



Administrative Services Committee Commission Chamber- 10/10/2011- 1:00 PM Meeting

ADMINISTRATIVE SERVICES

1. An Ordinance to amend the Augusta, GA Code Title Seven Chapters One through Three Sections 7-1-19, 7-1-19.2, 7-1-19.6 through 7-1-19.9, 7-1-26 through 7-1-33, 7-1-47 through 7-1-48, 7-1-86, 7-1-116-2, 7-1-116-4 through 7-1-116-5, 7-1-136, 7-2-3, 7-2-63, 7-2-76, and 7-3-73 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes. ☐ [Attachments](#)
2. An Ordinance to amend the Augusta, GA Code Title Six Chapter Seven Sections 6-7-5, 6-7-42 through 6-7-43, 6-7-60, 6-7-69, 6-7-90 through 6-7-91, 6-7-96 through 6-7-97, and 6-7-110 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes. ☐ [Attachments](#)
3. An Ordinance to amend the Augusta, GA Code Title Six Chapter Six Sections 6-6-5 and 6-6-37 through 6-6-47 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes. ☐ [Attachments](#)
4. An Ordinance to amend the Augusta, GA Code Title Six Chapter Two Sections 6-2-2, 6-2-5, 6-2-59 through 6-2-60, 6-2-70 through 6-2-72, 6-2-75 through 6-2-77, 6-2-103, 6-2-116, 6-2-119 through 6-2-125, and 6-2-142 through 6-2-143 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes. ☐ [Attachments](#)
5. An Ordinance to amend the Augusta, GA Code Title Six Chapters Four and Five Sections 6-4-1, 6-4-7, and 6-5-7 relating to the powers and duties of the License and Inspection ☐ [Attachments](#)

Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

6. Discuss/approve the solicitation of a RFP from professional human resources firms for an independent audit and assessment/efficiency study of Augusta Richmond County Government in accordance with the Commission's action on August 2, 2011. (Referred from September 26 Administrative Services Committee meeting) ☐ [Attachments](#)
7. Approve the concept of hiring a consultant to identify and collect revenue that is currently not being captured by the License and Inspection Department. (Referred from September 26 Administrative Services Committee meeting) ☐ [Attachments](#)
8. Motion to approve a recommendation by the Board of Assessors Office to approve a resolution that's required by state law for next year to set the minimum acres on qualified parcels for conservation use in Augusta-Richmond County. ☐ [Attachments](#)
9. Presentation by Promise Land Community Development regarding Chester Wheeler/Augusta Housing and Community Development Procurement Policy. ☐ [Attachments](#)

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Administrative Services Committee Meeting

10/10/2011 1:00 PM

An Ordinance to Amend the Augusta, GA Code Title Seven Chapters One through Three Sections 7-1-19, 7-1-19.2, 7-1-19.6 through 7-1-19.9, 7-1-26 Through 7-1-33, 7-1-47 through 7-1-48, 7-1-86, 7-1-116-2, 7-1-116-4 through 7-1-116-5, 7-1-136, 7-2-3, 7-2-63, 7

Department: Administrator

Caption: An Ordinance to amend the Augusta, GA Code Title Seven Chapters One through Three Sections 7-1-19, 7-1-19.2, 7-1-19.6 through 7-1-19.9, 7-1-26 through 7-1-33, 7-1-47 through 7-1-48, 7-1-86, 7-1-116-2, 7-1-116-4 through 7-1-116-5, 7-1-136, 7-2-3, 7-2-63, 7-2-76, and 7-3-73 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

Background:

Analysis:

Financial Impact:

Alternatives: Deny

Recommendation: Approve

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

**Administrator
Clerk of Commission**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE SEVEN CHAPTERS ONE THROUGH THREE SECTIONS 7-1-19, 7-1-19.2, 7-1-19.6 THROUGH 7-1-19.9, 7-1-26 THROUGH 7-1-33, 7-1-47 THROUGH 7-1-48, 7-1-86, 7-1-116-2, 7-1-116-4 THROUGH 7-1-116-5, 7-1-136, 7-2-3, 7-2-63, 7-2-76, AND 7-3-73 RELATING TO THE POWERS AND DUTIES OF THE LICENSE AND INSPECTION DEPARTMENT; TO REPEAL ALL CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 30, 2011, the Augusta, Georgia Commission approved the Administrator's reorganization plan as described in the Augusta, Georgia Proposed Government Reorganization Draft Project Plan; and

WHEREAS, such Proposed Government Reorganization Draft Project Plan requires the abolishment of the License and Inspection Department and to have the powers and duties of the License and Inspection Department to be transferred to the Planning and Development Department; and

WHEREAS, Augusta, Georgia desires to update and amend the Code as related to the abolishment of the License and Inspection Department and the transfer of those powers and duties to the Planning and Development Department to be consistent with the Proposed Government Reorganization Draft Project Plan; and

WHEREAS, 1997 Ga. Laws p. 4024 designates the name of the consolidated government as "Augusta, Georgia"; and

WHEREAS, Augusta, Georgia seeks to update the local laws to reflect the name of the consolidated government.

THE AUGUSTA, GEORGIA COMMISSION ordains as follows:

SECTION 1. AUGUSTA, GA. CODE Section 7-1-19 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-1-19, as set forth in "Exhibit A" hereto.

SECTION 2. Augusta, GA. CODE Section 7-1-19.2 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in

its entirety and inserting in lieu thereof new Code Section 7-1-19.2, as set forth in "Exhibit B" hereto.

SECTION 3. AUGUSTA, GA. CODE Sections 7-1-19.6 through 7-1-19.9 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Sections 7-1-19.6 through 7-1-19.9, as set forth in "Exhibit C" hereto.

SECTION 4. AUGUSTA, GA. CODE Sections 7-1-26 through 7-1-32 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Sections 7-1-26 through 7-1-32, as set forth in "Exhibit D" hereto.

SECTION 5. AUGUSTA, GA. CODE Sections 7-1-47 through 7-1-48 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-1-47 through 7-1-48, as set forth in "Exhibit E" hereto.

SECTION 6. AUGUSTA, GA. CODE Section 7-1-86 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-1-86, as set forth in "Exhibit F" hereto.

SECTION 7. AUGUSTA, GA. CODE Section 7-1-116-2 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-1-116-2, as set forth in "Exhibit G" hereto.

SECTION 8. AUGUSTA, GA. CODE Sections 7-1-116-4 through 7-1-116-5 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Sections 7-1-116-4 through 7-1-116-5, as set forth in "Exhibit H" hereto.

SECTION 9. AUGUSTA, GA. CODE Section 7-1-136 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-1-136, as set forth in "Exhibit I" hereto.

SECTION 10. AUGUSTA, GA. CODE Section 7-2-3 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its

entirety and inserting in lieu thereof new Code Section 7-2-3, as set forth in "Exhibit J" hereto.

SECTION 11. AUGUSTA, GA. CODE Section 7-2-63 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-2-63, as set forth in "Exhibit K" hereto.

SECTION 12. AUGUSTA, GA. CODE Section 7-2-76 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-2-76, as set forth in "Exhibit L" hereto.

SECTION 13. AUGUSTA, GA. CODE Section 7-3-73 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 7-3-73, as set forth in "Exhibit M" hereto.

SECTION 14. This ordinance shall become effective on November 1, 2011.

SECTION 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2011.

David S. Copenhagen
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on _____, 2011 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading _____

Second Reading _____

EXHIBIT A

Strike:

Sec. 7-1-19. Mothballing vacant structures.

~~—— (a) In lieu of enforcement under other provision of this Code, the owner(s) of a vacant structure may elect to close or 'mothball' the structure is vacant and unfit for human habitation and occupancy, and it is not dilapidated, unsafe, unsanitary, or in danger of structural collapse. Mothballing is defined as a method used to protect a vacant structure from weather damage and vandals while preserving the structure for future use. The goal of mothballing is to temporarily protect the property to allow the owner to plan the property's future, or acquire funds for preservation, rehabilitation, or restoration. In historic districts, the owner, prior to mothballing, must obtain a certificate of appropriateness pursuant to Augusta-Richmond County Code Title 7, Chapter 4, Article 4, Application to Preservation Commission for certificate of appropriateness.~~

~~—— (b) Prior to mothballing a structure, the property owners will be required to register the vacant property with the Augusta License and Inspection Department. The Augusta License and Inspection Department will issue a mothballing permit. Within ten (10) days of completion of the mothballing, the property owner must contact the Augusta License and Inspection Department to schedule an initial compliance inspection. Annually, the property will be inspected for compliance with the provisions of this Code Section.~~

Replace With:

Sec. 7-1-19. Mothballing vacant structures.

—— (a) In lieu of enforcement under other provision of this Code, the owner(s) of a vacant structure may elect to close or 'mothball' the structure is vacant and unfit for human habitation and occupancy, and it is not dilapidated, unsafe, unsanitary, or in danger of structural collapse. Mothballing is defined as a method used to protect a vacant structure from weather damage and vandals while preserving the structure for future use. The goal of mothballing is to temporarily protect the property to allow the owner to plan the property's future, or acquire funds for preservation, rehabilitation, or restoration. In historic districts, the owner, prior to mothballing, must obtain a certificate of appropriateness pursuant

to Augusta, Georgia Code Title 7, Chapter 4, Article 4, Application to Preservation Commission for certificate of appropriateness.

(b) Prior to mothballing a structure, the property owners will be required to register the vacant property with the Augusta Planning and Development Department. The Augusta Planning and Development Department will issue a mothballing permit. Within ten (10) days of completion of the mothballing, the property owner must contact the Augusta Planning and Development Department to schedule an initial compliance inspection. Annually, the property will be inspected for compliance with the provisions of this Code Section.

EXHIBIT B

Strike:

~~Sec. 7-1-19.2 Registration of vacant and abandoned buildings~~

~~—— (a) Owners of vacant buildings, who elect to mothball in lieu of repairing or demolishing the structure, must register their properties at the license and inspection department prior to beginning work. This registration shall be made through a form provided by the department and shall include a list of a contact person or persons responsible for the maintenance and repair of the property. This form shall contain the current telephone numbers and addresses of all contact persons. It is the sole responsibility of the property owner to update this information at the license and inspection department.~~

~~—— (b) Mothballing permit. After registration, the owners of vacant buildings must obtain a mothballing permit from the license and inspection department. The cost of the mothballing permit is twenty dollars (\$20.00) that includes the compliance inspection. A separate building permit may be required for building repairs.~~

~~—— (c) Term of permit, one year; option to renew for one year. A mothballing permit shall be valid for one year next following the date of the registration of the property and may be renewed for one year next following the first anniversary of the date of the issuance of said permit. The fee for the renewal term shall be \$20.00 and shall be paid when application is made for renewal.~~

Replace With:

Sec. 7-1-19.2 Registration of vacant and abandoned buildings

(a) Owners of vacant buildings, who elect to mothball in lieu of repairing or demolishing the structure, must register their properties at the Planning and Development department prior to beginning work. This registration shall be made through a form provided by the department and shall include a list of a contact person or persons responsible for the maintenance and repair of the property. This form shall contain the current telephone numbers and addresses of all contact persons. It is the sole responsibility of the property owner to update this information at the Planning and Development department.

(b) Mothballing permit. After registration, the owners of vacant buildings must obtain a mothballing permit from the Planning and Development department. The cost of the mothballing permit is twenty dollars (\$20.00) that includes the compliance inspection. A separate building permit may be required for building repairs.

(c) Term of permit, one year; option to renew for one year. A mothballing permit shall be valid for one year next following the date of the registration of the property and may be renewed for one year next following the first anniversary of the date of the issuance of said permit. The fee for the renewal term shall be \$20.00 and shall be paid when application is made for renewal.

EXHIBIT C

Strike:

Sec. 7-1-19.6 Completion period

~~(a) *Period of completion.* Owners of vacant structures shall have ninety (90) days from date of issuance of the mothballing a permit to complete mothball the building in compliance with these provisions.~~

~~(b) *Extension.* The director, license and inspection department may extend the completion period up to ninety (90) days based on unusual circumstances and financial hardships.~~

Sec. 7-1-19.7 Initial compliance inspection.

~~(a) *Initial compliance inspection.* The license and inspection department will conduct an initial mothballing compliance inspection of the building, and shall issue an acceptance certificate if the property owner has substantially complied with the requirements as set forth in.~~

~~(b) *Non-acceptance.* If the owner has not substantially complied with the requirement of this ordinance, the department shall issue a note of non-acceptance during the initial compliance inspection, the department shall provide the owner with a copy of the noted deficit area(s). The building owner will have thirty (30) days from the date of inspection within which to take corrective action(s) and request another compliance inspection. The owner may be subject to other enforcement proceedings under this Code if the department notes the structure as non-acceptance during a follow-up compliance inspection.~~

Sec. 7-1-19.8 Annual compliance inspections.

~~To ensure compliance, the license and inspection department will conduct annual inspections of all structures registered under this Code section.~~

Sec. 7-1-19.9 Enforcement.

~~The license and inspection department will be responsible for enforcing compliance with the mothballing ordinance.~~

Replace With:

Sec. 7-1-19.6 Completion period

(a) *Period of completion.* Owners of vacant structures shall have ninety (90) days from date of issuance of the mothballing a permit to complete mothball the building in compliance with these provisions.

(b) *Extension.* The Director of the Planning and Development Department may extend the completion period up to ninety (90) days based on unusual circumstances and financial hardships.

Sec. 7-1-19.7 Initial compliance inspection.

(a) *Initial compliance inspection.* The Planning and Development Department will conduct an initial mothballing compliance inspection of the building, and shall issue an acceptance certificate if the property owner has substantially complied with the requirements as set forth in.

(b) *Non-acceptance.* If the owner has not substantially complied with the requirement of this ordinance, the department shall issue an issue a note of non-acceptance during the initial compliance inspection, the department shall provide the owner with a copy of the noted deficit area(s). The building owner will have thirty (30) days from the date of inspection within which to take corrective action(s) and request another compliance inspection. The owner may be subject to other enforcement proceedings under this Code if the department notes the structure as non-acceptance during a follow-up compliance inspection.

Sec. 7-1-19.8 Annual compliance inspections.

To ensure compliance, the Planning and Development Department will conduct annual inspections of all structures registered under this Code section.

Sec. 7-1-19.9 Enforcement.

The Planning and Development department will be responsible for enforcing compliance with the mothballing ordinance.

EXHIBIT D

Strike:

ARTICLE 3. LICENSE AND INSPECTION DEPARTMENT

Section 7-1-26 Established.

