

³CHAPTER 32: LICENSING AND BUSINESS REGULATION

ARTICLE I: LICENSES IN GENERAL

32-101	Applications
32-102	Procedure for Issuance
32-103	Display of License
32-104	Inspections
32-105	Terminations and Renewal of Licenses
32-106	Revocation, Suspension, Etc.
32-107	Change of Location
32-108	Transfer of Licenses
32-109	Duplicate Licenses
32-110	Branch Offices
32-111	Late Fees
32-112	Penalties

ARTICLE II: BUSINESS REGULATED

32-201	Insurance Businesses
32-202	Construction Contractors
32-203	Sub-Contractors
32-204	Used Car Dealers
32-205	Circuses, Carnivals and Public Exhibitions
32-206	Parades
32-208	Pawnbrokers and Secondhand Dealers
32-209	Temporary Outdoor Activity Ordinance
32-210	Finance Companies
32-211	Mechanical Amusement Devices
32-212	Handwriting Analysts and Fortune Tellers
32-213	Masseur, Masseuse, Massage Therapist or Acupressurist, or Electrologist
32-214	Taxicabs
32-215	Adult Entertainment
32-216	Penalty for Non-Compliance
32-217	Taxes on Financial Institutions
32-218	Animal Drawn Carriages
32-219	Tattoo Parlors
32-220	Cable Services and Other Telecommunications Services Franchising
32-221	Soliciting
32-222	Billiard Rooms
32-223	Solicitation of Contributions on Streets and Highways by Charitable Organizations
32-224	Telecommunications Franchise
32-225	Video Stores
32-226	Precious Metals Dealers

ARTICLE I: LICENSES IN GENERAL

¹⁰32-101

Applications

Every person required to procure a license under the provisions of this Chapter or any Ordinance or law of this Municipality shall submit an application for such license to the City Clerk, which application shall conform to the requirements of this section.

1. Form of application. Each application shall be a written statement upon forms provided by the City Clerk.

2. Contents of application. Each application shall contain the following information:

- (a) name and home address of the applicant, if an individual, or home address if a corporation or partnership;
- (b) place where the proposed business is to be located;
- (c) kind of business to be carried on;
- (d) name and home address of the owner or president, if a corporation;
- (e) such additional information which the City Clerk or City Council may find reasonably necessary to the fair administration of this chapter.

3. Verification. Each application shall be sworn to by the applicant, if an individual, or by a partner, if a partner, if a partnership, or by an officer if a corporation.

4. Payment of Fee. Each application shall be accompanied by the amount of the fee chargeable for such license.

- (a) Issuance of receipts. The City Clerk shall issue a receipt to the applicant for the amount of the fee tendered with the application for a license, provided that such receipt shall not be construed as approval of the application, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.

5. False statements. False statements on any application for a license shall be grounds for immediate revocation of such license.

6. Eligibility. In order to receive a professional or commercial license issued by the City, each applicant must submit a sworn affidavit attesting to the affiant's immigration status. The status of applicants who swear by affidavit to be a qualified alien or nonimmigrant under the federal Immigration and Nationality Act will also be verified through the Systematic Alien Verification of Entitlement (SAVE) program.

32-102 Procedure for Issuance

1. Review by Clerk. The City Clerk shall be designated the reviewing officer for review of an application for a license. The City Clerk shall have within forty-eight (48) hours of the time of the receipt of the application to either grant or deny the license. If the application is denied the applicant shall have ten (10) days to appeal this decision to the City Council at the next regularly scheduled public meeting.

2. Clerk Discretion. The granting of a business license under the provisions of this chapter shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in such business.

32-103 Display of License

It shall be the duty of any person conducting a licensed business in the City to keep his license posted in a conspicuous place on the premises used for such business at all times.

32-104 Inspections

1. Search of premises. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by Ordinance, or are reasonably necessary to secure compliance with any Ordinance provision or to detect violation thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the City who is authorized or directed to make such inspection at any reasonable time that admission is requested.

2. Testing of material. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the City requesting the same sufficient samples of such material or commodity for such analysis.

3. Refusal to allow inspection. In addition to any other penalty which may be provided, the Mayor may revoke the license of any licensed proprietor of a licensed business in the City who refuses to permit any officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance

of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the City, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

32-105 Termination and Renewal of Licenses

1. All annual licenses shall terminate on the last day of calendar year of the City when no provision to the contrary is made.

2. Each licensee shall be invoiced by November 1st for the next year's license fee and fees shall be due by December 31st each year.

If a permitted business moves outside city limits or closes, the applicant shall notify the city in writing of this change within 10 business days.

32-106 Revocation, Suspension, Etc.

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

32-107 Change of Location

In the absence of any provision to the contrary, the location of any licensed business or occupation may be changed, provided 10 days notice thereof if given to the City Clerk and provided that all building and zoning requirements are complied with.

32-108 Transfer of Licenses

All licenses shall be personal to the licensee to whom issued and shall not be transferable.

32-109 Duplicate Licenses

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

32-110 Branch Offices

For the purposes of this chapter, each branch establishment or location wherein a representative of the owner is employed and is authorized to transact business for such

owner shall be deemed a separate place of business for which a separate license shall be required provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch offices.

32-111 Due Dates; Late Fees

(a) Except for insurance companies, a late fee of \$25 shall be assessed for payments not received by December 31 preceding the calendar year for which the business license applies. If any such fee is not paid by January 31 of the calendar year for which the business license applies, the business license shall be terminated for non-payment of the fee.

(b) Each insurance company shall pay the requisite business license fee by June 30 of the calendar year for which the license applies. Insurance companies shall be ineligible to renew their business licenses for the following calendar year unless and until the business license fee for the previous calendar year is paid in full.

32-112 Penalties

Any person who shall conduct a business or occupation without having obtained a license therefore or paid the required occupation tax as required by this chapter, or who shall violate any other provisions of this chapter, shall, upon conviction therefore, be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars and cost, or by imprisonment not to exceed six (6) months, or both, any and all of such penalties to be imposed in the discretion of the Judge of the Municipal Court.

ARTICLE II: BUSINESSES REGULATED

¹⁴32-201 Insurance Businesses

(a) License Required. Each person, agency, firm or company doing an insurance business within the municipal corporate limits shall be required to obtain a license from the City Clerk in the manner specified in this chapter.

(b) Fee Established. In order to obtain a license, each person, agency, firm or company doing an insurance business shall pay to the City the annual license fee as provided under Section 4-102.

32-202 Construction Contractors

All contractors of whatever nature shall be required to obtain a license from the City Clerk in the manner specified in this chapter. The annual license fee shall be \$50.00.

32-203 Sub-Contractors

All sub-contractors of whatever nature shall be required to obtain a license from the City Clerk in the manner specified in this chapter. The annual license fee shall be \$37.50.

32-204 Used Car Dealers

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

2. Fee established. The annual business license fee for each used car or used motor vehicle dealer doing business in the City shall be \$75.00.

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

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

5. Records. Each used car dealer or used motor vehicle dealer licensed hereunder shall keep a record of all motor vehicles offered for sale, exchange, or disposal to the public, which record shall show the make of said motor vehicle, the year of its manufacture, its serial number, and its engine number, and which record shall always be kept available for the Police Chief the presence in his place of business of any motor vehicle on which the serial or engine number has been defaced or altered.

6. Inspections. It shall be the duty of the Police Chief to make inspections from time to time for the purpose of seeing that the records required herein are being kept.

7. Exceptions. Nothing in this section shall be deemed to apply to any individual making an isolated sale of his own vehicle.

32-205 Circuses, Carnivals and Public Exhibitions

1. License required. No person, firm or corporation shall conduct or operate a circus, carnival or public exhibition, as such terms are defined herein, without having first obtained a license from the City Clerk in the manner specified in this chapter.

