of such license from obtaining a retail consumption dealer's license or a retailer's license for the same premises.
- (3) A brewpub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises.
- (4) A brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises of a brewpub.
- (5) A brewpub licensee shall:
 - a. Pay all state and local license fees and excise taxes applicable to individuals licensed as manufacturers, retailers, and, where applicable, wholesalers under this title; and
 - b. Measure beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required by Georgia law and the Ordinances of Augusta-Richmond County.

Sec. 6-2-54. License for off-premises consumption and sale by the drink at same location.

A license holder may have his license for off-premises consumption and his license for on-

premises consumption at the same location, but they must be separate premises with separate addresses and trade names.

Sec. 6-2-55. Holder of license for off-premises consumption of liquor selling by the drink without license for on-premises consumption prohibited.

It shall be unlawful for the holders of licenses for off-premises consumption of liquor to offer liquor for sale by the drink on such premises licensed for off-premises consumption. Any premises where alcoholic beverages are sold by the drink at more than one (1) location within the premises shall be required to have a license for each location within the premises.

Sec. 6-2-56. Brown-bagging, etc.

(a) No individual shall be allowed to consume alcoholic beverages in any restaurant, lounge, or bar with an occupation tax certificate from Richmond County, the City of Augusta or from Augusta-Richmond County that does not have a license for on-premises consumption of alcoholic beverages under this ordinance. The occupation tax licensee for any restaurant, lounge or bar in Augusta-Richmond County shall not allow any individual to consume alcoholic beverages on their premises when such alcoholic beverages were not purchased from the restaurant, lounge or bar.

(b) No person shall charge admission to any dance or other event at which alcoholic beverages will be served, provided or otherwise available for consumption, without first obtaining a single event license or an alcoholic beverage license.

Sec. 6-2-57. Augusta-Richmond County employees holding licenses prohibited.

It shall be unlawful for any elected or full-time appointed employee of Augusta-Richmond County, or his or her spouse or members of the immediate family residing in the same household, to hold any license hereunder.

Sec. 6-2-58. Applicant for new license to give public notice, furnish proof of advertisement.

(a) All persons, firms or corporations desiring to engage in the sale of alcoholic beverages shall give notice of their intention to make application for a license to do so by advertisement in form prescribed by the Augusta-Richmond County license inspector. Advertising, as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application in a prominent position on the property (e.g., front window where it can be read from the road); also, all new license applicants shall be required to advertise three (3) times in the legal gazette (Augusta Chronicle) before applications are heard by the Augusta-Richmond County Commission or a committee thereof. Advertising in the legal gazette shall be during the 30-day period prior to the hearing of the application by the Augusta-Richmond County Commission.

(b) When an application is submitted for a license for a new location, the property designated for the operation of the business shall be posted for thirty (30) days preceding the date of any hearing to be held on said application with a sign reading as follows:

This establishment has applied to the Augusta-Richmond County Commission] for an alcoholic beverage license authorizing it to sell Beer, Wine, Liquor (state the appropriate types of beverage) for on/off premises consumption at this location. (State appropriate type). This _____ day of _____, 19____.

Name of applicant: _____

Address of applicant: _____

The size of the sign to be posted on the property shall be no smaller than 15 inches by 27 inches. The sign is to be conspicuously displayed on that portion of the property most visible to the public.

(c) For purposes of this section, any location which has never been licensed for the sale of alcoholic beverages before, or for which a license has been revoked, or where the sale of alcohol has ceased for nine (9) months, shall be considered a new location.

(d) Before the application is presented to the Augusta-Richmond County Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

Sec. 6-2-59. Filing application.

(a) *Form; information to be provided.*

(1) A written application to the Augusta-Richmond County Commission for a license under this Ordinance shall be made on forms approved by the Augusta-Richmond County Commission. All questions and information required by the application form should be filled in and subscribed to by all applicants, under oath, and shall disclose among other information whether the applicant has been convicted of any crime, misdemeanor or a violation of any municipal ordinance (except minor traffic violations) in any state, county, municipal or federal court, and the particulars of same; the prior business of applicant for the past ten (10) years; names and addresses of three (3) persons who have known applicant for the past five (5) years; whether applicant has any existing liquor, beer or wine business in Georgia; whether the interest of applicant is total, partial, or exact extent of same, and, if partial, the names and addresses of all others having a partial interest in said business and the extent of such interest; and such other and further information as the Commission shall deem necessary.

(2) It is further required that all applicants for licenses allowing the sale of liquor shall submit with their applications personnel statements. These personnel statements shall be furnished to the Augusta-Richmond County license inspector upon request and will be required for both applications for original licenses and renewals of existing licenses.

(3) Every license application shall be accompanied by a plat prepared by a registered surveyor, showing the distance of the premises for which the license is being ap-

plied from the nearest church, school, library or public recreation area, or from any alcoholic treatment center owned and operated by a governmental entity, as measured under section 6-2-63 hereof. The license application shall be accompanied by a copy of the lease. If the license applicant leases the property and improvements, a copy of the lease shall be maintained on a current basis in the license file. If the license applicant is the owner of the real estate and improvement where the business will be located, a copy of the deed shall accompany the application and be maintained as a part of the license file.

- (4) The application shall also include, but shall not be limited to, the name and address of the agent for service of process and the name of the manager. If the manager changes, the applicant must furnish the Augusta-Richmond County license inspector with the name and address of the new manager and other information as requested within ten (10) days of such change.

(b) *Date due.* All applications, including required documentation, shall be filed with the Director of License & Inspection not less than thirty (30) days prior to the date when the application is scheduled to be heard.

(c) *Fee.* Every such application, excluding renewals and transfers, shall be accompanied by a non-refundable application fee in the amount of one hundred dollars (\$100.00), said fee to be paid by certified check, cashier's check or money order made payable to the Augusta-Richmond County Commission, as applicable.

(d) *Untrue or misleading information; material omissions.* Any untrue or misleading information contained in, or material omission left out of, an original, renewal or transfer application for a license hereunder shall be cause for the denial of the license; and, if any license has been granted under such circumstances, the license shall be subject to revocation.

Sec. 6-2-60. Inspection of application by license inspector; investigation by sheriff; provision of information to license & inspection department upon request.

(a) If so filed as to comply with the requirement of this Ordinance an application under this Ordinance shall be sworn to and directed to the Director of License & Inspection for Augusta-Richmond County, who shall inspect the application and refer same to the Richmond County Sheriff, who shall investigate the character and reputation of the applicant, owners, partners, officers of the corporation, shareholders, managers, employees, and others associated with the application, and the suitability of the location for the sale of alcoholic beverages.

(b) All applicants shall furnish all data, information and records requested of them by the License & Inspection Department and/or the Richmond County Sheriff's Department, and failure to furnish such data, information and records within thirty (30) days from the date of the request shall automatically serve to dismiss, with prejudice, the application. Applicants, by filing an application, agree to produce for oral interrogation any person or persons involved in any transaction pertinent to the application or any evidence relevant to the application as may be requested by the License & Inspection Department or the Richmond County Sheriff's Department. Failure to produce such evidence, person or persons within thirty (30) days after being requested to do so shall result in the automatic dismissal of the application.

Sec. 6-2-61. Review of application by the Augusta-Richmond County commission.

(a) *Procedures—Generally.* After the requirements of sections 6-2-58 through 6-2-60 have been fulfilled, all applications for original alcoholic beverage licenses of any type shall be submitted to the Public Services Committee of the Augusta-Richmond County Commission, which shall review the applications in such manner as the committee may determine to be necessary, and shall submit a recommendation to the Augusta-

Richmond County Commission. After the investigation is complete, the Augusta-Richmond County Commission shall cause to be issued such license as it may determine to be warranted and needed by the applicant.

(b) *Order of consideration.* All applications presented shall be noted as to the date and exact time of filing, and such applications shall be presented, heard and considered by the Commission in the order of their filing.

(Ord. No. 5929, 5-19-97)

**Sec. 6-2-62. Criteria for license approval—
Personal qualifications of applicants.**

(a) *Citizenship; residency.* A license will be issued only to a person who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, and who is a resident of Augusta-Richmond County, Georgia. Where an applicant is other than a natural person, it must be an entity organized and existing under the laws of the United States or one of its states, an agent of the entity must meet the qualifications of the preceding sentence.

- (1) For a license to be issued to a general partnership, the application must be made jointly by the partnership, any managing partner and all other partners owning at least a twenty (20) percent interest in the assets or revenues of the partnership. If there is no managing partner and there is no partner meeting the ownership requirements, then the application must be made jointly in the name of the partnership and the general partner owning the greatest percentage interest in the assets and revenues of the partnership, as agent. At least one (1) of the applicants shall be a natural person. If none of the applicants required above is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application, as agent.
- (2) Where the applicant for a license is a limited partnership, the application shall be made jointly by the limited partner-

ship, its general partners, and any other partner, limited or general, owning at least a twenty (20) percent interest in the assets or revenues of the limited partnership. At least one (1) of the applicants must be a natural person. If none of the applicants required above is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application, as agent.

- (3) Where the applicant for a license is a corporation, the application shall be made jointly in the name of the corporation and its president or vice president and any stockholder owning at least twenty (20) percent of the total outstanding capital stock of the corporation.
- (4) Where the applicant for a license is a private club, the application shall be made jointly in the name of the private club and its president or general manager, as agent.
- (5) Where the applicant for a license is an entity other than a natural person, a partnership, a corporation, or a private club, the application shall be made jointly in the name of the entity, the natural person having chief executive officer authority over the business activities of the entity and any other person having at least a five (5) percent interest in the assets or revenues of the entity, as agents. The application shall further disclose the type of entity making the application and every person having an ownership interest in the assets or revenues of the entity.
- (6) Licenses issued to corporations, general partnerships, limited partnerships, private clubs or other types of entities must be issued jointly to the entity and all of the other persons required by this section to join in the application, as agents.

(b) *Moral character; criminal record.* No person, firm or corporation shall be granted an alcoholic beverage license unless it shall appear to the satisfaction of the Commission that such

persons or partners in the firms or officers and directors of the corporation shall be of good moral character.

(c) *Age.* An applicant must be twenty-one (21) years of age or older.

(d) *Interest in Business; Involvement in Business.* The applicant must own a bona-fide interest in the business for which the license is sought. Further, the applicant must be involved in the day-to-day operation of the business for which the application is made. In the event the applicant is a corporation or partnership, the applicant must designate on the application or renewal application a manager or other supervisory employee (who is also a citizen of the United States and a resident of the State of Georgia and Augusta-Richmond County) as the individual responsible for the day-to-day operation of the business, and must comply with the provisions of section 6-2-70(d) herein.

(e) *Eligibility.* The applicant must not fall into any of the categories of individuals who are ineligible to hold a license under section 6-2-62.

Sec. 6-2-63. Individuals not eligible for license.

The following individuals are not eligible for an alcoholic beverage license, even if they possess all of the qualifications listed in section 6-2-61.

- (a) A person or persons or any of the officers and directors who have been convicted of a felony in any jurisdiction. A conviction, for purposes of this paragraph, includes a guilty plea or plea of nolo contendere.
- (b) A person or persons or any of the officers and directors who have been convicted of a non-felonious crime of moral turpitude, lottery, or illegal possession and sale of narcotics or liquors within the five (5) years preceding the filing of the application. A conviction, for purposes of this paragraph, includes a guilty plea or a plea of nolo contendere.
- (c) A person whose license to sell alcoholic beverages has been revoked for cause in

any state or territory of the United States within the ten (10) years preceding the filing of the application.

- (d) A person who has knowingly falsified information or made any material misrepresentation on the application for a license under this Ordinance or any application under the predecessor Ordinance for Richmond County or the City of Augusta submitted within the ten (10) years preceding the filing of the application.
- (e) A person who has been convicted of a violation of any federal, state or local law pertaining to the possession, manufacture or sale of alcoholic beverages within the ten (10) years preceding the filing of the application. For purposes of this paragraph, a conviction includes a guilty plea or a plea of nolo contendere.
- (f) Should any such applicant, partner or officer or director of any applicant entity, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, or to the violation of any laws of the State of Georgia regulating possession or the sale of narcotics, drugs, liquors, wine or beer or the lottery laws of this state, said license shall be subject after hearing to immediate suspension or revocation.

Sec. 6-2-64. Same—Location restrictions.

(a) *Zoning.* No license shall be issued for the sale, either at wholesale or retail, of alcoholic beverages unless the licensee's place of business is located in an area within Augusta-Richmond County that is properly zoned for the sale of alcoholic beverages.

(b) *Proximity to churches, libraries, schools, and public recreation areas.* No original license shall be issued hereunder where the place of business of the licensee is located within the following distances of the following establishments:

- (1) Church or library buildings, or public recreation areas:
Whiskey: One hundred (100) yards.

Malt beverage: One hundred (100) yards.

Wine: One hundred (100) yards.

(1.1) Special alcohol license distance requirements for the Downtown Business District.

a. The "Downtown Business District" for purposes of this Ordinance is bounded:

1. North by the Savannah River;
2. East by the western right-of-way line of Fifth Street;
3. South by the north right-of-way line of Greene Street; and
4. West by the east right-of-way line of Fifteenth Street.

b. Any structure in the "Downtown Business District" as herein above defined and not originally built as a place of worship will not be considered in applying any distance requirement in reference to the issuance of any alcohol license by Augusta, Georgia after the effective date of this Ordinance.

c. Exceptions: This Ordinance shall not apply to any structure in said "Downtown Business District" not originally built as a place of worship and in use as a place of worship on the effective date of this Ordinance.

d. In the Downtown Business District as herein defined, new applications for alcoholic beverage licenses submitted after the effective date of this Ordinance, shall be subject to distance requirements of 300 feet measured from the main entrance of the applicant's structure to the main entrance of the closest occupied structure originally built as a place of worship or any other structure not originally built as a place of worship and in use as a place of worship on or before the effective date of this Ordinance.

(2) School building or school grounds:

Whiskey: Two hundred (200) yards.

Malt beverage: One hundred (100) yards.

Wine: One hundred (100) yards.

The schools or colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges in this state and shall not include private schools or colleges within which only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

(c) No license authorizing the sale of alcoholic beverages shall be issued for a new location unless such proposed location is at a greater distance than 300 feet from any alcohol treatment center owned and operated by a governmental entity.

(d) All measurements, to determine distances for the issuance of alcoholic beverage license shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (1) from the front door of the structure from which alcoholic beverage is sold or offered for sale;
- (2) in a straight line to the nearest public sidewalk, walkway, street, road or highway;
- (3) along such public sidewalk, walkway, street, road or highway by the nearest route;
- (4) to the front door of the building, or to the grounds, whichever is applicable.

(e) No license in effect on the day of the adoption of this Ordinance shall be revoked before its day of expiration by reason of the method of measurement set out in this section if the license was granted in reliance on another method of measurement.

(f) Further, the Augusta-Richmond County Commission may, in its discretion, issue or deny any license when there is evidence that the type and number of schools, churches, libraries or public

recreation areas in the vicinity of the place of business of the licensee causes minors to frequent the immediate area, even though there is compliance with the minimum distances as provided herein.

(g) Nothing contained herein shall prohibit the issuance of any license authorizing the sale or distribution of alcoholic beverages by:

- (1) Hotels or motels of fifty (50) rooms or more;
- (2) Bona fide private clubs owning their homes and subject to licensing by the State of Georgia as a private club;
- (3) Any establishment with a license to sell alcoholic beverages which meets the definition of a qualifying eating establishment as set forth in section 6-2-52 of this Ordinance; and
- (4) A location for a single event occasion.

(h) No license shall be issued under this Ordinance to any premises which do not meet the requirements of all state, county, and city laws, ordinances and regulations which would apply to said premises, including, but not limited to, building, fire, and sanitation codes.

(i) The restrictions on locations as stated herein are in addition to, and not in lieu of, any restrictions imposed by the laws of the State of Georgia.

(j) If an application is either withdrawn from consideration or denied, no application may be made by any person for the location for which the withdrawn or denied application was made, for a period of twelve (12) months from the date of withdrawal or denial; provided, however, if the application is withdrawn with the unanimous approval of the members of the Augusta-Richmond County Commission, the one (1) year prohibition shall not apply.

(k) If a license is suspended, no application may be made by any person for the location for which the suspended license was held, until such time as the period of suspension for said license expires.

(l) If a license is revoked, no application may be made by any person for the location for which the revoked license was held, for a period of twelve (12) months from the date of revocation. (Ord. No. 6866, § 1, 3-21-06)

Sec. 6-2-65. Same—Additional considerations.

(a) In determining whether or not any license applied for hereunder shall be granted, renewed, transferred or issued to a new location, in addition to all the provisions of this Ordinance, the following shall be considered in the public interest and welfare:

- (1) *Reputation, character.* The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.
- (2) *Previous violations of liquor laws.* If the applicant is a previous holder of a license to sell alcoholic liquors, whether or not he has violated any law, regulation or ordinance relating to such business.
- (3) *Manner of conducting prior liquor business.* If the applicant is a previous holder of a license to sell alcoholic liquors, the manner in which he conducted the business thereunder, especially as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
- (4) *Location.* The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.
- (5) *Number of licenses in trading area.* The number of licenses already granted for similar business in the trading area of the place for which the license is sought.
- (6) *Dancing.* If dancing is to be permitted upon the premises for which the license is sought and the applicant has previously permitted dancing upon any premises con-

trolled or supervised by him, the manner in which he controlled or supervised such dancing to prevent any violation of any law, regulation or ordinance.

- (7) *Previous revocation of license.* If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an alcoholic beverages license suspended or revoked.
- (8) *Payment of taxes.* If the applicant and business are not delinquent in the payment of any local taxes.
- (9) *Congregation of minors.* Any circumstances which may cause minors to congregate in the vicinity of the proposed location, even if the location meets the distance requirement under section 6-2-63(b) herein.
- (10) *Prior incidents.* Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location, if within the City of Augusta, or within the immediate area if in the unincorporated area of Richmond County, during the twelve (12) months immediately preceding the date of application.
- (11) *Previous Denial or Revocation.* The denial of an application, or the revocation of a license, occurring within the preceding twelve (12) months, which was based on the qualifications of the proposed location.

(b) If the application is denied, the Augusta-Richmond County Commission shall cause a written report to be prepared showing the reason or reasons for the denial. The Commission shall return the application showing its denial, together with the written report, to the Director of License & Inspection who shall notify the applicant of the denial within five (5) days of the denial. Notice to the applicant shall be made in writing, showing the reason or reasons for the denial and the day and time of the next scheduled meeting of the Commission. The applicant may

appeal the denial of the application by serving notice on the Commission requesting reconsideration of the application. The applicant shall serve said notice, in writing, on the Commission within five (5) days of the receipt of the denial of the application.

(c) On reconsideration, the Commission shall hear evidence offered by the applicant and any entity opposing the issuance of the license. The applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may question any opposing witnesses. At the close of the evidence, the Commission shall either uphold its denial or shall approve the issuance of a license.

Sec. 6-2-66. Time limit for acquiring licenses once approved.

All licenses must be obtained not later than ninety (90) days from the date of the approval of the application, and, if not so obtained, the license shall be void. Extensions of time under this section shall be granted only by the Augusta-Richmond County Commission.

Sec. 6-2-67. License fee.

(a) *When due and payable.* When a license has been approved and granted, the same shall be paid for by certified check, cashier's check or money order for the full amount of the license fee.

(b) *Amount.* Each applicant shall pay a license fee as set out herein:

(b) *Amount.* Each applicant shall pay a license fee as set out herein:

(1) Class A: Consumption on premises beer	\$550.00
(2) Class B: Retail beer	\$550.00
(3) Class C: Consumption on premises wine	\$550.00
(4) Class D: Retail wine	\$550.00
(5) Class E: Consumption on premises liquor	\$2,750.00
(6) Class F: Retail liquor	\$2,750.00
(7) Class G: Brewer, Manufacturer of Malt Beverages	\$550.00

- (8) Class H: Brewpub Operator \$550.00
- (9) Wholesale liquor..... \$5,000.00
- (10) Wholesale beer \$550.00
- (11) Wholesale wine..... \$110.00
- (12) Sunday sales \$1,100.00

(c) *Proration.* The full license fee must be paid for a license issued prior to July 1 of the license year. One-half (1/2) of the full license fee shall be paid for a license issued after July 1 of the license year.

(d) *Refund.* In case of the revocation or surrender of such license before the expiration of the calendar year, the holder thereof shall not be entitled to receive any refund whatsoever. (Ord. No. 6341, § 1, 12-19-00)

Sec. 6-2-68. Term of license.