~~There is hereby established a department, to be called the License and Inspection Department.~~

Section 7-1-27 Employee qualifications.

~~(a) Director Building Official qualifications. The person in charge of the License and Inspection Department shall be known as the Director Building Official. The Director Building Official shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Director Building Official shall be certified as a building official through a recognized certification program. The Director Building Official shall be appointed or hired by the Augusta Richmond County Commission and shall not be removed from the office except for cause after full opportunity has been given to be heard on specific charges before the Commission.~~

Sec. 7-1-28. Restrictions on employees' business interests.

~~An officer or employee connected with the department, except one whose only connection is as a member of the board established by this building code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.~~

Section 7-1-29 Records and Reports.

~~(a) The Director Building Official shall keep, or caused to be kept, a record of the business of the department. The records of the department shall be open to public inspection.~~

~~— (b) The Director Building Official shall annually submit a report to the Augusta Richmond County Administrator covering the work of the department during the preceding year. He may incorporate in said report a summary of the decisions of the Construction Advisory Board during said year.~~

Section 7-1-30 Liability, defense of employees for actions taken in the course of their duties.

~~— Any officer or employee, or member of the Construction Advisory Board, charged with the enforcement of this building code, acting for the governing body in the discharge of his duties, shall not thereby render himself liable personally; and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this building code shall be defended by the Augusta Richmond County attorney until the final termination of the proceedings.~~

Section 7-1-31 Powers and duties of Director Building Official.

~~— (a) The Director Building Official shall enforce the provisions of this building code, and is authorized to render interpretations of this building code which are consistent with its spirit and purpose. The Director Building Official's power shall include, but not be limited to, the following:~~

~~(1) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this building code, or whenever the Director Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director Building Official by this building code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and~~

~~request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.~~

~~When the Director Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director Building Official, or his designer, for the purpose of inspection and examination pursuant to this building code.~~

~~(2) *Inspections.* The Director Building Official may make, or cause to be made, the inspections required by this building code.~~

~~(3) *Tests.* The Director Building Official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the Director Building Official.~~

~~(4) *Stop work orders.* Upon notice from the License and Inspection Department, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this building code or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. When an emergency exists, written notice shall not be required to be given to the License and Inspection Department.~~

~~(5) *Revocation of permits.*~~

~~a. The Director Building Official may revoke a permit or approval, issued under the provisions of this Chapter, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.~~

~~b. The Director Building Official may revoke a permit upon determination by the Director Building Official that the~~

~~construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems, for which the permit was issued is in violation of, or not in conformity with, the provisions of this building code.~~

Section 7-1-32 Requirements not covered by code.

~~Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the License and Inspection Department.~~

Replace With:

ARTICLE 3. PLANNING AND DEVELOPMENT DEPARTMENT

Section 7-1-26 Established.

The Planning and Development Department was effectively established by the Augusta, Georgia Commission in Augusta, Georgia Code Section 8-1-5 herein.

Section 7-1-27 Employee qualifications.

(a) Director-Building Official qualifications. The person in charge of the Planning and Development Department shall be known as the Director-Building Official. The Director-Building Official shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Director-Building Official shall be certified as a building official through a recognized certification program. The Director-Building Official shall be appointed or hired by the Augusta, Georgia Commission and shall not be removed from the office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

Sec. 7-1-28. Restrictions on employees' business interests.

An officer or employee connected with the department, except one whose only connection is as a member of the board established by this building code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or specifications therefore, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

Section 7-1-29 Records and Reports.

(a) The Director-Building Official shall keep, or caused to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

(b) The Director-Building Official shall annually submit a report to the Augusta, Georgia Administrator covering the work of the department during the preceding year. He may incorporate in said report a summary of the decisions of the Construction Advisory Board during said year.

Section 7-1-30 Liability, defense of employees for actions taken in the course of their duties.

Any officer or employee, or member of the Construction Advisory Board, charged with the enforcement of this building code, acting for the governing body in the discharge of his duties, shall not thereby render himself liable personally; and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this building code shall be defended by the Augusta, Georgia attorney until the final termination of the proceedings.

Section 7-1-31 Powers and duties of Director-Building Official.

(a) The Director-Building Official shall enforce the provisions of this building code, and is authorized to render interpretations of this building code which are consistent with its spirit and purpose. The Director-Building Official's power shall include, but not be limited to, the following:

(1) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this building code, or whenever the Director-Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director-Building Official by this building code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

When the Director-Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director-Building Official, or his designer, for the purpose of inspection and examination pursuant to this building code.

(2) *Inspections.* The Director-Building Official may make, or cause to be made, the inspections required by this building code.

(3) *Tests.* The Director-Building Official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the Director-Building Official.

(4) *Stop work orders.* Upon notice from the Planning and Development Department, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this building code or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in

writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. When an emergency exists, written notice shall not be required to be given to the Planning and Development Department.

(5) Revocation of permits.

a. The Director-Building Official may revoke a permit or approval, issued under the provisions of this Chapter, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

b. The Director-Building Official may revoke a permit upon determination by the Director-Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems, for which the permit was issued is in violation of, or not in conformity with, the provisions of this building code.

Section 7-1-32 Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the Planning and Development Department.

EXHIBIT E

Strike:

Sec. 7-1-47. Composition.

~~— The Board shall be composed of the following:~~

- ~~— a. — One (1) licensed electrical contractor;~~
- ~~— b. — One (1) master plumber;~~
- ~~— c. — One (1) licensed HVAC contractor;~~
- ~~— d. — One (1) commercial contractor;~~
- ~~— e. — One (1) residential contractor;~~
- ~~— f. — One (1) architect;~~
- ~~— g. — One (1) electrical engineer;~~
- ~~— h. — One (1) consulting engineer;~~
- ~~— i. — One (1) consumer member Super District 9; and~~
- ~~— j. — One (1) consumer member Super District 10.~~
- ~~— k. — One (1) Residential Light Commercial Contractor.~~

~~— Members, other than the initial members, shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the amount of which the original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Commission, render any such member liable to immediate removal from office.~~

~~— The Augusta-Richmond County employee holding the position of Director-Building Official of the License and Inspection Department shall be responsible for all administrative duties and support to the Advisory Board. The Director-Building Official, Building Inspectors, Planning Commission Director, Utilities~~

~~Department Director, Public Works, and Fire Chief, employed by Augusta-Richmond County shall serve in an advisory capacity as non-voting, ex-officio members of the Advisory Board.~~

~~At its first meeting of each calendar year, the construction Advisory Board shall elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman to serve during the calendar year and until his/her successor has been elected and qualified for office. The Chairman shall preside at meetings of the Advisory Board. In the absence of the Chairman, the Vice Chairman shall preside at meetings. In order to take any action, a quorum of at least a majority of voting members of the Advisory Board must be present at the duly called meeting. A vote of a majority of the voting members present at the duly called meeting at which a quorum is present shall be required to adopt or approve any proposed action by the Board.~~

~~The Construction Advisory Board shall meet on the second Thursday in each of the following months: January, March, May, July, September, and November. Special meetings may be called by the Chairman, or Vice Chairman, as he/she deems necessary.~~

~~Sec. 7-1-48. Duties.~~

~~The Construction Advisory Board shall adopt such reasonable rules and regulations as are necessary for the conduct of its affairs and shall, when needing legal advice, consult with Augusta-Richmond County Attorney, through the department Director/Building Official. It shall be the duties of the Construction Advisory Board to:~~

~~(a) Serve in an advisory capacity to the Commission on matters pertaining to Construction.~~

~~(b) Conduct mediation hearings to resolve differences of opinions in the interpretation of all construction codes and inspection procedures in force in Augusta-Richmond County.~~

~~(c) Make recommendations to the Commission concerning unresolved matter in interpretation of codes and inspection procedures.~~

~~(d) The Advisory Board Committee will not make any changes from the standard codes adopted. If it is felt that any code does not meet Augusta-~~

~~Richmond County's needs due to unique physical or climatological conditions, a proposal to modify a code may be submitted to the Commission through the department Director/Building Official.~~

~~(e) Serve as a liaison between the City of Augusta and builders, developers, design professionals and other disciplines involved in the building and development industries. This duty includes dissemination of information such as adoption of new building codes and changes in policies to these groups and the general public.~~

~~(f) Appoint a member of the Construction Advisory Committee to serve as an ex-officio member of the Subdivision Regulations Committee.~~

Replace With:

Sec. 7-1-47. Composition.

The Board shall be composed of the following:

- a. One (1) licensed electrical contractor;
- b. One (1) master plumber;
- c. One (1) licensed HVAC contractor;
- d. One (1) commercial contractor;
- e. One (1) residential contractor;
- f. One (1) architect;
- g. One (1) electrical engineer;
- h. One (1) consulting engineer;
- i. One (1) consumer member-Super District 9; and
- j. One (1) consumer member-Super District 10.
- k. One (1) Residential-Light Commercial Contractor.

Members, other than the initial members, shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the amount of which the original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Commission, render any such member liable to immediate removal from office.

The Augusta, Georgia employee holding the position of Director-Building Official of the Planning and Development Department shall be responsible for all administrative duties and support to the Advisory Board. The Director-Building Official, Building Inspectors, Planning Commission Director, Utilities Department Director, and Fire Chief, employed by Augusta, Georgia shall serve in an advisory capacity as non-voting, ex-officio members of the Advisory Board.

At its first meeting of each calendar year, the construction Advisory Board shall elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman to serve during the calendar year and until his/her successor has been elected and qualified for office. The Chairman shall preside at meetings of the Advisory Board. In the absence of the Chairman, the Vice Chairman shall preside at meetings. In order to take any action, a quorum of at least a majority of voting members of the Advisory Board must be present at the duly called meeting. A vote of a majority of the voting members present at the duly called meeting at which a quorum is present shall be required to adopt or approve any proposed action by the Board.

The Construction Advisory Board shall meet on the second Thursday in each of the following months: January, March, May, July, September, and November. Special meetings may be called by the Chairman, or Vice-Chairman, as he/she deems necessary.

Sec. 7-1-48. Duties.

The Construction Advisory Board shall adopt such reasonable rules and regulations as are necessary for the conduct of its affairs and shall, when needing legal advice, consult with Augusta, Georgia Attorney, through the department Director/Building Official. It shall be the duties of the Construction Advisory Board to:

- (a) Serve in an advisory capacity to the Commission on matters pertaining to Construction.

(b) Conduct mediation hearings to resolve differences of opinions in the interpretation of all construction codes and inspection procedures in force in Augusta, Georgia.

(c) Make recommendations to the Commission concerning unresolved matter in interpretation of codes and inspection procedures.

(d) The Advisory Board Committee will not make any changes from the standard codes adopted. If it is felt that any code does not meet Augusta, Georgia's needs due to unique physical or climatological conditions, a proposal to modify a code may be submitted to the Commission through the department Director/Building Official.

(e) Serve as a liaison between the Augusta, Georgia and builders, developers, design professionals and other disciplines involved in the building and development industries. This duty includes dissemination of information such as adoption of new building codes and changes in policies to these groups and the general public.

(f) Appoint a member of the Construction Advisory Committee to serve as an ex-officio member of the Subdivision Regulations Committee.

EXHIBIT F

Strike:

Sec. 7-1-86. Issuing Permits.

~~—— (a) Action on permits. The Director Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. If the Director Building Official is satisfied that the work described in an application for permit and the documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.~~

~~—— (b) Refusal to issue permit. If the application for a permit and the accompanying documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Director Building Official shall not issue a permit, but shall return the documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.~~

~~—— (c) Public right of way. A permit shall not be given by the Director Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and said change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of lot or premises, unless the applicant has made application at the office of the Director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Director Building Official to see that the street lines are not encroached upon except as provided in chapter 3 hereof.~~

Replace With:

Sec. 7-1-86. Issuing Permits.

—— (a) Action on permits. The Director-Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. If the Director-Building Official is satisfied that the work described in an application for permit and the documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.

(b) Refusal to issue permit. If the application for a permit and the accompanying documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Director-Building Official shall not issue a permit, but shall return the documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

(c) *Public right of way.* A permit shall not be given by the Director-Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and said change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of lot or premises, unless the applicant has made application at the office of the Director of Planning and Development for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Director-Building Official to see that the street lines are not encroached upon except as provided in chapter 3 hereof.

EXHIBIT G

Strike:

Sec. 7-1-116-2. Definitions.

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

~~— Building Inspector/Consultant means a private person or entity which performs or offers to perform building inspection/consulting services.~~

~~— Building official means that person designated with the title of building official employed within the License & Inspection Department.~~

~~— Certificate means a registration certificate issued in accordance with this chapter.~~

~~— City means Augusta, Georgia.~~

~~— Commercial contractor means a person or entity which performs, supervises or offers to perform or supervise the construction, installation, alteration, replacement or repair of a building or structure, or the improvement of any kind to real property, for which a permit is required by the Code of Ordinances of Augusta, Georgia.~~

~~— Commission means the Augusta Richmond County Commission which is also known as the Augusta Commission.~~

~~— Construction Board means the Augusta Construction Advisory Board established under this chapter (see § 7-1-46).~~

~~— Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e. attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc.~~

~~— Department means the License and Inspection Department.~~

~~—— Designated Committee means a committee of the commission designated by the commission to act as provided for in this article.~~

~~—— Residential builder means a person or entity which performs, supervises, or offers to perform or supervise the construction, repair, improvement, or re-improvement of a residential building or structure which is not over three feet in height and which does not have more than sixteen units in any single apartment building, and/or any ancillary structures or facilities related to such residential buildings for which a permit is required by the Code of Ordinances of Augusta, Georgia. Residential builders are authorized to builds commercial structures upon to 5,000 square feet of heated area.~~

~~—— Specialty contractor means a person or entity which is not a registered residential builder or commercial contractor which performs or offers to perform construction installation, alteration, repair, improvement, or alteration of a specific aspect of any part of a building, structure or other improvement to real estate which requires special skills and involves the use of specialized construction trades or craft, involving the following elements of construction work for which a permit is required by the Code of Ordinances of Augusta, Georgia:~~

- ~~—— (a) Roofing~~
- ~~—— (b) Pool construction~~
- ~~—— (c) Landscaping~~
- ~~—— (d) Yard sprinkler installation~~

Replace With:

Sec. 7-1-116-2. Definitions.

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

Building Inspector/Consultant means a private person or entity which performs or offers to perform building inspection/consulting services.

Building official means that person designated with the title of building official employed within the Planning and Development.

Certificate means a registration certificate issued in accordance with this chapter.

City means Augusta, Georgia.