2. Definitions

(a) The term "Carnival" as used in this section, shall mean and include amusement activities, rides, merry-go-rounds, booths for the conduction of games of skill, food dispensing facilities and sideshows.

(b) The term "Public Exhibition" as used in this section, shall mean and

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

3. Fees Established. The business license fee imposed on circus, carnival or public exhibition operating within the City limits shall be as follows:

For Circuses	\$100.00 per event
For Carnivals	\$100.00 per event
For Sideshows and Concessions	\$100.00 per event
For Rides	\$100.00 per event

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

4. Conditions of issuance. No license under this section shall be issued until the following conditions have been met:

(a) The operator and sponsor of the circus, carnival or public exhibition have each assumed full responsibility for maintaining order and for keeping the site clean and free of trash, papers and other debris and have placed trash containers in adequate number and in convenient locations for the use of the public;

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

(c) The applicant has placed on file with the City Clerk, a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with such carnival or exhibition. Such insurance shall be in the minimum amount of \$1,000,000.00 for each person and \$300,000.00 for each accident.

5. Inspections. It shall be the duty of the Police Chief and the Fire Chief to see that proper inspections and patrols are made of the premises used for the activities licensed herein.

32-206 Parades

1. Registration and permit. Any person who wishes to organize, form, or conduct a parade as defined herein, shall be required to register such parade with the Police Chief at least 30 days in advance of the event and to obtain a permit therefore.

2. Definition. For the purpose of this section, "Parade" shall mean any march,

ceremony, demonstration or procession of any kind upon any public street of the City.

3. Application. Application for a permit to conduct a parade shall be made to the Police Chief in writing, shall be signed by the person responsible for the conduct of the parade and shall contain the following information:

- (a) the time proposed for the parade;
- (b) the route of the proposed parade;
- (c) the number of vehicles (if any) and number of persons whose participation is anticipated in the proposed parade;
- (d) the name and address of the person or organization sponsoring or promoting the proposed parade; and
- (e) the name and address of the person making the application for a parade permit.

4. Review of application. The Police Chief shall review the information set forth in the application and ascertain the following: the extent of vehicular and pedestrian traffic to be anticipated at the time and place of and on the route of the proposed parade; the availability of police forces to escort the proposed parade and to direct traffic in conjunction with the proposed parade; and whether or not, in the light of all the circumstances the proposed parade will unreasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public.

5. Disposition. In the event the Police Chief determines, in view of all the circumstances, that the proposed parade will unreasonably burden and interfere with the normal use of the streets or sidewalks of the City by the general public, he shall deny the request for a parade permit; and if he determines on the contrary that the proposed parade will not unreasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public, he shall grant the parade permit. In either case, the Police Chief shall indicate his disposition on the application and shall notify the applicant of the action taken.

6. Exemptions. The provisions of this section shall be inapplicable to any parade which is conducted under the supervision of a practicing mortician in conjunction with any funeral.

¹²**32-208 Pawnbrokers and Secondhand Dealers**

1. Definitions:

- a. Pawn or Pledge - A bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the power of sale on default.
- b. Pawnshop - Any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.
- c. Employee - (1) Any owner or pawnbroker who, in the performance of his or her duties or the management of the business affairs of a pawnshop, comes into contact with members of the public; or (2) any person working for an owner or pawnbroker; or (3) any person who is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.
- d. Pawnbroker - Any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he or she has charge of the business or daily operations of the pawnshop, and whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

2. Hours of Operation: The hours during which pawnbrokers may conduct business shall be from no earlier than 7:00 A.M. to no later than 9:00 P.M.

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

- a. Form of Application: The application for Pawn License shall be completed on a form prescribed by the Chief of Police or his designee. At minimum, the application shall include the physical address at which the

business is proposed to be operated and the full name, address, phone number, date of birth, photograph and social security number of pawnbrokers and managerial employees of the business. Additionally, the permit shall list the owner or owners of the business. In the event the business is owned by a partnership or corporation, the partners or officers and registered agent shall be listed.

- b. License Fee; Separate License Required for Each Physical Location: The completed form must be accompanied by an application and license fee of \$100. In the event an owner has more than one physical business location, each location will be required to obtain a separate permit. The application fee is non-refundable in the event the applicant, for any reason, is not issued a license, business license, or occupational tax certificate.
- c. Background Check Required: Upon receipt of the application and fee, the Chief of Police, or his designee, shall conduct a background check on the applicant. A Pawn License may not be issued where the applicant has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of ten (10) years immediately prior to the filing of such application.
- d. Falsified Applications: No license shall issue if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.
- e. Denial of License; Appeal Process: If an application for Pawn License is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the police department to the Zoning Board of Appeals.
- f. Renewal: Owners are required to renew the license upon expiration thereof and shall be required to pay a renewal fee of \$100.
- g. Replacement License: In the event a license is lost or destroyed, a replacement license may be issued for the unexpired term of the initial license.
- h. Display of License: Operators of pawn businesses shall conspicuously display the license at all times while the business is in operation.
- i. License Issued in Error; License the Property of the City: Any Pawn License issued through administrative oversight or error may be terminated and seized by the Chief of Police or his designee. All Pawn Licenses remain the property of the City of Lawrenceville. Upon notice by the Lawrenceville Police Department, the holder of a Pawn License must surrender said license.

- j. Suspension or Revocation of License; Appeal: The Chief of Police, or his designee may suspend or revoke any license issued under this section for falsifying an application, violation of this section, or if the applicant has otherwise become ineligible to hold a license under this section. The license holder may appeal the decision of the Chief of Police to the Zoning Board of Appeals.
5. Work Permits Required of Employees: No person shall be employed by a pawnshop in any capacity until such person has obtained a work permit from the Lawrenceville Police Department.
- a. Form of Application; Fee Required: An application for a work permit shall be made on a form prescribed by the Chief of Police or his designee. Such application form shall include, at a minimum, the applicant's name, date of birth, and social security number. Applicant must also provide positive identification (only official government issued pictured identification accepted, e.g. driver's license, passport, military card, or state-issued I.D. card) at the time of application.
 - b. Fee for Permit: The completed permit application form must be accompanied by an application and permit fee of \$100. The application fee is non-refundable.
 - c. Background Check Required: Upon receipt of the application and fee, the Chief of Police, or his designee, shall conduct a background check on the applicant. A permit may not be issued where the applicant has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of five (5) years immediately prior to the filing of such application.
 - d. Falsified Applications: No permit shall issue if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.
 - e. Denial of Permit; Appeal Process: If an application for work permit is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the police department to the Zoning Board of Appeals.
 - f. Renewal: Permit holders are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee of \$50.
 - g. Replacement Permit: In the event a permit is lost or destroyed, a replacement permit may be issued for the unexpired term of the initial license upon the payment of a permit replacement fee of \$20.

- h. Permit in Possession While Working; Inspection by Police Department: Permit holders must have a valid permit on their person at all times while working within a pawn establishment. The permit shall be displayed upon the request of a Lawrenceville Police Officer.
 - i. Permits Issued in Error; Permit the Property of the City: Any work permit issued through administrative oversight or error may be terminated and seized by the Chief of Police or his designee. All permits remain the property of the City of Lawrenceville. Upon notice by the Lawrenceville Police Department, the holder of a permit must surrender said permit.
 - j. Suspension or Revocation of Permit; Appeal: The Chief of Police, or his designee may suspend or revoke any permit issued under this section for falsifying an application, violation of this section, or if the applicant has otherwise become ineligible to hold a license under this section. The permit holder may appeal the decision of the Chief of Police to the Zoning Board of Appeals.
6. Records of Pawn Transactions; Required Information; Method of Transmittal: Engaging in the business of pledging, trading, pawning, exchanging, or selling used or previously owned merchandise, furniture, machinery, appliances, utensils, firearms, gold, silver, coins, precious metals, jewelry and precious stones within the city limits of Lawrenceville is hereby declared to be affected with the public interest due to the opportunity it affords for the disposal of stolen property. In the public interest and as set forth herein, all pawnbroker and pawnshop operators shall document all transactions as required by this ordinance. A transaction number will be assigned to every transaction to document the transaction.
- a. Identification of Persons Pledging Items: Employees of pawnshops shall require all persons pledging, trading, pawning, exchanging, or selling property to show proper identification prior to conducting a transaction. For purposes of this section, proper identifications shall consist of a government-issued identification document such as a driver's license, state identification card, military identification card or passport.
 - b. Required Documentation of Identifying Data: Employees of pawnshops shall document the name, address, telephone number, race, gender, height, weight, driver's license number, date of birth, social security number, and identifying number from the presented identification of the person pledging, trading, pawning, exchanging, or selling property along with the date and time of the transaction. This documentation shall be made at the time of the transaction.