All licenses granted hereunder shall be for the calendar year.

Sec. 6-2-69. Display of license required.

Every license issued under this Ordinance shall be kept prominently displayed by the holder thereof at his licensed place of business, and any alcoholic beverage kept, stored or found at said licensed place of business or at his warehouse shall be presumed to be his property.

Sec. 6-2-70. Licenses not transferable; exceptions; fee; new ownership.

(a) Generally. Licenses hereunder shall not be transferable, except as otherwise provided herein. Nothing in this section, however, shall prohibit one (1) or more partners of a partnership holding a license from withdrawing from the partnership in favor of one (1) or more of the partners who were partners at the time of the issuance of the license.

(b) Exceptions.

- (1) Estate administration, etc. In case of the death of any person holding such a license, or any interest therein, the same may be transferred to the administrator, executor, or the lawful heirs of the deceased person, if otherwise qualified.

(2) Change of location. Should a transfer of a location be approved, there shall be no additional license fee, and the new location shall not be considered as a new license hereunder.

(3) Addition of partners or stockholders. A licensee may take in partners or additional stockholders where it is determined that the additional capital furnished is to be used exclusively for additional inventory or expending the facilities of the business, or for building a new facility, and, where it appears that the licensee himself receives directly none of the additional capital invested. Under this section an additional partner or new stockholder must be approved by the License & Inspection Department and the Richmond County Sheriff's Department.

(4) Procedure for application for exception. Any licensee desiring a transfer of a license pursuant to an exception hereunder shall notify the Director of License & Inspection of the basis of the exception and shall provide the Director of License & Inspection with any information and/or documentation requested in connection with the exception. The Director of License & Inspection shall then either approve or deny the exception. If the exception is approved, the license shall be transferred by the Director of License & Inspection.

(c) Fee for transfers. There shall be a fee of one hundred dollars (\$100.00) for transfers pursuant to this section.

(d) New ownership; retail alcoholic beverage licenses. No retail beer, wine or whiskey license shall be transferred, but where a change in ownership is contemplated, the new owner or owners shall file a new application for a license. Changes in license ownership from one (1) party at interest named in the original application to another party at interest as named in the original application, and changes of license from one (1) employer or manager to a successor employer or manager, shall not be deemed a transfer of license within the prohibition against transfer contained in these

regulations, so long as there is no change in the ownership or location. In each instance the Augusta-Richmond County Commission shall be advised in writing of such change and a complete disclosure of all facts in connection therewith shall be made at the time such request for change is presented. The Administrator shall have the authority to approve such a change of license. In the event that the Administrator denies such change of license, the applicant shall have the right within ten (10) days of such denial to appeal same to the Augusta-Richmond County Commission. An applicant for a change of license must follow the procedure for applying for an alcoholic beverage license, excluding section 6-2-58 and section 6-2-61. A transfer fee from manager to manager shall be one hundred dollars (\$100.00). (Ord. No. 5929, 5-19-97)

Sec. 6-2-71. Renewal of licenses.

(a) All licenses granted hereunder shall expire on December 31 of each year. Licensees who desire to renew their licenses shall file an application therefor, together with the requisite fee with the License & Inspection Department for such renewal, upon forms approved by the Director of License & Inspection, on or before December 1 of each year.

(b) All licenses to be renewed for the subsequent calendar year shall be submitted by the License & Inspection Department to the Commission for approval no later than December 15 of each year. Any licenses that have been placed on probation, suspension or have been revoked by the Commission during the year shall be submitted on a separate list by the License & Inspection Department for review and consideration for approval.

Sec. 6-2-72. Denial of application to renew license.

(a) The possession of a license under this Ordinance is a privilege granted by the Board of Commissioners, City Council of Augusta, or the Augusta-Richmond County Commission. The Augusta-Richmond County Commission is hereby authorized to deny the renewal of a license if it

finds to exist any of the grounds constituting due cause to revoke, suspend or place on probation a license, as stated in section 6-2-74 herein.

(b) When the Sheriff recommends that an application to renew a license be denied, he shall provide the Director of License & Inspection with a written report describing the reason or reasons for the recommendation. The Director shall notify the Commission and shall serve written notice on the licensee at least five (5) days before the next scheduled meeting of the Commission. The notice shall state the reason(s) given by the Sheriff for his/her recommendation to deny the renewal of the license and the time and place of the next scheduled meeting of Commission.

(c) Commission shall receive evidence in the same manner described in section 6-2-74.

(d) At the conclusion of the evidence, the Commission shall consider the evidence and shall decide to grant or to deny the renewal of the license.

(e) If the application is denied, the Commission shall cause a written report to be prepared showing the reason or reasons for the denial. The Commission shall return the application showing its denial, together with the written report to the Director of License & Inspection who shall notify the applicant of the denial within five (5) days of the denial. Notice to the applicant shall be made in writing, showing the reason or reasons for the denial and the day and time of the next scheduled meeting of the Commission. The applicant may appeal the denial of the application, by serving notice on the Commission requesting reconsideration of the application. The applicant shall serve said notice in writing on the Commission within five (5) days of the receipt of the denial of the application. On reconsideration, the Commission shall hear evidence offered by the applicant and any entity opposing the issuance of the license. The applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may question opposing witnesses. At the close of the evidence, the Commission shall either uphold its denial or shall approve the issuance of the renewal license. Provided however, that the licensee may waive the five (5) day period if the next regular meeting of the Commis-

sion is scheduled within less than five (5) days from the date of the recommendation by the Sheriff.

Sec. 6-2-73. Cancellation of licenses.

(a) A license issued under this Ordinance expires on December 31 of the year in which issued, unless it expires or is revoked earlier pursuant to this section.

(b) A license issued under this Ordinance expires upon the individual licensee ceasing to act as licensee for any reason unless an extension is granted pursuant to subsection (c) herein.

(c) Failure to open for business. All applicants for licenses hereunder must, within one hundred eighty (180) days after the approval of said license, open for business the establishment referred to in the application and license and begin the sale of the product or products authorized by the license. Failure to open the establishment and begin the sales as referred to above within the 180 day period shall serve as automatic forfeiture and cancellation of the unused license, and no refund of license fee shall be made to the license holder. Any extension of time under this section shall be granted only by the Augusta-Richmond County Commission.

(d) Ceasing of operations. Any holder of a license hereunder who shall begin the operation of the business and sale of the product and products as authorized in the license, but who shall thereafter cease to operate the business and sale of the product or products authorized in the license for a period of at least nine (9) months, shall automatically forfeit his license, which license shall, by virtue of said failure to operate, be cancelled without the necessity of any further action. Any extension of time under this section shall be granted only by the Commission.

Sec. 6-2-74. Probation, suspension & revocation.

Any license issued under this Ordinance may be put on probation, suspended and/or revoked by the Augusta-Richmond County Commission after a finding of due cause. Due cause for the proba-

tion, suspension or revocation of a license shall include but shall not be limited to, the following:

- (a) A violation of this Ordinance or any State or federal law governing the manufacture, transport, or sale of alcoholic beverages by the licensee or any person in his employ or in the employ of the establishment for which the license was issued.
- (b) The conviction of the licensee of a crime which would render him or her ineligible to apply for a license. The term conviction as used herein includes a plea of guilty or nolo contendere.
- (c) Failure by the licensee, or any person in his employ or in the employ of the establishment for which the license was issued, to adequately supervise and monitor the conduct of the employees, patrons and others on the licensed premises, or on any property owned or leased by the licensee, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of a licensed establishment, in order to protect the safety and well-being of the general public and of those using the premises.
- (d) The revocation of the license or permit of the business to operate by any State, County, City or other governmental authority due to a violation of any law applicable to the business including, but not limited to, building codes and health codes.
- (e) Falsifying information or making any material misrepresentation on the application for a license under this Ordinance.

Sec. 6-2-75. Procedure for probation, suspension & revocation.

(a) Upon cause to believe that due cause exists for the probation, suspension or revocation of a license under this Ordinance, the Director of License & Inspection or head of any department authorized to inspect the licensed premises, shall file a complaint with the Augusta-Richmond County Commission. The Director of License & Inspection shall notify the licensee, in writing, of the

time and place of the next meeting when such complaint shall be heard by the Commission or a committee thereof. Such Notice shall be deemed sufficient when mailed to licensee at the address of the location at least five (5) days prior to said hearing.

(b) The Commission or committee thereof shall hear the evidence offered by the complaining authority herein and the evidence offered by the licensee. The licensee may be represented by counsel, may offer testimony by witnesses or any other evidence and may question the witnesses of the complaining authority. At the close of the evidence, the Committee shall revoke, suspend or sustain the license, or place the licensee on probation.

(c) If the Commission or committee thereof decides to revoke or suspend the license(s), all licenses issued to the location shall be surrendered to the Director of License & Inspection and no alcohol shall be sold, served or consumed on the premises.

(d) If the Commission or committee thereof decides to suspend the license(s), it shall state the number of days of the suspension. The licensee shall surrender the license or licenses to the Director of License & Inspection, who shall return the license(s) to the licensee at the end of the suspension period. No alcohol shall be sold, served or consumed at the location during the period of suspension.

(e) If the Commission or committee thereof sustains the license, the license shall remain in effect as issued.

(f) If the Commission or committee thereof decides to place the licensee on probation, it shall state the number of days of the probation. The licensee shall retain the license or licenses during the period of the probation period.

(g) The decision of the Commission or committee thereof may be appealed by either the licensee or the complaining authority by serving notice in writing on the Commission Chief Administrative Officer within five (5) days of the day of the hearing before the Commission or committee thereof. The filing of a notice of appeal shall have no effect on the status of the license as decided by

the Commission or committee thereof and if the license was placed on probation, suspended or revoked, it shall remain so until said status is changed by the Commission.

(h) If a notice of appeal is filed with the Augusta-Richmond County Chief Administrative Officer, he/she shall notify the appellant of the next scheduled meeting of the Commission, at least five (5) days before the date of the meeting; provided, however, that the five (5) day period may be waived by agreement of both parties.

(i) At the appeal hearing, the Commission shall hear the evidence offered by the complaining authority and the evidence offered by the licensee. The licensee may be represented by counsel, may offer testimony by witnesses or any other evidence and may question the witnesses of the complaining authority. At the close of the evidence, the Commission shall affirm or reverse its prior decision.

(j) If the Commission decides to affirm its revocation of the license(s), all licenses issued to the location, if not already surrendered, shall be surrendered to the Director of License & Inspection and no alcohol shall be sold, served or consumed on the premises.

(k) If the Commission decides to affirm its suspension of the license(s), it shall state the number of days of the suspension. The licensee shall surrender the license or licenses, if not already surrendered, to the Director of License & Inspection who shall return the license(s) to the licensee at the end of the suspension period. No alcohol shall be sold, served or consumed at the location during the period of suspension.

(l) If the Commission reverses its prior action with regard to the license and the Director of License & Inspection has possession of the license or licenses, the license(s) shall be promptly returned to the licensee.

(m) If the Commission or committee thereof decides to affirm its decision to place the licensee on probation, it shall state the number of days of the probation. The licensee shall retain the license or licenses during the period of the probation period.

Sec. 6-2-76. Distance between locations of licensees.

(a) No retail dealer license (Class F) for the sale of distilled spirits shall be issued to any applicant whose proposed location is one and one-half (1½) miles or less from an existing location or establishment for which the Richmond County Board of Commissioners, the City Council of Augusta or the Augusta-Richmond County Commission has issued a retail dealer license for the sale of distilled spirits.

(b) The distances provided for herein shall be measured in the same manner as provided in section 6-2-63(d) of this Ordinance.

(c) The distance requirements provided for herein shall not be construed or interpreted as prohibiting an applicant, who is otherwise qualified, from being approved and granted a license which constitutes a transfer in ownership of an existing license for distilled spirits which was previously held by an owner or operator of an existing establishment.

Sec. 6-2-77. License for single event; occasional license.

(a) Application may be made for an occasional, single event license for on-premises consumption of alcoholic beverages as follows:

- (1) *For-profit applicant.* If the applicant is an agent for a for-profit business, the applicant must possess a valid license for the sale of alcoholic beverages for on-premises consumption under this chapter.
- (2) *Nonprofit applicant.* An agent for a nonprofit organization may apply for a single event license whether or not he/she possesses a license under this chapter.
- (3) *Advertisement.* All persons, firms or corporations desiring to engage in the sale of alcoholic beverages for a single event shall give notice of their intention to make such application by advertisement in form prescribed by the Richmond County, the City of Augusta, or Augusta-Richmond County Director of License & Inspecting. Advertising, as referred to in this section, means there shall be a sign posted thirty (30)

days prior to the hearing of the application in a prominent position on the property (e.g., front window where it can be read from the road); also, all new license applicants shall be required to advertise three (3) times in the legal gazette (Augusta Chronicle) before applications are heard by the Commission. Advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission. Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove. The above provisions regarding advertisement shall not apply to an application to sell alcoholic beverages in or on any museum, cultural center or facility, public park, playground, or building owned or operated by Augusta-Richmond County, Georgia Port Authority, or at a location on Riverwalk which has been designated as an Alcohol Beverage Location by Riverwalk Augusta, nor shall the above provisions regarding advertisement apply to events held by non-profit organizations.

- (4) *Form; information to be provided.* Application for a single event license must be made in writing as provided in section 6-2-58 hereof; provided, however, that no plat shall be required, but the approximate distance of the premises for which the license is being applied from the nearest church, school, library, public recreation area or alcohol treatment center shall be stated on the application. (Ord. No. 6341, § 2, 12-19-00)
- (5) *Date due; fee.* The application for a license hereunder shall be made at least one (1) month prior to the date of the scheduled event and in sufficient time to allow for advertisement, as required herein. A regulatory fee of fifty dollars (\$50.00) per day of the event shall be paid by certified check, cashier's check or money order made payable to the Augusta-Richmond County Commission.

- (6) *Occasional, single event.* The event for which the occasional, single event license is sought may not exceed seven (7) calendar days in duration and the licensee shall not be eligible for an occasional event license more frequently than once every three (3) months, except in any area in which no advertisement is necessary pursuant to Section (a)(3) above.
- (7) *Untrue or misleading information; material omissions.* Any untrue or misleading information contained in, or material omission left out of, an application for a license hereunder shall be cause for the denial of the license; and, if any license has been granted under such circumstances, the license shall be subject to revocation.
- (8) *Grounds for denial.* In addition to the other grounds provided in this Ordinance for the denial of a license, an application for an occasional, single event license may be denied on one or more of the following grounds:
- a. The location or terrain for the proposed event may be hazardous to a person consuming alcoholic beverages.
 - b. The number of anticipated attendants of the event renders the consumption of alcoholic beverages a danger to the safety of the public.
 - c. The proposed location for the event is in an area in which numerous incidents requiring police intervention occurred.
 - d. The applicant is not eligible for a license under this Ordinance pursuant to sections 6-2-61, 6-2-62 and/or 6-2-63.
 - e. There is evidence from this or other jurisdictions that the activities planned for the event would be in violation of state or county or city law, or, when combined with consumption of alcoholic beverages, may cause a danger to the safety of the attendants or the public.
- (9) *Procedures.*
- a. The Director of License & Inspection shall forward the application to the Recreation Department Director, if applicable, and then forward to the Richmond County Sheriff, who shall indicate his approval or disapproval of the application. The Sheriff may condition the approval of such application on the licensee's providing a sufficient number of security personnel for the protection of the public during the event. If approved, the application shall be forwarded back to the License & Inspection Department for issuance of the Single Event License.
 - b. For such applications from applicants other than nonprofit organizations, the Director of License & Inspection shall thereafter submit the application of the Mayor of Augusta, together with a written report showing why the license should be granted or denied. The Mayor of Augusta shall consider the application and the report of the Sheriff and shall grant or deny the license. If the license is granted, the application shall be returned to the Director of License & Inspection showing that the license was granted. The Director of License & Inspection shall issue the license. The license shall be valid for the location, date(s) and time(s) specified therein only. The Mayor of Augusta may impose such additional restrictions and conditions on the license as deemed necessary for the safety of the attendants or the public.
 - c. If the Sheriff denies the application, he shall return the application to the Director of License & Inspection together with a report in writing showing the reason(s) for the denial. The Director of License & Inspection shall promptly notify the applicant in writing of the reason(s) for the denial.

(10) *Appeal.* An applicant may appeal the denial of a license under this subsection by filing written notice with the Augusta-Richmond County Commission Chief Administrative Officer within five (5) days of receiving notice of the denial. The Commission shall hear the evidence and make its determination at its next regularly scheduled meeting. Notice of the next scheduled meeting of the Commission shall be served on the applicant at least three (3) days prior to the meeting, unless the three-day period is waived by the applicant.

The Commission shall receive evidence in the manner provided in section 6-2-74 herein and shall decide to uphold or reverse the decision of the Chairman-Mayor of Augusta-Richmond County.

(Ord. No. 6149, § 1, 3-16-99; Ord. No. 6341, § 2, 12-19-00)

Secs. 6-2-78—6-2-100. Reserved.

ARTICLE 3 EXCISE TAX

MALT BEVERAGES, WHISKEY, WINE

Sec. 6-2-101. Levy; schedule.

(a) *Malt beverages.* There is hereby levied and imposed upon all wholesale dealers selling malt beverages within Augusta-Richmond County, a specific excise tax in the amount of 0.4166 cents per ounce of malt beverage sold by each wholesale dealer within Augusta-Richmond County; provided, however, the Coliseum Authority shall not receive a greater percentage of the total excise tax collected than such Coliseum Authority collected for the City of Augusta and Richmond County combined, prior to the consolidation of the City and County. A schedule of the excise tax is as follows:

48 seven-ounce containers	\$ 1.40
48 eight-ounce containers	1.60
24 twelve-ounce containers	1.20
24 fourteen-ounce containers	1.40

24 sixteen-ounce containers	1.60
12 quart containers	1.60
Quarter-barrel container	3.00
Half-barrel container	6.00

(b) *Whiskey and wine.* There is hereby levied and imposed upon all wholesale dealers selling whiskey and wine within Augusta-Richmond County a specific excise tax in the amount of eighty cents (\$0.80) per gallon of whiskey and eighty cents (\$0.80) per gallon of wine sold by each wholesale dealer within Augusta-Richmond County.

Sec. 6-2-102. In addition to other license fees, etc.

The excise tax provided for in this article shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages, whiskey or wine at retail or wholesale, within Augusta-Richmond County.

Sec. 6-2-103. Payment.

The excise tax shall be paid as follows: Each wholesale dealer selling malt beverages within Augusta-Richmond County shall file with the License & Inspection Department a report by the tenth day of each month showing, for the preceding calendar month, the exact quantities of beverages by size and type of container, constituting a beginning and ending inventory for the month, sold within Augusta-Richmond County. Each such wholesale dealer shall also remit to the License & Inspection Department, on the tenth day of each month succeeding the calendar month in which such sales were made, the amount of excise tax due by check payable to the Augusta-Richmond County Commission, in accordance with this section, with no discount by state law. All books and records of each such wholesale dealer shall be subject to inspection and audit by the License & Inspection Department to verify compliance with this section. Wholesale dealers of whiskey and wine shall file this report by the twentieth day of each month.

Sec. 6-2-104. Collection fee discount; penalties for nonpayment.

Each wholesale dealer of whiskey or wine shall be allowed to deduct two and one-half (2½) percent as a collection fee on the excise tax collected each month. Upon the failure to make a timely report and remittance on the twentieth day of the month next succeeding the calendar month in which such sales were made, the collection fee shall be forfeited. Failure to make a timely report and remittance within thirty (30) days after the twentieth day of the month next succeeding the month in which such sales were made shall render a wholesale dealer liable for a penalty equal to ten (10) percent of the total amount due during the first thirty-day period following the date such report and remittance were due; and a further penalty of five (5) percent of the amount of such remittance for each successive thirty-day period, or any portion thereof, during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty

equal to twenty-five (25) percent of the amount of remittance which would be required under an accurate and truthful report.

Sec. 6-2-105. Appropriation of beer excise tax revenue to coliseum authority.