Commercial contractor means a person or entity which performs, supervises or offers to perform or supervise the construction, installation, alteration, replacement or repair of a building or structure, or the improvement of any kind to real property, for which a permit is required by the Code of Ordinances of Augusta, Georgia.

Commission means the Augusta, Georgia Commission which is also known as the Augusta Commission.

Construction Board means the Augusta Construction Advisory Board established under this chapter (see § 7-1-46).

Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e. attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc.

Department means the Planning and Development Department.

Designated Committee means a committee of the commission designated by the commission to act as provided for in this article.

Residential builder means a person or entity which performs, supervises, or offers to perform or supervise the construction, repair, improvement, or re-improvement of a residential building or structure which is not over three feet in height and which does not have more than sixteen units in any single apartment building, and/or any ancillary structures or facilities related to such residential buildings for which a permit is required by the Code of Ordinances of Augusta, Georgia. Residential builders are authorized to builds commercial structures upon to 5,000 square feet of heated area.

Specialty contractor means a person or entity which is not a registered residential builder or commercial contractor which performs or offers to perform construction installation, alteration, repair, improvement, or alteration of a specific aspect of any part of a building, structure or other improvement to real estate which requires special skills and involves the use of specialized construction trades or

craft, involving the following elements of construction work for which a permit is required by the Code of Ordinances of Augusta, Georgia:

- (a) Roofing
- (b) Pool construction
- (c) Landscaping
- (d) Yard sprinkler installation

EXHIBIT H

Strike:

~~Section. 7-1-116-4. Qualifications for a residential builder's registration and certificate.~~

~~(A) In order to register as a residential builder and obtain a residential builder's certificate under this article, the applicant must satisfy the following requirements:~~

- ~~(1) File with the commission a written application on a form as prescribed by the commission.~~
- ~~(2) Present proof of a passing grade on the National Standardized Contractor Examination for residential builders or any other examination for residential builders that is approved for this purpose by the commission or certification by a residential builder or commercial contractor registered in the City that applicant has a minimum of one year of actual experience or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following passage of any examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina, Tennessee, Alabama and other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirements of this paragraph.~~
- ~~(3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificate evidencing same.~~
- ~~(4) Submit executed bond on the form and with a surety approved by the commission in the sum of not less than fifteen thousand dollars.~~
- ~~(5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than e hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in~~

~~continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, ect. One hour of credit is received for each meeting or seminar that is attended.~~

~~(B) The License & Inspection Department shall register the applicant as a residential builder it, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met all the requirements and demonstrated an ability to engage in the business of serving as a residential builder in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.~~

~~Section. 7-1-116-5. Qualifications for a commercial contractor's registration and certificate.~~

~~(A) In order to register as a commercial contractor and obtain a commercial contractor's certificate under this article, the applicant must satisfy the following requirements:~~

- ~~(1) File with commission a written application on a form as prescribed by the commission.~~
- ~~(2) Present proof of a passing grade on the National Standardized Contractor Examination for commercial contractors or any other examination for commercial contractors that is approved for this purpose by the commission, or certification by a commercial contractor registered in that City that the applicant has a minimum of one year actual experience under a licensed general contractor or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following, a passage of any examination which has been determined by the Building Official to be a comparable examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina,~~

~~Tennessee, Alabama and such other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirement of this paragraph.~~

- ~~(3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.~~
- ~~(4) Submit executed bond in the form and with a surety approved by the commission in the sum of not less than twenty thousand dollars.~~
- ~~(5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc.~~

~~(B) The License & Inspection Department shall register the applicant as a commercial contractor if, based on the information generated in the application process or obtained from sources reasonably believe by the commission to be credible, the commission finds that the applicant has met all the requirements and demonstrated an ability to engage in the business of serving as a commercial contractor in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.~~

Replace With:

Sec. 7-1-116-4. Qualifications for a residential builder's registration and certificate.

(A) In order to register as a residential builder and obtain a residential builder's certificate under this article, the applicant must satisfy the following requirements:

- (1) File with the commission a written application on a form as prescribed by the commission.
- (2) Present proof of a passing grade on the National Standardized Contractor Examination for residential builders or any other examination for residential builders that is approved for this purpose by the commission or certification by a residential builder or commercial contractor registered in the City that applicant has a minimum of one year of actual experience or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following passage of any examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina, Tennessee, Alabama and other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirements of this paragraph.
- (3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificate evidencing same.
- (4) Submit executed bond on the form and with a surety approved by the commission in the sum of not less than fifteen thousand dollars.
- (5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than e hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc. One hour of credit is received for each meeting or seminar that is attended.

(B) The Planning and Development Department shall register the applicant as a residential builder it, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met all the

requirements and demonstrated an ability to engage in the business of serving as a residential builder in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration. (Ord. No. 6704, §1, 6-15-04)

Sec. 7-1-116-5. Qualifications for a commercial contractor's registration and certificate.

(A) In order to register as a commercial contractor and obtain a commercial contractor's certificate under this article, the applicant must satisfy the following requirements:

- (1) File with commission a written application on a form as prescribed by the commission.
- (2) Present proof of a passing grade on the National Standardized Contractor Examination for commercial contractors or any other examination for commercial contractors that is approved for this purpose by the commission, or certification by a commercial contractor registered in that City that the applicant has a minimum of one year actual experience under a licensed general contractor or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following, a passage of any examination which has been determined by the Building Official to be a comparable examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina, Tennessee, Alabama and such other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirement of this paragraph.
- (3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.
- (4) Submit executed bond if the form and with a surety approved by the commission in the sum of not less than twenty thousand dollars.

- (5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee, meetings, and construction, development, and environmental seminars, etc.
- (C) The Planning and Development Department shall register the applicant as a commercial contractor if, based on the information generated in the application process or obtained from sources reasonably believe by the commission to be credible, the commission finds that the applicant has met all the requirements and demonstrated an ability to engage in the business of serving as a commercial contractor in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration

EXHIBIT I

Strike:

Sec. 7-1-136. Appeals to the construction advisory board.

~~— (a) Any person may appeal a notice, order or decision of the Director Building Official to the Augusta Richmond County Construction Advisory Board when it is claimed that the true intent of the codes or standards described in this section have been incorrectly interpreted or when special circumstances or conditions exist which would authorize a minor variance on the grounds hereinafter set forth. Appeals to the Construction Advisory Board shall be made in writing and filed with the Director of the License and Inspection Department within the time period set in the Notice of Violation or within five (5) days after service of any such order upon the owner as provided herein. The applicant's written appeal shall specifically set forth the grounds upon which said appeal is based. The Commission may grant a minor variance to this section when it is determine that:~~

- ~~(1) special circumstances or conditions apply to this appeal application such as an undue hardship;~~
- ~~(2) authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and~~
- ~~(3) authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.~~

~~— (b) Except for orders to vacate, the timely filing of an appeal shall stay enforcement of the order appealed until the appeal is finally determined by the Commission.~~

~~— (c) Failure of a person entitled to appeal under this section to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint before the Construction Advisory Board and such person shall be stopped to deny the validity of any order or action of Augusta Richmond County which could have been timely appealed.~~

~~— (d) Any party aggrieved by a decision of the Construction Advisory Board may apply to Superior Court. Said appeal shall be the same as an appeal to the superior court from any decision made by the probate court, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Construction Advisory Board or of any official charged with the enforcement of any order, requirement or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Construction Advisory Board shall be final.~~

Replace With:

Sec. 7-1-136. Appeals to the construction advisory board.

(a) Any person may appeal a notice, order or decision of the Director-Building Official to the Augusta, Georgia Construction Advisory Board when it is claimed that the true intent of the codes or standards described in this section have been incorrectly interpreted or when special circumstances or conditions exist which would authorize a minor variance on the grounds hereinafter set forth. Appeals to the Construction Advisory Board shall be made in writing and filed with the Director of the Planning and Development Department within the time period set in the Notice of Violation or within five (5) days after service of any such order upon the owner as provided herein. The applicant's written appeal shall specifically set forth the grounds upon which said appeal is based. The Commission may grant a minor variance to this section when it is determine that:

- (1) special circumstances or conditions apply to this appeal application such as an undue hardship;
- (2) authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
- (3) authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

(b) Except for orders to vacate, the timely filing of an appeal shall stay enforcement of the order appealed until the appeal is finally determined by the Commission.

(c) Failure of a person entitled to appeal under this section to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint before the Construction Advisory Board and such person shall be stopped to deny the validity of any order or action of Augusta, Georgia which could have been timely appealed.

(d) Any party aggrieved by a decision of the Construction Advisory Board may apply to Superior Court. Said appeal shall be the same as an appeal to the superior court from any decision made by the probate court, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Construction Advisory Board or of any official charged with the enforcement of any order, requirement or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Construction Advisory Board shall be final.

EXHIBIT J

Strike:

Sec. 7-2-3. Nuisances Notice.

~~Whenever an inspector of the License and Inspection Department or any other duly constituted inspection authority of the Augusta-Richmond County Commission determines that a nuisance exists on any premises within Augusta-Richmond County, he may serve written notice upon the owner or occupant, or his agent having control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; describe the premises where the nuisance is alleged to exist or to have been committed; and specify a reasonable period of time for the abatement of said nuisance. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent. If service cannot be effectuated in such a manner after diligent effort to do so, service may be made conspicuously posting the notice in or about the premises described in the notice, or by causing such notice to be published once in a newspaper of general circulation in Augusta-Richmond County. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process.~~

Replace With:

Sec. 7-2-3. Nuisances-Notice.

Whenever an inspector of the Planning and Development Department or any other duly constituted inspection authority of the Augusta, Georgia Commission determines that a nuisance exists on any premises within Augusta, Georgia, he may serve written notice upon the owner or occupant, or his agent having control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; describe the premises where the nuisance is alleged to exist or to have been committed; and specify a reasonable period of time for the abatement of said nuisance. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent. If service cannot be

effectuated in such a manner after diligent effort to do so, service may be made conspicuously posting the notice in or about the premises described in the notice, or by causing such notice to be published once in a newspaper of general circulation in Augusta, Georgia. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process.

EXHIBIT K

Strike:

Sec. 7-2-63. Definitions.

~~—— *Affected land* means the area of land that is under operation and under excavation within the approved area only.~~

~~—— *Automobile wrecking yard or automobile used parts lot* shall mean any place where one or more vehicles not in running condition, or parts thereof, are stored in the open or in any building or structure used principally for wrecking or storage of automobiles not in running condition or automotive parts.~~

~~—— *Buffer* shall mean a portion of a lot, tract, or parcel set aside for open space, and visual screening purposes, pursuant to applicant provisions of this ordinance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or different use district.~~

~~—— *Construction and demolition waste* means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on pavements, houses, commercial buildings, and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, card board, inert waste landfill material, and other non putrescible waste which have a low potential for groundwater contamination as defined in the Georgia Rules for Solid Waste Management 391-3-4-.0(14).~~

~~—— *Containment* shall mean the act, process, or means of containing fluids to prevent spillage of contents onto the soil, water ways, sewer system, storm water system, or any other means except through proper disposal procedure.~~

~~—— *Contaminate* shall mean the intrusion or contact with dirt or foulness from an outside source, to taint stresses the loss of purity or cleanliness that follows contamination, to soil stain, stain corrupt, or infect by contact or association.~~

~~—— *Disposal facility* shall means any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, land filling and solid waste thermal treatment technology facilities.~~

~~—— *Enforcement.* The License and Inspection Department.~~

~~—— *Generator* shall mean any waste generated or accumulated at any facility lying within Augusta-Richmond County, Georgia, under daily operations, for commercial gain or mass distribution.~~

~~—— *Inventory* shall mean a written recorded description and quantity of materials.~~

~~—— *Junkyard, salvage yard, recycling facility* shall mean any place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packaged, disassembled, or handled; including automotive wrecking yards, automobiles used parts lots, used lumber yards, salvaged building materials, salvaged household appliances, or other types of material; but excluded establishments for the sale, purchase, or storage of used automobiles in running condition, used furniture, or salvaged materials used as parts of a manufacturing process on the same site.~~

~~—— *Leachate* shall mean a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.~~

~~—— *Legally existing business.* A business that is in compliance with the Augusta-Richmond County Comprehensive Zoning Ordinance, and the business owner/operator is in possession of a current Occupation Tax Certificate.~~

~~—— *Manifests/receipt* shall mean a form or document used for identifying the quantity or composition and the origin, routing, and destination of special solid or liquid waste during any intermediate point of generation through any intermediate points to the point of disposal, treatment or storage.~~

~~—— *Occupation tax certificate holder* means any person(s), firm or corporation who owns a business and/or holds an Occupation Tax Certificate within Augusta-Richmond County, Georgia and/or operating with an Occupation Tax Certificate in Augusta-Richmond County, Georgia.~~

~~—— *Ordinance administrator.* The Director of the License & Inspection Department.~~

~~Owner means the person(s), firm, or corporation who owns a parcel of property lying within Augusta Richmond County Georgia.~~

~~Person shall mean any individual firm, partnership, association, company, group, entity, or organization of any kind.~~

~~Petroleum contaminated soil shall mean any soil tainted or affected by any petroleum or a substance containing any traces of petroleum constitutes.~~

~~Pre-existing junkyard, salvage yard, automobile wrecking yard, and/or recycling facility. Prior to the date of Ordinance implementation.~~

~~Reclamation shall mean the reconditioning or rehabilitation of affected land under the junkyard, salvage yard, automobile wrecking yard, and recycling facility. Such as refilling, and re-packing the excavated areas with suitable materials, such as dirt, and/or sand.~~

~~Recovered materials processing facility shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.~~

~~Recycling shall mean any process by which materials which would otherwise become solid waste or collected, separated, processed and reused or returned in the form of raw materials or products.~~

~~Regulatory fee. Payment whether designated at license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business.~~

~~Run-off means any rainwater, leachate, or other liquid that drains over land from any part of a facility.~~

~~Salvageable/recovered/collectable materials shall mean those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.~~

~~—— *Solid waste/waste* shall mean any garbage or refuse including solids, semi-solids, liquids, gaseous, materials that have no use or future use.~~

~~—— *State waters* includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.~~

~~—— *Tire* shall mean a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle nor a part of the motor vehicle as original equipment.~~

~~—— *Waste* shall mean all discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or fifteen cubic feet (15 ft.³) in volume, or any such substance in any weight or volume if biomedical waste, hazardous waste, a hazardous substance, or any such substance or material dumped for commercial purposes. With the exception of non-hazardous, low impact animal by products classified by the Georgia Department of Natural Resources, "waste" includes without limitation, sand, gravel, slag brickbats, rubbish, waster material, tin cans, refuse, garbage, trash, debris, dead animals, bottles, boxes, containers, papers, tobacco products, tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge from a wastewater treatment facility, water supply treatment plant, or air pollution control facility, air contaminants from any source or facility, and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.~~

~~—— *Waste stream* shall mean the point of generation/origin of said waste (as defined), manner in which it is recovered, transported, final destination site for generator and/or disposal point.~~

~~—— *Zoning* shall mean by Ordinance into sections reserved for different purposes (as residence, business, or activity).~~

Replace With:

Sec. 7-2-63. Definitions.