- c. Photographs Required: Employees of pawnshops shall photograph all persons pledging, trading, pawning, exchanging, or selling property. Such photograph will be made with a digital camera or web camera. Such photograph shall clearly show a frontal view of the subject's face along with the pawnshop transaction number. Additionally, photographs of the items being pledged, traded, pawned, exchanged or sold. The photographs shall be appended to the record of the pawn transaction in a manner prescribed by the Chief of Police or his designee.
- d. Fingerprint and Signature Required: Employees of pawnshops shall obtain from all persons pledging, trading, pawning, exchanging, or selling property the fingerprint of the right hand index finger. The fingerprint shall be appended to the record of the pawn transaction in a manner prescribed by the Chief of Police or his designee. The subject shall also sign the pawn transaction. In the event the indicated finger is missing, the next finger available on the right hand will be used and the finger used will be noted on the pawn transaction record. If the right hand is amputated, congenitally deformed, or otherwise unavailable due to medical condition, the left hand may be used and noted on the record. If neither hand is available due to medical condition, amputation or congenital deformity, that fact will be noted on the transaction record. Fingerprints and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any property.
- e. Accurate Property Descriptions Required: Employees of pawnshops shall document an accurate description of all items pledged, traded, pawned, exchanged or sold to the pawnshop. Such description shall include, at a minimum and to the extent possible, manufacturer, model, serial number, style, material, kind, color, design, number of stones (if jewelry), and any identifying names, marks, numbers or engravings.
- f. Tags Required: Each item received by a pawnshop as a pledge, trade, pawn, exchange, or purchase shall be tagged with the pawnshop transaction number. Such tag must remain attached to the item until the item is disposed of by sale, trade or other lawful means.
- g. Wholesale Purchases Excluded: The requirements of this section shall not apply to property purchased from licensed wholesale or distributor businesses for the purpose of retail sale; however, the pawnshop employees shall be maintain purchasing records for property exempted under this paragraph while the property remains in inventory.
- h. Special Requirements for New or Unused Goods: Items of property that appear to be new, unused, and in their original packaging may not be accepted by a pawnbroker unless the customer can supply a copy of the original sales receipt or other proof of purchase. Pawnshops shall retain a

copy of such receipt or proof of purchase on file while the item is in inventory.

- i. Entry of Transactions for Electronic Transmittal: Each pawnshop shall enter each transaction into the electronic automated reporting system as it occurs. In the event the electronic transmittal system is unavailable, pawnshops shall make records in paper form as prescribed by the Chief of Police or his designee. Such paper forms shall include all information otherwise required. Pawnshops shall keep a supply of paper forms available at all times.
- j. Automated Reporting System; Mandatory Use: The Chief of Police or his designee shall select and designate an automated electronic reporting system for use by pawnshops to record and transmit pawn transaction. The pawnshop will be assessed a fee for each transaction entered into the system. This fee may be assessed to the person pledging, trading, pawning, exchanging, or selling property. Said fee will be collected by the Chief of Police or his designee, which may be a third party administrator of the automated reporting system.

7. Retention of Property; Storage; Police Holds:

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

11. Dealing with Minors. It shall be unlawful for any pawnbroker, his or her agents or employees, to receive in pawn, from minors, goods of any character

or description. A minor, for the purpose of this Section is an individual under the age of 18.

12. Responsibility for Enforcement. The Lawrenceville Police Department shall have the responsibility for the enforcement of this section. Sworn officers of the Lawrenceville City Police Department, and civilian employees designated by the Chief of Police shall have the authority to inspect establishments licensed under this section during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this section and state law.
13. Penalty for Violation. Any person, firm, company, corporation or other entity who violates any provision of this Chapter may be subject to arrest or summoned to appear in the Lawrenceville Municipal Court and upon conviction or other finding of guilt, be punished by a fine of up to \$1,000.00 or six (6) months imprisonment, or both.
14. Severability. If any portion of this Chapter shall be declared by a court of competent jurisdiction to be invalid, unconstitutional or unenforceable, such declaration shall not be deemed to affect the remaining portions of this Chapter.

¹32-209 Temporary Outdoor Activity Ordinance

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

2. Definitions

(a) “Goods and merchandise”¹ shall mean tangible or movable personal property, other than money.

(b) “Temporary” shall mean for a period of not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within 6 months from the date of any prior approval of a temporary outdoor activity.

(c) “Temporary outdoor activity” shall mean for-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises as the principal use of the premises. The term shall include the sale of farm produce, carnivals, or sale of Christmas trees or Halloween pumpkins from property which is vacant or which contains a separate and distinct primary use, such activities continuing for a period not exceeding 20 consecutive days, except Christmas tree sales shall be allowed between November 1 and December 31 and pumpkin sales shall be

permitted from September 15th and October 31st. Temporary outdoor activities shall occur in non-enclosed areas.

(d) “Temporary Outdoor Activity Permit” shall mean written authorization by the director of Planning, Zoning, and Inspections, or his designee, for the Applicant to engage in temporary outdoor activities at a specific, fixed location meeting all the requirements of this article.

3. Conditions of Issuance. No license under this section shall be issued until the following conditions have been met:

(a) Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.

(b) Mobile food services and the preparation of food onsite shall not be permitted as temporary outdoor activities.

(c) No display shall be erected or installed, nor shall any temporary outdoor activity take place, within fifty (50) feet of a City, County or State right-of-way.

(d) Temporary outdoor activities shall be permitted only within the City’s BG, HSB, and BGC Zoning Districts.

(e) No temporary structure or covering shall be erected as a part of a temporary outdoor activity. Display tables may be used. Exemptions to this requirement are made for Christmas tree and Halloween pumpkin sales lots.

(f) No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.

(g) Temporary outdoor activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.

(h) No more than one temporary outdoor activity shall be permitted simultaneously on a parcel.

(i) Temporary outdoor activities shall be conducted on a paved surface and not on grassed or landscaped areas. Exemptions to this requirement are Christmas tree and Halloween pumpkin sales lots.

(j) No evidence of the temporary activity shall remain on a parcel of property for more than twelve (12) consecutive hours of any calendar day.

Exemptions to this requirement are Christmas tree and Halloween pumpkin sales lots.

(k) Charitable or nonprofit events for which sale proceeds benefit charitable organizations are not regulated by this article. Furthermore, the Lawrenceville Tourism and Trade Association (LTTA) is specifically exempt from the requirements of this Code Section.

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

32-210 Finance Companies

All finance companies shall be required to obtain a license from the City Clerk in the manner specified in this chapter. The annual license fee is \$125.00.

32-211 Mechanical Amusement Devices

1. Definitions of Terms. As used in this Ordinance, unless the context otherwise indicates:

(a) The term "mechanical amusement device" shall mean any machine, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines, and all games, operations, or transactions similar thereto under whatever name they may be indicated.

(b) The terms "person," "firm," "corporation" or "association" as used herein shall include the following: any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this section of the Ordinance.

2. Gambling Devices not Permitted. Nothing in this Ordinance shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the State of Georgia.