All proceeds from the beer excise tax imposed by this article as shown on the following schedule are hereby appropriated to the Augusta-Richmond County Coliseum Authority for the construction of a civic center and/or coliseum, and the proceeds from the beer excise tax shall be delivered to the authority within thirty (30) days after the date the beer excise tax imposed by this article is due; provided, however, the Coliseum Authority shall not receive a greater percentage of the total excise tax collected than such Coliseum Authority collected for the City of Augusta and Richmond County combined, prior to the consolidation of the City and County. A schedule of the excise tax appropriated to the Augusta-Richmond County Coliseum Authority is as follows:

<i>Excise Tax Containers</i>	<i>Excise Tax Collected</i>	<i>Appropriated for Authority</i>
48 seven-ounce containers	\$ 1.40	\$ 0.78
48 eight-ounce containers	1.60	0.98
24 twelve-ounce containers	1.20	0.58
24 fourteen-ounce containers	1.40	0.66
24 sixteen-ounce containers	1.60	0.74
12 quart containers	1.60	0.74
Quarter-barrel containers	3.00	1.75
Half-barrel containers	6.00	3.50

The proceeds may be expended by the authority for cost of all necessary planning, site and feasibility studies, cost of construction, cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction, cost of engineering, architectural and legal expenses, and other expenses necessary or incident to the construction of a civic center and/or coliseum.

Secs. 6-2-106—6-2-115. Reserved.

ARTICLE 4 MIXED DRINKS

Sec. 6-2-116. Definitions.

The following words, terms and phrases shall, for the purpose of this article, be defined as follows:

- (a) *Alcoholic beverage.* Any beverage containing alcohol obtained by distillation, including rum, whiskey, gin and other spirituous liquors by whatever name called, but not including malt beverages, fermented wines or fortified wines.

- (b) *Person.* An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting a unit, the plural as well as the singular number, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the Augusta-Richmond County Commission is without power to impose the tax herein provided.
- (c) *Purchaser.* Any person who orders and gives present or future consideration for any alcoholic beverages by the drink.
- (d) *Licensee.* Any person who holds a permit from Richmond County, the City of Augusta, or Augusta-Richmond County to sell alcoholic beverages by the drink.
- (e) *Drink.* Any alcoholic beverage served for consumption on the premises, which may or may not be diluted by any other liquid.
- (f) *Purchase price.* The consideration received for the sale of alcoholic beverages by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.
- (g) *Agent.* That person designated by a licensee in his application for a license to sell alcoholic beverages by the drink in Augusta-Richmond County.
- (h) *Tax.* The tax imposed by this article.
- (i) *Monthly period.* The calendar month of the year.
- (j) *Director of License & Inspection.* That person named as director of the Richmond County License & Inspection Department, the City of Augusta Business License and Enforcement Department, the

City Sheriff or the successor to such departments, or any designated representative thereof.

Sec. 6-2-117. Imposition and rate of tax.

There is hereby imposed and levied upon every sale of an alcoholic beverage purchased by the drink in Augusta-Richmond County a tax in the amount of three (3) percent of the purchase price of said beverage.

Sec. 6-2-118. Purchaser's receipt; creditor deferred payment.

Every licensee for the sale of alcoholic beverages by the drink operating a place of business in Augusta-Richmond County shall, at the time of collecting for food and drinks served, give to the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit card or deferred payment at hotels or motels, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefor at the time and to the extent that such credits are incurred.

Sec. 6-2-119. Persons liable for tax.

Every licensee or his agent is hereby authorized and directed to collect the tax herein imposed from purchasers of alcoholic beverages by the drink sold within his licensed premises. Such licensee or his agent shall furnish such information as may be requested by the Director of License & Inspection to facilitate the collection of this tax.

Sec. 6-2-120. Determinations, returns and payments.

(a) *Due date of taxes.* All taxes collected by any licensee or agent hereunder shall be due and payable to the Director of License & Inspection of Augusta-Richmond County monthly on or before the twentieth day of every month next succeeding each respective monthly period, as set forth in section 6-2-103 herein.

(b) *Return; time of filing; persons required to file; execution.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the Director of License & Inspection of Augusta-Richmond County in such form as the director may prescribe by every licensee or agent liable for the payment of tax hereunder.

(c) *Contents of return.* All returns shall show the gross receipts from the sale of alcoholic beverages by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the Director of License & Inspection.

(d) *Delivery of return and remittance.* The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to License & Inspection Department, 1815 Marvin Griffin Road, Augusta, Ga. 30906, for Augusta-Richmond County.

(e) *Collection fee allowed operators.* Operators collecting the tax shall be allowed to receive a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if said amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the Georgia Retailers' and Consumers' Sales and Use Tax Act, approved February 20, 1951 (Ga. Laws, P. 360) as now or hereafter amended.

Sec. 6-2-121. Deficiency determinations.

(a) *Recomputation of tax; authority to make; basis of recomputation.* If the Director of License & Inspection is not satisfied with the return or returns of the tax, or the amount of the tax to be paid to the Augusta-Richmond County Commission by any person, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One or more than one deficiency determination may be made of the amount due for one or more than one monthly period.

(b) *Interest on deficiency.* The amount of the deficiency determination, exclusive of penalties, shall bear interest at the rate of one (1) percent per month or fraction thereof from the twentieth day after the close of the monthly period in which the amount or any portion thereof should have been returned until the date of payment.

(c) *Offsetting of overpayment.* In making a deficiency determination, the Director of License & Inspection may offset overpayment, for a period or periods, against underpayment, for another period or periods, against penalties, and against the interest on underpayment. The interest on overpayment shall be computed in the manner set forth in subsection (b) above.

(d) *Penalty; negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to negligence or disregard of rules and regulations, a penalty of twenty (20) percent of the amount of such deficiency shall be added thereto.

(e) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade any provisions of this article or other authorized rules and regulations, a penalty of fifty (50) percent of the deficiency shall be added thereto.

(f) *Notice of Director of License & Inspection's determination; service of.* The Director of License & Inspection, or his designated representative, shall give to the licensee written notice of his deficiency determination. The notice may be served personally or by mail; if by mail such service shall be pursuant to O.C.G.A. § 9-11-4 and shall be addressed to the licensee at his address as it appears in the records of the Director of License & Inspection. In case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States Post Office.

(g) *Time within which notice of deficiency determination to be mailed.* Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be

mailed within three (3) years after the twentieth day of every month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.

Sec. 6-2-122. Determination if no return made.

(a) *Estimate of gross receipts.* If any licensee fails to make a return, the Director of License & Inspection shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in Augusta-Richmond County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is in, or may come into, the possession of the Director of License & Inspection. Upon the basis of this estimate, the Director of License & Inspection shall compute and determine the amount required to be paid the Commission, adding to the sum thus determined a penalty equal to fifteen (15) percent thereof. One (1) or more deficiency determinations may be made for one (1) or for more than one (1) period.

(b) *Manner of computation; offsets; interest.* In making a determination under this section, the Director of License & Inspection may offset overpayment for a period or penalties against the interest on the underpayment. The interest on underpayment shall be computed in the manner set forth in section 6-2-121(c).

(c) *Interest on amount found due.* The amount of the determination under this section, exclusive of penalties, shall bear interest at the rate of one (1) percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

(d) *Penalty for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this article or rules and regulations, a penalty of twenty five (25) percent of the amount required to be paid by the

person, exclusive of penalties, shall be added thereto in addition to the twenty (20) percent penalty provided in section 6-2-121(d).

(e) *Giving of notice; manner of service.* Promptly after making his determination, the Director of License & Inspection shall give to the person written notice, to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Sec. 6-2-123. Penalties and interest for failure to pay tax.

Any licensee who fails to pay the tax herein imposed to the Augusta-Richmond County Commission, or fails to pay any amount of such tax required to be collected and paid to the Commission, within the time required, shall pay a penalty of ten (10) percent of the tax, or amount of the tax, in addition to the tax or amount of the tax, plus interest on the unpaid tax or any portion thereof, as set forth in section 6-2-121(b).

Sec. 6-2-124. Collection of tax.

(a) *Security, Director of License & Inspection may exact; amount; sale of; notice of sale, return of surplus.* The Director of License & Inspection, whenever he deems it necessary to ensure compliance with this article, may require any person subject hereto to deposit with him such security as the director may determine. The amount of the security shall be fixed by the director but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such a manner as the director deems proper, or ten thousand dollars (\$10,000.00), whichever amount is the lesser. The amount of the security may be increased by the Director of License & Inspection subject to the limitations herein provided. The director may sell the security at public auction, with the approval of the Augusta-Richmond County Commission, if it becomes necessary to do so in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be

addressed to the person at his address as it appears in the records of the Director of License & Inspection. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

(b) *Notice of delinquency to persons holding, credits or property of delinquent; time for; duty of persons so notified.* If any person is delinquent in the payment of the amount required to be paid by him, or in the event a determination has been made against him which remains unpaid, the Director of License & Inspection may, not later than three (3) years after the payment became delinquent, give notice thereof by registered mail to all persons in Augusta-Richmond County having in their possession or under their control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property or debts in their possession or under their control at the time they receive the notice until the director consents to a transfer or disposition or until twenty (20) days elapse after the receipt of the notice. All persons so notified shall, within five (5) days after receipt of the notice, advise the director of all these credits, other personal property, or debts in their possession, under their control or owing by them.

(c) *Action for tax; time for.* At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the Director of License & Inspection may bring an action in the courts of this state, or any other state, or of the United States, in the name of the Augusta-Richmond County Commission, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

(d) *Duty of successors or assignees of operator to withhold tax from purchase money.* If any operator liable for any amount under this article sells out his business or quits the business, his successors or assigns shall withhold sufficient of

the purchase price to cover such amount due and owing until the former owner produces a receipt from the Director of License & Inspection showing that he has been paid or a certificate stating that no amount is due.

(e) *Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability.* If the purchaser of a business fails to withhold the purchase price as required under subsection (d) above, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price valued in money. Within thirty (30) days after receiving a written request from the purchaser for a certificate, the Director of License & Inspection shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the Director of License & Inspection of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs later.

(f) *Refund of tax, penalty or interest paid more than once or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by Richmond County, the City of Augusta, or Augusta-Richmond County under this Ordinance, it may be offset as provided in section 6-2-121(c) or it may be refunded, provided a verified claim in writing therefor, stating the specific ground upon which the claim is founded, is filed with the Director of License & Inspection within three (3) years from the date of payment. The claim shall be audited and shall be made on forms provided by the director. If the claim is approved by the director and the Augusta-Richmond County Commission, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid; and the balance may be refunded to this person, his administrators or executors.

Sec. 6-2-125. Administration of article.

(a) *Authority of Director of License & Inspection.* The Director of License & Inspection shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.

(b) *Rules and regulation.* The Director of License & Inspection shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of Augusta-Richmond County and the State of Georgia, or the constitution of this state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes hereunder.

(c) *Records required for operators, etc.; form.* Every licensee for the sale of alcoholic beverages by the drink in this county to a person shall keep such records, receipts, invoices and other pertinent papers in such form as the Director of License & Inspection may require.

(d) *Examination of records; audits.* The Director of License & Inspection, internal auditor of Augusta-Richmond County, or any person authorized in writing by the director, may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.

(e) *Authority to require reports; contents.* In administration of the provisions of this article, the Director of License & Inspection may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the Director of License & Inspection when required by the director and shall set forth the price charged for each sale, the date or dates of sale and such other information as the Director of License & Inspection may require.

(f) *Disclosure of business of operators, etc.; limitations on rule.* The Director of License & Inspection or any person having an administrative duty

under this article shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount of source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this Ordinance, except in the case of judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, and assignees, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

Sec. 6-2-126. Revocation of license.

The continuous failure to pay the above-prescribed tax shall render the dealer or person liable therefor subject to revocation of their alcoholic beverage license(s) in accordance with the procedures set out in the Code of Augusta-Richmond County.

Sec. 6-2-127. Severability.

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

Secs. 6-2-128—6-2-140. Reserved.

ARTICLE 5. SALES OFF PREMISES FOR CATERED FUNCTIONS*

Sec. 6-2-141. Definitions.

As used in this chapter, the term:

- (a) *Food caterer.* Any person who prepares food for consumption off the premises.
- (b) *Licensed alcoholic beverage caterer.* Any retail dealer who has been licensed by Augusta, Georgia pursuant to this chapter and pursuant to Georgia law.
- (c) *Person.* Any individual, company, corporation, association, partnership, or other legal entity.

(Ord. No. 6250, § 1, 3-7-00)

Sec. 6-2-142. Licensed alcoholic beverage caterers eligible for off-premise licenses; application fee.

(a) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell malt beverages or wine by the drink for consumption on the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell malt beverages or wine by the drink off premises and in connection with an authorized catered function.

(b) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell malt beverages or wine by the package for consumption off the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell malt beverages or wine by the drink off premises and in connection with an authorized catered function.

(c) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell distilled spirits by the

***Editor's note**—Ord. No. 6250, § 1, adopted March 7, 2000, set forth these provisions to be included as Art. 5 to read as herein set out. See Code Comparative Table.

drink for consumption on the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by the drink off premises and in connection with an authorized catered function.

(d) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell distilled spirits by the package for consumption off the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by the drink off premises and in connection with an authorized catered function.

(e) An alcoholic beverage caterer shall make application for an off-premise license as provided in subsections (a) and (c) or subsections (b) and (d) of this Code section with the Augusta-Richmond County Commission through the Director of Licensing and Inspection, and shall pay to Augusta an annual license fee in the amount of three hundred dollars (\$300.00).

(Ord. No. 6250, 3-7-00)

Sec. 6-2-143. Event permits.

In order to distribute or sell distilled spirits, malt beverages, or wine at an authorized catered function in Augusta, a licensed alcoholic beverage caterer shall be required to:

- (a) Apply to the Augusta-Richmond County Commission through the Director of Licensing and Inspection for an event permit. Augusta shall charge a fee of twenty-five dollars (\$25.00) for such event permit except as hereinafter provided for one whose alcoholic beverage caterer's license was issued by a political subdivision other than Augusta. The application shall include the name of the caterer; the date, address, and time of the event; and the licensed alcoholic beverage caterer's license number. When the catered function is domiciled in Augusta and the alcoholic beverage caterer's license was issued by a political subdivision other than Augusta, Augusta shall charge an event permit fee

of fifty dollars (\$50.00) and levy local excise taxes on the total quantity of alcoholic beverages brought into such political subdivision by the caterer. Applications for event permits should be made to the Director of Licensing and Inspection in accordance with the provisions of this Chapter; and

- (b) Provide satisfactory reports to Augusta on forms provided by the Department of Licensing and Inspection stating the quantity of any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized catered function and such other information as required by Augusta; and
- (c) Maintain original local event permits and documents required by Augusta in the vehicle transporting the alcoholic beverages to the catered function at all times.

Sec. 6-2-144. Violations.

(a) It shall be unlawful for a food caterer to distribute or sell distilled spirits, malt beverages, or wine off the premises of the food caterer's business without a license issued pursuant to this chapter. This subsection shall not affect any other provisions of this chapter which may require a food caterer who has a license to sell alcoholic beverages on the premises of the food caterer's business.

(b) It shall be unlawful for a licensed alcoholic beverage caterer licensed under this chapter to distribute or sell distilled spirits, malt beverages, or wine off premises except in connection with an authorized catered function within the scope of the event permit.

(c) It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell.

- (1) Distilled spirits in any jurisdiction which does not permit the sale of distilled spirits by the drink for consumption only on the premises.
- (2) Malt beverages or wine in any jurisdiction which does not permit the sale of malt beverages or wine by the drink for consumption only on the premises.

(d) It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell distilled spirits, malt beverages, or wine during any hours in which the sale of alcoholic beverages by the drink for consumption only on the premises is not permitted by Augusta.

(e) It shall be unlawful for a licensed alcoholic beverage caterer to employ any person under twenty-one (21) years of age who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages. It is the intent of this subsection to prevent any person employed by such caterer, or any other employee, to knowingly violate any prohibitions contained in this Code relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under twenty-one (21) years of age.

(f) Nothing in this chapter shall be construed to authorize the sale of alcoholic beverages by a caterer in any jurisdiction where the sale of distilled spirits by the drink for consumption only on the premises has not been legalized.

(g) Any licensee hereunder, or any person employed by licensee or business for which the license was granted, who violates the provisions of this Code section shall subject the license of the licensee to suspension or revocation, and the individual shall be subject to trial and conviction of a misdemeanor and shall be punished as provided in section 1-6-1 of this Code.

(Ord. No. 6250, 3-7-00)

Sec. 6-2-145. Severability.

If any section, provision, or clause or any part of this article shall be declared invalid or unconstitutional, or if the provisions of any part of this article as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this article not so held to be invalid, or the application of this article to other circumstances not so held to be invalid. It is hereby declared as the intent that this article would have been adopted had such invalid portion not been included herein.

(Ord. No. 6250, 3-7-00)

Chapter 3

**BUSINESSES AND OCCUPATIONS—
GENERALLY****ARTICLE 1 ELECTRICAL UTILITIES****Sec. 6-3-1. Compliance with article; authority of Augusta-Richmond County engineer.**

The installation of electrical wiring and fixtures in and over the streets of Augusta-Richmond County and other property owned by the Augusta-Richmond County Commission or other public bodies shall be in accordance with this Chapter and subject to the supervision and approval of the Augusta-Richmond County engineer; except, that installation of electrical wiring and fixtures in buildings owned by the Commission and other public bodies shall be subject to the inspection and approval of the Augusta-Richmond County engineer.

Sec. 6-3-2. Placing different lines upon same pole.

All telegraph, telephone, communication and electric light or power lines established, or to be established, shall be subject to the authority and right of the Commission to permit other lines to be placed on the same pole; but this shall be done only under the supervision of the Augusta-Richmond County engineer.

Sec. 6-3-3. Allocation of wire zones upon poles; zones reserved for free use of Augusta-Richmond County.

On any pole of any electric light, power, telephone or telegraph company used jointly by two (2) or more such companies, each company shall be allotted a special zone and shall confine its wires to that zone. Spaces shall be measured from the tops of poles downward, and the utmost zone on every pole shall be at all times reserved for the free use of Augusta-Richmond County wires.

Sec. 6-3-4. Location of poles relative to sidewalks, etc.

On streets where curbstones are set, all posts or poles shall be erected in the sidewalk within and adjoining the curbstones and where there are no curbstones the posts or poles shall be erected so as not to interfere with the gutters or side drains. No posts or poles shall be erected within ten (10) feet of any hydrant, nor so as to interfere with any water-pipe, shade tree, driveway or intersection of streets, or fire or police alarm. When sidewalks are extended or altered by Augusta-Richmond County authorities, posts or poles shall be adjusted to conform thereto.

Sec. 6-3-5. Permits for making excavations for poles.

No excavation or hole shall be made in any street, alley or public place for the purpose of erecting poles or fixtures for supporting telephone, telegraph, communication, burglar alarm, electric light or power circuits without first obtaining a permit issued by the Augusta-Richmond County engineer.

Sec. 6-3-6. Specifications and general requirements for poles.

All poles for telegraph, telephone, communication and electric lines shall be straight and properly trimmed; and those of each line shall be of uniform height. All poles shall be iron, cedar, chestnut, cypress or creosoted pine, treated under a pressure of not less than ten (10) pounds of creosote to the cubic foot, at any regular creosoting works, and shall not be less than twenty-eight (28) feet in height from the ground, and if of wood not less than six (6) inches in diameter at the smaller end and ten (10) inches in diameter at the ground. Such poles shall be properly set in the ground not less than five (5) feet and shall be trimmed before being brought on the streets. No pole will be allowed to remain lying on the streets. All poles supporting wires used for supplying electric light or power shall be placed on the opposite side of the street from those carrying telephone or telegraph wires, except when special permission is granted to do otherwise. The poles

of any line shall be confined to one (1) side of the street, unless a special permit to the contrary shall be granted.

Sec. 6-3-7. Location of stepping pins, etc., Upon poles.

No stepping pins or lag screws for the purpose of climbing poles shall be placed nearer the ground than seven (7) feet.

Sec. 6-3-8. Location and protection of wires—Generally.

(a) Service wires shall be run horizontally from street mains to buildings at a height of twenty-eight (28) feet from the sidewalk.

(b) All wires other than those of the fire alarm and sheriff's department telegraph shall be placed at least three (3) feet from the poles and wires of the fire alarm and sheriff's department telegraph. In no other case shall the wires of any company be nearer the ground than twenty-eight (28) feet at the pole, or twenty-seven (27) feet in the center of the span, nor shall any electric light and power company's wires run parallel with any other company's wires nearer than three (3) feet and whenever in close proximity to other wires in crossing, dead guard wires shall be placed, so as to prevent any possibility of contact.

Sec. 6-3-9. Height of street lamps.