Affected land means the area of land that is under operation and under excavation within the approved area only.

Automobile wrecking yard or automobile used parts lot shall mean any place where one or more vehicles not in running condition, or parts thereof, are stored in the open or in any building or structure used principally for wrecking or storage of automobiles not in running condition or automotive parts.

Buffer shall mean a portion of a lot, tract, or parcel set aside for open space, and visual screening purposes, pursuant to applicant provisions of this ordinance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or different use district.

Construction and demolition waste means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on pavements, houses, commercial buildings, and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, card board, inert waste landfill material, and other non-putrescible waste which have a low potential for groundwater contamination as defined in the Georgia Rules for Solid Waste Management 391-3-4-.0(14).

Containment shall mean the act, process, or means of containing fluids to prevent spillage of contents onto the soil, water ways, sewer system, storm water system, or any other means except through proper disposal procedure.

Contaminate shall mean the intrusion or contact with dirt or foulness from an outside source, to taint stresses the loss of purity or cleanliness that follows contamination, to soil stain, stain corrupt, or infect by contact or association.

Disposal facility shall means any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, land filling and solid waste thermal treatment technology facilities.

Enforcement. The Planning and Development Department.

Generator shall mean any waste generated or accumulated at any facility lying within Augusta, Georgia under daily operations, for commercial gain or mass distribution.

Inventory shall mean a written recorded description and quantity of materials.

Junkyard, salvage yard, recycling facility shall mean any place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packaged, disassembled, or handled; including automotive wrecking yards, automobiles used parts lots, used lumber yards, salvaged building materials, salvaged household appliances, or other types of material; but excluded establishments for the sale, purchase, or storage of used automobiles in running condition, used furniture, or salvaged materials used as parts of a manufacturing process on the same site.

Leachate shall mean a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

Legally existing business. A business that is in compliance with the Augusta, Georgia Comprehensive Zoning Ordinance, and the business owner/operator is in possession of a current Occupation Tax Certificate.

Manifests/receipt shall mean a form or document used for identifying the quantity or composition and the origin, routing, and destination of special solid or liquid waste during any intermediate point of generation through any intermediate points to the point of disposal, treatment or storage.

Occupation tax certificate holder means any person(s), firm or corporation who owns a business and/or holds an Occupation Tax Certificate within Augusta, Georgia and/or operating with an Occupation Tax Certificate in Augusta, Georgia.

Ordinance administrator. The Director of the Planning and Development Department.

Owner means the person(s), firm, or corporation who owns a parcel of property lying within Augusta, Georgia.

Person shall mean any individual firm, partnership, association, company, group, entity, or organization of any kind.

Petroleum contaminated soil shall mean any soil tainted or affected by any petroleum or a substance containing any traces of petroleum constitutes.

Pre-existing junkyard, salvage yard, automobile wrecking yard, and/or recycling facility. Prior to the date of Ordinance implementation.

Reclamation shall mean the reconditioning or rehabilitation of affected land under the junkyard, salvage yard, automobile wrecking yard, and recycling facility. Such as refilling, and re-packing the excavated areas with suitable materials, such as dirt, and/or sand.

Recovered materials processing facility shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling shall mean any process by which materials which would otherwise become solid waste or collected, separated, processed and reused or returned in the form of raw materials or products.

Regulatory fee. Payment whether designated at license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business.

Run-off means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Salvageable/recovered/ collectable materials shall mean those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

Solid waste/waste shall mean any garbage or refuse including solids, semi-solids, liquids, gaseous, materials that have no use or future use.

State waters includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Tire shall mean a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle nor a part of the motor vehicle as original equipment.

Waste shall mean all discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or fifteen cubic feet (15 ft.3) in volume, or any such substance in any weight or volume if biomedical waste, hazardous waste, a hazardous substance, or any such substance or material dumped for commercial purposes. With the exception of non-hazardous, low-impact animal by-products classified by the Georgia Department of Natural Resources, "waste" includes without limitation, sand, gravel, slag brickbats, rubbish, waster material, tin cans, refuse, garbage, trash, debris, dead animals, bottles, boxes, containers, papers, tobacco products, tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge from a wastewater treatment facility, water supply treatment plant, or air pollution control facility, air contaminants from any source or facility, and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.

Waste stream shall mean the point of generation/origin of said waste (as defined), manner in which it is recovered, transported, final destination site for generator and/or disposal point.

Zoning shall mean by Ordinance into sections reserved for different purposes (as residence, business, or activity).

EXHIBIT L

Strike:

Sec. 7-2-76. Enforcement.

~~Enforcement of this ordinance shall be the responsibility of the Augusta-Richmond County License and Inspection Department. Any person or person(s) authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonably or necessary times in order to inspect for violations of this ordinance, subject to the condition that to allow entry onto private property for inspections, the alleged violation of this ordinance, must be visible from a public road or right of way, or upon said officer(s) having received a valid complaint alleging a violation of this ordinance, or by a Judge's Order upon said officers having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur.~~

Replace With:

Sec. 7-2-76. Enforcement.

Enforcement of this ordinance shall be the responsibility of the Augusta, Georgia Planning and Development Department. Any person or person(s) authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonably or necessary times in order to inspect for violations of this ordinance, subject to the condition that to allow entry onto private property for inspections, the alleged violation of this ordinance, must be visible from a public road or right of way, or upon said officer(s) having received a valid complaint alleging a violation of this ordinance, or by a Judge's Order upon said officers having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur.

EXHIBIT M

Strike:

~~Sec. 7-3-73. Nuisance abatement procedures.~~

~~(a) *Appointment of public officer.* The Augusta Richmond County Commission appoints and designates the Director, License and Inspection, and his/her designee as public officer(s) to exercise the powers prescribed by this Article;~~

~~(b) *Procedures for determining premises to be unsafe or unhealthful.*~~

~~(1) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of Augusta charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is~~

~~vacant, and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner of the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing shall be held not less than fifteen (15) days nor more than forty five (45) days after the filing of said complaint in court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing;~~

- ~~(2) If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health and safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:~~

- ~~a. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a~~

~~reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or~~

- ~~b. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.~~

~~For purposes of this Article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 41 of the O.C.G.A., qualified building contractors, or qualified building inspectors, without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable~~

~~codes relevant to the cited violations in force in the jurisdiction.~~

- ~~e. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure, to be repaired, altered, improved, to be vacated and closed, or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:~~

~~'This building is unfit for human habitation or commercial, industrial, or business use and does not comply with applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.'~~

- ~~d. If the public officer has the structure demolished, reasonable effort shall be made to the salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without necessity of public advertisement and bid. The public officer and Augusta are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.~~

- ~~e. The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the~~

~~tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.~~

- ~~1. The lien provided for in paragraph c. of subsection 2. Of this Ordinance shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the Office of the Clerk of Superior Court in Richmond County and shall relate back to the date of the filing of the lis pendens notice required under subsection (g) of O.C.G.A. § 41-2-12. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of Richmond County and enter the lien on the general execution docket. The lien shall be superior to all other liens on property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing certified copy of the order with Clerk of Superior Court, the public officer shall forward a copy of the order and final statement of costs to the county tax commissioner. It shall be duty of the county tax commissioner to collect the amount of lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were real property ad valorem tax, including specifically Chapter 4 of Title 48 of the O.C.G.A., provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority of~~

~~Augusta, Georgia. Thirty days (30) after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.~~

- ~~2. The tax commissioner shall collect and retain an amount equal to cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by a resolution of Augusta. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.~~
- ~~3. Augusta may waive the release any such lien imposed on property upon the owner of such property entering into a contract with the county or municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.~~
- ~~4. Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to Richmond County Superior Court under O.C.G.A. § 5-3-29.~~
- ~~5. The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other~~

~~codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in any court of competent jurisdiction prior to issuing a complaint in rem as provided in this Article.~~

~~6. Nothing in this Article shall be construed to impair or limit in any way the power of Augusta to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.~~

~~(c) *Powers of Public Officers.* The public officer(s) designated in this Article shall have the following powers:~~

- ~~(1) To investigate the dwelling conditions in Augusta in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use are vacant, dilapidated, and being used in connection with the commission of drug crimes;~~
- ~~(2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;~~
- ~~(3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;~~
- ~~(4) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this Article; and~~

~~(5) To delegate any of his or her functions and powers under this Article to such officers and agents as he or she may designate.~~

~~(d) Services of Complaints.~~

~~(1) Complaints issued by a public officer pursuant to this Article shall be served in the following manner: In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least ten (10) days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:~~

~~a. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the public officer designated by this Article to abate nuisances or by any law enforcement officer of Augusta; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;~~

~~b. Pursuant to the provisions of O.C.G.A. § 41-2-12; or~~

~~c. Statutory overnight delivery.~~

~~(2) If any owner or party in interest is a resident of this State but resides outside of the County, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown on the County tax files and mailed at least fourteen (14) days prior to the date of the hearing.~~

- ~~(3) Non residents of this State, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For non residents who mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the Sheriff's advertisements appear in such County once a week for two (2) consecutive weeks prior to the hearing.~~
- ~~(4) In the event either the owner or any party in interest is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such personal shall be served; should such guardian or personal representative reside outside the County or is a non resident of this State, he or she shall be served as provided for in (d) subsection (6) of this Section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the Probate Court of Richmond County at least thirty (30) days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian at litem for such person.~~
- ~~(5) In the event of unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the Probate Court of the county wherein such property or interest is located shall be personally served at least thirty (30) days prior to the date of the hearing, and it shall be the duty of the judge of the Probate Court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.~~

- ~~(6) — In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this Section, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (5) of this Section, and such publication shall be sufficient proof that service was perfected.~~
- ~~(7) — A notice of lis pendens shall be filed in the Office of the Clerk of Superior Court in the county in which the dwelling, building, or structure is located at time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.~~
- ~~(8) — Orders and other filings made subsequent to services of the initial complaint shall be served in the manner provided in this Section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice of the proceedings.~~
- ~~(9) — Continued Use of Other Laws and Ordinances. It is the intent of the Augusta Richmond County Commission that nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of Augusta to enforce any provisions of any local enabling Act, charter, or ordinance or regulation nor prevent or punish violations thereof; and the powers conferred by this Article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.~~

Replace With:

Sec. 7-3-73. Nuisance abatement procedures.

(a) Appointment of public officer. The Augusta, Georgia Commission appoints and designates the Director, Planning and Development, and his/her designee as public officer(s) to exercise the powers prescribed by this Article;

(b) Procedures for determining premises to be unsafe or unhealthful.

(1) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of Augusta charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial or business use and not in Compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant, and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where

such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner of the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after the filing of said complaint in court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing;

(2) If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health and safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:

- a. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and if applicable, to secure

the structure so that it cannot be used in connection with the commission of drug crimes; or

- b. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this Article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 41 of the O.C.G.A., qualified building contractors, or qualified building inspectors, without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- c. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure, to

be repaired, altered, improved, to be vacated and closed, or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

'This building is unfit for human habitation or commercial, industrial, or business use and does not comply with applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.'

- d. If the public officer has the structure demolished, reasonable effort shall be made to the salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without necessity of public advertisement and bid. The public officer and Augusta are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- e. The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

- i. The lien provided for in paragraph c. of subsection 2. Of this Ordinance section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the Office of the Clerk of Superior Court in Richmond County and shall relate back to the date of the filing of the lis pendens notice required under subsection (g) of O.C.G.A. § 41-2-12. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of Richmond County and enter the lien on the general execution docket. The lien shall be superior to all other liens on property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing certified copy of the order with Clerk of Superior Court, the public officer shall forward a copy of the order and final statement of costs to the county tax commissioner. It shall be duty of the county tax commissioner to collect the amount of lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were real property ad valorem tax, including specifically Chapter 4 of Title 48 of the O.C.G.A., provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority of Augusta, Georgia. Thirty days (30) after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

- ii. The tax commissioner shall collect and retain an amount equal to cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by a resolution of Augusta. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.
- iii. Augusta may waive the release any such lien imposed on property upon the owner of such property entering into a contract with the county or municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
- iv. Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to Richmond County Superior Court under O.C.G.A. § 5-3-29.
- v. The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in any court of competent jurisdiction prior to issuing a complaint in rem as provided in this Article.

- vi. Nothing in this Article shall be construed to impair or limit in any way the power of Augusta to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(c) Powers of Public Officers. The public officer(s) designated in this Article shall have the following powers:

- (1) To investigate the dwelling conditions in Augusta in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this Article; and
- (5) To delegate any of his or her functions and powers under this Article to such officers and agents as he or she may designate.

(d) Services of Complaints.

- (1) Complaints issued by a public officer pursuant to this Article shall be served in the following manner: In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least ten (10) days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:
- a. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the public officer designated by this Article to abate nuisances or by any law enforcement officer of Augusta; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;
 - b. Pursuant to the provisions of O.C.G.A. § 41-2-12; or
 - c. Statutory overnight delivery.
- (2) If any owner or party in interest is a resident of this State but resides outside of the County, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown on the County tax files and mailed at least fourteen (14) days prior to the date of the hearing.
- (3) Non-residents of this State, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For non-residents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the Sheriff's

advertisements appear in such County once a week for two (2) consecutive weeks prior to the hearing.

- (4) In the event either the owner or any party in interest is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such personal shall be served; should such guardian or personal representative reside outside the County or is a non-resident of this State, he or she shall be served as provided for in (d) subsection (6) of this Section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the Probate Court of Richmond County at least thirty (30) days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.
- (5) In the event of unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the Probate Court of the county wherein such property or interest is located shall be personally served at least thirty (30) days prior to the date of the hearing, and it shall be the duty of the judge of the Probate Court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.
- (6) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this Section, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (5) of this Section, and such publication shall be sufficient proof that service was perfected.