3. License Required. Any person, firm, corporation or association displaying for public patronage or keeping for operation any mechanical amusement device as herein defined shall be required to obtain a license from the City of Lawrenceville, upon payment of a license. Application for such license shall be made to the Mayor and Council upon a form to be supplied by the City Clerk for that purpose.

4. Application. The application for such license shall contain the following information:

- (a) name and address of the applicant, age, date and place of birth;
- (b) prior convictions of applicant, if any;
- (c) place where machine or device is to be displayed or operated and the business conducted at that place;
- (d) description of machine to be covered by the license, mechanical features, name of manufacturer, serial number.

No license shall be issued to any applicant unless he shall be over eighteen (18) years of age and a citizen of the United States.

5. License Fees. Every applicant, before being granted a license shall pay the sum of \$75.00 as an annual license fee and occupation tax for the right of operating and maintaining mechanical amusement devices as defined herein. All licenses shall be renewed January 1st of each and every year following the initial issuance.

6. Display of License.

(a) The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

(b) Such license may be transferred from one machine or device to another similar upon application to the City Clerk to such effect and the giving of a description and the serial number of the new machine or device. Not more than one machine shall operate under one license, and the applicant or license shall be required to secure a license for each and every machine displayed or operated by him.

(c) If the licensee shall move his place of business to another location within the City of Lawrenceville, the license may be transferred to such new location upon application to the City Clerk, giving the Street and number of the new location.

7. Revocation of License. Every license issued under this Ordinance is subject to the right, which is hereby expressly reserved, to revoke the same should the licenses, directly or indirectly, permit the operation of any mechanical amusement device contrary to the provisions of this Ordinance, the Ordinances of the City of Lawrenceville or the laws of the State of Georgia. Said license may be revoked by the Mayor and Council after written notice to the licensee which notice shall specify the Ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

8. Penalty. Any person, firm, corporation or association violating any of the provisions of this Ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty not less than \$100.00, nor more than \$200.00 for each offense.

9. Repeal of Conflicting Ordinance. All existing Ordinances of the City of Lawrenceville are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

10. Separability of Provisions. It is the intention of the City of Lawrenceville Council that each separate provisions of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Mayor and Council that if any provisions of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

11. Effective Date. This Ordinance shall be in full force and effect upon adoption.

32-212 Handwriting Analysts and Fortune Tellers

(a) License Required. It shall be unlawful for any person to practice handwriting analysis or fortune telling in the City unless that person holds a valid unexpired and unrevoked license to engage in the practice of handwriting analysis or fortune telling issued by the City. For the purpose of this article, "handwriting analysis" is hereby defined as the interpretation of human experience based upon an examination of handwriting or other inscription done by hand for fee, gift or donation; and "fortune telling" is defined as the prediction of the future for a fee, gift or donation.

(b) License Fee. The annual business license fee for each handwriting analyst or fortune teller shall be One Hundred Dollars (\$100.00).

(c) Application. Any person desiring to practice handwriting analysis or fortune telling in the City shall make application for a permit to the bureau of police services on forms to be prepared and approved by the Mayor or his designee. The applicant shall meet the following requirements prior to being licensed to practice handwriting analysis or fortune telling in the City:

(1) Be 18 years of age or more;

(2) Shall not have been convicted of a crime of any grade or any Ordinance violation involving the following categories of criminal conduct: arcey, embezzlement, fraudulent conveyancing; perjury and/or false swearing, or subrogation or either, gambling, deceitful means, artful practices, lottery, felonies or other group I crimes, as defined in the Uniform Crime Reporting Manual, Federal Bureau of Investigation, U.S. Department of Justice which are reasonably related to the activities regulated herein, within three (3) years of the date of the application;

(3) Allow fingerprints to be made by the bureau of police services at the time of application; and

(4) Furnish the bureau two (2) photographs showing a front and side picture of the full face of the applicant, size two and one-half (2 1/2) inches by two and three-fourths (2 3/4) inches.

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

(e) Location of Business. Pursuant to the City Zoning Ordinance, any person performing the services of a handwriting analyst or fortune teller may maintain such a business only in the HSB zoning classification.

632-213
Electrologist

Masseur, Masseuse, Massage Therapist, Acupressurist, or

1. Scope – This Ordinance shall apply to any person, corporation, or other organization that engages, for a fee, in either:

(a) Massage therapy; or

(b) One or more of the following:

(1) A person who restricts his or her practice to the manipulation of the soft tissue of the human body to hands, feet, or ears who does not have the client disrobe and does not hold himself or herself out as a massage therapist;

(2) A person who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy;

(3) A person who uses touch and movement education to effect change in the structure of the body while engaged in the practice of structural integration, provided that he or she is a member of, or whose training would qualify for membership in, the International Association of Structural Integrators and provided that his or her services are not designated or implied to be massage or massage therapy; or

(4) A person who uses touch to affect the energy systems, polarity, acupoints, or Qi meridians, also known as channels of energy, of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy.

2. The Georgia Massage Therapy Practice Act – Applicants planning to practice massage therapy, or otherwise fall under the scope of the Georgia Massage Therapy Practice Act, shall be granted a business license upon presentation of a valid license issued by the Georgia Board of Massage Therapy. Applicants planning to provide one or more of the services listed in 32-213(b)(i-iv) will only be granted a business license upon the satisfaction of the remainder of the requirements in this Ordinance.

3. License, Application; Information to be Given. Any person desiring to engage in the business, trade or profession of a masseur, masseuse, massage therapist, acupressurist or electrologist shall, before engaging in that business trade or profession, file an application for a license addressed to the City Council. The application shall be in writing and shall set forth the following:

(a) Applicant and employees must be fingerprinted by the police department and a character reference run on all persons or person to operate as masseur, masseuse, massage therapist, acupressurist or electrologist and all employees;

(b) Name and address of applicant;

(c) Name and address of any person having previously employed the applicant for a space of two (2) years or longer;

(d) If the applicant is a corporation, the address or addresses of the corporation as well as the names and addresses of the agents and employees of the corporation for a period of two (2) years immediately prior to the filing of the application;

(e) Qualifications must be plainly stated together with required exhibits annexed to the application;

(f) A certificate certifying as to the good moral character of the applicant, signed by three (3) currently qualified and registered voters of good moral character of the City. These letters shall not be required for annual renewals of licenses issued hereunder. For the purpose of this Ordinance, good moral character shall mean that the person to whom the phrase refers shall not have been convicted of a felony or crime involving moral turpitude;

(g) Fingerprints must be submitted to the City at least 15 days prior to issuance of license to allow for investigation of applicant and employees;

(h) Should the applicant be a corporation, it shall also submit with the application a certificate, executed as described in subsection (f) above, certifying as to the good moral character of each employee and agent of the corporation who is actually engaged in the business of the corporation.

4. Qualifications. Each applicant and all employees hereunder, prior to making application for a license must have the following qualifications:

(a) The applicant and all employees must be of good moral character, and in case the applicant is a corporation, it must be created in or domesticated by the laws of the State of Georgia.

(b) The applicant must be at least eighteen (18) years of age and have received a high school diploma or graduate equivalency diploma.

(c) The applicant and each employee must furnish a current health certificate from a medical doctor which shall accompany the application as an exhibit. Should the applicant be a corporation, it shall furnish a certificate for all its agents and employees actually engaged and working under the license. The certificate shall recite that the applicant or employee is in good health and is free from infectious or contagious disease.

(d) Along with application, the applicant and employees must furnish proof that they have completed a course of study at an accredited institution accredited by the Commission on Massage Therapy Accreditation (COMTA), a school that is certified, recognized and accredited by the United States Department of Education or a school accredited by the United States Acupressure Therapy Institute. The course of study must be not less than six months and 500

hours of instruction to include a curriculum of anatomy, physiology, massage history, massage theory and techniques, hydrotherapy, hygiene and first-aid, heliotherapy, and related business subjects. An electrologist must be certified by the American Electrology Association after receiving an electrologist degree from an accredited trade school. An applicant in the area of massage therapy who has completed 500 hours of instruction at an institution that is not accredited as required above, shall qualify for a license if in lieu of furnishing proof of study at an institution accredited by COMTA, the applicant is able to provide proof that the applicant or any employees of an applicant have passed the National Certification Exam for Therapeutic Massage and Body Work.