Street lamps shall be placed at least fourteen (14) to twenty (20) feet above the earth, as may be required by the Augusta-Richmond County engineer.

Sec. 6-3-10. Guard and guy wires.

Guard wires shall also be placed whenever their use would prevent telegraph, telephone, communication and other wires from coming into accidental contact with electric light or power wires. The cost of such guard wires shall be borne by the person or company making the last construction. All guy wires, whether run by telegraph, telephone or electric light or power companies, shall be kept at a distance of not less than six (6) inches from electric light or power wires, or otherwise be thoroughly insulated at points in

danger of contact with such wires. No guard wires or stay wires shall be put up so as to come nearer than ten (10) feet from the ground.

Sec. 6-3-11. Materials to be used in light and power circuits.

All light and power circuits shall be entirely of metal. No gas, water or steam pipe, or earth, shall be used as a part of any circuit.

Sec. 6-3-12. Authority to cut, etc., Wires during fires.

In case of fire, the chief of the fire department, or in his absence the officer of the fire department next in charge to him, shall have full authority to order the central station of any electric light or power company to shut off the current from any wires whose position endangers the lives of the firemen. Such chief or subordinate officer as above named shall also have full power to cut or have cut any such electric light or power company's wires, when for any reason the current cannot be shut off from the central station, with promptness.

Sec. 6-3-13. Attaching wires to poles of fire alarm or sheriff's department telegraph.

No wire for the transmission of electricity for lighting or motive power shall be attached to the poles of the fire alarm or sheriff's department telegraph, nor to the poles of any telegraph or telephone company upon which any fire alarm or sheriff's department telegraph is attached, except as is expressly provided for otherwise in this Code.

Sec. 6-3-14. Removal of disused poles, wires, etc.

All dead or disused poles, wires or fixtures shall be removed from the streets within fifteen (15) days after they are dead or abandoned, except where it is positively known that they are to be again used within ninety (90) days.

Sec. 6-3-15. Plat showing location of poles, etc., To be filed; changes in location.

Upon the completion of any circuit and before it is used, a plat showing the location of the wires and poles of such circuit shall be filed with the Augusta-Richmond County engineer. Any changes of such poles or wires shall be reported to him within twenty-four (24) hours.

Sec. 6-3-16. Wires in fire limits to be underground.

All telephone, telegraph, communication and electric wires of all kinds placed on the streets of Augusta-Richmond County within the fire limits shall be placed and kept underground.

Sec. 6-3-17. Wires on Ellis street.

All telephone, telegraph and electric light wires of all kinds on Ellis Street, between McIntosh and Campbell Streets, except the service wires to buildings, shall be on poles on the south side of Ellis Street. The service wires shall be run into the buildings at right angles to the street. The height of poles and elevation of wires above ground and the spacing of service wires and all other matters relating to the construction shall be subject to the approval of the Augusta-Richmond County engineer.

Sec. 6-3-18. Method of placing wires underground.

All wires required to be placed underground shall be placed in terra cotta conduits, or conduits of other first-class or standard material, laid in such manner, and with the joints so constructed, as to be first class in every particular. The man-holes shall be safely covered and while open shall be guarded by a substantial iron railing, and, if at night, by lights also. Such conduits shall be laid in sufficient number not only to accommodate the existing wires, but the natural increase for a reasonable time in the future. All excavations, constructions, repairs and renewals shall be done under the provisions of this Code and other existing or future ordinances of Augusta-Richmond County, and under the supervision and control of the director of public works.

Sec. 6-3-19. Interfering, damaging, etc., poles, wires, etc., of the fire alarm or sheriff's department telegraph.

Any person interfering with, removing, defacing or posting bills or signs upon, or causing the same to be done, to any wire, pole, box or other property of the fire alarm and sheriff's department telegraph, or other company, without permission of the Augusta-Richmond County engineer, or the chief of the fire department, shall be arrested and punished as prescribed in the following section.

Sec. 6-3-20. Violations and penalties.

Any person willfully taking the key from the glass box, or sending in a false alarm on the sheriff's department telegraph, or causing the same to be done, or violating any other provision or requirement of this Chapter relative to telegraph, telephone or electric light or power lines, shall be punished as provided in section 1-6-1.

Any person willfully sending in a false fire alarm, or causing the same to be done, shall, upon conviction, be punished as provided in section 1-6-1 and upon the payment of such a fine as may be imposed, fifty dollars (\$50.00) of the fine so imposed and paid shall be paid over to the informant in the matter by the collector of revenues of Augusta-Richmond County.

Any person maliciously breaking or causing to be broken the glass globes or shades of the electric lights in the streets shall be punished as provided in section 1-6-1, half of the fine to be likewise paid to the informant upon the payment of the fine imposed.

ARTICLE 2 TELEPHONE AND TELEGRAPH WIRES, CABLES AND CONDUITS

Sec. 6-3-21. Permits required.

It shall be unlawful for any person, firm or corporation, except a franchisee, to place, maintain or operate a telephone or telegraph wire or other cable or conduit upon, under or above the right-of-way of an Augusta-Richmond County street or streets without first having obtained from the

Augusta-Richmond County engineer a permit to do so. This permit, if granted by the Augusta-Richmond County engineer, shall be in duplicate, specifying the name of the street(s) involved, the purpose for which the wire, cable or conduit is run, the type and length of wire, cable or conduit to be run, the extent of the construction to be performed, and the time allowed for performance of the work.

Sec. 6-3-22. Duration.

All permits issued hereunder shall be valid for one (1) year from the date of issuance. The permit shall be renewable annually as long as the person, firm or corporation desires to maintain the wire, cable or conduit upon, under or above the right-of-way of the street(s) involved.

Sec. 6-3-23. Fees.

The fee for said permit shall be Five Dollars (\$5.00) per foot of wire, cable or conduit occupying said street(s) per year.

Sec. 6-3-24. Installation of telephone or telegraph wires.

The installation of said telephone or telegraph wires, cables or conduits shall be done by a licensed contractor and said work shall be done in a workmanlike manner in accordance with any specifications provided in regulations adopted by the Augusta-Richmond County engineer.

Sec. 6-3-25. Minimum clearance required.

Any person, firm or corporation who is installing an overhead wire or cable across an Augusta-Richmond County street shall at all times maintain a minimum eighteen (18) foot clearance above the surface of said street(s).

Sec. 6-3-26. Excavations.

Any person, firm or corporation who is installing an underground wire, cable or conduit requiring said permit shall also comply with section 7-2-74 of this Code which deals with excavations into public streets.

Sec. 6-3-27. Liability of holder of permit for damages.

The permit issued above shall also specify that the permittee shall at all times be responsible to the public and hold Augusta-Richmond County harmless for any property damage or personal injury caused or occasioned by the installation, maintenance or occupancy of any wire, cable or conduit under, upon or above a street right-of-way as permitted herein together with costs incurred by Augusta-Richmond County in connection with any such claim for damage or injury.

Sec. 6-3-28. Relocation of wires.

The Augusta-Richmond County engineer shall be authorized to require a permittee hereunder to relocate their wire, cable or conduit in the event such relocation is a public necessity. The Augusta-Richmond County engineer may also require an overhead wire or cable to be relocated underground if the street(s) involved should convert from an overhead telephone system to an underground telephone system.

Chapter 4

MASSEURS AND MASSEUSES, MASSAGE PARLORS AND/OR HEALTH SPAS*

Sec. 6-4-1. 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:

- (a) *Director* means Augusta's Director of the License & Inspection Department, or such other county official as the Augusta-Richmond County Commission may designate from time to time to carry out the functions of the director as specified in this chapter.
- (b) *Exempt person* means:
 - (1) A physician, osteopath, physical therapist, chiropract, podiatrist or chiropractor licensed in the state, and an assistant of any such professional working in the same office and under the direct supervision of such professional;
 - (2) A registered nurse or licensed practical nurse licensed in the state, who performs massage therapy only in the normal course of performing nursing duties;
 - (3) Any athletic trainer working as such within the athletic department of any accredited school, college, university or seminary, or in connection with any professional athletic team or competition; and
 - (4) Hospitals, clinics, nursing and convalescent homes, assistant living facilities and other similar facilities licensed under the laws of the state, and dedicated to medical or nursing practices where massage therapy may be given, and the employees and/or independent contractors of such fa-

ilities who perform the massage therapy for the patients at such facilities in the normal course of carrying out their duties at such facility.

- (c) *License* means an operator's and/or massage therapy license issued pursuant to the terms of this chapter and O.C.G.A. Title 43, Ch. 24A.
- (d) *Licensee* means the person to whom an operator's license is issued under the terms of this chapter.
- (e) *Massage Therapy* means the systematic and scientific manipulation and treatment of soft tissues of the body, including the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches and any other soft tissue manipulation, whether manual or by mechanical or electrical apparatus, and may include the use of oils, lotions, creams, salt glows, hydrotherapy, heliotherapy and hot and cold packs.
- (f) *Massage therapy business* means the business of owning, operating, conducting and carrying on the offering and/or providing massage treatments.
- (g) *Massage therapist license* means a license to perform massages on members of the public, which license is issued pursuant to the terms of O.C.G.A. Title 43, Ch. 24A.
- (h) *Operator's license* means a license to own, operate, conduct and carry on the business of offering or providing massage to members of the public, which license is issued pursuant to the terms of this chapter.
- (i) *Premises* means one physically identifiable place of business of one or more contiguous rooms operating under the same trade name where massages are performed. This term shall include reception rooms, treatment rooms, office areas, patio areas and any other areas located within the property lines of the land on which the massage therapy business is located.

(Ord. No. 6580, § 1, 12-17-02)

*State law reference—O.C.G.A. 43-24A-8(c) effective July 1, 2007.

Sec. 6-4-2. License required.

Any person desiring to own, operate, conduct or carry on, in Augusta, Georgia, the business of offering or providing massage therapy, before doing so, shall have in his possession a then current operator's license. A licensee holding an operator's license under this chapter is not authorized or licensed to actually perform the massage therapy on customers of the massage therapy business unless such licensee also holds a massage therapy license. Any person, other than an exempt person, employed or otherwise engaged by a massage therapy business to perform massage therapy on members of the public shall, prior to engaging in such activity, have in such person's possession, a then current massage therapy license issued by the State of Georgia. A licensee holding a massage therapy license is not licensed to own, operate, conduct or carry on a massage therapy business operating without a operator's license. All such licenses shall be issued in accordance with the requirements of this chapter. Any massage therapy business which does not maintain an office in Augusta, but which sends a massage therapist into Augusta to provide massage therapy on an outcall basis, must possess an operator's license. Any person providing massage therapy in Augusta on an outcall basis must possess a massage therapy license.

(Ord. No. 6580, § 1, 12-17-02)

State law reference—O.C.G.A § 43-24A-8.

Sec. 6-4-3. Qualifications for operator's license.

(a) In order to obtain an operator's license under this chapter, the applicant must satisfy the following requirements:

- (1) Must be at least 18 years of age and have received a high school diploma or graduate equivalency diploma;
- (2) Must be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States. Where an applicant is other than a natural person, such applicant must be an entity organized and existing under the laws of the United States or one of its states, and the

natural persons who are required to join in the application must meet the qualifications of this subsection;

- (3) If the applicant is a general partnership, the application must be made jointly by the partnership, any managing partner and all other partners owning at least a 20 percent interest in the assets or revenues of the partnership. If there is no managing partner and there is no partner meeting the ownership requirements, then the application must be made jointly in the name of the partnership and the general partners owning the greatest percentage interest in the assets and revenues of the partnership. At least one of the applicants shall be a natural person. If none of the applicants required in this subsection is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application;
- (4) If the applicant is a limited partnership or a limited liability partnership, the application shall be made jointly by the limited partnership or limited liability partnership, its general partners and any other partner owning at least a 20 percent interest in the assets or revenues of the limited partnership or limited liability partnership. At least one of the applicants must be a natural person. If none of the applicants required in this subsection is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application;
- (5) If the applicant is a corporation, the application shall be made jointly in the name of the corporation and its president or vice-president, and any stockholder owning at least 20 percent of the total outstanding capital stock of the corporation;
- (6) If the applicant is a limited liability company, the application shall be made jointly in the name of the limited liability com-

pany and its managers, and any member owning at least a 20 percent interest in the assets or revenues of the limited liability company;

- (7) If the applicant is an entity other than a natural person, partnership, limited partnership, limited liability partnership, corporation or a limited liability company, the application shall be made jointly in the name of the entity, the natural person having chief executive officer authority over the business activities of the entity and any other person having at least a five percent interest in the assets or revenues of the entity. The application shall further disclose the type of entity making the application and every person having an ownership interest in the assets or revenues of the entity;
- (8) Licenses issued to corporations, limited liability companies, general partnerships, limited partnerships, limited liability partnerships or other types of entities must be issued jointly to the entity, and all of the other persons required by this section to join in the application;
- (9) No person shall be granted a license unless it shall appear to the satisfaction of the Augusta-Richmond County Commission that such person shall be of good moral character, or in the case of an entity which is not a natural person, that such entity has a good reputation. In no event shall a license be granted to any person who has been convicted or has pled guilty or entered a plea of nolo contendere to any charge involving a crime of moral turpitude, prostitution, masturbation for hire or any other sexual service crime within a period of ten years immediately prior to the filing of such application. In the case of partnerships, corporations, limited partnerships, limited liability partnerships, limited liability companies or other business entities, an operator's license shall not be issued to the partnership, corporation, limited partnership, limited liability partnership, limited liability company or other entity if any partner, officer, director, shareholder, member or other person required to be listed on the application cannot meet the requirements set forth in this subsection. At the time an application is submitted for an operator's license, the applicant shall, by a duly sworn affidavit:
 - a. Certify that all of the requirements of this section have been met by the applicant and the other persons required to be listed on the application as specified in this subsection (9); and
 - b. Consent to a criminal background check and release Augusta, its elected officials, officers, agents, employees and representatives from any liability resulting from any criminal background check performed on the applicant.
- (10) No operator's license shall be issued to any person convicted of or pleading guilty or nolo contendere to any charge under any federal, state or local law constituting a felony, within ten years prior to the date of the filing of the application for the operator's license;
- (11) No operator's license shall be issued to any person who has had any license issued under the police powers of Augusta revoked within two years prior to the filing of the application for an operator's license;
- (12) The Augusta-Richmond County Commission may decline to issue an operator's license when any person having any ownership interest in or control over the land or building in which the establishment to be operated pursuant to the license will be located does not meet the same character requirements as set forth in this section for the licensee;
- (13) If a person in whose name an operator's license is issued is not a resident of Augusta, such person must appoint and continuously maintain in Augusta a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter may be served. The

registered agent must be a resident of Augusta. If the licensee is not a natural person, the licensee will be required to appoint and maintain a registered agent in Augusta if it does not have an agent in Augusta upon whom process can legally be served on such entity under the laws of the state. The licensee shall file the name of such registered agent, along with such registered agent's written consent to serve as such agent, with the director of administrative services;

- (14) An application for an operator's license may be denied where it appears to the Augusta-Richmond County Commission that the applicant does not have adequate financial strength or adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended or likely to be a surrogate for a person who would not otherwise qualify for an operator's license; and,
- (15) At the time of filing the application for an operator's license and thereafter, the applicant must have in his employ or under a binding contract, a person who holds a massage therapy license who has agreed to perform the massage therapy for the applicant if the operator's license is granted.

(b) After the license has been issued, should any person in whose name such license is issued be convicted of or plead guilty or nolo contendere to a charge involving a crime of moral turpitude, prostitution, masturbation for hire or any other sexual service crime, the operator's license shall be immediately revoked and canceled. (Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-4. Qualifications for massage therapy license.

State law reference—State law has preempted this field. See the "Georgia Massage Therapy Practice Act," for acquiring a massage therapy license, O.C.G.A. §§ 43-24A-1 et seq.

Sec. 6-4-5. Application for license.

(a) *Forms.* A person desiring to obtain an massage therapy operator's license shall make application to the director on the forms prescribed by the Augusta-Richmond County Commission.

(b) *Operator's license.* The application for an operator's license shall require, but shall not be limited to, the following information:

- (1) The name and address of each applicant as required by § 6-4-3;
- (2) The name and location of the proposed business to be carried on, and the name and address of the owner of the premises in which the business is to be carried on. If the business is to be operated on an outcall basis, then the address will be the address and premises where the office of the massage therapy business is located;
- (3) A description of all of the goods and services to be offered in the proposed business;
- (4) A financial statement current within three months of the application evidencing the financial responsibility of the applicants; and,
- (5) Such other material as required by Augusta.

(c) *Reserved.*

(d) *Incomplete applications; swearing to before notary public.* Failure to pay the license and regulatory fees at the time of filing the license application, or failure to furnish all information as required by an application form, will cause the application to be deemed to be incomplete and no action will be taken thereon until such application is complete. All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths. (Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-6. Approval procedures.

(a) An application for a license under this chapter shall be presented to the Augusta-Richmond County Commission within 45 days after the date such application is deemed complete. The director shall notify the applicant in writing of the date on which the application will be presented to the Commission.

(b) At the time the application is presented to the Augusta-Richmond County Commission, the applicant may appear and present any matters in

support of the application, and any other person may appear and present matters in opposition to the application.

(c) If the application presentation is made to the Augusta-Richmond County Commission, upon the completion of the presentation, or if the presentation is made to a designated committee, upon presentation of the report, the Commission shall take action denying or granting the application or deferring action for a period not to exceed 45 days in order to obtain further information. If the application is denied, the Commission shall set forth the reasons for such denial.

(d) In all instances in which an application for an operator's license is denied under the provisions of this chapter, the applicant may not reapply for an operator's license for the same location for at least one year from the date of such denial. (Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-7. Revocation, suspension of license.

(a) Upon a violation of this Chapter, or any other local, state, or federal law, Augusta's License and Inspection Director may immediately suspend the license of said violator. Such suspension shall be for a period of 30 days. Whenever, in the opinion of the director, there is cause to permanently revoke an operator's massage therapy license, a written notice of intention to revoke such license shall be furnished to the holder thereof not less than ten days before the meeting of the Augusta-Richmond County Commission, at which time the holder of the license may make such showing as he may deem proper. After a hearing, the Commission may permanently revoke the license if in its discretion it is in the best interest of peace and good order of Augusta. Such a finding may only be made upon a violation of the laws of Georgia, the United States, or Augusta-Richmond County.

(b) In addition, cause for revocation or suspension of a license under this chapter shall include, but not be limited to, the following actions by the license holder:

- (1) Conviction of or a plea of guilty or nolo contendere to a charge of prostitution, masturbation for hire or any other sexual service crime involving engaging in sex-

ual activities for compensation or sexual misconduct of any kind in any jurisdiction to which the applicant was subject.

- (2) If holding an operator's license, conviction of or a plea of guilty or nolo contendere to a charge of prostitution, masturbation for hire or any other sexual service crime involving engaging in sexual activities for compensation or sexual misconduct of any kind by an employee of the massage therapy business operated pursuant to such license, in the course of business.
- (3) Permitting a person who does not hold a current massage therapy license under this chapter, except as provided in § 6-4-13, to provide massage therapy to members of the public.
- (4) Allowing the use of an individual's license by an unlicensed person.
- (5) Providing false or forged information to the Commission in obtaining a license under this chapter.
- (6) Impersonating a license holder.
- (7) Using or attempting to use a license that has expired or been revoked.
- (8) Violation of any provision of this chapter. (Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-8. Automatic license forfeiture for nonuse.

Any licensee holding an operator's license under this chapter, who shall, for a period of six consecutive months, cease to operate the massage therapy business as authorized in the operator's license, shall automatically forfeit the license without the necessity of any further action. If the massage therapy business operation is interrupted as a result of damage to the premises where the massage therapy business is located which makes it impractical to operate the massage therapy business, and if repairs of such damage are commenced within such six-month period and diligently pursued to completion, or as a result of the premises being remodeled, then this section shall not apply to such cessation of operation. If a license is issued for the operation of a massage therapy business in a building which

has not yet been completed, the license will not be forfeited unless the licensee fails to begin operations of the massage therapy business within a period of 180 days from the date of issuance of the license.
(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-9. Expiration; renewal of license.

(a) Each license granted under this chapter shall expire on December 31 of the calendar year in which the license was issued. A licensee who desires to renew his license shall file an application with the director, on the form provided for license renewal. Applications for renewal must be filed on or before October 31 of the year in which the license being renewed expires. If a renewal application is received after October 31, Augusta cannot assure the applicant that a renewal license will be issued by January 1 of the following calendar year, and the licensee will have to cease operations from such January 1 until the renewal license is issued. If a license renewal application is received after the December 31 expiration date, such application shall be treated as an application for a new license and the applicant shall be required to comply with all rules, regulations and fees for the granting of licenses as if no previous license had been issued.