- (7) A notice of lis pendens shall be filed in the Office of the Clerk of Superior Court in the county in which the dwelling, building, or structure is located at time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- (8) Orders and other filings made subsequent to services of the initial complaint shall be served in the manner provided in this Section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice of the proceedings.
- (9) Continued Use of Other Laws and Ordinances. It is the intent of the Augusta, Georgia Commission that nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of Augusta to enforce any provisions of any local enabling Act, charter, or ordinance or regulation nor prevent or punish violations thereof; and the powers conferred by this Article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.



Administrative Services Committee Meeting

10/10/2011 1:00 PM

An Ordinance to Amend the Augusta, GA Code Title Six Chapter Seven Sections 6-7-5, 6-7-42 Through 6-7-43, 6-7-60, 6-7-69, 6-7-90 Through 6-7-91, 6-7-96 Through 6-7-97, and 6-7-110

Department: Administrator

Caption: An Ordinance to amend the Augusta, GA Code Title Six Chapter Seven Sections 6-7-5, 6-7-42 through 6-7-43, 6-7-60, 6-7-69, 6-7-90 through 6-7-91, 6-7-96 through 6-7-97, and 6-7-110 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

Background:

Analysis:

Financial Impact:

Alternatives: Deny

Recommendation: Approve

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

**Administrator
Clerk of Commission**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE SIX CHAPTER SEVEN SECTIONS 6-7-5, 6-7-42 THROUGH 6-7-43, 6-7-60, 6-7-69, 6-7-90 THROUGH 6-7-91, 6-7-96 THROUGH 6-7-97, AND 6-7-110 RELATING TO THE POWERS AND DUTIES OF THE LICENSE AND INSPECTION DEPARTMENT; TO REPEAL ALL CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 30, 2011, the Augusta, Georgia Commission approved the Administrator's reorganization plan as described in the Augusta, Georgia Proposed Government Reorganization Draft Project Plan; and

WHEREAS, such Proposed Government Reorganization Draft Project Plan requires the abolishment of the License and Inspection Department and to have the powers and duties of the License and Inspection Department to be transferred to the Planning and Development Department; and

WHEREAS, Augusta, Georgia desires to update and amend the Code as related to the abolishment of the License and Inspection Department and the transfer of those powers and duties to the Planning and Development Department to be consistent with the Proposed Government Reorganization Draft Project Plan; and

WHEREAS, 1997 Ga. Laws p. 4024 designates the name of the consolidated government as "Augusta, Georgia"; and

WHEREAS, Augusta, Georgia seeks to update the local laws to reflect the name of the consolidated government.

THE AUGUSTA, GEORGIA COMMISSION ordains as follows:

SECTION 1. AUGUSTA, GA. CODE Section 6-7-5 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-7-5, as set forth in "Exhibit A" hereto.

SECTION 2. Augusta, GA. CODE Sections 6-7-42 through 6-7-43 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking

this section in its entirety and inserting in lieu thereof new Code Sections 6-7-42 through 6-7-43, as set forth in "Exhibit B" hereto.

SECTION 3. AUGUSTA, GA. CODE Section 6-7-60 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-7-60, as set forth in "Exhibit C" hereto.

SECTION 4. AUGUSTA, GA. CODE Section 6-7-69 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-7-69, as set forth in "Exhibit D" hereto.

SECTION 5. AUGUSTA, GA. CODE Sections 6-7-90 through 6-7-91 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-7-90 through 6-7-91, as set forth in "Exhibit E" hereto.

SECTION 6. AUGUSTA, GA. CODE Sections 6-7-96 through 6-7-97 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-7-96 through 6-7-97, as set forth in "Exhibit F" hereto.

SECTION 7. AUGUSTA, GA. CODE Section 6-7-110 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-7-110, as set forth in "Exhibit G" hereto.

SECTION 8. This ordinance shall become effective on November 1, 2011.

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2011.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on _____, 2011 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading _____

Second Reading _____

EXHIBIT A

Strike:

Sec. 6-7-5. Right of suspension of the 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 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.~~

Replace With:

Sec. 6-7-5. Right of suspension of Planning and Development Department.

The Planning and Development 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 Planning and Development Department, Sheriff's Department or Health Department; or violates any law or ordinance of the United States, or the state or Augusta, Georgia, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the Planning and Development 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 Planning and Development Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Augusta, Georgia 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.

EXHIBIT B

Strike:

~~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 and 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 and 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 and 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 (7) 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 and Inspection Department; revocation.~~

~~—— The License and 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 and 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 and 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 and 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 and 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.~~

Replace With:

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 Planning and Development 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 Planning and Development 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 Planning and Development 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 fathering, 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 (7) 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 Planning and Development Department; revocation.

The Planning and Development 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 Planning and Development Department, Sheriff's Department or Health Department; or violates any law or ordinance of the United States, or the state or Augusta, Georgia, in pursuance of such business conducted under such business tax certificate, or when it shall be proven before the Planning and Development 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 Planning and Development 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 Planning and Development 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, Georgia, or there has been any violation of the ordinances and code of Augusta, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

EXHIBIT C

Strike:

~~Sec. 6-7-60. Right of suspension by License and Inspection Department; revocation.~~

~~The License and 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 and 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 and 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 and 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 and 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.~~

Replace With:**Sec. 6-7-60. Right of suspension by Planning and Development Department; revocation.**

The Planning and Development 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 Planning and Development Department, Sheriff's Department or Health Department; or violates any law or ordinance of the United States, or the state or Augusta, Georgia, in pursuance of such business conducted under such business tax certificate, or when it shall be proven before the Planning and Development 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 Planning and Development 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 Planning and Development 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, Georgia, or there has been any violation of the ordinances and code of Augusta, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

EXHIBIT D

Strike:

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 or death of one (1) person, five hundred thousand dollars (\$500,000.00) for injury to or death of more than one (1) 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 and 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 and 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 (30) days' written notice to the License and 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.~~

Replace With:

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, Georgia 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 or death of one (1) person, five hundred thousand dollars (\$500,000.00) for injury to or death of more than one (1) person, and one hundred thousand dollars (\$100,000.00) for loss or damage to property.

(b) Such insurance policies shall be submitted to the Planning and Development 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 Planning and Development 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 (30) days' written notice to the Planning and Development 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.

EXHIBIT E

Strike:

Sec. 6-7-90. Insurance

~~Each Business Tax Certificate holder under this Article shall maintain a general comprehensive liability insurance policy issued by and insurance company authorized to do business in the State of Georgia in the amount of One Million Dollars (\$1,000,000,000). 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. The policy shall require notice to be sent within ten (10) days to the Commission as a certificate holder of any cancelation or nonrenewal of any policy provided for in this section. Each business certificate holder must have, if applicable, Work's Compensation insurance in statutory amounts set forth by the State of Georgia.~~

Sec. 6-7-91. Initial inspection of pedicab; issuance of certificate.

~~Prior to the use and operation of any pedicab 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. When the Sheriff's Department finds that a pedicab has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity and weight requirements of the vehicle so certified. This capacity shall at no time be exceeded.~~

Replace With:

Sec. 6-7-90. Insurance

Each Business Tax Certificate holder under this Article shall maintain a general comprehensive liability insurance policy issued by and insurance company authorized to do business in the State of Georgia in the amount of One Million

Dollars (\$1,000,000,000). The business Tax Certificate holder under this Article shall furnish to the Director of Planning and Development a copy of the insurance certificate showing the amounts provided for herein and the expiration date of insurance policy required. The policy shall require notice to be sent within ten (10) days to the Commission as a certificate holder of any cancelation or nonrenewal of any policy provided for in this section. Each business certificate holder must have, if applicable, Work's Compensation insurance in statutory amounts set forth by the State of Georgia.

Sec. 6-7-91. Initial inspection of pedicab; issuance of certificate.

Prior to the use and operation of any pedicab 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 Planning and Development Department shall deem necessary. When the Sheriff's Department finds that a pedicab has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity and weight requirements of the vehicle so certified. This capacity shall at no time be exceeded.

EXHIBIT F

Strike:

6-7-96. Limitation on number of passengers.

~~— No pedicab driver shall permit more persons to be carried in a pedicab as passengers than the rated seating capacity of his pedicab 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. 6-7-97. Right of suspension by License and Inspection Department; revocation.

~~— The License and 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 and Inspection Department, Sheriff's Department or Health Department; or violates any law or ordinance of the United States, the State of Georgia or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate. The License and 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 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 and Inspection Department, there is cause to revoke the license, a written notice of intention to revoke shall be furnished to 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.~~

Replace With:**6-7-96. Limitation on number of passengers.**

No pedicab driver shall permit more persons to be carried in a pedicab as passengers than the rated seating capacity of his pedicab as stated in the certificate for such vehicle issued by the Planning and Development Department. A child in arms shall not be counted as a passenger.

Sec. 6-7-97. Right of suspension by Planning and Development Department; revocation.

The Planning and Development 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 Planning and Development Department, Sheriff's Department or Health Department; or violates any law or ordinance of the United States, the State of Georgia or Augusta, Georgia in pursuance of such business conducted under such business tax certificate. The Planning and Development 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 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 Planning and Development Department, there is cause to revoke the license, a written notice of intention to revoke shall be furnished to 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, Georgia or there has been any violation of the ordinances and Code of Augusta, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

EXHIBIT G

Strike:

~~Sec. 6-7-110. 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 and 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 and 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 and Inspection Department copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of pedicab service to any hotel, theater, hall, public resort, 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 (7) days shall be sufficient cause for the revocation of a license of any offending holder or the cancellation of any cab stand privileges.~~

Replace With:

Sec. 6-7-110. 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 Planning and Development 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 Planning and Development 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 Planning and Development Department copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of pedicab service to any hotel, theater, hall, public resort, 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 (7) days shall be sufficient cause for the revocation of a license of any offending holder or the cancellation of any cab stand privileges.



Administrative Services Committee Meeting

10/10/2011 1:00 PM

An Ordinance to Amend the Augusta, GA Code Title Six Chapter Six Sections 6-6-5 and 6-6-37 through 6-6-47

Department: Administrator

Caption: An Ordinance to amend the Augusta, GA Code Title Six Chapter Six Sections 6-6-5 and 6-6-37 through 6-6-47 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

Background:

Analysis:

Financial Impact:

Alternatives: Deny

Recommendation: Approve

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

**Administrator
Clerk of Commission**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE SIX CHAPTER SIX SECTIONS 6-6-5 AND 6-6-37 THROUGH 6-6-47 RELATING TO THE POWERS AND DUTIES OF THE LICENSE AND INSPECTION DEPARTMENT; TO REPEAL ALL CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 30, 2011, the Augusta, Georgia Commission approved the Administrator's reorganization plan as described in the Augusta, Georgia Proposed Government Reorganization Draft Project Plan; and

WHEREAS, such Proposed Government Reorganization Draft Project Plan requires the abolishment of the License and Inspection Department and to have the powers and duties of the License and Inspection Department to be transferred to the Planning and Development Department; and

WHEREAS, Augusta, Georgia desires to update and amend the Code as related to the abolishment of the License and Inspection Department and the transfer of those powers and duties to the Planning and Development Department to be consistent with the Proposed Government Reorganization Draft Project Plan; and

WHEREAS, 1997 Ga. Laws p. 4024 designates the name of the consolidated government as "Augusta, Georgia"; and

WHEREAS, Augusta, Georgia seeks to update the local laws to reflect the name of the consolidated government.

THE AUGUSTA, GEORGIA COMMISSION ordains as follows:

SECTION 1. AUGUSTA, GA. CODE Section 6-6-5 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-6-5, as set forth in "Exhibit A" hereto.

SECTION 2. Augusta, GA. CODE Sections 6-6-37 through 6-6-47 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-6-37 through 6-6-47, as set forth in "Exhibit B" hereto.

SECTION 14. This ordinance shall become effective on November 1, 2011.

SECTION 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2011.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on _____, 2011 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading _____

Second Reading _____

EXHIBIT A

Strike:

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, interest and convenience of the public demand the suspension of such business tax certificate to the next regular or called meeting of the Commission, and 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 under 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 if the Commission at which time the holder of the license may make sure 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 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.~~

Replace With:

Sec. 6-6-5 Right of suspension by planning and development department; revocation.

The Planning & Development 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 Planning & Development Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta, Georgia in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the Planning & Development Department that there is a violation of a nuisance law; or when the health, morals, interest and convenience of the public demand the suspension of such business tax certificate to the next regular or called meeting of the Commission, and 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 under shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the Planning & Development 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 if the Commission at which time the holder of the license may make sure 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, Georgia or and code of Augusta, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

EXHIBIT B

Strike:

~~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 of 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, interest 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 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 probation, permanently revoke the license, or store the license such that it remains in full force.~~

~~—— A license granted hereunder shall also 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 a 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 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 that 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 BUSINESS~~

~~Sec. 6-6-38. Amusement parks.~~

~~(a) *Business tax certificate requirement.* 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 devise, amusement carnival or exposition with portable amusement rides shall, before engaging in such business, obtain a business tax certificate in accordance with 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 devise, 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 are immediately next to the location of the business for street vending shall not be considered a street vendor for purpose 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 are (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 a provided in section 2-1-3 (c).~~

~~(d) *Right of suspension by the 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 this public demand 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, and placed on probation, permanently revoked, or otherwise is shall be restored and remain in full force, according to the decision of the Commission.~~

~~(e) — *Penalty for violation of Article.* All persons, firm 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. 6-6-40. 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 sale and/or business within the nonpublic area 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 (e).~~

~~(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 of the county, in pursuance of such business conducted 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, interest 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 shall be suspended, placed on probation, permanently revoked, or otherwise is 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 any 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 and Inspection Department.* The License and 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 Licensed and 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 and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interest and convenience of the public demand the suspension of such Business Tax Certificate. The License and 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.~~

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

~~(a) — *Defined.* Live adult entertainment means 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 live on a regular basis at adult entertainment 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; 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 subsection. 2-1-3(e).~~

~~(e) *Right to suspension by License and Inspection Department.* The License and 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 and Inspection Department, Sheriff's Department or health department; or violets 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 and 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 and 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 by 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.~~

Section 6-6-43. Dance Halls.