(e) The applicant, or the manager in the event the applicant is a corporation, must furnish with the application their affidavit of previous employment, together with an affidavit of the persons under whom the apprenticeship or practical experience was obtained, specifying that the applicant has satisfied the above requirements.

5. Issuance; Fee. If the application is submitted in proper form and is approved by the Council, then the business license department is authorized to issue a business license to the applicant upon the payment of any business taxes due.

6. Information Concerning Employees to be filed with the City Clerk. It shall be the duty of all persons holding a license under this article to file with the City Clerk the names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees with the names of new employees must be filed with the City Clerk within three (3) days from the date of any such change.

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

8. Grounds for Suspension or Revocation; Notice; Hearings; Refund.

(a) No license which has been issued or which may hereafter be issued by the City to any licensee hereunder shall be suspended or revoked except for due cause as hereinafter defined, and after a hearing before the municipal court and upon a prior five (5) days written notice to the holder of the license of the time, place and purpose of the hearing and statement of the charge upon which the hearing shall be held.

(b) "Due Cause" for the suspension or revocation of the license shall consist of the violation of any laws or Ordinances regulating the business, or violation of regulations made pursuant to authority granted for the purpose of regulating the business.

(c) The City Clerk is delegated the authority to suspend any license hereunder for due cause in any emergency situation, and said suspension may be made effective immediately and remain in force until the next session of the municipal court.

(d) When a license is revoked under any of the provisions of this section, the City shall not be required to refund any portion of the business tax.

9. Patronage of Establishments by Minors.

(a) Restricted. It shall be unlawful for any person under the age of 18 to patronize any massage, acupressure or electrolysis establishment unless that person carries with him or her, at the time of the patronage, a written order directing the treatment to be given signed by a licensed physician or unless that person carries the written permission of their parent or legal guardian.

(b) Duty of Operator. It shall be the duty of the operator of the establishment to determine the age of the persons patronizing the establishment, and a violation of this section shall be grounds for revocation of the license of the massage or acupressure establishment.

10. Treatment by Unlicensed Persons to be given only under Supervision of License Holder. Massages, massage therapy, acupressure or electrolysis treatments may be given by persons not holding a license as masseur, masseuse, massage therapist, acupressurist or electrologist provided the massages, massage therapy, acupressure or electrolysis treatments are given under the direct supervision of a person having a license as a masseur, masseuse, massage therapist, acupressurist or electrologist and further provided that a person holding a license as a masseur, masseuse, massage therapist, acupressurist or electrologist shall be in the same room where the massage, massage therapy, acupressure or electrolysis treatment is being administered during the entire time of the giving of the treatment.

11. Hours of Operation. No masseur, masseuse, massage therapist, acupressurist or electrologist shall engage in the business or profession except within and between the hours of 8:30 a.m. and 10:00 p.m. Eastern Standard Time, nor shall any operator of the establishment or business operate the same except within and between the aforesaid hours.

12. Signed Copy of Ordinance to be filed with License Application. A signed copy of this article shall be filed with any license application.

13. Restrictions. No masseur, masseuse, massage therapist, acupressurist or electrologist shall manipulate, fondle or handle the sexual organs of any persons.

14. Repealer. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Taxicabs

1. **Definitions.** For the purposes of this article, certain terms and words are hereby defined. Where words are not herein defined, but are defined elsewhere in this Code of Ordinances, those words shall have the meaning as defined therein. As used in this article, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

(a) **Limousine-** any motor vehicle that meets the manufacturer's specifications for luxury limousines, with an extended wheel base, and a designed seating capacity of no less than five (5) and no more than nine (9) passengers behind the operator of the vehicle. No vehicle shall be allowed to operate as both a taxicab and a limousine.

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

(c) **Paratransit Service-** a service provided for individuals with disabilities who are unable to utilize fixed route services.

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

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

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

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

(h) **Vehicle for hire-** a limousine, taxicab or other motorized passenger-carrying vehicle that is used to transport passengers for a fee. Vehicles

regulated by the Georgia Public Service Commission, and passenger vans with a capacity of 15 or more passengers, shall not be considered a vehicle for hire.

2. Doing business defined. Any person shall be deemed doing business in the City of Lawrenceville under this article if such person is transporting passengers in the City and accepting or soliciting any consideration, charge or fee which is determined by agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any motor vehicle or other vehicle designed or used for the purpose of transporting passengers. Any person shall also be deemed as doing business in the City under this article if such person has established a business relationship with independent contractors or operates vehicles for hire on such person's own behalf for the purpose of transporting passengers in the City. An exception to doing business in the City of Lawrenceville shall arise if a person is transporting a passenger from another jurisdiction, where they are fully licensed and permitted, into the jurisdiction of the City. The permit for the vehicle from the originating jurisdiction shall be displayed as required under Sections 11 and 15 of this Ordinance.

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

4. Occupational tax certificate holder's responsibilities for violations. Occupational tax certificate holders are responsible for violations of this article by their employees, lessees, subcontractors, and independent contractors, including drivers and dispatchers.

5. Notice. For the purposes of this article, notice shall be deemed delivered when personally served or when served by mail within three days after the date of deposit in the United States mail.

6. Hearings.

(a) Decisions of the business license office that adversely affect or aggrieve any occupational tax certificate applicant or holder under this article may within five business days be appealed to the City Clerk. Decisions of the police department that adversely affect or aggrieve any workers permit applicant or holder may within five business days be appealed to the chief of police or the chief of police's designated representative. Any applicant or occupational tax certificate holder who is aggrieved or adversely affected by a final decision of the City Clerk or any applicant or permit holder who is aggrieved or adversely affected by a final decision of the chief of police or the chief of police's designated representative may request an appeal to the zoning board of appeals. Such appeal shall be by written petition, filed in the business license office along with a \$50.00 appeal fee and within 15 days after the final decision.

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

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

(d) The findings of the zoning board of appeals shall not be set aside unless found to be (1) contrary to law or ordinances or (2) unsupported by substantial evidence on the records as a whole or (3) unreasonable.

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

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

8. Reserved.

9. Occupational Tax Certificates.

It shall be unlawful for any person, entity, partnership, or corporation to operate a taxicab within the City of Lawrenceville unless such person, entity, partnership or corporation shall have complied with and continues to comply with the regulations, rules, restrictions and conditions set forth in this Section. The City of Lawrenceville maintains the right within its discretion to grant or deny any application for license or permit for the privilege of engaging in the taxicab business. An exception to doing business in the City of Lawrenceville shall arise if a person is transporting a passenger from another jurisdiction, where they are fully licensed and permitted, into the jurisdiction of the City. The permit for the vehicle from the originating jurisdiction shall be displayed as required under Sections 11 and 15 of this Ordinance.

(a) An applicant for an occupational tax certificate is required to provide information showing its qualifications on a form(s) provided by the City Clerk.

(b) Applicants must be approved by the City Clerk or designee, and such clearance shall include a background of the applicant.

(c) No occupational tax certificate shall be issued to any business owning or leasing less than one vehicle. The applicant must provide the issuing

authority with a list of all vehicles to be used in furtherance of the business to include the VIN and state registration (tag) number of each vehicle and a copy of the applicable insurance certificate or policy.

(d) If the applicant is not a sole proprietor or individual then all partners, officers or managers of the legal entity shall be required to comply with the provisions of this section.