(b) Any person applying for renewal of a license must pay the license and regulatory fees at the time of filing the application. Failure to pay such fees at that time shall result in the application for renewal being treated as not filed or as being withdrawn.
(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-10. Separate application and operator's license for each business location.

Each operator's license under this chapter shall be limited to the operation of a massage therapy business at a specific location or out of which specific location an outcall massage therapy business is operated as described in the license. A separate application must be made and separate operator's licenses must be obtained for each

location at which a massage therapy business is conducted or out of which an outcall massage therapy business is operated.
(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-11. Display of license.

(a) An operator's license shall, at all times, be kept plainly exposed to public view at the premises for which the license was granted.

(b) A massage therapy license shall, at all times, be kept plainly exposed to public view at the place where the holder of the massage therapy license is performing massage therapy.
(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-12. Report of licensed employees.

Within ten days after a written request of the director, a holder of an operator's license under this chapter shall provide to the director a list of the names and addresses of the people working in the massage therapy business who hold a then current massage therapy license.
(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-13. Apprentices.

State law reference—State law has preempted this field. See the "Georgia Massage Therapy Practice Act," for acquiring a massage therapy license, O.C.G.A. §§ 43-24A-1 et seq.

Sec. 6-4-14. Transitional massage therapy license.

State law reference—State law has preempted this field. See the "Georgia Massage Therapy Practice Act," for acquiring a massage therapy license, O.C.G.A. §§ 43-24A-1 et seq.

Sec. 6-4-15. Waiver for non-massage modalities.

Any person who desires to provide in Augusta, only certain bodywork services which the person believes are of a modality that is not a massage as defined in this chapter, may request from the Augusta-Richmond County Commission a waiver of the licensing requirements of this chapter for conducting the business of and providing such bodywork services. Such request shall be made on forms promulgated by the director on which the person seeking the waiver shall fully explain why the modality involved is not massage. The Augusta-

Richmond County Commission shall then act upon the request. If the request is granted, licensing requirements of this chapter shall be waived for the person making the request and his employees performing the bodywork services described in the request. If the request is denied, all of the licensing requirements of this chapter shall apply. (Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-16. Fees.

(a) Upon making application for a license under this chapter, the applicant shall pay license and regulatory fees for such license as set forth in Augusta-Richmond County Code § 2-1-3 (c) and such other fees as may be established from time to time by Augusta. All applicants shall be furnished a copy of the schedule of fees at the time of application for a license under this chapter.

(b) All licenses granted under this chapter shall be for the calendar year, and the full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a full license fee shall be paid for a license application filed after July 1 of the license year.

(c) Each application for a license under this chapter shall be accompanied by a check or money order for the full amount of the license fee, together with a separate check or money order in the amount of the regulatory fees applicable to such license. If the applicant is denied a license, the license fee shall be refunded, but the regulatory fees shall be retained and are nonrefundable. (Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-17. Transferability.

No license under this chapter shall be transferable. (Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-18. Violation; penalties.

(a) Any violation of the provisions of this chapter shall constitute a misdemeanor and shall be punishable by penalties and costs as set forth in § 1-6-1.

(b) In addition to the penalties set forth in subsection (a) of this section, the Augusta-Richmond County Commission may revoke or suspend

a license for violation of this chapter as set forth in section § 6-4-7, which shall be a distinct and separate penalty. Any violation of this chapter, or any failure to comply with the requirements of this chapter, shall be grounds for immediate suspension or revocation of any and all licenses held by the licensee regardless of the number of licenses or locations involved, and regardless of whether or not the licensee knew of or contributed to such violation. It is the intent of this subsection, without limiting the generality thereof, to grant to the Commissioners the right to suspend or revoke any and all licenses held by a licensee when any violation of this chapter occurs at any place of business operated by the licensee pursuant to a license.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-19. Severability.

If any section, provision, or clause or any part of this Chapter shall be declared invalid or unconstitutional, or if the provisions of any part of this Chapter as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Chapter not so held to be invalid, or the application of this Chapter to other circumstances not so held to be invalid. It is hereby declared as the intent that this Chapter would have been adopted had such invalid portion not been included herein. (Ord. No. 6580, § 1, 12-17-02)

Chapter 5

PEDDLERS AND SOLICITORS**ARTICLE 1 IN GENERAL****Sec. 6-5-1 Permits—Generally.**

Before any permit required by law shall be issued, it shall be necessary for the applicant for such permit to apply for same in person or by authorized agent, which agency shall be set forth in a writing to that effect, to be filed with the application. Such application shall be made on a form provided by the proper official, so as to contain all necessary information sought by such applicant, together with the date of such application and the signature of the applicant or his duly authorized agent, as well as a form of certificate from the head of the appropriate department or his representative, setting out the amount of fee required. Such application and certificate shall be presented by the applicant to the License & Inspection Department with the required fee.

Sec. 6-5-2. Permits for use of sidewalk or street for vending.

No permit shall be issued to parties using sidewalks or streets for vending purposes until space therefor is arranged with the Mayor, the rental thereof to be within his discretion, and based on location and the value of the privilege granted.

Editor's note—See Executive Order of Mayor signed Jan. 31, 2005 for vendors subject to the Special Downtown District Vending Program, which is incorporated herein by reference. True and correct copies of said Order are available on file in the Office of Licensing and Inspection.

ARTICLE 2 TRANSIENT VENDORS**Sec. 6-5-3. Defined.**

Transient vendors means those who have no permanent or regular place of business within the limits of Augusta-Richmond County and who sell articles of any kind under circumstances which by representation or advertisement are intended to lead the public to believe that the person is selling

such articles for less than the current retail price thereof by permanent vendors of similar articles located in Augusta-Richmond County.

Sec. 6-5-4. Business tax certificate required.

Any person, firm or corporation who does business in Augusta-Richmond County as a transient vendor shall, before engaging in such business, obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

Sec. 6-5-5. Application; bond.

No transient vendor shall be granted a business tax certificate without having first made application for same, which application shall recite the name of the vendor; the name of the agent conducting the sale, if any; the place where the sale is to be conducted; the hours of sale; and the number of days during which the sale is to be conducted. There shall be appended to the application a complete and accurate list of the articles to be sold, which list shall be signed by the person seeking the business tax certificate and the list shall also reflect the wholesale price of the articles to be sold. The inventory shall be verified upon oath by the applicant. The application and inventory shall be accompanied by a good and sufficient bond in the penal amount of five thousand dollars (\$5,000.00) payable to Augusta-Richmond County, and conditioned to pay Augusta-Richmond County or anyone else suing in its name, for their use, for injuries or damages arising from dishonest or fraudulent conduct in the administration of the business.

Sec. 6-5-6. Regulatory fee.

Any person, firm or corporation who does business in Augusta-Richmond County as a transient vendor shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-5-7. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause,

any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

Sec. 6-5-8. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article

shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Chapter 6

SECONDHAND GOODS**ARTICLE 1 BROKERS****Sec. 6-6-1. Definitions.**

As used in this article, the following terms have the following meanings:

- (a) *Broker*. Any person engaged, in whole or in part, in the business of buying or selling tangible personal property, goods or

merchandise of any description from persons or sources other than manufacturers or business tax certified dealers.

- (b) *Person*. An individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

Sec. 6-6-2. Business tax certificate required.

Any person, firm or corporation who does business in Augusta-Richmond County as a broker shall, before engaging in such business, obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

Sec. 6-6-3. Application.

The application for said business shall be signed and dated by the applicant and contain answers to the following questions:

- (a) What is the kind of business to be operated?
- (b) What is the name of the business?
- (c) What is the location where such business is proposed to be carried on and the telephone number of said location?
- (d) What is the name of the applicant for the business tax certificate, and the home address and telephone number of said applicant?
- (e) Where has applicant resided for the six (6) months preceding the date of this application?
- (f) What was the applicant's previous home address, and how long was applicant a resident there?
- (g) What is the Social Security number of said applicant?
- (h) What are the names and addresses of all persons having an interest in said business?
- (i) What interests do such persons have?
- (j) Who is the landlord or owner of said location, and what is the address and telephone number of said landlord or owner?
- (k) Has the applicant or any person connected with or having an interest in said business:
 - (1) Been charged or convicted of any violation of law (other than minor traffic violations) in any locality?
 - (2) Served time in prison, or other correctional institution?
- (l) If the answer to section (1) of the above question is 'yes', state circumstances in detail. Information must be complete as to dates, charges, court of jurisdiction, and disposition for each person. If the answer to section (2) of the above question is 'yes', state circumstances in detail. Information must be complete as to charge on which convicted, name of prison or correctional institution, length of time served, date of release from prison or correctional institution, or whether on probate or parole, and the terms thereof.

- (m) Give the name, home address and telephone number and place of employment of two (2) persons who are residents of this county, who are familiar with your character and reputation.

All of the foregoing information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly, and absolutely, and the same is and are hereby sworn to be true under penalty for false swearing, as provided by law.

Applicant's Signature

Sworn to and subscribed before me, this _____ day of 19 ____.

Notary Public _____

Sec. 6-6-4. Regulatory fee.

Any person, firm or corporation who does business in Augusta-Richmond County as a broker shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-6-5. Right of suspension by license and inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

Sec. 6-6-6. Conduct of business.

The following rules and regulations are hereby established, and shall govern the conduct and operation of every such place of business, and every person owning and operating such place of business:

- (a) *Records of transactions.* Every person shall maintain a book, in permanent form, in which shall be entered in legible English at the time of each purchase or sale the following information:
 - (1) The date of transaction;
 - (2) The name of the person conducting the transaction;
 - (3) The name, age and address of the customer, a description of the general appearance of the customer, and

the distinctive number from the customer's driver's license or other similar identification card;

- (4) An identification and description of the purchased goods, or sold goods, including, if reasonably available, the serial, model or other number, and all identifying marks inscribed thereon;
- (5) The price paid;
- (6) The number of the check issued for the purchase price;
- (7) The signature of the customer.

Entries shall appear in chronological order in ink. No blank lines may be left between entries. No obliterations, alterations or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility:

The book shall be open to the inspection of any officer of Augusta-Richmond County sheriff's department or representative of Augusta-Richmond County license and inspection department during the ordinary hours of business or at any reasonable time.

The record of each purchase or sale transaction, as herein provided, shall be maintained for a period of not less than two (2) years.

- (b) *Inspection of merchandise purchased.* All merchandise purchased shall be maintained for inspection by any officer of the Richmond County sheriff's department or representative of the license and inspection department for a period of not less than three (3) days after the date of purchase.
- (c) *Dealing with minors.* No merchandise shall be purchased from any individual under eighteen (18) years of age.

Sec. 6-6-7. Pawnbrokers; bond required.

In addition to the business tax certificate required by section 6-7-2 herein, it shall be unlaw-

ful for any person to engage in the business of pawnbroking within Augusta-Richmond County without giving bond, with two (2) good and approved securities, in the sum of five thousand dollars (\$5,000.00), conditioned to make good all damages sustained by the carelessness, neglect or unfair dealing of such licensee.

Sec. 6-6-8. Pawnbrokers; amount of loan.

Upon all articles pawned the pawnbroker may advance such sum and for such time as may be agreed on with the pawner.

Sec. 6-6-9. Pawnbrokers; records.

In addition to the foregoing, pawnbrokers shall record, at the time each loan is made, the time of the pawning, the amount loaned and the term of the loan.

There shall be furnished to the sheriff's department daily a true and correct copy of the list provided for in this section omitting therefrom only the name of the pawner, vendor or person from whom such goods are obtained, and his residence.

Goods taken in pawn, bought or brought into any such place of business shall be kept so arranged in stock as to enable the same to be easily inspected by the sheriff's department.

Any sheriff's department officer who exhibits a written order from the sheriff's department shall be authorized to inspect such list and all goods on the premises. The proprietors of such places and their clerks shall give all assistance in their power to enable the sheriff's department.

Sec. 6-6-10. Sale of unredeemed articles; pawner's right of redemption.

Upon the failure of the pawner to redeem the articles pledged at the time agreed on, the pawnbroker may, after the expiration of three (3) months, sell such articles; provided, that six (6) daily notices of sale are given through two (2) newspapers; provided, further, that the pawner shall have the privilege of redeeming such articles up to the time of the sale.

Sec. 6-6-11. Dealing with minors.

It shall be unlawful for any licensed pawnbroker to receive in pawn any goods, articles or things whatsoever from any minor, knowing or having reason to believe him to be such.

Sec. 6-6-12. Pawn tickets.

It shall be unlawful for any pawnbroker to fail to deliver to the pawner, at the time of the pawning, a certificate or ticket, numbered to correspond with the number and description in the record he is required by this chapter to keep.

Sec. 6-6-13. Sign.

It shall be unlawful for any pawnbroker to fail to affix the usual pawnbroker's sign, a three-ball pendant, to his place of business, within five days after receiving his pawnbroker's business tax certificate.

Sec. 6-6-14. Money lenders, except banks and like institutions, as pawnbrokers.

Any person, except banks and other institutions of like character regulated and licensed solely by the state, lending money on or purchasing personal property from individuals, shall be classed as pawnbrokers and shall pay the fee required of pawnbrokers, and shall make daily reports to the sheriff's department of such loans or purchases, and shall in all other respects be subject to and governed by the provisions of this chapter regulating the business of a pawnbroker.

Sec. 6-6-15. Penalty for violation of chapter.

All persons, firms or corporations failing to comply with the mandatory provisions of this chapter or doing any act prohibited in this chapter shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Secs. 6-6-16—6-6-25. Reserved.

ARTICLE 2 FLEA MARKETS

Sec. 6-6-26. Definitions.

(a) *Person.* Includes any individual, firm, partnership, corporation, association or any group or combination, and the plural as well as singular number, unless the intent to give a more limited meaning is disclosed by the content.

(b) *Applicant.* Any person who has requested or is requiring a flea market business tax certificate. An applicant for the business tax certificate shall include all partners of the partnership and all principals of a corporation or association.

(c) *Flea market.* Property where the owner rents, lends or leases the premises to persons for use as a marketplace to barter, exchange or sell secondhand goods or the owner uses the premises to barter, exchange or sell secondhand goods. Yard sales and garage sales at residences are not flea markets, and craft shows shall not constitute flea markets.

Sec. 6-6-27. Business tax certificate required.

(a) Any person, firm or corporation who does business in Augusta-Richmond County as a flea market shall, before engaging in such business, obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

(b) The individual renters at the flea market shall not be required to obtain a business tax certificate. Further, the individual displayers at craft shows shall not be required to obtain a business tax certificate. Nothing herein contained, however, shall be construed to exempt permanent renters in a flea market from the requirement to obtain a business tax certificate.

Sec. 6-6-28. Application.

(a) A person within Augusta-Richmond County shall, before engaging in the operation of a flea market on a permanent basis, file with the license and inspection department of Augusta-Richmond County an application for a business license to conduct and carry on said business. The application for said business shall be signed and dated by the applicant and contain answers to the following questions:

- (1) What is the kind of business to be operated?
- (2) What is the name of the business?
- (3) What is the location where such business is proposed to be carried on and the telephone number of said location?
- (4) What is the name of the applicant for the business tax certificate, and the home address and telephone number of said applicant?
- (5) Where has applicant resided for the six (6) months preceding the date of this application?
- (6) What was the applicant's previous home address, and how long was applicant a resident there?
- (7) What is the Social Security number of said applicant?
- (8) Applicant intends to do business as:
 - a. Individual
 - b. Partnership
 - c. Corporation.
- (9) Personnel of applicant. If the applicant is an individual, name the individual applying, give his/her age and residence address; if a partnership, name all members of the partnership, give their ages and residence addresses; and if a corporation, name the president, vice-president, secretary and treasurer, give their ages and residence addresses.
- (10) Who is the landlord or owner of said location, and what is the address and telephone number of said landlord or owner?
- (11) Has the applicant or any person connected with or having an interest in said business:
 - a. Been charged or convicted of any violation of law (other than minor traffic violations) in any locality?
 - b. Served time in prison, or other correctional institution?
- (12) If the answer to section a. of the above question is 'yes,' state circumstances in detail. Information must be complete as to date, charges, court of jurisdiction, and disposition for each person. If the answer to section b. of the above question is 'yes,' state circumstances in detail. Information must be complete as to charge on which convicted, name of prison or correctional institution, length of time served, date of release from prison or correctional institution, whether sentence has been completed or whether on probation or parole, and the terms thereof.
- (13) Give the name, home address and telephone number and place of employment of two (2) persons who are residences of this county, who are familiar with your character and reputation.

The following oath shall be required on the application:

"All of the foregoing information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly, and absolutely, and the same is hereby sworn to be [true] under penalty for false swearing, as provided by law."

Applicant's Signature

Sworn to and subscribed before me this _____ day of 19____.

Notary Public _____

(b) All persons, firms or corporations desiring to obtain a business tax certificate to operate a flea market shall give notice of their intention of making such application by advertisement in the form prescribed by Augusta-Richmond County license inspector.

Advertising, as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application at a prominent position on the property, such as, for example, on the front window of the building where it can be read from the road. All new business tax certificate applicants shall be required to advertise three (3) times in the legal gazette of Augusta-Richmond County, to wit, the Augusta Chronicle, before applications are heard by the Commission. The advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission.

(c) Before the application is presented to the Augusta-Richmond County Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

(d) The business tax certificate for a flea market shall be issued only upon the approval of the Commission.

Sec. 6-6-29. Issuance; conditions.

(a) The Augusta-Richmond County Commission shall have the right and privilege of granting or declining, within sixty (60) days of the date of application, a business tax certificate to conduct a permanent flea market business. Said business tax certificate shall not be transferable and shall

expire at the end of each calendar year and may be renewable only in the manner and form provided in this article.

(b) In determining whether or not the business tax certificate applied for hereunder shall be granted, in addition to all of the provisions of this article, the following shall be considered by the Augusta-Richmond County Commission in the public interest and welfare:

- (1) The applicant's reputation, character and physical capacity to conduct the business;
- (2) If the applicant is a previous holder of any business tax certificate issued by Augusta-Richmond County, including a flea market license, whether or not he or she has violated any law, regulation or ordinance relating to such business;
- (3) If the applicant is a previous holder of any business tax certificate from Augusta-Richmond County, including a flea market license, the manner in which he or she conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business;
- (4) The location for which the business tax certificate is sought as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values;
- (5) The number of business tax certificates for flea markets and similar businesses already granted in the trading area of the place for which the business tax certificate is sought;

- (6) If the applicant and business are not delinquent in the payment of any county taxes;
- (7) Whether the applicant is a citizen of the United States and a bona fide resident of the State of Georgia and Richmond County;
- (8) Whether the location is properly zoned for a flea market.

Sec. 6-6-30. Regulatory fee.

Any person, firm or corporation who does business in Augusta-Richmond County, as a flea market shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3 (c) of the Augusta-Richmond County Code.

Sec. 6-6-31. Daily permit—Required.

A person within Augusta-Richmond County shall, before engaging in the operation of a booth or exhibit at a flea market, obtain a permit, on a daily basis, from the operator of the flea market location which is renting the flea market booths or exhibits. The flea market operator shall be furnished permit application forms and permits

from the Augusta-Richmond County license and inspection department, and shall require the applicant to fill in the permit application form for the permit. The operator of the flea market shall furnish the applicant with a permit upon the applicant's completion of the permit application form and the payment to the operator of a fee of two dollars (\$2.00) per booth or exhibit, per day. The operator of the flea market shall remit to the Augusta-Richmond County license and inspection department, on a weekly basis, all fees collected under this section, together with a list of all daily permits issued, which list shall include the name of the applicants, the date of the permits issued and the amount collected. Any person who operates a flea market booth or exhibit on a permanent basis shall be treated as an operator of a flea market and shall be required to obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

Sec. 6-6-32. Same—Application.

The application for a daily permit or business tax certificate shall be signed and dated by the applicant and contain answers to the following questions:

-
- (a) What is the name of the applicant for the business tax certificate, and the home address and telephone number of said applicant?
 - (b) Where has applicant resided for the six (6) months preceding the date of this application?
 - (c) What was the applicant's previous home address, and how long was applicant a resident there?
 - (d) What is the Social Security number of said applicant?