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

~~(b) — *Application.* 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 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.~~

~~(c) — *Inspection of application by license inspector; investigation by sheriff; provision of information to license & inspection department upon request.* 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 Augusta-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 dance hall.~~

~~(1) All applicants shall furnish all data, information and records requested of them by the License & Inspection Department and/or the Augusta-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 Augusta Richmond County License & Inspection Department or the Augusta 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.~~

~~(d) — *Commission approval.* No person shall operate a dance hall within the limits of Augusta Richmond County without first receiving a favorable action from the Board of Commissioners. The Augusta Richmond County Commission shall have the right to determine whether the applicant or location for the proposed dance hall is proper and appropriate.~~

~~(e) — *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.~~

~~(f) — *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.~~

~~(g) — *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, Augusta Richmond County Sheriff's Department or Augusta Richmond County Health Department; or violates any law or ordinance of the United State, 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. The Commission shall determine whether the certificate holder will be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force.~~

~~(h) — *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) 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 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 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 questions if 'yes', state circumstances in detail. 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 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 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, willfully, 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 _____, 20____.~~

~~/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 subsection 2-2-3(c) of the Augusta Richmond County Code.~~

~~(d) — *Business location.* All persons, firms or corporations desiring to obtain a fortune telling, palmist, astrologist, clairvoyant, phrenologist, medium 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 there (3) times in the legal gazette of Augusta Richmond County, to wit, the Augusta Chronicle, before applications are heard by the Commission. The advertizing 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, astrologers, clairvoyants, phrenologists, mediums or any other form of fortune telling, is expressly forbidden; and every such persons or firms conducting any place of business for which a Business Tax Certificate has been granted shall be subject o 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 and Inspection Department; revocation.* The License and 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 and Inspection Department, Augusta Richmond County Sheriff's Department or Augusta Richmond County 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 and 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 and 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, the 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 and 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 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 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. 6-6-45. 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 and of this Code.~~

~~(2) Location. The physical location of a business in Augusta-Richmond County which has been issued a valid business tax certificate.~~

~~(3) Arcade. "Arcade" means any location where three (3) 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 (10) or more bona fide coin-operated amusement machines are located, whether or not non-cash redemption for any machine is allowed. Coin-operated amusement machines shall be placed at least two (2) feet apart and have four (4) feet of free space in front of the machine separate and apart from walking aisles.~~

~~(4) License. A license issued by Augusta-Richmond County to operate an arcade.~~

~~(5) Hours of Operation. All amusement devices within the premises shall be visible to and supervised by an adult attendant who shall be present at all times when any amusement device is being operated. During the normal school year, persons under the age of eighteen (18) shall not be allowed to operate amusement devices Monday through Friday, except legal school holidays, between the hours of 8:00 a.m. and 3:00 p.m., unless accompanied by an authorized agent of the school district or such person's parent or guardian. It shall be the responsibility of the adult attendant to enforce this regulation. The operator shall prominently display the hours of permitted operation.~~

~~(b) Distance requirements Plat required. Every application for a license to operate an arcade in Augusta, Georgia 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 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; or~~

~~ii. Within one thousand two hundred fifty (1,250) feet of any similar use regulated under the Comprehensive Zoning Ordinance of Richmond County or the Augusta, Georgia Code.~~

~~(2) The distance requirements set out above 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 requirements under subsection 6-6-45(b) herein.~~
- ~~(ix) *Prior incidents.* Evidence that a substantial number of incidents requiring the 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 therefore shall file an application, 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 Augusta-Richmond County 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 or 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 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.~~

~~(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 to immediate suspension or revocation as set forth in sub part (h) of this Code section.~~

~~(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 Augusta Richmond 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 Augusta, Georgia is required to pay such regulatory fees as provided in subsection 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 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 (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 Augusta-Richmond County Commission. Advertising in the newspaper shall be during the application by the Augusta-Richmond County Commission. Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.~~

~~(h) — *Suspension, Probation and Revocation.* The License and 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 for fails in performance to meet the required regulations and code set forth by the License and 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 and 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 and Inspection Department shall report the suspension of such license to the next regular or called meeting of the Augusta-Richmond County Commission. The Commission make a determination regarding whether 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.~~

~~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) and any applicable state regulations and of this Code.~~

~~(2) *Location.* The physical location of 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.~~

~~(4) *Permit.* An Amusement Game Permit issued pursuant to this article.~~

~~(b) *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.~~

~~(c) *Failure to apply for permit.* The failure of a machine owner to apply for a permit under this article before making a covered machine available to the public shall result in a fine of one hundred dollars (\$100.00).~~

~~(d) *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,~~

~~devises 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.~~

~~Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.~~

~~(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 the 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 a 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 additional 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 subsection 2-1-3(c) of the Augusta-Richmond County Code.~~

~~(h) — Right of suspension by License and Inspection Department. — The License and 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 and 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 and 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 and 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.~~

Replace With:

Sec. 6-6-37. Right of suspension by Planning and Development Department; revocation.

The Planning & Development 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 Planning & Development Department, Sheriff's Department or health department; or violates any law or ordinance of the United States, or the state of Augusta, Georgia in pursuance of such business conducted under such business tax certificate, or when it shall be proven before the Planning & Development Department that there is a violation of a nuisance law; or when the health, morals, interest and convenience of the public demand the suspension of such business tax certificate. The Planning & Development Department shall report the suspension of such business tax certificate to the 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 probation, permanently revoke the license, or store the license such that it remains in full force.

A license granted hereunder shall also subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the Planning & Development Department, there is a 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 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, Georgia or that has been any violation of the ordinances and code of Augusta, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

ARTICLE 3 REGULATED BUSINESS

Sec. 6-6-38. Amusement parks.

I(a) *Business tax certificate requirement.* Any person, firm or corporation (excepting firms or corporations which are nonprofit, charitable firms or corporations) who owns, operates or does business in Augusta, Georgia as an amusement park, amusement devise, amusement carnival or exposition with portable amusement rides shall, before engaging in such business, obtain a business tax certificate in accordance with Augusta, Georgia 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, Georgia as an amusement park, amusement devise, amusement carnival or exposition with portable amusement rides shall, before engaging in such business, pay such regulatory fee as is provided in Augusta, Georgia Code 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, Georgia (such as on streets and/or sidewalks); provided, however that any person engaged in a business or occupation who uses the public are immediately next to the location of the business for street vending shall not be considered a street vendor for purpose of this Article.

(b) *Business tax certificate required.* Any person, firm or corporation who operates or does business in Augusta, Georgia as a street vendor shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta, Georgia Code; provided, further, that no person, firm or corporation who wishing to operate or do business as a street vendor in the Riverwalk are (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, Georgia as a street vendor shall, before engaging in such business, pay such regulatory fee as a provided in section 2-1-3 (c).

(d) *Right of suspension by the Planning & Development Department.* The Planning & Development 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 Planning & Development 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 Planning & Development Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of this public demand 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, and placed on probation, permanently revoked, or otherwise is shall be restored and remain in full force, according to the decision of the Commission.

(e) *Penalty for violation of Article.* All persons, firm or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in 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. 6-6-40. 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, Georgia and who conducts temporary sale and/or business within the nonpublic area of Augusta, Georgia.

(b) *Business tax certificate required.* Any person, firm or corporation who operates or does business in Augusta, Georgia as a temporary and transient vendor shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta, Georgia 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, Georgia 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, Georgia 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 Planning & Development Department.* The Planning & Development 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 Planning & Development Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state of the county, in pursuance of such business conducted such business tax certificate; or when it shall be proven before the Planning and Development Department that there is a violation of a nuisance law; or when the health, morals, interest and convenience of the public demand the suspension of such business tax certificate. The Planning and Development Department shall report the suspension of such business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise is 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 any 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, Georgia as a vending machine operator shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta, Georgia 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, Georgia 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 Planning and Development Department.* The Planning and Development 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 Planning and Development 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 and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interest and convenience of the public demand the suspension of such Business Tax Certificate. The Planning and Development 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.

Sec. 6-6-42 Live adult entertainment.

(a) *Defined.* Live adult entertainment means 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 live on a regular basis at adult entertainment 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, Georgia featuring live adult entertainment shall, before engaging in such business, obtain a Business Tax Certificate in accordance with the Augusta, Georgia 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; 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, Georgia providing live adult entertainment shall, before engaging in such business , pay such regulatory fee as is provided in subsection. 2-1-3(c).

(e) *Right to suspension by Planning & Development Department.* The Planning & Development 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 Planning & Development Department, Sheriff's Department or health department; or violets 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 Planning & Development 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 and 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 is 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.

Section 6-6-43. Dance Halls.

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

(b) *Application.* A written application to the Augusta, Georgia Board of Commission for a license under this Ordinance shall be made on forms approved by the Augusta, Georgia 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 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.

(c) *Inspection of application by license inspector; investigation by Sheriff; provision of information to Planning and Development Department upon request.* An application under this Ordinance shall be sworn to and directed to the Director of Planning & Development for Augusta, Georgia, who shall inspect the application and refer same to the Augusta, Georgia 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 dance hall.

(1) All applicants shall furnish all data, information and records requested of them by the Planning & Development Department and/or the Augusta,

Georgia 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 Augusta, Georgia Planning & Development Department or the Augusta, Georgia 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.

(d) *Commission approval.* No person shall operate a dance hall within the limits of Augusta, Georgia without first receiving a favorable action from the Board of Commissioners. The Augusta, Georgia Commission shall have the right to determine whether the applicant or location for the proposed dance hall is proper and appropriate.

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

(f) *Regulatory fee.* Any person, firm or corporation who does business in Augusta, Georgia 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, Ga. Code.

(g) *Right of suspension by the Planning & Development Department.* The Planning & Development 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 Planning & Development Department, Sheriff's Department or Augusta-Richmond County Health Department; or violates any law or ordinance of the United States, or Augusta, Georgia, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the Planning & Development 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 Planning & Development Department shall report the suspension of such business tax

certificate to the next regular or called meeting of the Commission. The Commission shall determine whether the certificate holder will be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force.

(h) *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) and/or imprisonment in the Augusta, Georgia 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, Georgia as 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, Georgia 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 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 questions if 'yes', state circumstances in detail. 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 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 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, willfully, 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 _____, 20____.

/s/

Notary Public

(c) *Regulatory fee.* Any person, firm or corporation who does business in Augusta, Georgia 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 subsection 2-2-3(c) of the Augusta, Georgia Code.

(d) *Business location.* All persons, firms or corporations desiring to obtain a fortune-telling, palmist, astrologist, clairvoyant, phrenologist, medium 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, Georgia 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 there (3) times in the legal gazette of Augusta, Georgia 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, Georgia.

(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, astrologers, clairvoyants, phrenologists, mediums or any other form of fortune-telling, is expressly forbidden; and every such persons or firms conducting any place of business for which a Business Tax Certificate has been granted shall be subject of 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 Planning and Development Department; revocation.* The License and 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 Planning and Development Department, Augusta, Georgia Sheriff's Department or Augusta, Georgia Health Department; or violates any law or ordinance of the United States, or the State or Augusta, Georgia in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the Planning and Development 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 Planning and Development 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, the 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 Planning and Development 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 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, Georgia or there has been any violation of the ordinances and code of Augusta, 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 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. 6-6-45. 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 and of this Code.
- (2) Location. The physical location of a business in Augusta, Georgia which has been issued a valid business tax certificate.
- (3) Arcade. "Arcade" means any location where three (3) 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 (10) or more bona fide coin-operated amusement machines are located, whether or not non-cash redemption for any machine is allowed. Coin operated amusement machines shall be placed at least two (2) feet apart and have four (4) feet of free space in front of the machine separate and apart from walking aisles.
- (4) License. A license issued by Augusta, Georgia to operate an arcade.
- (5) Hours of Operation. All amusement devices within the premises shall be visible to and supervised by an adult attendant who shall be present at all times when any amusement device is being operated. During the normal school year, persons under the age of eighteen (18) shall not be allowed to operate amusement devices Monday through Friday, except legal school holidays, between the hours of 8:00 a.m. and 3:00 p.m., unless accompanied by an authorized agent of the school district or such person's parent or guardian. It shall be the responsibility of the adult attendant to enforce this regulation. The operator shall prominently display the hours of permitted operation.

(b) Distance requirements – Plat required. Every application for a license to operate an arcade in Augusta, Georgia 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 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; or
 - ii. Within one thousand two hundred fifty (1,250) feet of any similar use regulated under the Comprehensive Zoning Ordinance of Richmond County or the Augusta, Georgia Code.
- (2) The distance requirements set out above 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, Georgia 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 requirements under subsection 6-6-45(b) herein.
- (ix) Prior incidents. Evidence that a substantial number of incidents requiring the 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.

- a. All licenses granted hereunder are privilege licenses and shall expire on December 31 of each year. Licensees who desire to renew their licenses therefore shall file an application, together with the requisite fee with the Planning and Development Department for such renewal upon forms approved by the Director of Planning and Development, on or before December 1 of each year.
- b. All licenses to be renewed for the subsequent calendar year shall be submitted by the Planning and Development 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 Augusta, Georgia Commission during the year shall be submitted on a separate list by the Planning and Development Department for review and consideration for approval.
- c. 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 or 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 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.
- (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 to immediate suspension or revocation as set forth in sub part (h) of this Code section.

(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, Georgia that is properly zoned.

(e) Business Tax Certificate required. Any person, firm or corporation who owns, operates or does business in Augusta, Georgia as an arcade is required to obtain a business tax certificate in accordance with the Augusta, Georgia 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 Augusta, Georgia is required to pay such regulatory fees as provided in subsection 2-1-3(c) of the Augusta, Georgia 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 Planning and Development 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 (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 Augusta, Georgia Commission. Advertising in the newspaper shall be during the

thirty-day period prior to the hearing of the application by the Augusta, Georgia Commission. Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

(h) *Suspension, Probation and Revocation.* The Planning and Development 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 for fails in performance to meet the required regulations and code set forth by the Planning and Development Department, Sheriff's Department or Health Department; or violates any law or ordinance of the United States, or the state or Augusta, Georgia, in pursuance of such business conducted under such license; or when it shall be proven before the Planning and Development 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 Planning and Development Department shall report the suspension of such license to the next regular or called meeting of the Augusta, Georgia Commission. The Commission make a determination regarding whether 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.

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) and any applicable state regulations and of this Code.

- (2) Location. The physical location of a business in Augusta, Georgia 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.
- (4) Permit. An Amusement Game Permit issued pursuant to this article.

(b) 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, Georgia.

(c) Failure to apply for permit. The failure of a machine owner to apply for a permit under this article before making a covered machine available to the public shall result in a fine of one hundred dollars (\$100.00).

(d) 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 Planning and Development 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 advertized 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, Georgia 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,

devises 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.

Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(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 the 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 a part of the required application.
 - a. 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.
 - b. 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.
- (b) Saleable goods. The Business Tax Certificate shall authorize only the sale of goods described in the inventory attached to the application.
- (c) 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.
- (d) 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 additional 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 subsection 2-1-3(c) of the Augusta, Georgia Code.