(e) All applicants must:

(1) Be at least 21 years of age;

(2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service;

(3) Have not been convicted, been on probation, parole, or been imprisoned for a period of five years previous to the date of application, for the violation of any of the following offenses of the State of Georgia, of any other state, or of the United States: any felony; driving under the influence of drugs or alcohol; criminal solicitation to commit any of the offenses listed in this subsection; attempt to commit any of the offenses listed in this subsection; any misdemeanor crime of violence or theft, any misdemeanor crime of possession, sale or distribution of illegal drugs or any crime involving moral turpitude. Discharge without court adjudication of guilt pursuant to O.C.G.A. § 42-8-62 shall not disqualify an applicant from applying for an occupational tax certificate;

(4) Provide a verifiable dispatch location staffed by business agents or employees and have a published telephone number;

(5) File applications for the initial inspection of the taxicabs, with a list of all drivers that will be scheduled for driver permitting, indicating whether drivers are business employees or contract drivers. A copy of each contract driver's insurance coverage must be included in the application;

(6) Provide a copy of the applicant's rate schedule and the daily hours of operation;

(7) Provide the name, address and telephone number of a responsible individual residing in Gwinnett County who will be the registered agent for the purpose of service of process or receipt of citations; and

(8) Pay a \$50.00, non-refundable, occupational tax certificate application fee.

10. Insurance.

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

(a) All businesses applying for an occupational tax certificate pursuant to the provisions of this article shall provide with their application, and shall maintain for the duration of the certificate, a certificate of insurance showing proof of motor vehicle insurance covering public liability and property damage issued by a state approved insurer. Such insurance shall insure passengers and third persons against personal injury and property damage in amounts specified by this section.

(b) All businesses applying for an occupation tax certificate pursuant to the provisions of this article shall provide with their application, general liability coverage and automobile comprehensive coverage on all vehicles owned or leased by the business in a minimum amount of \$300,000.00. The insurance coverage shall be provided by state approved insurer having a rating of at least B(vii).

(c) Additionally, all occupational tax certificate holders must provide the police chief or his designee with an annual certificate of insurance showing the existence of such policies of insurance as required by this article. The annual certificate of insurance must be provided to the police chief or his designee 30 days prior to the expiration of any such insurance.

11. Work permits generally.

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

(a) No person shall drive a taxicab without a valid work permit issued pursuant to the requirements of this article. Each applicant shall complete a form designated by the Chief of Police, provide a current and valid Georgia driver's license, a \$50.00 processing fee, and a driver's history from the state covering at least seven years prior to the date of application. If the applicant lived in a state other than Georgia within the seven year period, a driver's history report from the other state(s) must also be included with the application. No business shall

employ, including independent contractors, any driver who has not first met the requirements of this article and been issued a valid work permit as authorized by this article.

(b) No work permit shall be issued to any person who is not employed by or represented by an approved business. All work permits shall expire on the drivers' birthday, and shall be renewed annually. A work permit shall only be good for one business which it was obtained for; if a driver works for more than one cab business he/she must have a work permit for each and every business the driver works for.

(c) The permit shall take a form designated by the Chief of Police. In any event, the permit must include a photograph of the holder of the permit, the name of the permit holder, the expiration date and a unique permit number.

(d) Any taxicab operator must display the permit in the taxicab at all times while operating the vehicle. The operator's permit number must also be affixed to the rear of the vehicle at all times while the vehicle is being operated. Work permits must be posted on the dash or sun visor of the vehicle being driven so that it is visible from the passenger area. The permit must be displayed to a police officer upon request. Failure to display a work permit or have a permit number on the vehicle shall subject the operator to a fine of no more than \$150.00, six (6) months of imprisonment, or both. Any person found to be operating a taxicab with another person's permit number displayed shall be subject to a fine of no more than \$150.00, six (6) months of imprisonment, or both. The Chief of Police or the Municipal Court may administratively suspend or revoke the displayed permit. The company owning the taxicab shall be subject to an administrative fine of \$500.00. Businesses under this article are responsible for checking to ensure that each driver has a current work permit in the driver's possession and posted on the dash or sun visor of the vehicle being operated along with a visible permit number displayed on the rear of the vehicle.

(e) No request for a work permit will be processed unless the permit applicant presents a letter on business stationery to the police department from a current occupational tax certificate holder requesting issuance of a work permit to the named individual. The work permit applicant will further furnish information requested on a form to be provided by the police department and submit to a police clearance consisting of a background investigation. Work permit applicants must meet the following requirements:

(1) Be at least 21 years of age.

(2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

(3) Possess a current valid state driver's license. Such license must not be limited as defined in O.C.G.A. §§ 40-5-58 and 40-5-64.

(4) Exhibit a proficiency with the English language so as to be able to comprehend and interpret traffic signs, issue written receipts to passengers and obey lawful orders of police and others in lawful authority.

(5) Have not been convicted, been on probation, parole, or been imprisoned for a period of five years previous to the date of application, or for the violation of any of the following offenses of the state, of any other state or of the United States; any felony; driving under the influence of drugs or alcohol; child molestation; criminal solicitation to commit any of these listed offenses; attempts to commit any of these offenses; any crime of violence or theft; any crime of possession, sale or distribution of illegal drugs or moral turpitude. Discharge without court adjudication of guilt pursuant to O.C.G.A. § 42-8-62 shall not disqualify an applicant.

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

(f) Drivers are responsible for reporting any change in qualifications or other licensing or permitting information previously supplied to the police department within ten days of the change.

(g) Any Lawrenceville Police Officer who issues a citation to an operator of a taxicab shall include the taxicab permit number in the remarks section of the citation. Upon adjudication of a case in Municipal Court, the Court Administrator shall make notification to the Chief of Police of the disposition of the case.

(h) Any vehicle purporting to be a taxicab operating within the City of Lawrenceville shall be in compliance with all of the provisions of this article or shall be deemed to be in violation of this article.

12. Proration of license, permit, or inspection fees; Fees nonrefundable. Fees required by this article are nonrefundable and are not prorated.

13. Transfer and term of work permits and occupation tax certificates.

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

14. Suspension or revocation of occupation tax certificate or work permit.

(a) Suspension. For reasons set forth below, an occupation tax certificate or a work permit issued under this article may be suspended until these conditions no longer exist:

(1) Failure to maintain all of the general qualifications applicable to the initial issuance of an occupation tax certificate or a work permit.

(2) Violation of any part of this article.

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

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

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

(1) Willful failure to comply with the ordinance.

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

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

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

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

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

15. Vehicle ownership, condition and equipment; inspection and maintenance of vehicles.

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

(b) Vehicle Style and Age – any vehicle used as a taxicab shall be either a four (4) door sedan or passenger van, and such vehicle may be no more than 8 years old as determined by the model year of the vehicle.

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

(d) Drivers are not to drive and businesses are not to allow drivers to operate a vehicle without the required markings, inspection and maintenance records. Required markings shall include the name of the business painted or affixed by decal to the outside right and left front doors and the schedule of rates, including minimum fares, painted or affixed by decal to the outside right and left rear doors. Magnetic signs, or non-permanent signs or markings, shall be prohibited.

(e) Inspection of vehicles – prior to being placed in service for use as a taxicab, and annually thereafter, the vehicle must be inspected by an approved ASE or Master ASE Mechanic at the occupational tax certificate holder's expense and approved for use by the Police Department. The ASE or Master ASE

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

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

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

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

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

(f) The inspection sticker is proof that the business met the license and insurance requirements at the time of license issuance and that the vehicle passed the last vehicle inspection. Each vehicle driver must have in the vehicle proof of

current insurance coverage. Any business or vehicle letting insurance coverage lapse shall have the inspection sticker or stickers removed by the police department and the business license and/or occupation tax certificate suspended or revoked. Business operations shall not be resumed until proof of insurance is provided to the business license office or the police department, the business license and occupation tax certificate reinstated and the vehicle or vehicles re-inspected and new inspection stickers issued by the police department.

(g) No business shall use any vehicle that has not been inspected and properly maintained as required by this article.