The following oath shall be required on the application:

"All of the following information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly and absolutely, and the same is hereby sworn to be true under penalty for false swearing, as provided by law."

Applicant's Signature

Sworn to and subscribed before me this _____ day of _____, 19____.

Notary Public _____

Sec. 6-6-33. Record of goods purchased required.

(a) Every person owning, operating, leasing or renting a flea market business, whether permanently or daily, shall maintain a record of all goods purchased with the information required as shown on a form provided by the License & Inspection Department, or, in lieu thereof, furnish the original or copy of the invoice listing the goods purchased.

(b) The owner or operator of a flea market that leases spaces on a daily basis shall furnish the forms provided for herein to the lessee and shall collect the forms or invoices and maintain the same and furnish the forms or invoices to the Richmond County Sheriff's Department on a weekly basis.

(c) Each person operating, owning or leasing a permanent flea market shall maintain the forms provided for herein or provide the invoices provided for herein, and shall furnish the same to the Richmond County Sheriff's Department on a weekly basis.

Sec. 6-6-34. Purchase from minors prohibited.

Every person owning or operating a flea market business, whether permanently or daily, shall not purchase any merchandise from any individual under eighteen (18) years of age.

Sec. 6-6-35. Location of display of goods.

Each person shall be required to place goods being sold, bartered or exchanged inside a building except when said goods are being displayed for sale, barter or exchange, unless the size of the goods prohibit the same being placed in a building, such as vehicles.

Sec. 6-6-36. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Sec. 6-6-37. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

ARTICLE 3 REGULATED BUSINESSES

Sec. 6-6-38. Amusement parks.

(a) *Business tax certificate required.* Any person, firm or corporation (excepting firms or corporations which are nonprofit, charitable firms or corporations) who owns, operates or does business in Augusta-Richmond County as an amusement park, amusement device, amusement carnival or exposition with portable amusement rides shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(b) *Regulatory fee.* Any person, firm or corporation (excepting firms or corporations which are nonprofit, charitable firms or corporations) who owns, operates or does business in Augusta-Richmond County as an amusement park, amusement device, amusement carnival or exposition with portable amusement rides shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

Sec. 6-6-39. Street vendors.

(a) *Defined.* Street vendor means any person, firm or corporation which provides merchandise for sale, including but not limited to food and drink, in a public area within Augusta-Richmond County (such as on streets and/or sidewalks); provided, however that any person engaged in a business or occupation who uses the public area immediately next to the location of the business for street vending shall not be considered a street vendor for purposes of this Article.

(b) *Business tax certificate required.* Any person, firm or corporation who operates or does business in Augusta-Richmond County as a street vendor shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code; provided, further, that no person, firm or corporation who wishing to operate or do business as a street vendor in the Riverwalk area (defined as the area from the south side of Reynolds Street to the Savannah River between Fifth and Thirteenth Streets) will be granted a business tax certificate without the prior approval of the Riverwalk Special Events Department.

(c) *Regulatory fee.* Any person, firm or corporation who operates or does business in Augusta-Richmond County as a street vendor shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

(d) *Right of suspension by License & Inspection Department.* The License & Inspection Department shall have the right to suspend any business tax certificate issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or the county, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission; then the business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(e) *Penalty for violation of Article.* All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Editor's note—See also 6-5-2 for additional regulations applicable to street vendors.

Sec. 6-6-40. Temporary and transient vendors.

(a) *Defined.* Temporary and transient vendor means any person, firm or corporation which maintains no office or permanent location within Augusta-Richmond County, and who conducts temporary sales and/or business within the non-public areas of Augusta-Richmond County.

(b) *Business tax certificate required.* Any person, firm or corporation who operates or does business in Augusta-Richmond County as a temporary and transient vendor shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(c) *Application; bond.* No temporary and transient vendor shall be granted a business tax certificate without having first made application for same, which application shall recite the name of the vendor; the name of the agent conducting the sale, if any; the place where the sale is to be conducted; the hours of sale; and the number of days during which the sale is to be conducted. There shall be appended to the application a complete and accurate list of the articles to be sold, which list shall be signed by the person seeking the business tax certificate and the list shall also reflect the wholesale price of the articles to be sold. The inventory shall be verified upon oath by the applicant. The application and inventory shall be accompanied by a good and sufficient bond in the penal amount of five thousand dollars (\$5,000.00) payable to Augusta-Richmond County, and conditioned to pay the county or anyone else suing in its name, for their use, for injuries or damages arising from dishonest or fraudulent conduct in the administration of the business.

(d) *Regulatory fee.* Any person, firm or corporation who operates or does business in Augusta-Richmond County as a temporary and transient vendor shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

(e) *Right of suspension by License & Inspection Department.* The License & Inspection Department shall have the right to suspend any business tax certificate issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or the county, in

pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission; then the business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(f) *Penalty for violation of article.* All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished by as provided in section 1-6-1 of this Code.

Sec. 6-6-41. Vending machine operators.

(a) *Defined.* Vending machine operator means any person, firm or corporation offering the sale of merchandise, including without limitation food and drink, by vending machine, which vending machine is either owned or operated by said person, firm or corporation.

(b) *Business tax certificate required; decals.* Any person, firm or corporation who operates or does business in Augusta-Richmond County as a vending machine operator shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code. Said person, firm or corporation shall also obtain a decal from the license & inspection department for each vending machine owned or operated, which decals must be affixed to said machines.

(c) *Regulatory fee.* Any person, firm or corporation who operates or does business in Augusta-Richmond County as a vending machine operator shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

(d) *Right of suspension by License & Inspection Department.* The License & Inspection Department shall have the right to suspend any business tax certificate issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or the county, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission; then the business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(e) *Penalty for violation of article.* All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provide in section 1-6-1 of this Code.

Sec. 6-6-42. Live adult entertainment.

(a) *Defined.* Live adult entertainment means any dancing or other entertainment provided by one or more live male or females performing either nude or partially nude; wet tee-shirt or bathing suit contests; Chippendale's or similar shows; or similar contests or events featuring participation by either the audience or other non-professional performers in nude or partially nude states. Live adult entertainment as used in this section does not include dancers or other performers performing live on a regular basis at adult entertainment establishments which are otherwise required to have a Business Tax Certificates.

(b) *Business tax certificate required.* Any person, firm or corporation who operates or does business in Augusta-Richmond County featuring live adult entertainment shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(c) *Application.* No person, firm or corporation offering live adult entertainment shall be granted a business tax certificate without having first made application for same, which application shall recite the name of the person, firm or corporation; the name of the agent providing the live adult entertainment, if any; the place where the live adult entertainment is to be conducted; the hours of said entertainment; and the number of days during which the entertainment is to be provided.

(d) *Regulatory fee.* Any person, firm or corporation who operates or does business in Augusta-Richmond County providing live adult entertainment shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

(e) *Right of suspension by License & Inspection Department.* The License & Inspection Department shall have the right to suspend any business tax certificate issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or the county, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission; then the business tax certificate shall be suspended, placed on proba-

tion, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(f) *Penalty for violation of article.* All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Sec. 6-6-43. Dance halls.

(a) *Defined.* Dance hall means a location where music, whether live or recorded, is played or otherwise provided for the purpose of dancing by the patrons of the location, or where such dancing is allowed or permitted.

(b) *Business tax certificate required.* Any person, firm or corporation who does business in Augusta-Richmond County as a dance hall shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(c) *Regulatory fee.* Any person, firm or corporation who does business in Augusta-Richmond County as a dance hall shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c) of the Augusta-Richmond County Code.

(d) *Right of suspension by License & Inspection Department.* The License & Inspection Department shall have the right to suspend any business

tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission; then the business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force.

(e) *Penalty for violation of article.* All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.

Sec. 6-6-44. Fortune tellers, etc.

(a) *Business tax certificate required.* Any person, firm or corporation who does business in Augusta-Richmond County as a fortune-teller, palmist, astrologer, clairvoyant, phrenologist, medium or any other form of fortune-telling shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(b) *Application required.* The application for said business shall be signed and dated by the applicant and contain answers to the following questions:

- (1) What is the kind of business to be operated?
- (2) What is the name of the business?

- (3) What is the location where such business is proposed to be carried on and the telephone number of said location?
- (4) What is the name of the applicant for the license, and the home address and telephone number of said applicant?
- (5) Where has applicant resided for the six (6) months preceding the date of this application?
- (6) What was the applicant's previous home address, and how long was applicant a resident there?
- (7) What is the Social Security number of said applicant?
- (8) What are the names and addresses of all persons having an interest in said business?
- (9) What interests do such persons have?
- (10) Who is the landlord or owner of said location, and what is the address and telephone number of said landlord or owner?
- (11) Has the applicant or any person connected with or having an interest in said business:
 - a. Been charged or convicted of any violation of law (other than minor traffic violations) in any locality?
 - b. Served time in prison, or other correctional institution?
- (12) If the answer to section a. of the above question is 'yes', state circumstances in detail. Information must be complete as to dates, charges, court of jurisdiction, and disposition for each person. If the answer to section b. of the above question is 'yes', state circumstances in detail. Information must be complete as to charge on which convicted, name of prison or correctional institution, length of time served, date of release from prison or correctional institution, or whether on probate or parole, and the terms thereof.
- (13) Give the name, home address and telephone number and place of employment of two (2) persons who are residents of this county, who are familiar with your character and reputation.

All of the foregoing information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly, and absolutely, and the same is and are hereby sworn to be true under penalty for false swearing, as provided by law.

/s/ _____
 Applicant's Signature

Sworn to and subscribed before me this _____ day of _____, 19____.

/s/ _____
 Notary Public _____

(c) *Regulatory fee.* Any person, firm or corporation who does business in Augusta-Richmond County as a fortune-teller, palmist, astrologist, clairvoyant, phrenologist, medium or any other form of fortune-telling shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

(d) *Business location.* All persons, firms or corporations desiring to obtain a fortunetelling, palmist, astrologist, clairvoyants, phrenologist,

mediums or any other form of fortune-telling business tax certificate shall give notice of their intention of making such application by advertisement in the form prescribed by the Augusta-Richmond County license inspector.

Advertising as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application at a prominent position on the property, such as, for example, on the front window of the building

where it can be read from the road. All new business tax certificate applicants shall be required to advertise three (3) times in the legal gazette of Augusta-Richmond County, to wit, the Augusta Chronicle, before applications are heard by the Commission. The advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission.

Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

Said business of fortune-tellers, palmists, astrologers, clairvoyants, phrenologists, mediums or any other form of fortune-telling shall be located only in business zones as provided in the zoning ordinance for Augusta-Richmond County.

(e) *Conduct of business.* All noisy, boisterous or disorderly conduct at any place of business, conducted by any person, and used by them for the following businesses: fortune-tellers, palmists, astrologists, clairvoyants, phrenologists, mediums, or any other form of fortunetelling, is expressly forbidden; and every such person, persons or firms conducting any place of business for which a business tax certificate has been granted shall be subject to having said receipt revoked in the manner provided for in this section for permitting any such boisterous, noisy or disorderly conduct in such place of business.

(f) *Right of suspension by License & Inspection Department; revocation.* The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department

that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

(g) *Penalty for violation of article.* All persons, firms or corporations failing to comply with the mandatory provisions of this chapter or doing any act prohibited in this chapter shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished by as provided in section 1-6-1 of this Code.

Sec. 6-6-45. License to operate arcades.

(a) *Definitions.*

- (1) *Bona fide coin-operated amusement machine* means the same as this term is defined in O.C.G.A. § 48-17-1(2) and any applicable state regulations;

- (2) *Location.* A business in Augusta-Richmond County which has been issued a valid business tax certificate;
- (3) *Arcade.* "Arcade" means any location where three or more bona fide coin-operated amusement machines are operated which permit non-cash redemption as provided in O.C.G.A. § 16-12-35, or a location where ten or more bona fide coin-operated amusement machines are located, whether or not non-cash redemption for any machine is allowed.
- (4) *License.* A license issued by the city of Augusta, Richmond County or Augusta-Richmond County to operate an arcade.

(b) *Distance requirements—Plat required.* Every application for a license to operate an arcade in Augusta shall be verified by a plat prepared by a licensed Georgia surveyor or civil engineer, showing the distance for the proposed business, as hereafter provided.

- (1) No license for the operation of an arcade shall be issued for any location:
 - i. Within one thousand two hundred fifty (1,250) feet of the property line of a private residential dwelling;
 - ii. Within one thousand (1,000) feet of the property line of any public library or branch of any public library;
 - iii. Within one thousand (1,000) feet from the property line of any church, shrine, chapel of a mortuary or other place used exclusively for religious purposes;
 - iv. Within one thousand two hundred fifty (1,250) feet of the property line of any school or college campus. The schools and colleges referred to herein shall include only such public, private, or church-supported schools which teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein a specialized subject such

as law, stenography, business, music, art, vocational occupations, and other special subjects are taught;

- v. within one thousand (1,000) feet of a regular stop where a school bus for the transportation of school children in the public schools of Richmond County shall board or discharge passengers;
- vi. Within one thousand two hundred fifty (1,250) feet of any other use regulated under the Comprehensive Zoning Ordinance of Richmond County or the Augusta-Richmond County Code; or
- vii. Where the proposed location is one and one-half (1½) miles or less from an existing location for which the Augusta-Richmond County Commission has issued an arcade license.

- (2) The distance requirements set out about shall apply in any and all directions from the property lines of the proposed location, as measured in a straight line. The plat shall accompany and be made a part of the application for such license.
- (3) In determining whether or not a license applied for hereunder shall be granted, renewed, transferred or issued to a new location, in addition to all the provisions of this section, the following shall be considered in the public interest and welfare:
 - (i) Reputation, character. The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.
 - (ii) Previous violations of Augusta-Richmond County Code. If the applicant is a previous holder of an arcade license, whether or not he has violated any law, regulation or ordinance relating to such business.
 - (iii) Manner of conducting prior arcade business. If the applicant is a previous holder of an arcade license, the manner in which he conducted the

- business thereunder, especially as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
- (iv) Location. The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.
 - (v) Number of licenses in trading area. The number of licenses already granted for similar business in the trading area of the place for which the license is sought.
 - (vi) Previous revocation of license. If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an arcade license suspended or revoked.
 - (vii) Payment of taxes and other charges. If the applicant and business are not delinquent in the payment of any local taxes or other fees or charges.
 - (viii) Congregation of minors. Any circumstances which may cause minors to congregate in the vicinity of the proposed location even if the location meets the distance requirement under section 6-6-45(b) herein.
 - (ix) Prior incidents. Evidence that a substantial number of incidents requiring police intervention have occurred within the immediate area during the twelve (12) months immediately preceding the date of application.
 - (x) Previous denial or revocation. The denial of an application, or the revocation of a license, occurring within the preceding twelve (12) months, which was based on the qualifications of the proposed location.
 - (xi) Renewal. 1. All licenses granted hereunder are privilege licenses and shall expire on December 31 of each year. Licensees who desire to renew their licenses shall file an application therefor, together with the requisite fee with the License and Inspection Department for such renewal upon forms approved by the Director of License and Inspection, on or before December 1 of each year.
 - (2) All licenses to be renewed for the subsequent calendar year shall be submitted by the License and Inspection Department to the Commission for approval no later than December 15 of each year. Any licenses that have been placed on probation, suspension or have been revoked by the Commission during the year shall be submitted on a separate list by the License and Inspection Department for review and consideration for approval.
 - (3) No license shall be grandfathered as to any provision of this section.
- (c) *Individuals not eligible for license.* The following individuals are not eligible for an arcade license.
- (1) A person or persons or any of the officers and directors who have been convicted of a felony in any jurisdiction. A conviction, for purposes of this paragraph, includes a guilty plea or plea of nolo contendere.
 - (2) A person or persons or any of the officers and directors who have been convicted of a non-felonious crime of moral turpitude, lottery, or illegal possession and sale of narcotics or liquors within the five (5) years preceding the filing of the application. A conviction, for purposes of this paragraph, includes a guilty plea or a plea of nolo contendere.
 - (3) A person whose license to operate an arcade has been revoked for cause in any state or territory of the United States within the ten (10) years preceding the filing of the application.

- (4) A person who has knowingly falsified information or made any material misrepresentation on the application for a license under this Ordinance or any application under the predecessor Ordinance for Richmond County or the City of Augusta submitted within the ten (10) years preceding the filing of the application.
- (5) Should any such applicant, partner or officer or director of any applicant entity, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, or to the violation of any laws of the State of Georgia regulating gambling or the lottery laws, said license shall be subject after hearing to immediate suspension or revocation.

(d) *Proper zoning required.* No license shall be issued for the operation of an arcade unless the license holder's place of business is located in an area within Augusta-Richmond County that is properly zoned.

(e) *Business Tax Certificate required.* Any person, firm or corporation who owns, operates or does business in the unincorporated area of the county as an arcade is required to obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(f) *Regulatory fee.* Any person, firm or corporation who owns bona fide coin-operated amusement machines and places the machines in an arcade operating in the unincorporated area of Augusta-Richmond County is required to pay such regulatory fee as provided in section 2-1-3(c) of the Augusta-Richmond County Code.

(g) *Application for license.* All applicants for a license to operate an arcade shall give notice of their intention to make such application by advertisement in the form prescribed by the county license inspector. Advertising as referred to in this section means there shall be a sign posted thirty (30) days prior to the hearing of the application in a prominent position on the property (front window where it can be read from the road); also, all new business tax certificate applicants shall be required to advertise three (3) times in

the legal gazette (Augusta Chronicle) before applications are heard by the county commission. Advertising in the newspaper shall be during the thirty-day period prior to the hearing of the application by the Augusta-Richmond County Commission. Before the application is presented to the Commission Council, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

(h) *Right of suspension by License & Inspection Department.* The License & Inspection Department shall have the right to suspend any license issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such license; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such license. The License & Inspection Department shall report the suspension of such license to the next regular or called meeting of the Augusta-Richmond County Commission; then the license shall be suspended, placed on probation or permanently revoked, or otherwise it shall be restored and remain in full force.

(i) *Cost of arcade license.* The cost of the arcade license is one hundred dollars (\$100.00) and must be submitted at the time that the application and other documentation is submitted to the local government officials.

(j) *Penalty for violation of article.* All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be as provided in section 1-6-1 of this Code.

(Ord. No. 6279, § 1, 6-20-00; Ord. No. 6365, § 1, 4-17-01)

Sec. 6-6-46. Amusement game permit.

(a) *Definitions.*

- (1) *Bona fide coin-operated amusement machine* means the same as this term is defined in O.C.G.A. § 48-17-1(2);
- (2) *Location.* A business in Augusta-Richmond County which has been issued a valid business tax certificate;
- (3) *Machine owner.* Any person, firm or corporation which owns a bona fide coin-operated amusement machine; and
- (4) *Permit.* An Amusement Game Permit issued pursuant to this article.

(b) *Amusement game permit required.* Any machine owner who desires to place one or more bona fide coin-operated amusement machines in a location shall complete and mail a Registration for Amusement Game Permit accompanied by a twenty-five dollars (\$25.00) fee to the Augusta-Richmond County License & Inspection Department which shall issue a permit to the machine owner for that location.

(c) *Purpose of securing a permit.* The purpose of securing a permit is to provide a record of machine owners who own bona fide coin-operated amusement machines and have placed those machines in a business in Augusta-Richmond County.

(d) *Failure to apply for permit.* The failure of a machine owner to apply for a permit under this article shall result in a fine of fifty dollars (\$50.00).

(e) *Affect on machine owner's other statutory duties.* This article applies independently from and has no affect on other statutory obligations of an amusement machine owner within this Code.

Sec. 6-6-47. Going-out-of-business sales.

(a) *Definitions.* For the purposes of this article the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular

number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

- (1) *County.* The County of Richmond.
- (2) *County license officer.* The Director of Licenses and Inspections of the County of Richmond.
- (3) *Fire and other altered goods sale.* A sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.
- (4) *Going-out-of-business sale.* A sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand [the business] will then move to and resume business from other existing locations in the county.