(h) Right of suspension by Planning and Development Department. The Planning and Development 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 Planning and Development 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 Planning and Development 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 Planning and Development Department shall report the Suspension of such Business Tax Certificate to the next regular or called meeting of the Augusta, Georgia 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.



Administrative Services Committee Meeting

10/10/2011 1:00 PM

An Ordinance to Amend the Augusta, GA Code Title Six Chapter Two Sections 6-2-2, 6-2-5, 6-2-59 through 6-2-60, 6-2-70 through 6-2-72, 6-2-75 through 6-2-77, 6-2-103, 6-2-116, 6-2-119 through 6-2-125, and 6-2-142 through 6-2-143

Department: Administrator

Caption: An Ordinance to amend the Augusta, GA Code Title Six Chapter Two Sections 6-2-2, 6-2-5, 6-2-59 through 6-2-60, 6-2-70 through 6-2-72, 6-2-75 through 6-2-77, 6-2-103, 6-2-116, 6-2-119 through 6-2-125, and 6-2-142 through 6-2-143 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

Background:

Analysis:

Financial Impact:

Alternatives: Deny

Recommendation: Approve

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

**Administrator
Clerk of Commission**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE SIX CHAPTER TWO SECTIONS 6-2-2, 6-2-5, 6-2-52, 6-2-59 THROUGH 6-2-60, 6-2-70 THROUGH 6-2-72, 6-2-75 THROUGH 6-2-77, 6-2-103, 6-2-116, 6-2-119 THROUGH 6-2-125, AND 6-2-142 THROUGH 6-2-143 RELATING TO THE POWERS AND DUTIES OF THE LICENSE AND INSPECTION DEPARTMENT; TO REPEAL ALL CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 30, 2011, the Augusta, Georgia Commission approved the Administrator's reorganization plan as described in the Augusta, Georgia Proposed Government Reorganization Draft Project Plan; and

WHEREAS, such Proposed Government Reorganization Draft Project Plan requires the abolishment of the License and Inspection Department and to have the powers and duties of the License and Inspection Department to be transferred to the Planning and Development Department; and

WHEREAS, Augusta, Georgia desires to update and amend the Code as related to the abolishment of the License and Inspection Department and the transfer of those powers and duties to the Planning and Development Department to be consistent with the Proposed Government Reorganization Draft Project Plan; and

WHEREAS, 1997 Ga. Laws p. 4024 designates the name of the consolidated government as "Augusta, Georgia"; and

WHEREAS, Augusta, Georgia seeks to update the local laws to reflect the name of the consolidated government.

THE AUGUSTA, GEORGIA COMMISSION ordains as follows:

SECTION 1. AUGUSTA, GA. CODE Section 6-2-2 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-2-2, as set forth in "Exhibit A" hereto.

SECTION 2. Augusta, GA. CODE Section 6-2-5 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its

entirety and inserting in lieu thereof new Code Section 6-2-5, as set forth in "Exhibit B" hereto.

SECTION 3. AUGUSTA, GA. CODE Section 6-2-52 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-2-52, as set forth in "Exhibit C" hereto.

SECTION 4. AUGUSTA, GA. CODE Sections 6-2-59 through 6-2-60 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Sections 6-2-59 through 6-2-60, as set forth in "Exhibit D" hereto.

SECTION 5. AUGUSTA, GA. CODE Sections 6-2-70 through 6-2-72 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-2-70 through 6-2-72, as set forth in "Exhibit E" hereto.

SECTION 6. AUGUSTA, GA. CODE Sections 6-2-75 through 6-2-77 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-2-75 through 6-2-77, as set forth in "Exhibit F" hereto.

SECTION 7. AUGUSTA, GA. CODE Section 6-2-103 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-2-103, as set forth in "Exhibit G" hereto.

SECTION 8. AUGUSTA, GA. CODE Section 6-2-116 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-2-116, as set forth in "Exhibit H" hereto.

SECTION 9. AUGUSTA, GA. CODE Sections 6-2-119 through 6-2-125 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Sections 6-2-119 through 6-2-125, as set forth in "Exhibit I" hereto.

SECTION 10. AUGUSTA, GA. CODE Sections 6-2-142 through 6-2-143 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking

this section in its entirety and inserting in lieu thereof new Code Section 6-2-142 through 6-2-143, as set forth in "Exhibit J" hereto.

SECTION 14. This ordinance shall become effective on November 1, 2011.

SECTION 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2011.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on _____, 2011 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading _____

Second Reading _____

EXHIBIT A

Strike:

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 sprits of wine, from whatever source of by whatever process produced.~~
- b) ~~*Alcoholic Beverage.* Includes all alcohol, whiskey, liquor, beer, malt beverage, wine, or fortified wine.~~
- e) ~~*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 or 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 license 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 of 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.~~

Replace With:

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 sprits of wine, from whatever source of 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 Planning & Development.* The person named as Director of the Augusta, Georgia Planning & Development Department, the Sheriff of Richmond County, 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 or 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 determined as one identifiable place of business shall require additional license 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 of 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.

EXHIBIT B

Strike:

~~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, Georgia, 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, Georgia, except in accordance with subsection (b) and (c) below, or otherwise provided by the AUGUSTA, GA. CODE or Georgia law.~~

~~b) — Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of Recreation, Parks, and Facilities 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, Georgia.~~

~~e) — Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of Recreation, Parks, and Facilities Department, when alcoholic beverages are served or consumed at Augusta Commons 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 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, Georgia, at any time whatsoever, except in accordance with subsection (b) and (c) above, or otherwise provided by the AUGUSTA, GA. CODE or Georgia law.~~

Replace With:

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, Georgia, 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, Georgia, except in accordance with subsection (b) and (c) below, or otherwise provided by the AUGUSTA, GA. CODE or Georgia law.

b) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of Recreation, Parks, and Facilities 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, Georgia.

c) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, the Director of Recreation, Parks, and Facilities Department, and the Director of Planning and Development Department when alcoholic beverages are served or consumed at Augusta Commons 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 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, Georgia, at any time whatsoever, except in accordance with subsection (b) and (c) above, or otherwise provided by the AUGUSTA, GA. CODE or Georgia law.

EXHIBIT C

Strike:

~~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 employee 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 sale 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 a 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 of 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 beverages 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.~~

~~e) — 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.~~

Replace With:

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 employee 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 sale of prepared meals and foods. The Director of Planning & Development, 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 a 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 of 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 Planning & Development, 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 beverages 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 AUGUSTA, GA. CODE Section 6-2-52.

c) Any business operating as an entertainment venue as defined in the AUGUSTA, GA. 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, GA. CODE, Title 2, Chapter 2. The regulatory fee for a business tax certificate issued to any entertainment venue shall be as set forth in AUGUSTA, GA. CODE 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 Planning & Development 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.

EXHIBIT D

Strike:

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, 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 applied 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 improvements 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 and 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 and 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 and 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 and 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 and 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.~~

Replace With:

Sec. 6-2-59. Filing application.

(a) Form; information to be provided.

- (1) A written application to the Augusta, Georgia Commission for a license under this Ordinance shall be made on forms approved by the Augusta, Georgia 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, 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, Georgia 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 applied 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 improvements 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, Georgia 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 Planning and Development 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, Georgia 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 Planning and Development 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 Planning and Development for Augusta, Georgia, 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 Planning and Development 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 Planning and Development 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.

EXHIBIT E

Strike:

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

~~(a) Generally. Licenses hereunder shall not be transferable, except as otherwise provide 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 expanding 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 and 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 and Inspection of the basis of the exception and shall provide the Director of License and Inspection with any information and/or documentation requested in connection with the exception. The Director of~~

~~License and Inspection shall then either approve or deny the exception. If the exception is approved, the license shall be transferred by the Director of License and 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).~~

~~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 and Inspection Department for such renewal, upon forms approved by the Director of License and 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 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.~~

~~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 and 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 and Inspection who shall notify the applicant showing its denial, together with the written report to the Director of License and 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 Commission is scheduled within less than five (5) days from the date of the recommendation by the Sheriff.~~

Replace With:

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

(a) Generally. Licenses hereunder shall not be transferable, except as otherwise provide 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 expanding 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 Planning and Development 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 Planning and Development of the basis of the exception and shall provide the Director of Planning and Development with any information and/or documentation requested in connection with the exception. The Director of Planning and Development shall then either approve or deny the exception. If the exception is approved, the license shall be transferred by the Director of Planning and Development.

(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, Georgia 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, Georgia 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).

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 therefore, together with the requisite fee with the Planning and Development Department for such renewal, upon forms approved by the Director of Planning and Development, on or before December 1 of each year.

(b) All licenses to be renewed for the subsequent calendar year shall be submitted by the Planning and Development 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 Planning and Development 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 Augusta, Georgia Commission. The Augusta, Georgia 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 Planning and Development 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 Planning and Development who shall notify the applicant showing its denial, together with the written report to the Director of Planning and Development 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 Commission is scheduled within less than five (5) days from the date of the recommendation by the Sheriff.

EXHIBIT F

Strike:

~~Sec. 6-2-75. Procedure for probation, suspension and 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 and 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 and 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 and 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 and 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 and 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 and 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 and Inspection has possession of the license or license(s), 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 license(s) 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.~~

~~(1) The Augusta Richmond County Commission will consider an application for a proposed location for an alcoholic beverage license within the one and a half mile restriction as provided in subsection (a). Such application would be one of hardship by where the license holder loses its license due to a cancellation of its commercial lease due to circumstances beyond its control. Such circumstances include, but are not limited to, cancellation of the license holder's commercial lease by landlord, condemnation and destruction of the property. A cancellation of a lease due to nonpayment of rent will not be considered for the hardship application.~~

~~(b) The distances provided for herein shall be measured in the same manner as provided in subsection 6-2-64(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) *Non profit applicant.* An agent for a non profit organization may apply for a single event license whether or not he/she possess 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 Richmond County, the City of Augusta, or Augusta-Richmond County Director of License and Inspection. 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.~~

- (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) ~~*Ground 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 vent 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 and 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 and Inspection Department for issuance of the Single Event License.~~
- ~~b. For such applications from applicants other than non-profit organizations, the Director of License and Inspection shall thereafter submit the application to 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 and Inspection showing that the license was granted. The Director of License and 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 and Inspection together with a report in writing showing the reason(s) for the denial. The Director of License and 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.~~

Replace With:

Sec. 6-2-75. Procedure for probation, suspension and 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 Planning & Development or head of any department authorized to inspect the licensed premises, shall file a complaint with the Augusta-Richmond County Commission. The Director of Planning & Development 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 Commission 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 Planning & Development 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 Planning & Development, 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 Planning & Development 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 Planning & Development, 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 Planning & Development has possession of the license or license(s), 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 license(s) 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 of less from an existing location or establishment for which the Augusta, Georgia Commission has issued a retail dealer license for the sale of distilled spirits.

(1) The Augusta, Georgia Commission will consider an application for a proposed location for an alcoholic beverage license within the one and one-half (1½) mile restriction as provided in subsection (a). Such application would be one of hardship by where the license holder loses its license due to a cancellation of its commercial lease due to circumstances beyond its control. Such circumstances include, but are not limited to, cancellation of the license holder's commercial lease by landlord, condemnation and destruction of the property. A cancellation of a lease due to nonpayment of rent will not be considered for the hardship application.

(b) The distances provided for herein shall be measured in the same manner as provided in subsection 6-2-64(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) *Non-profit applicant.* An agent for a non-profit organization may apply for a single event license whether or not he/she possess 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 Richmond County, the City of Augusta, or Augusta-Richmond County Director of License and Inspection. 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.
- (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) Ground 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 vent 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.

- b. The Director of License and 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 and Inspection Department for issuance of the Single Event License.
- c. For such applications from applicants other than non-profit organizations, the Director of License and Inspection shall thereafter submit the application to 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 and Inspection

showing that the license was granted. The Director of License and 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.

- d. If the Sheriff denies the application, he shall return the application to the Director of License and Inspection together with a report in writing showing the reason(s) for the denial. The Director of License and 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.

EXHIBIT G

Strike:

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 and 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 and 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 and 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.~~

Replace With:

Sec. 6-2-103. Payment.

The excise tax shall be paid as follows: Each wholesale dealer selling malt beverages within Augusta, Georgia shall file with the Planning and Development 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, Georgia. Each such wholesale dealer shall also remit to the Planning and Development 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, Georgia 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 Planning and Department to verify compliance with this section. Wholesale dealers of whiskey and wine shall file this report by the twentieth day of each month.

EXHIBIT H

Strike:

~~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, non-profit corporation or cooperative non-profit 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 and Inspection.* That person names as Director of the Richmond County License and 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.~~

Replace With:

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, non-profit corporation or cooperative non-profit 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, Georgia 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 Augusta, Georgia 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, Georgia.
- (h) Tax. The tax imposed by this article.
- (i) Monthly period. The calendar month of the year.
- (j) Director of Planning and Development. That person named as Director of the Augusta, Georgia Planning and Development Department, the Richmond County Sheriff or the successor to such departments, or any designated representative thereof.

EXHIBIT I

Strike:

~~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 and 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 and 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 and 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 and 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 and Inspection Department, 1815 Marvin Griffin Road, Augusta, Georgia 30906, for Augusta-Richmond County.~~

~~(e) *Collection fee allowed operators.* Operators collecting the tax shall be allowed to receive as 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 and 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 and 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 and 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 this address as it appears in the records of the Director of License and 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 the 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 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 (2) percent penalty provided in section 6-2-121(d).~~

~~(e) — *Giving 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 person 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(e) 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 or 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. 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.~~

Replace With:

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 Planning and Development 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 Planning and Development of Augusta, Georgia 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 Planning and Development of Augusta, Georgia 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 Planning and Development.

(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 Planning and Development Department, 1815 Marvin Griffin Road, Augusta, Georgia 30906, for Augusta, Georgia.

(e) *Collection fee allowed operators.* Operators collecting the tax shall be allowed to receive as 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 Planning and Development is not satisfied with the return or returns of the tax, or the amount of the tax to be paid to the Augusta, Georgia 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 Planning and Development 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 Planning and Development's determination; service of.* The Director of Planning and Development, 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 this address as it appears in the records of the Director of Planning and Development. 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 Planning and Development 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, Georgia 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 Planning and Development. Upon the basis of the estimate, the Director of Planning and Development 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 Planning and Development 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 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 (2) percent penalty provided in section 6-2-121(d).