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

(i) Inspection stickers shall expire on the date the Georgia motor vehicle license tag expires.

16. Miscellaneous requirements and regulations.

(a) All drivers shall maintain in each vehicle a suitable map or street guide of the metropolitan Atlanta and Gwinnett area.

(b) All drivers shall make a reasonable search of their vehicle immediately following each trip, and upon discovery of any personal property left by a passenger in the vehicle, shall immediately notify the dispatcher so that the dispatcher can attempt to locate the owner to return the property. If the owner cannot be located within 24 hours, the dispatcher shall forward the property to the police department.

(c) All drivers shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.

(d) No driver shall refuse to accept a passenger, unless the passenger is obviously intoxicated or dangerous. All employees and independent contractors of companies pursuant to this article shall be courteous and respectful to members of the public.

(e) No driver shall refuse to accept a passenger solely on the basis of that passenger's race, color, gender, religion, sex, national origin, sexual orientation, age or disability.

(f) All drivers shall provide receipts upon request of a passenger, showing the amount of fare paid, the name of the business, the work permit number of the driver, the number of passengers, and origin and termination location of trip.

(g) No driver shall refuse to transport a blind or disabled person or that person's guide or service dog. No driver shall charge any extra fee for the guide or service dog to accompany said blind or disabled person.

(h) All drivers shall practice good personal hygiene, and wear proper dress while operating taxicab. Proper dress shall mean shoes (not sandals), ankle length pants, and a shirt or blouse with sleeves and a collar. Hats must be of the baseball style or a chauffeur's cap. Clothing must be clean and not visibly soiled.

(i) A driver, while carrying passengers, shall not play the radio or smoke if objected to by a passenger.

(j) Occupation tax certificate holders are responsible for ensuring that any driver who is affiliated in any way with such business complies with the requirements of this article. In addition to being cited for a violation of this article, violation(s) of this section may be grounds for suspension or revocation of the occupational tax certificate issued pursuant to this article.

(k) Failure of a driver to comply with this article shall result in the issuance of a citation and/or the driver's arrest and the impoundment of the taxicab.

17. Trip sheets or logs. Drivers must maintain daily trip sheets or logs including number of passengers, the time, place of entry, the destination of each passenger, the amount charged and an itemization of any personal property left in the vehicle for hire. Trip sheets must be maintained in the vehicle for 48 hours and, thereafter, transferred to and maintained at the business premises for a period of time not less than five years.

18. Reserved.

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

20. Reserved.

21. Reserved.

22. Schedule of fares.

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

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

23. Enforcement. The City of Lawrenceville Police Department shall be responsible for the enforcement of this article. The police department is authorized to inspect taxis anytime without a warrant to ensure compliance with this article.

24. Penalty. Except where otherwise stated, any person who violates any provision of this article may be subject to arrest or summoned to appear in the City of Lawrenceville Municipal Court and upon conviction or other finding of guilt, be punished by a fine of up to \$1,000.00 or six (6) months imprisonment, or both.

25. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

26. Reserved

32-215 Adult Entertainment

1. Purpose. The purpose of this section is to regulate certain types of businesses including, but not limited to, adult entertainment establishments. The City considered specific evidence of the undesirable secondary effects of sexually explicit businesses when it enacted the provisions of this code section. Before adopting this provision, the City considered and reviewed an extensive report prepared by the City of Austin, Texas concerning adult oriented businesses in that city and considered the increased criminal activity around such adult entertainment establishments and the expenditure of additional funds for law enforcement to combat such criminal activity. The City also reviewed studies prepared in Garden Grove, California; Seattle, Washington; and Oklahoma City, Oklahoma. However, it is recognized that such regulation cannot amount to prohibition, otherwise, a protected form of expression would vanish. As to adult dance establishments, this article represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods and property values through the regulation of

adult entertainment establishments versus the protected rights of adult entertainment establishments and patrons.

It is the finding of the Mayor and Council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or “adult entertainment,” (whether such alcoholic beverages are sold on the premises or not) begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community.

Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, drug use and drug trafficking. Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol, commercial nudity in general, and cinematographic or videographic adult entertainment are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior herein above described. The Mayor and Council finds it is reasonable to believe that some or all of these undesirable community conditions will result in City of Lawrenceville as well.

Furthermore, it is the finding of the Mayor and Council that other forms of adult entertainment including, but not limited to, adult book stores, adult novelty shops, adult video stores, peep shows, adult theaters, and massage parlors have an adverse effect upon the quality of life in surrounding communities.

The Mayor and Council finds that the negative secondary effects of adult entertainment establishments upon City of Lawrenceville are similar whether the adult entertainment establishment features live nude dancing or sells video tapes depicting sexual activities. In addition, the experiences of other cities and counties with adult bookstores have shown that a substantial amount of activity at the bookstore involves booths which an individual may enter, view videos depicting sexual activity, and sexually interact with a bookstore patron in an adjoining booth through a hole strategically placed in the wall of adjoining booths.

The Mayor and Council therefore finds that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children’s daycare facilities to prevent or reduce the adverse impacts of adult entertainment establishments. Therefore, the Mayor and Council find that licensing and regulations are necessary for any adult entertainment establishment. The Mayor and Council finds that these regulations promote the public welfare by furthering legitimate public and governmental interests, including but not limited to, reducing criminal activity and protecting against or eliminating undesirable community conditions and further finds that such will not infringe upon the protected

Constitutional rights of freedom of speech or expression. To that end, this Ordinance is hereby adopted.

2. Definitions. The following terms used in this article defining adult entertainment establishments shall have the meanings indicated below:

(a) "Adult bookstore" means an establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five (5) per cent of its total floor space, devoted to the sale or display of such materials or five (5) per cent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(b) "Adult business" means either:

(1) Each of those enterprises defined in this Ordinance;

(2) Any business other than those expressly specified in this article, where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or

(3) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.

(c) "Adult dancing establishment" means a business that features dancers displaying or exposing specified anatomical areas.

(d) "Adult entertainer" means any person employed by an adult entertainment establishment who exposes his or her "specified anatomical areas," as defined herein. For purposes of this section, adult entertainers include employees as well as independent contractors.

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

(f) "Adult entertainment establishment" shall be defined to include the following types of business:

(1) Any commercial establishment that employs or uses any person live, in any capacity in the sale of service of beverages or food while

such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her “specified anatomical areas,” as defined herein;

(2) Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her “specified anatomical areas: as defined herein or where such performances are distinguished or characterized by an emphasis on “specified sexual activities,” as defined herein;

(3) Any commercial establishment which holds, promotes, sponsors, or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in subsections 32-215 (2)(f)(1) and (2) herein;

(4) Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” as defined herein or “specified anatomical areas” as defined herein or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than 5% of its net sales for the sale or rental of such material;

(5) Any commercial establishment utilizing an enclosed building with a capacity of fifty (50) or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to “specified anatomical areas,” as defined herein, for observation by patrons therein;

(6) Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined herein;

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

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

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

(i) Reserved.

(j) "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coins- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

(k) "Adult video store" means an establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five (5) per cent of its total floor space, devoted to the sale or display of such material or which derives more than five (5) per cent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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

(m) Reserved.

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

(o) "Good moral character." A person is of good moral character

according to this article if that person has not been convicted of a felony, or any crime not a felony if it involves moral turpitude, in the past five (5) years. The City may also take into account such other factors as are necessary to determine the good

moral character of the applicant or employee. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

(p) "Minor" means any person who has not attained the age of eighteen (18) years.

(q) "Operator" means the manager or other person principally in charge of an adult entertainment establishment.

(r) "Owner" means any individual or entity holding more than a 20% interest in an adult entertainment establishment.

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

(s) "Specified sexual activities" means and shall include any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

(t) "Specified anatomical areas" shall include any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernable turgid state, even if completely and opaquely covered.