(b) *Business tax certificate required.* Any person, firm or corporation who plans to sell or offer for sale any goods at a sale to be advertised or held out by any means to be a going-out-of-business sale, a removal of business sale or a fire and other altered goods sale shall, before engaging in such sale, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(c) *Application of regulations.*

- (1) Provisions supplement general licensing ordinance. The provisions of this article are intended to augment and be in addition to the provisions of the general licensing ordinance of this county. Where this article imposes a greater restriction upon persons, premises, businesses, or practices than is imposed by the general licensing ordinance of this county, this article shall control.
- (2) Established business requisite. Any person who has not been the owner of a business advertised or described in the application for a business tax certificate hereunder for a period of at least twelve

(12) months prior to the date of the proposed sale shall not be granted a business tax certificate.

a. *Exception for survivors of businessmen.* Upon the death of a person doing business in this county, his or her heirs, devisees or legatees shall have the right to apply at any time for a business tax certificate hereunder.

(3) Interval between sales. Any person, who has held a sale, as regulated under this article, at the location stated in the application within one (1) year last past from the date of such application shall not be granted a business tax certificate.

(4) Restricted location. Where a person applying for a business tax certificate hereunder operates more than one (1) place of business the business tax certificate issued shall apply only to the one (1) store or branch specified in the application; and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the business tax certified sale; nor shall the store or branch conducting the business tax certified sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the business tax certified sale.

(5) Persons exempted. The provisions of this article shall not apply to or affect the following persons:

- a. Persons acting pursuant to an order or process of a court of competent jurisdiction;
- b. Persons acting in accordance with their powers and duties as public officials;
- c. Duly business tax certified auctioneers, selling at auction;
- d. Persons conducting a sale of the type regulated in this article on the effective date of this article unless such sale is continued for a period of more than sixty (60) days from and after

such effective date, in which event, such person, at the lapse of the sixty-day period, shall comply with the provisions of this article;

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

(d) *Application requirements.*

(1) Written information required. A person desiring to conduct a sale regulated by this article shall make a written application to the license office setting forth and containing the following information:

- a. The true name and address of the owner of the goods to be the object of the sale;
- b. The true name and address of the person from whom he purchased the goods to be sold and the price therefor, and if not purchased, the manner of such acquisition;
- c. A description of the place where such sale is to be held;
- d. The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy;
- e. The dates of the period of time in which the sale is to be conducted;
- f. A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;
- g. The means to be employed in advertising such sale together with the proposed content of any advertisement;
- h. A complete and detailed inventory of the goods to be sold at such sale as

disclosed by the applicant's records. Said inventory shall be attached to and become part of the required application.

1. Bona fide orders. All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.
2. Goods purchased for sale under this article. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated under this article. Any unusual purchase or additions to the stock of goods of the business hereby affected within thirty (30) days before the filing of an application hereunder shall be deemed to be of such character.

(2) Reserved.

(e) *Effect of business tax certificate.* A business tax certificate shall be issued hereunder on the following terms:

- (1) Effective period. The business tax certificate shall authorize the sale described in the application for a period of not more than ninety (90) consecutive days following the issuance thereof.
 - a. Renewal procedure. The license officer shall renew a business tax certificate for one (1) period of time only, such period to be in addition to the ninety (90) days permitted in the original business tax certificate and not to exceed sixty (60) consecutive days, when he finds:
 1. That facts exist justifying the business tax certificate renewal;
 2. That the business tax certificate holder has filed an application for renewal;

3. That the business tax certificate holder has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory.

For the purposes of this subsection, any application for a business tax certificate under the provisions of an article covering any goods previously inventoried as required hereunder, shall be deemed to be an application for renewal, whether presented by the original applicant, or by any other person.

- (2) Nature of sale. The business tax certificate shall authorize only the one (1) type of sale described in the application at the location named therein.
- (3) Saleable goods. The business tax certificate shall authorize only the sale of goods described in the inventory attached to the application.
- (4) Surrender of general business tax certificate. Upon being issued a business tax certificate hereunder for a going-out-of-business sale, the business tax certificate holder shall surrender to the license officer all other business tax certificates he may hold at that time applicable to the location and goods covered by the application for a business tax certificate under this article.
- (5) Nontransferability. Any business tax certificate provided for in this article shall not be assignable or transferable.

(f) *Duties of business tax certificate holder.* A business tax certificate holder under this article shall:

- (1) Adhere to inventory. Make no additions whatsoever, during the period of the business tax certified sale, to the stock of

goods set forth in the inventory attached to the application for business tax certificate.

- (2) Advertise properly. Refrain from employing any untrue, deceptive or misleading advertising.
- (3) Adhere to advertising. Conduct the business tax certified sale in strict conformity with any advertising or holding out incident thereto.
- (4) Keep duplicate inventory. Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.
- (5) Segregate noninventoried goods. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods.

(g) *Regulatory fee.* Any person, firm or corporation who, in the unincorporated area of the county, plans to sell or offer for sale any goods at a sale to be advertised or held out by any means to be a going-out-of business sale, a removal of business sale or a fire or other altered stock sale shall, before engaging in such sale, pay such regulatory fee as is provided in section 2-1-3(c) of the Augusta-Richmond County Code.

(h) *Right of suspension by License & Inspection Department.* The License & Inspection Department shall have the right to suspend any business tax certificate issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or the county, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that

there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Augusta-Richmond County Commission; then the business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force.

(i) *Penalty for violation of article.* All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a period not in excess of sixty (60) days. (Ord. No. 5936, 7-15-97)

Chapter 7

VEHICLES FOR HIRE**ARTICLE 1 WRECKERS****Sec. 6-7-1. Administration.**

The manner and means of wrecker service at accident scenes in Augusta-Richmond County shall be administered and governed by the sheriff.

Sec. 6-7-2. Solicitation of business restricted.

No wrecker service, its agents, servants, employees or individuals, shall stand on or in the proximity to a street or highway for the purpose of soliciting employment of business for the towing of a vehicle or vehicles at an accident or wreck scene without having been called to the scene of the wreck or accident by the sheriff's department.

Sec. 6-7-3. Business tax certificate required.

Any person, firm or corporation who owns, operates or does business in Augusta-Richmond County as a wrecker service at accident scenes, shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

Sec. 6-7-4. Regulatory fee.

Any person, firm or corporation who does business in Augusta-Richmond County as a wrecker service at accident scenes, shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-7-5. Right of suspension by license & inspection department.

The License & Inspection Department shall have the right to suspend any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health de-

partment; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Augusta-Richmond County Commission; then the business tax certificate shall be suspended, placed on probation or permanently revoked, or otherwise it shall be restored and remain in full force.

Sec. 6-7-6. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

ARTICLE 2 TAXICABS**Sec. 6-7-7. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Business tax certificate holder.* A person to whom a business tax certificate has been issued in the form prescribed by the county to engage in the taxicab business in Augusta-Richmond County.
- (b) *Driver.* A person who has been granted a business tax certificate to drive a taxicab upon the streets of Augusta-Richmond County. A driver may be an employee of a licensee or an independent contractor who leases his taxicab from a licensee. The driver and licensee may determine by contract the terms of their relationship. Nothing in this article should be interpreted to the contrary. Where a driver

leases his taxicab from a licensee, all references in this article to licensee or licensees will apply to such a driver.

- (c) *Rate card.* A card issued by Augusta-Richmond County for mandatory display in each taxicab which shows the rates of fares then in existence, and which shall be charged by the driver, and paid by the passenger.
 - (d) *Solicitation.* The act of attempting to secure passengers for a particular taxicab by word or deed designed to call a potential customer's attention to one particular taxicab as opposed to all other taxicabs also present. It shall include but not be limited to shouts, gestures, catcalls or any other attention-securing maneuver or remarks uttered by or performed by the driver. This does not include talking in a normal tone of voice to potential passengers while seated in the cab or standing adjacent to it.
 - (e) *Taxicab.* A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than eleven (11) passengers and not operated on a fixed route.
 - (f) *Taximeter.* An instrument or device attached to a taxicab which measures, mechanically, the distance driven and the waiting time upon which the fare is based.
 - (g) *Trip.* Movement of one (1) or more passengers from point to point. The first discharge of a passenger shall terminate a trip and begin a new trip from the point of discharge.
 - (h) *Waiting time.* The time when a taxicab is not in motion starting from the time of acceptance of one (1) or more passengers up to the time of discharge. This does not include any time when the taxicab is not in motion if the halt is due to any cause other than the request, act or fault of a passenger. Traffic delay is not a proper waiting time charge.
- (Ord. No. 6922, § 2, 10-3-2006)

Sec. 6-7-8. Business tax certificate required.

Any person, firm or corporation who owns, operates or does business as a taxicab business in Augusta-Richmond County shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

Sec. 6-7-9. Regulatory fee.

Any person, firm or corporation who owns, operates or does business as a taxicab business in Augusta-Richmond County shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-7-10. Number limited; sale of business tax certificate.

The number of taxicabs authorized to be operated by business tax certificate holders under the provisions of this Article shall be limited to the total number for which business tax certificates were issued as of December 31, 1995 by the Richmond County Board of Commissioners and the City Council of Augusta combined. A business tax certificate issued by Augusta-Richmond County cannot be sold or transferred without the prior approval of the Commission.

Sec. 6-7-11. Liability insurance.

(a) Each business tax certificate holder under this article shall maintain a liability insurance policy issued by an insurance company authorized to do business in the state in the amount of twenty-five thousand dollars (\$25,000.00) for bodily injury to one (1) person; fifty thousand dollars (\$50,000.00) for bodily injury to more than one (1) person; and twenty-five thousand dollars (\$25,000.00) for property damage. The business tax certificate holder under this article shall furnish to the director of license and inspection a copy of the insurance certificate showing the amounts provided for herein and the expiration date for insurance policy required. Each policy shall require notice to be sent within ten (10) days to the Commission as a certificate holder of any cancellation of any policy provided for in this section.

(b) Any person operating an automobile within Augusta-Richmond County, hauling passengers for hire, is hereby required to comply with this section even though exempt, for any cause, from the payment of a taxicab business tax certificate fee.

Sec. 6-7-12. Examination of vehicles.

(a) Prior to the use and operation of any vehicle under the provisions of this article, such vehicle shall be thoroughly examined and inspected by the sheriff's department and found to comply with all such rules and regulations as may be prescribed and distributed by the sheriff's department. These rules and regulations shall be promulgated so as to provide safe transportation for passengers and the general public and shall specify and require installation and proper care and maintenance of such safety equipment and regulatory devices as the sheriff's department and the license and inspection department shall deem necessary therefor.

(b) When the sheriff's department finds that a vehicle has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity of the vehicle so certified. This capacity shall at no time be exceeded.

Sec. 6-7-13. Safety belts required.

Each vehicle operated under this article shall be equipped with safety belts for each passenger, and this equipment shall be subject to inspection at any time by the sheriff's department.

Sec. 6-7-14. Cleanliness of vehicles.

Every vehicle operating under this article shall be kept, at all times, in a clean and sanitary condition according to rules and regulations promulgated and issued by the sheriff's department.

Sec. 6-7-15. Six-month inspection of vehicles required.

Every vehicle operating under this article shall be inspected by the sheriff's department every six (6) months to ensure the continued maintenance

of safe operating and satisfactory sanitary conditions. A decal showing the date of last inspection shall be affixed to the windshield of the vehicle.

Sec. 6-7-16. Driver's permit.

(a) *Required.* No person shall drive a taxicab for hire upon the streets of Augusta-Richmond County, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the Commission shall be so driven at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this article.

(b) *Application-form; verification; contents; photograph and physician's certificate required; application fee; minimum age of drivers.* An application for a taxicab driver's permit shall be filed with the sheriff's department on forms provided by the Commission. Such application shall be verified under oath and shall contain the following:

- (1) The names and addresses of two (2) residents of Augusta-Richmond County who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty and general good character of the applicant.
- (2) The experience of the applicant in the transportation of passenger's.
- (3) The educational background of the applicant.
- (4) A concise history of his employment.
- (5) A picture of himself with his name, address, age (which shall be less than eighteen (18) years), weight, height, sex, color of hair and eyes.

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

At the time the application is filed the applicant shall pay to the Commission the sum five dollars (\$5.00).

The Commission may require additional periodic examinations in its discretion.
(Ord. No. 6914, § 1, 9-5-06)

Sec. 6-7-17. Same—Examination and investigation of applicant; valid state motor vehicle operator's permit required.

Each applicant for a taxicab driver's permit shall be required to pass a satisfactory examination as to his knowledge of Augusta-Richmond County and to show that he has a current motor vehicle operator's permit issued by the state.

The Sheriff's Department shall investigate the reputation of the applicant as to sobriety, careful driving and knowledge of driving. A report of such investigation and a copy of the applicant's traffic and police record, if any, shall be attached to the application.

(Ord. No. 6914, § 1, 9-5-06)

Sec. 6-7-18. Same—Approval or rejection; hearing upon rejection.

The Sheriff's Department upon consideration of the application and the reports and certificate required to be attached thereto, as required by sections 6-8-57 and 6-8-58, shall approve or reject the application. If the application is rejected, the applicant shall be entitled to a hearing before the Commission at which he may offer evidence why his application should be reconsidered.

Sec. 6-7-19. Issuance; contents; term; renewal; display.

Upon approval of an application for a taxicab driver's permit, the Sheriff's Department shall issue a permit to the applicant which shall bear the name, address, color, weight, height, age, color of hair and eyes, signature and photograph of the applicant.

Such permit shall be in effect for the remainder of the calendar year. A permit for each calendar year thereafter shall be issued upon the payment of such fee as may be prescribed annually by the Commission and a doctor's certificate as to the health of the applicant, particularly with respect

to his hearing, sight, heart and physical handicaps and communicable diseases, unless the permit for the preceding year has been revoked.

Every driver licensed under this article shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab.

Sec. 6-7-20. Suspension and revocation.

Should any driver of a taxicab be arrested and charged with a violation of any provision of this Code or other ordinance of Augusta-Richmond County, the Sheriff's Department may require such driver to cease operating or driving any taxicab in Augusta-Richmond County for a period not to exceed ten days. Should such driver be convicted of violating any of such provisions of this Code or other ordinances, the Sheriff's Department may revoke such driver's permit and require that such permit be deposited with the Sheriff's Department, which action, however, is subject to appeal by the driver to the Commission. In addition, in the case of a conviction of a violation of any of such provisions of this Code or other Augusta-Richmond County ordinances, the Municipal Court judge may suspend such driver's permit for a period not to exceed thirty (30) days, and in aggravated cases, may revoke such driver's permit.

Sec. 6-7-21. Appearance of driver.

A taxicab driver shall maintain a clean, neat personal appearance at all times while under duty.

Sec. 6-7-22. Prohibited actions by driver.

It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers and their baggage.

Sec. 6-7-23. Identification of vehicles required.

No business tax certificate holder under this article shall operate any taxicab without there having been painted or attached vinyl lettering, on both sides and the rear thereof the words Taxi, Taxicab or Automobile for Hire, the name of the business tax certificate holder and the number assigned by the business tax certificate holder to such taxicab. Such words and numbers shall be not less than six (6) inches high nor more than eight (8) inches in height. In addition, there may be placed thereon an identifying design approved by the sheriff. No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the license and inspection department, conflict with or imitate any color scheme, identifying design, monogram or insignia used on one (1) or more vehicles already operating under this article, in such a manner as to be misleading or tend to deceive or defraud the public. If after a business tax certificate has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the license and inspection department, in conflict with or to imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator in such a manner as to be misleading or tend to deceive the public, the business tax certificate covering the taxicab bearing the misleading markings shall be suspended or revoked.

(Ord. No. 6922, § 2, 10-3-2006)

Sec. 6-7-24. Taximeters required.

All taxicabs operated under the authority of this article shall be equipped with taximeters fastened to the taxi in front of the passengers, visible to them at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism of approved design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. All meters in use shall be sealed at all points and connections which, if manipulated, would affect

their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the taxi driver to throw the flag of such taximeter into a nonrecording position at the termination of each trip. Such taximeters shall be subject to inspection every six (6) months by the license and inspection department. Any license inspector or any officer of the sheriff's department is hereby authorized, either on complaint of any person or without any such complaint, to inspect any such taximeter, at any time, and upon discovery of any inaccuracy therein to notify the person operating such taxicab to cease operation immediately. Written notice shall also be sent to the person operating such taxicab to cease operation. Thereupon such taxicab shall be kept off the streets and highways until the taximeter is repaired or replaced and in the required working condition. All taximeters shall be installed, properly connected and repaired as prescribed by the manufacturer of such meter.

Sec. 6-7-25. Identity light required.

Every taxicab shall be equipped with an identity light attached to the top of such taxicab. The light may be bolted on or magnetically attached. Such identity light shall be constructed in one (1) unit consisting of an illuminated place or cylinder upon which is printed the company's name, taxi, for hire or the present identification lights of the taxicab. The overall dimensions of such identity light shall not exceed six (6) inches in height by twenty (20) inches in length. The lights of the identity light shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate such identity light when the taximeter is not in operation indicating that the taxicab contains no passengers and to extinguish such light when the taximeter is in operation. It shall be unlawful to knowingly drive or operate any taxicab with such identity light illuminated while carrying passengers for compensation; and it shall be unlawful to drive, operate or be in charge of the taxicab unless such identity light is illuminated when such taxicab is for hire.

(Ord. No. 6922, § 3, 10-3-2006)

Sec. 6-7-26. Service required—Generally.

All persons engaged in the taxicab business in Augusta-Richmond County operating under the provisions of this article shall render efficient service to the public. Holders of licenses hereunder shall maintain a central place of business and keep the same open twenty-four hours a day for the purpose of receiving calls and dispatching cabs. They shall answer calls received by them for services inside Augusta-Richmond County as soon as they can do so, and if such services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the call can be answered. Any licensee who shall refuse to accept a call anywhere in Augusta-Richmond County at any time when such holder has available cabs, or who shall fail or refuse to give service, shall be deemed a violator of this article and the certificate or license granted to such holder may be revoked, in the discretion of the Commission.

Sec. 6-7-27. Charges.

(a) No owner or driver of a taxicab business tax certified to operate in Augusta-Richmond County shall charge a greater sum for the use of a taxicab than in accordance with the rates shown on the rate card displayed in the taxi and approved by the Commission.

(b) The taxicab rates that may be charged in Augusta-Richmond County shall be on file in the office of the Commission and available to the public at any time during regular office hours of the Commission and are hereby adopted and incorporated by reference thereto as fully as if set out in length herein.

Sec. 6-7-28. Receipt.

The driver of any taxicab shall, upon demand by any passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a handwritten receipt on which shall appear the name of the owner, business tax certificate number or company identification number of the cab, amount of meter reading or charges, distance traveled, and the date of the transaction.

Sec. 6-7-29. Payment of fare by passenger required.

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles controlled by this article after having hired the same, and it shall be unlawful for any person to hire any vehicle as herein defined and regulated with intent to defraud the person from whom such person has hired the vehicle of the value of such service.

Sec. 6-7-30. Solicitation of passengers—Regulated—Generally.

(a) No taxicab driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street; except that, when necessary, a driver may be absent from his taxicab for not more than fifteen (15) consecutive minutes; and, provided, further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

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

Sec. 6-7-31. Same—At terminals of other common carriers.

No driver, owner or operator of any taxicab shall solicit passengers at the terminal of any other common carrier nor at any intermediate points along any established route of any other common carrier in Augusta-Richmond County.

Sec. 6-7-32. Receiving, discharging passengers.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible, or, in the absence of a sidewalk, to the

extreme right-hand side of the street and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-hand or left-hand sidewalk or side of the street in the absence of a sidewalk.

Sec. 6-7-33. Additional passengers.

No taxicab driver who has been engaged by a passenger shall permit any other person to occupy or ride in such taxicab unless the person first employing the taxicab shall consent to the acceptance of additional passengers. No charge shall be made for an additional passenger to the same point of destination, but when the additional passenger rides beyond the first point of destination, such passenger shall pay for the additional distance traveled.

Sec. 6-7-34. Number of passengers limited.

No taxicab driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the certificate for such vehicle issued by the license and inspection department. A child in arms shall not be counted as a passenger.

Sec. 6-7-35. Hauling contract passengers permitted.

Nothing contained in this article shall be construed to prohibit persons licensed under the provisions of this article to engage in the business of hauling contract passengers, persons hauled for a weekly or monthly compensation, from their homes to their places of employment, provided that such business tax certificate holders comply with the provisions of this article.

Sec. 6-7-36. Taxi stands-open stands.

(a) The Commission may establish open stands in such places upon the streets of Augusta-Richmond County as deemed necessary. The Commission shall not create an open stand without taking into consideration the need for such stands by the companies and the convenience to the general public. The Commission shall prescribe the number of cabs that shall occupy such open

stands. The Commission shall not create an open stand where such stand would tend to create a traffic hazard.