(e) *Giving notice; manner of service.* Promptly after making his determination, the Director of Planning and Development 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 fax herein imposed to the Augusta, Georgia 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 Planning and Development may exact; amount; sale of; notice of sale, return of surplus.* The Director of Planning and Development, 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 Planning and Development subject to the limitations herein provided. The director may sell the security at public auction, with the approval of the Augusta, Georgia 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 Planning and Development. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

(b) *Notice of delinquency to person 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 Planning and Development may, not later than three (3) years after the payment became delinquent, give notice thereof by registered mail to all persons in Augusta, Georgia 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 *Planning and Development* 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, Georgia 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 *Planning and Development* 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 *Planning and Development* shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the Director of *Planning and Development* 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 Augusta, Georgia 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 therefore, stating the specific ground upon which the claim is founded, is filed with the Director of *Planning and Development* 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, Georgia Commission, the excess amount collected or paid may be refunded or may be credited or 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 Planning and Development. The Director of *Planning and Development*. The Director of *Planning and Development* 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 *Planning and Development* shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of Augusta, Georgia 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 *Planning and Development* may require.

(d) Examination of records; audits. The Director of *Planning and Development*, internal auditor of Augusta, Georgia, or any person authorized in writing by the Director or the Augusta, Georgia Commission, 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 *Planning and Development* 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 *Planning and Development* 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 *Planning and Development* may require.

(f) Disclosure of business of operators, etc.; limitations on rule. The Director of *Planning and Development* 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.

EXHIBIT J

Strike:

~~Sec. 6-2-142. Licensed alcoholic beverage caterers eligible for off-premise licensees; 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 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 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 subsection (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).~~

~~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.~~

Replace With:

Sec. 6-2-142. Licensed alcoholic beverage caterers eligible for off-premise licensees; 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, Georgia 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, Georgia 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 drink for consumption on the premises may be issued from Augusta, Georgia 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, Georgia an off-premise license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by 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) through (d) of this Code section with the Augusta, Georgia Commission through the Director of Planning and Development, and shall pay to Augusta, Georgia an annual license fee in the amount of three hundred dollars (\$300.00).

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, Georgia, a licensed alcoholic beverage caterer shall be required to:

- (a) Apply to the Augusta, Georgia Commission through the Director of Planning and Development for an event permit. Augusta, Georgia 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, Georgia. 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, Georgia and the alcoholic beverage caterer's license was issued by a political subdivision other than Augusta, Georgia, Augusta, Georgia 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 Planning and Development in accordance with the provisions of this Chapter; and
- (b) Provide satisfactory reports to Augusta, Georgia on forms provided by the Department of Planning and Development 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, Georgia; and
- (c) Maintain original local event permits and documents required by Augusta, Georgia in the vehicle transporting the alcoholic beverages to the catered function at all times.



Administrative Services Committee Meeting

10/10/2011 1:00 PM

An Ordinance to Amend the Augusta, GA Code Title Six Chapters Four and Five Sections 6-4-1, 6-4-7, and 6-5-7

Department: Administrator

Caption: An Ordinance to amend the Augusta, GA Code Title Six Chapters Four and Five Sections 6-4-1, 6-4-7, and 6-5-7 relating to the powers and duties of the License and Inspection Department; to repeal all Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

Background:

Analysis:

Financial Impact:

Alternatives: Deny

Recommendation: Approve

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

**Administrator
Clerk of Commission**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE SIX CHAPTERS FOUR AND FIVE SECTIONS 6-4-1, 6-4-7, AND 6-5-7 RELATING TO THE POWERS AND DUTIES OF THE LICENSE AND INSPECTION DEPARTMENT; TO REPEAL ALL CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 30, 2011, the Augusta, Georgia Commission approved the Administrator's reorganization plan as described in the Augusta, Georgia Proposed Government Reorganization Draft Project Plan; and

WHEREAS, such Proposed Government Reorganization Draft Project Plan requires the abolishment of the License and Inspection Department and to have the powers and duties of the License and Inspection Department to be transferred to the Planning and Development Department; and

WHEREAS, Augusta, Georgia desires to update and amend the Code as related to the abolishment of the License and Inspection Department and the transfer of those powers and duties to the Planning and Development Department to be consistent with the Proposed Government Reorganization Draft Project Plan; and

WHEREAS, 1997 Ga. Laws p. 4024 designates the name of the consolidated government as "Augusta, Georgia"; and

WHEREAS, Augusta, Georgia seeks to update the local laws to reflect the name of the consolidated government.

THE AUGUSTA, GEORGIA COMMISSION ordains as follows:

SECTION 1. AUGUSTA, GA. CODE Section 6-4-1 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-4-1, as set forth in "Exhibit A" hereto.

SECTION 2. Augusta, GA. CODE Section 6-4-7 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-4-7, as set forth in "Exhibit B" hereto.

SECTION 3. AUGUSTA, GA. CODE Section 6-5-7 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety and inserting in lieu thereof new Code Section 6-5-7, as set forth in "Exhibit C" hereto.

SECTION 14. This ordinance shall become effective on November 1, 2011.

SECTION 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2011.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on _____, 2011 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading _____

Second Reading _____

EXHIBIT A

Strike:

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, chiropodist, 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 or such facilities 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.~~

Replace With:

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 Planning and Development Department, or such other county official as the Augusta, Georgia

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, chiropodist, 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 or such facilities 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.

EXHIBIT B

Strike:

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

~~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.~~

Replace With:

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

Upon a violation of this Chapter, or any other local, state, or federal law, Augusta's Planning and Development 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, Georgia 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, Georgia. Such a finding may only be made upon a violation of the laws of Georgia, the United States, or Augusta, Georgia.

EXHIBIT C

Strike:

~~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 laws or ordinances of the United States, or the state or Augusta Richmond County, in pursuance of 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 licensee, 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.~~

Replace With:**Sec.6-5-7. Right of suspension by planning & development department; revocation.**

The Planning & Development 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 Planning & Development Department, sheriff's department or health department; or violates any laws or ordinances of the United States, or the state or Augusta, Georgia in pursuance of such business tax certificate; or when it shall be proven before the Planning & Development 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 Planning & Development 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 licensee, 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 Planning & Development 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, Georgia or there has been any violation of the ordinances and code of Augusta, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.



**Administrative Services Committee Meeting
10/10/2011 1:00 PM
Audit and Assessment/Efficiency Study**

Department: Clerk of Commission

Caption: Discuss/approve the solicitation of a RFP from professional human resources firms for an independent audit and assessment/efficiency study of Augusta Richmond County Government in accordance with the Commission's action on August 2, 2011. (Referred from September 26 Administrative Services Committee meeting)

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:



**Administrative Services Committee Meeting
10/10/2011 1:00 PM**

Consultant for identifying and collecting revenue not being captured by License and Inspection

Department: Planning Commission

Caption: Approve the concept of hiring a consultant to identify and collect revenue that is currently not being captured by the License and Inspection Department. (Referred from September 26 Administrative Services Committee meeting)

Background: At the July 13, 2011 retreat I was asked to investigate how a “headhunter” might be used by the department to enhance revenue. After talking to several companies and thinking through their suggested approaches the attached scope of services seems to make the most sense. It is the department’s belief that there are not significant un-captured revenues, so the scope is written to provide for payment only on the basis of funds captured and deposited into the City’s accounts.

Analysis: This sort of analysis has produced very significant results in other Georgia cities and it will cost only a percentage of newly identified and collected revenue.

Financial Impact: The scope is written in a way that payment is made only for previously un-captured funds that are deposited into City accounts.

Alternatives: Approve the Department selecting a consultant through procurement or disapprove.

Recommendation: Approve concept and permit the Department to go through procurement to select a consultant.

Funds are Available in the Following Accounts:

REVIEWED AND APPROVED BY:

SCOPE OF SERVICES

The City of Augusta seeks a consultant to assist the City in identifying and collecting revenue that is not being fully captured in the following business tax, fee, and license categories:

<u>CITY CODE #</u>	<u>REVENUE SOURCE</u>
2-1-1	OCCUPATIONAL TAX
2-2-20	INSURANCE COMPANY – TAX
2-2-27	HOTEL/MOTEL TAX
2-2-33	TRANSPORTATION/TOURISM FEE
2-2-36	BANK TAX
2-2-50	RENTAL CAR TAX
6-1-5	ADULT ENTERTAINMENT
6-2-52	ALCOHOL – ON PREMISE
6-2-53	ALCOHOL – BREW PUBS
6-2-54	ALCOHOL – OFF PREMISE – BY DRINK
6-2-101	ALCOHOL – WHOLESALE
6-2-117	ALCOHOL – MIXED DRINKS
6-2-141	ALCOHOL – CATERING
6-5-3	TRANSIENT VENDORS REGULATORY FEE
6-6-4	PAWNBROKERS REGULATORY FEE
6-6-26	FLEA MARKETS REGULATORY FEE
6-6-28	AMUSEMENT PARKS REGULATORY FEE
6-6-39	STREET VENDORS REGULATORY FEE
6-6-40	TRANSIENT VENDORS REGULATORY FEE
6-6-41	VENDING MACHINES REGULATORY FEE
6-6-42	ADULT ENTERTAINMENT REGULATORY FEE
6-6-43	DANCE HALL REGULATORY FEE
6-6-44	FORTUNE TELLERS REGULATORY FEE
6-6-45	ARCADES REGULATORY FEE
6-6-46	VIDEO GAMES REGULATORY FEE
6-6-47	GOING OUT OF BUSINESS SALES REGULATORY FEE
6-7-1	WRECKER REGULATORY FEE
6-7-8	TAXI CABS REGULATORY FEE
6-7-49	LIMOSINES REGULATORY FEE
6-6-67	AMBULANCE REGULATORY FEE

The City is open to evaluating different approaches to the services that are being solicited and would be most interested in proposals that would be compensated by contingency fees based on revenue collected and deposited into the City's accounts.

Proposals should fully explain the method of evaluating the potential for identification and collection of revenue currently not being captured by Augusta, and the approach to assisting the City in collecting such revenue lawfully due the City including but not limited to business systems, process controls, field discovery teams, billing and collections, reporting, auditing, and IT considerations. Proposals should also describe how as the selected consultant they would provide assistance to staff in making policy and procedural changes to improve revenue collection capabilities.

Proposals should include a detailed breakdown of the fee calculation and the proposed schedule. Proposals should include a list of clients for whom similar services have been performed and contact information. Also included should be the composition of the project team and their background information.

Proposals should be submitted to George A. Patty, Director of Augusta's Planning and Development Department.



**Administrative Services Committee Meeting
10/10/2011 1:00 PM
CUVA Minimum Acreage Resolution**

Department:	Board of Assessors
Caption:	Motion to approve a recommendation by the Board of Assessors Office to approve a resolution that's required by state law for next year to set the minimum acres on qualified parcels for conservation use in Augusta-Richmond County.
Background:	The Board of Assessors approved recommending to the BOC a resolution required by the state in 2012 to set the minimum acres to qualifying parcels for Conservation Use Valuation Assessments (CUVA). Should the BOC adopt the resolution, the 29 parcels in Augusta-Richmond County defined as "greater than 10 acres AND less than 25 acres" would no longer qualify beyond their current covenants.
Analysis:	n/a
Financial Impact:	n/a
Alternatives:	n/a
Recommendation:	To approve the CUVA recommendation to set the minimum acres to qualifying parcels at 25.
Funds are Available in the Following Accounts:	n/a

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**

**A RESOLUTION
OF THE AUGUSTA-RICHMOND COUNTY BOARD OF COMMISSIONERS
RELATING TO
MINIMUM ACREAGE TO QUALIFY
FOR BONA FIDE CONSERVATION USE ASSESSMENT**

WHEREAS, the State of Georgia has enacted O.C.G.A. § 48-5-7.4, which relates to bona fide conservation use property; and

WHEREAS, O.C.G.A. § 48-5-7.4(a) (3) provides that “[t]he governing authority of a county in which the property that otherwise meets the requirements for current use assessment is located may establish a minimum number of acres as a condition for qualifying for the current use assessment;” and

WHEREAS, O.C.G.A. § 48-5-7.4 further provides that “[s]uch minimum shall be up to 25 acres and shall apply exclusively to qualified property that is first made subject to a covenant required by [O.C.G.A. § 48-5-7.4(d)] or is subject to the renewal of a previous covenant required by [O.C.G.A. § 48-5-7.4(d)] on or after January 1, 2012.” Now, therefore

BE IT RESOLVED that the Augusta-Richmond County Board of Commissioners hereby establishes that the minimum number of acres required to qualify for the current use assessment as provided by O.C.G.A. § 48-5-7.4 (a)(3) is 25 acres.

This _____ day of _____ 2011.

**AUGUSTA-RICHMOND COUNTY
BOARD OF COMMISSIONERS**

Deke Copenhaver
Mayor, Augusta-Richmond County Board of Commissioners

ATTEST:

Lena Bonner
Clerk of Commission, Augusta-Richmond County
(SEAL)



**Administrative Services Committee Meeting
10/10/2011 1:00 PM
Promise Land Community Development**

Department: Clerk of Commission

Caption: Presentation by Promise Land Community Development regarding Chester Wheeler/Augusta Housing and Community Development Procurement Policy.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

AGENDA ITEM REQUEST FORM

Commission meetings: First and third Tuesdays of each month - 5:00 p.m.

Committee meetings: Second and last Mondays of each month - 12:45 to 2:15 p.m.

Commission/Committee: (Please check one and insert meeting date)

_____ Commission	Date of Meeting _____
_____ Public Safety Committee	Date of Meeting _____
_____ Public Services Committee	Date of Meeting _____
_____ Administrative Services Committee	Date of Meeting _____
_____ Engineering Services Committee	Date of Meeting _____
_____ Finance Committee	Date of Meeting _____

Contact Information for Individual/Presenter Making the Request:

Name: PROMISE LAND COMMUNITY DEVELOPMENT
 Address: 2409 AMSTERDAM DRIVE
 Telephone Number: 706-560-1422
 Fax Number: 877-537-2409
 E-Mail Address: PROMISELAND1@WINDSTREAM.NET

Caption/Topic of Discussion to be placed on the Agenda:

AUGUSTA HOUSING AND COMMUNITY
DEVELOPMENT PROCUREMENT POLICY
CHESTER WHARTON

Please send this request form to the following address:

Ms. Lena J. Bonner
 Clerk of Commission
 Room 806 Municipal Building
 530 Greene Street
 Augusta, GA 30911

Telephone Number: 706-821-1820
 Fax Number: 706-821-1838
 E-Mail Address: lbonner@augustaga.gov

Requests may be faxed, e-mailed or delivered in person and must be received in the Clerk's Office no later than 5:00 p.m. on the Wednesday preceding the Commission or Committee meeting of the following week. A five-minute time limit will be allowed for presentations.