(b) Open stands shall be used by the different taxicab drivers on a first come first served basis. The driver shall pull in to the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this article shall be construed as preventing a passenger from boarding the cab of his choice which is parked at open stands.

Sec. 6-7-37. Same—Assigned stands.

(a) The Commission may establish assigned stands upon the streets in such places as in its discretion it deems proper. A licensee under the provisions of this article desiring to establish a stand shall make written application to the Commission. The applicant shall attach to such application the written approval of the abutting property owners of such space, consenting to the creation of such stand. Upon the filing of any such application, the Sheriff's Department shall make an investigation of the traffic conditions at such place and shall thereafter file its written recommendation to the Commission, which shall then either grant or refuse the application. When an assigned stand has been established as herein provided, it shall be used solely by the licensee to whom the same was granted and his agents and servants and no other licensee shall be permitted to use the same; provided, however, that no licensee shall obtain permits for more than one such stand within the downtown business area.

(b) A licensee under the provisions of this article operating a call box stand as provided for in this section shall be allowed to install a telephone thereat, to have on duty at such stand a starter, or other employee, for the purpose of assisting in the loading or unloading of passengers from cabs, for receiving calls and dispatching cabs, and for soliciting passengers at such stand. The words at such stand shall mean that part of the sidewalk immediately adjacent to and of equal length with such call box stand.

(c) If any such stands shall be marked by signs owned by the licensee, such signs shall be of such size and with such markings as the Sheriff's Department may require and shall be maintained by the licensee. Should the signs not be maintained properly, they may be removed summarily by the Sheriff's Department.

Sec. 6-7-38. Same—Occupancy by other vehicles.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established under the provisions of this article as either open stands or assigned (call box) stands.

Sec. 6-7-39. Telephone directory listing required.

All persons engaged in taxicab businesses in Augusta-Richmond County operating under the provisions of this article shall have a telephone listed in the "BELLSOUTH—The Real Yellow Pages" telephone directory for Augusta-Richmond County in the name of their taxi company or business.

(Ord. No. 6922, § 4, 10-3-06)

Sec. 6-7-40. Advertising on or in taxicabs.

Subject to the rules and regulations of the Commission, it shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire subject to the payment of the required fee therefor.

Sec. 6-7-41. Manifest.

(a) Every taxicab business tax certificate holder shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. The forms for such manifest shall be of a character approved by the director of license and inspection.

(b) Every taxicab business tax certificate holder shall retain and preserve all manifests in a safe place for at least the calendar year next preceding

the current calendar year, and such manifests shall be available to the sheriff's department and/or license and inspection department.

Sec. 6-7-42. Records and reports—Generally.

(a) Every licensee under the provisions of this article shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information as may be required by the License & Inspection Department. Every such licensee shall maintain the records containing such information and other data required by this article at a place readily accessible for examination by the Commission.

(b) Every licensee hereunder shall submit reports of receipts, expenses and statistics of operation to the License & Inspection Department for each calendar year.

(c) It shall be mandatory for all holders of licenses under the provisions of this article to file with the License & Inspection Department copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station or other place of public gathering, whether such arrangement is made with such holder or any corporation, firm or association with which the holder may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a license of any offending holder or the cancellation of any cab stand privileges.

Sec. 6-7-43. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or

Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

Sec. 6-7-44. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Secs. 6-7-45—6-7-47. Reserved.

ARTICLE 3 LIMOUSINE SERVICE

Sec. 6-7-48. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Business tax certificate holder.* A person to whom a business tax certificate has been issued in the form prescribed by Augusta-Richmond County to engage in the limousine business in the unincorporated area of the county.
- (b) [*Business tax certificate holder.*] A person who has been granted a business tax certificate to drive a limousine upon the streets of Augusta-Richmond County.
- (c) *Limousine service.* This business tax certificate class is defined as a contract service for limousine vehicle with driver, paid on a time basis, not for distance covered. Such business shall not be conducted in the manner of a taxicab, bus or sightseeing tour service. Limousine vehicles shall be limited to automobiles, including stretched cars. Vans and buses may not be used under this business tax certificate.

Sec. 6-7-49. Business tax certificate required.

Any person, firm or corporation who owns, operates or does business as a limousine service in Augusta-Richmond County shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

Sec. 6-7-50. Regulatory fee.

Any person, firm or corporation who owns, operates or does business as a limousine service in Augusta-Richmond County shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-7-51. Transfer of business tax certificate.

A business tax certificate issued by Augusta-Richmond County under this article cannot be sold or transferred without prior approval of the Commission.

Sec. 6-7-52. Insurance.

Each business tax certificate holder under this article shall maintain a liability insurance policy issued by an insurance company authorized to do business in the State of Georgia in the amount of two hundred fifty thousand dollars (\$250,000.00) for bodily injury to one (1) person; five hundred thousand dollars (\$500,000.00) for bodily injury to more than one (1) person; and one hundred thousand dollars (\$100,000.00) for property damage. The business tax certificate holder under this article shall furnish to the director of license and inspection a copy of the insurance certificate showing the amounts provided for herein and the expiration date of insurance policy required. Each policy shall require notice to be sent within ten (10) days to the Commission as a certificate holder of any cancellation of any policy provided for in this section.

Sec. 6-7-53. Initial inspection of vehicles; issuance of certificate.

Prior to the use and operation of any vehicle under the provisions of this article, such vehicle shall be thoroughly examined and inspected by the sheriff's department and found to comply with all such rules and regulations as may be prescribed and distributed by the sheriff's department. These rules and regulations shall be promulgated so as to provide safe transportation for passengers and the general public and shall specify and require installation and proper care and maintenance of such safety equipment and regulatory devices as the sheriff's department and the license and inspection department shall deem necessary therefor.

When the sheriff's department finds that a vehicle has met the standards established, it shall issue a certificate to that effect, which shall also

state the authorized seating capacity of the vehicle so certified. This capacity shall at no time be exceeded.

Sec. 6-7-54. Safety belts required.

Each vehicle operated under this article in Augusta-Richmond County shall be equipped with safety belts for each passenger, and this equipment shall be subject to inspection at any time by the sheriff's department.

Sec. 6-7-55. Cleanliness.

Every vehicle operating under this article shall be kept, at all times, in a clean and sanitary condition according to rules and regulations promulgated and issued by the sheriff's department.

Sec. 6-7-56. Biannual inspection.

Every vehicle operating under this article shall be inspected by the sheriff's department every six (6) months to ensure the continued maintenance of safe operating and satisfactory sanitary conditions. A decal showing the date of last inspection shall be affixed to the windshield of the vehicle.

Sec. 6-7-57. Rates.

All rates charged for services shall be pursuant to contract between the business tax certificate holder and customer.

Sec. 6-7-58. Payment of fare.

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles controlled by this article after having hire the same, and it shall be unlawful for any person to hire any vehicle as herein defined and regulated with intent to defraud the person from whom he has hired the vehicle of the value of such service.

Sec. 6-7-59. Limitation on number of passengers.

No limousine driver shall permit more persons to be carried in a limousine as passengers than the rated seating capacity of his limousine as stated in the certificate for such vehicle issued by the license and inspection department. A child in arms shall not be counted as a passenger.

Sec. 6-7-60. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and Code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

Sec. 6-7-61. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

ARTICLE 4 AMBULANCES

Sec. 6-7-62. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Ambulance.* Unless otherwise specified, the term ambulance means any privately or publicly owned motor vehicle that is specially designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including funeral coaches or hearses which otherwise comply with the provisions of this article, except any such motor vehicle owned by, or operated under the direct control of, the United States.
- (b) *Attendant.* A trained and qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.
- (c) *Attendant-driver.* A person who is qualified as an attendant and a driver.
- (d) *Driver.* An individual who drives an ambulance.
- (e) *Health officer.* The commissioner of health of the Richmond County Board of Health or other designated official.
- (f) *License inspector.* The Augusta-Richmond County license inspector.
- (g) *Patient.* An individual who is sick, injured, wounded or otherwise incapacitated or helpless.

Sec. 6-7-63. Vehicular requirements—Generally.

Each ambulance shall, at all times when in use as such under the provisions of this article:

- (a) Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;
- (b) Contain equipment conforming with the standards, requirements and regulations provided for in this article, which equipment shall be in proper and good condition for such use;
- (c) Currently comply with all applicable laws, provisions of this Code and other local ordinances relating to health, sanitation and safety;
- (d) Be equipped with a siren, red flashing lights, special markings to designate it as an ambulance and such other equipment as may be prescribed in reasonable regulations promulgated by the license inspector; and
- (e) Be equipped with approved safety belts for the driver, and for a passenger in the front seat if such seat is provided.

Sec. 6-7-64. Required equipment; regulations promulgated by health officer.

(a) Required equipment in each ambulance licensed under the provisions of this article shall include, at all times when the ambulance is in use as such, equipment adequate in the judgment of the health officer for dressing wounds, splinting fractures, controlling hemorrhage and providing oxygen.

(b) The health officer is authorized and directed to promulgate regulations, after public notice and opportunity for public hearing, to implement the standards provided herein as to required equipment in ambulances. In determining the adequacy of equipment, the health officer shall take into consideration the current list of minimum equipment for ambulances adopted by the American College of Surgeons or its duly authorized committee on trauma. Each licensee of

an ambulance shall comply with such reasonable regulations hereunder as may be promulgated by the health officer and shall maintain in each such ambulance, at all times when it is in use as such, all such equipment as may be prescribed by the health officer hereunder.

Sec. 6-7-65. Right of access of health officer.

Each ambulance licensed under the provisions of this article, and its equipment and the premises designated in the application for such license and all records relating to its maintenance and operation as such shall be open to inspection by the health officer during usual hours of operation.

Sec. 6-7-66. Service required of public ambulances.

All public ambulance licensees shall be required to respond to any summons or call to provide ambulance service for persons injured in accidents, collisions or other disasters occurring in Augusta-Richmond County, or for any person becoming incapacitated on the streets of Augusta-Richmond County, and, upon direction by any sheriff's deputy or fireman, shall transport any such person to a public hospital.

Sec. 6-7-67. Licenses required; exceptions.

(a) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys or any public way or place of Augusta-Richmond County unless he holds a currently valid license for an ambulance, issued pursuant to this article; provided, however, that an ambulance operated by an agency of the United States shall not be required to be licensed hereunder.

(b) No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes on the streets, alleys or any public way or place of Augusta-Richmond County unless it shall be under the immediate supervision and direction

of a person who is holding a currently valid license under this article as an attendant-driver or attendant.

(c) Provided, however, that no such licenses shall be required for an ambulance, or for the driver, attendant or attendant-driver of an ambulance, which (1) is rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of Augusta-Richmond County are insufficient or unable to cope; or (2) is operated from a location or headquarters outside of Augusta-Richmond County in order to transport patients who are picked up beyond the limits of Augusta-Richmond County to locations within Augusta-Richmond County, but no such outside ambulance shall be used to pick up patients within Augusta-Richmond County for transportation to locations within Augusta-Richmond County unless the driver, attendant and attendant-driver and the person subject to the provisions of subsection (a) of this section in respect to such ambulance hold currently valid licenses issued pursuant to this article.

Sec. 6-7-68. Ambulance licenses—Generally—Application; fee.

Applications for ambulance licenses under the provisions of this article shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

- (a) The name and address of the applicant and of the owner of the ambulance.
- (b) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business.
- (c) The training and experience of the applicant in the transportation and care of patients.
- (d) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number, current state license number, the length of time the ambulance has been in use, and the color scheme, insignia, name, monogram

or other distinguishing characteristics to be used to designate applicant's ambulance.

- (e) Whether the ambulance is to be used as a public ambulance or a private ambulance.
- (f) The locations and descriptions of the one or more places from which it is intended to operate.
- (g) Such other information as the license inspector shall deem reasonably necessary to a fair determination of compliance with this article.
- (h) An accompanying regulatory fee as established by the Commission.

Sec. 6-7-69. Same—Liability insurance required.

(a) No ambulance license shall be issued under this article, nor shall such license be valid after issuance, nor shall any ambulance be operated in Augusta-Richmond County unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state for each ambulance owned or operated by or for the applicant or licensee, providing for the payment of damages, (1) for injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent, and (2) for the loss of or damage to the property of another, including personal property, under like circumstances, in the minimum amount of two hundred fifty thousand dollars (\$250,000.00) for injury to or death of one person, five hundred thousand dollars (\$500,000.00) for injury to or death of more than one person and one hundred thousand dollars (\$100,000.00) for loss or damage to property.

(b) Such insurance policies shall be submitted to the License & Inspection Department for approval prior to the issuance of each ambulance license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the License & Inspection Department,

in such form as it may specify, by all licensees required to provide such insurance under the provisions of this article.

(c) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of such policy, recovered against any person other than the owner, his agent or employee, who may operate the same with the consent or acquiescence of the owner.

(d) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give not less than thirty days' written notice to the License & Inspection Department and to the assured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

Sec. 6-7-70. Same—Investigation of applicant and proposed operations.

The license inspector shall, within fifteen days after receipt of an application for an ambulance license as provided for in this article, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.

Sec. 6-7-71. Same—Issuance—Generally; term; findings prerequisite to issuance.

The Commission shall issue a license under the provisions of this article for a specified ambulance, to be valid for the calendar year in which

the application is made, unless earlier suspended, revoked or terminated, designating whether it is for public or private use, when he finds:

- (a) That the public convenience and necessity require the proposed ambulance service.
- (b) That each such ambulance, its required equipment and the premises designated in the application, have been certified by the health officer as provided for in this article.
- (c) That the applicant is a responsible and proper person to conduct or work in the proposed business.
- (d) That only duly licensed drivers, attendants and attendant-drivers are employed in such capacities.
- (e) That the number of ambulance licenses does not exceed the number specified in section 6-7-76.
- (f) That all the requirements of this article and all other applicable provisions of this Code and other laws and ordinances have been met.

Sec. 6-7-72. Same—Inspections of vehicles, equipment and premises; powers of health officer—Generally; reports of inspections.

(a) Prior to the issuance of any ambulance license under the provisions of this article, the health officer shall cause to be inspected the vehicles, equipment and premises designated in each application hereunder, and shall certify his approval in a written report to the license inspector when he finds compliance with the standards prescribed in section 6-8-63 and in section 6-8-64, and with the regulations promulgated under such sections; provided, however, that under the terms of this article the health officer shall have no responsibility, and shall exercise no authority, in connection with the provisions of this Code and other laws and ordinances of general applicability which deal with motor vehicle inspection.

(b) Subsequent to issuance of an ambulance license under the provisions of this article, the health officer shall cause to be inspected each

such licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary but in any event no less frequently than twice each year, and shall promptly report his findings in a written report to the license inspector. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under this Code or other general law or ordinances, and shall not excuse compliance with any requirement of this Code or other law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law, Code provision or ordinance.

(c) A copy of each initial, semiannual or other ambulance, equipment and premises inspection report submitted by the health officer to the license inspector under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.

Sec. 6-7-73. Same—Transfer to another vehicle.

Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this article as upon original licensing. No ambulance license may be sold, assigned or otherwise transferred without the approval of the Commission and a finding of conformance with all the requirements of this article as upon original licensing.

Sec. 6-7-74. Same—Effect of change of ownership of ambulance.

Any change of ownership of a licensed ambulance shall terminate the license therefor and shall require a new application and a new license and conformance with all the requirements of this article as upon original licensing.

Sec. 6-7-75. Same—Defacing, removing, etc., Official entry upon license.

No official entry made upon an ambulance license issued under the provisions of this article may be defaced, removed or obliterated.

Sec. 6-7-76. Same—Number of ambulance licenses limited.

The number of ambulance licenses which may be issued annually under the provisions of this article shall be limited to fourteen.

Sec. 6-7-77. Licenses for drivers, attendants and attendant-drivers—Generally—Application; fee; affidavits and photographs required.

Applications for drivers, attendants and attendant-drivers licenses under the provisions of this article shall be made upon such forms as may be prepared or prescribed by the license inspector and shall contain:

- (a) The applicant's full name, current residence, places of residence for three years previous to moving to his present address, and the length of time he has resided in Augusta-Richmond County.
- (b) The applicant's age, marital status, height, color of eyes and hair.
- (c) Whether the applicant has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.
- (d) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant-driver, and if so, when and where, and whether his license as such has ever been revoked or suspended in any jurisdiction and for what cause.
- (e) Affidavits of good character from two reputable citizens of the United States and residents of Augusta-Richmond County who have personally known such applicant and observed his conduct during three years next preceding the date of his application.
- (f) Two recent photographs of the applicant, of a size designated by the license inspector, one of which shall be attached by the license inspector to the applicant's license.

- (g) Such other information as the license inspector shall deem reasonably necessary to a fair determination of compliance with this article.
- (h) An accompanying license fee of forty-two dollars.

Sec. 6-7-78. Same—Investigation of applicants.

The license inspector shall, within a reasonable time after receipt of an application as provided for in section 6-7-77, cause such investigation as he deems necessary to be made of the applicant for an ambulance drivers, attendants or attendant drivers license.

Sec. 6-7-79. Same—Issuance—Generally; term; findings prerequisite to issuance.

The license inspector shall issue a license to an ambulance driver, attendant or attendant-driver under the provisions of this article, valid for the period of the calendar year in which the application is made unless earlier suspended, revoked or terminated, when he finds that the applicant therefor:

- (a) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;
- (b) Is able to speak, read and write the English language;
- (c) Has been found by a duly licensed physician upon examination attested to on a form provided by the health officer, to be of sound physique, possessing eyesight corrected to at least ²⁰/₄₀ in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and
- (d) For each applicant for attendant or attendant-drivers license, that such applicant has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first aid given by the American Red Cross.

Provided, however, that no one shall be licensed as a driver or attendant-driver unless he holds a currently valid chauffeur's permit from the state.

Sec. 6-7-80. Same—Assignability and transferability.

A license as ambulance driver, attendant or attendant-driver issued under the provisions of this article shall not be assignable or transferable.

Sec. 6-7-81. Same—Defacing, removing, etc., Official entry upon license.

No official entry made upon a license for an ambulance driver, attendant or attendant-driver under the provisions of this article may be defaced, removed or obliterated.

Sec. 6-7-82. Renewal of licenses.

Renewal of any license issued under the provisions of this article, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this article as upon original licensing.

Sec. 6-7-83. Suspension and revocation of licenses.

(a) The license inspector may, and is hereby authorized to, suspend or revoke a license issued under the provisions of this article for cause, i.e., failure of a licensee to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this article, or of regulations promulgated hereunder, or of any other applicable provision of this Code or other laws or ordinances or regulations promulgated thereunder, but only after warning and such reasonable time for compliance as may be set by the license inspector. Within fifteen days after a suspension, the licensee shall be afforded a hearing, after reasonable notice. The license inspector shall, within fifteen days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of such license. Such written decision shall be promptly transmitted to the licensee to whom it refers.

(b) The initial, semiannual or other ambulance, equipment and premise inspection reports of the health officer provided for in this article shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided for herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

(c) Upon suspension, revocation or termination of an ambulance license hereunder, such ambulance shall cease operations as such and no person shall permit such ambulance to continue operations as such. Upon suspension, revocation or termination of a drivers, attendants or attendant-drivers license hereunder, such driver, attendant or attendant-driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.

Sec. 6-7-84. Violations and penalties.

(a) Any person violating, or failing to comply with, any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided by section 1-6-1 of this Code.

(b) Each day that any violation of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder; provided, however, that the court may, in appropriate cases, stay the accumulation of penalties.

Chapter 8

**ATTENDANCE OF DEPUTIES AND
FIREFIGHTERS****Sec. 6-8-1. When required.**

The manager of, or any person giving, any public amusement show, exhibition or performance, any public ball, any dances either public or private, or any gathering at public facilities where alcohol is being served, or any occasion where the chief of the fire department and/or sheriff determine in their sole discretion that due to the nature of the function and/or facility, attendance of sheriff's deputies and/or firefighters is necessary, shall have in attendance such number of deputies and/or firefighters as shall be assigned by the chiefs of the respective departments.

Sec. 6-8-2. Managers, etc. To apply therefor.

Any manager or other person mentioned in the preceding section shall apply to the sheriff's department and the fire department to learn whether or not the attendance of deputies and/or firefighters is required.

Sec. 6-8-3. Payment for service.

Any manager or other person mentioned in section 6-8-1 shall pay each deputy and/or firefighter assigned in accordance with section 6-8-1 an amount equal to the pay per day of such deputy or firefighter at the time the service is performed.