(u) “Children’s Day Care Facility” shall be defined as a structure or portion of a structure wherein is provided care and supervision of children away from their place of residence for less than twenty-four (24) hours per day on a regular basis for compensation. For the purpose of this Ordinance the term “children’s day care facility” shall include but not be limited to the terms “nursery school,” “early learning center,” “pre-kindergarten,” “private kindergarten,” “play school,” or “pre-school.”

3. Erotic dance establishment regulations.

(a) No person, firm, partnership, corporation or other entity shall advertise or cause to be advertised an erotic dance establishment without a valid adult entertainment establishment license issued pursuant to this article.

(b) No later than March 1 of each year, an erotic dance establishment licensee shall file a verified report with the license officer showing the licensee’s gross receipts and amounts paid to dancers and performers for the preceding calendar year.

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

(d) No adult entertainment establishment licensee shall employ or contract with as a dancer or a performer a person under the age of eighteen (18) years or a person not licensed pursuant to this article.

(e) No person under the age of eighteen (18) years shall be admitted to an adult entertainment establishment.

(f) An erotic dance establishment may be open only between the hours of 8:00 a.m. and 2:00 a.m. Monday through Friday, and Saturday from 8:00 a.m. through 2:55 a.m. on Sunday. No licensee shall permit his place of business to be open on Christmas Day.

(g) No erotic dance establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor or controlled substance upon the premises of the licensee.

(h) An adult entertainment establishment licensee shall conspicuously display all licenses required by this article.

(i) All dancing shall occur on a platform intended for that purpose which is raised at least 18 inches from the level of the floor.

(j) No dancing shall occur closer than four (4) feet to any patron.

(k) No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.

(l) No patron shall directly pay or give any gratuity to any dancer.

(m) No dancer shall solicit any pay or gratuity from any patron.

(n) All areas of an establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to three and five tenths (3.5) foot candles per square foot.

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

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

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

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

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

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

9. Location. No adult business or use restricted hereunder shall be located:

(a) Within one thousand (1,000) feet of any parcel of land which is either named or used for residential uses or purposes;

(b) Within one thousand (1,000) feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground is located;

(c) Within one thousand (1,000) feet of any parcel of land upon which another establishment regulated or defined hereunder is located;

(d) Within one thousand (1,000) feet of any parcel of land upon which any other establishment selling alcoholic beverages is located;

(e) On less than three (3) acres of land containing at least one hundred fifty (150) feet of road frontage;

(f) Within any zoning classification other than the HSB or HM district with a Special Use Permit pursuant to Article VII, Section 7.11 or Section 7.13 of the City's Zoning Ordinance.

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

10. Adult entertainment establishment employees.

(a) Qualifications. Employees of an adult entertainment establishment shall be not less than eighteen (18) years of age. Every employee must be of good moral character as defined in this article. Any employee who is convicted of a crime constituting a felony or a crime not a felony involving moral turpitude while employed as an adult entertainment establishment employee shall not thereafter work on any licensed premises for a period of five (5) years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime, and the terms "employed on the licensed premises" and "work on any licensed premises" shall

include as well work done or services performed while in the scope of employment elsewhere than on the licensed premises.

(b) Approval for employment. Before any person may work on a licensed premises, he shall file a notice with the licensing officer of his intended employment on forms supplied by the licensing officer and shall receive approval of such employment from the licensing officer. The prospective employee shall supply such information as the licensing officer requires, including a set of fingerprints, on regular City of Lawrenceville or United States Department of Justice forms. Upon approval, the employee may begin working on the licensed premises. If approval is denied, the prospective employee may, within ten (10) days of said denial, apply to the licensing officer for a hearing. The decision of the licensing officer after hearing may be appealed to the City Council, which may issue such order as is proper in the premises. An investigation fee of fifty dollars (\$50.00) shall accompany the notice of intended employment or a receipt of the licensing officer evidencing the payment of such fee at the time the notice is filed.

(c) Suspension, revocation of license. Violation of the provisions of this Code, the Ordinances of the City of Lawrenceville, laws and regulations of the State of Georgia, or the rules and regulations of the City shall subject an employee to suspension or revocation of license,

(d) Independent contractors. For the purpose of this article, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

11. Application for permit.

(a) Any person, association, partnership or corporation desiring to obtain a permit to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the city administrator or his designated representative. Prior to submitting such application, a nonrefundable fee, established by resolution of the City Council, shall be paid to the City Clerk to defray, in part, the cost of investigation and report required by this article. The City Clerk shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the City administrator at the time such application is submitted.

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

12. Application contents. Each application for an adult entertainment establishment permit shall contain the following information:

(a) The full true name and any other names used by the applicant;

- (b) The present address and telephone number of the applicant;
- (c) The previous addresses of the applicant, if any, for a period of five (5) years immediately prior to the date of the application and the dates of residence at each;
- (d) Acceptable written proof that the applicant is at least eighteen (18) years of age;
- (e) The applicant's height, weight, color of eyes and hair and date and place of birth;
- (f) Two (2) photographs of the applicant at least two (2) inches by two (2) inches taken within the last six (6) months;
- (g) Business, occupation or employment history of the applicant for the five (5) years immediately preceding the date of application. Business or employment records of the applicant, partners in a partnership, directors and officers of a corporation and, if a corporation, all shareholders holding more than five (5) percent of the shares of corporate stock outstanding;
- (h) The business license history of the applicant and whether such applicant, in previous operations in this or any other city, state or territory under license, has had such license or permit for an adult entertainment business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- (i) All convictions, including Ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions;
- (j) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors, and each stockholder holding more than five (5) per cent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this article, but only one application fee shall be charged;

(k) The names and addresses of the owner and lessor of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;

(l) Such other identification and information as the police department may require in order to discover the truth of the matters hereinabove specified as required to be set forth in the application;

(m) The age and date of birth of the applicant, of any partners, or of any and all officers, of any stockholders of more than five (5) percent of the shares of the corporation stock outstanding, directors of the applicant if the applicant is a corporation;

(n) If the applicant, any partners or any of the officers or stockholders holding more than five (5) percent of the outstanding shares of the corporation, or the directors of the applicant if the applicant is a corporation, have ever been convicted of any crime constituting a felony, or any crime not a felony involving moral turpitude, in the past five (5) years and, if so, a complete description of any such crime, including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed;

(o) The City shall require the individual applicant to furnish fingerprints of the applicant;

(p) If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded. If the applicant is a corporation, a copy of authority to do business in Georgia, including articles of incorporation, trade name affidavit, if any, last annual report, if any;

(q) At least three (3) character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the application if the license is granted and who have not been convicted of any felony or a Municipal Code violation involving moral turpitude in the past five (5) years. The licensing officer shall prepare forms consistent with the provisions of this subsection for the applicant, who shall submit all character references on such forms;

(r) Address of the premises to be licensed;

(s) Whether the premises are owned or rented and, if the applicant has a right to legal possession of the premises, copies of those documents giving such legal right;

(t) A plat by a registered engineer, licensed by the State of Georgia, showing the location of the proposed premises in relation to the neighborhood, the

surrounding zoning, its proximity to any church, school, public park, governmental building or site or other business hereunder regulated;

(u) Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:

(1) If the applicant is an individual, the individual;

(2) If by a partnership, by the manager or general partner;

(3) If a corporation, by the president of the corporation;

(4) If any other organization or association, by the chief administrative official.

13. Applicant to appear. The applicant, if an individual, or designated responsible managing officer, if a partnership or corporation, shall personally appear at the City of Lawrenceville and produce proof that a nonrefundable application fee, established by resolution of the City Council, has been paid and shall present the application containing the aforementioned and described information.

14. Application; investigation. The City shall have thirty (30) days to investigate the application and the background of the applicant. Upon completion of the investigation, the Mayor and Council may grant the permit if it finds:

(a) The required fee has been paid;

(b) The application conforms in all respects to the provisions of this article;

(c) The applicant has not knowingly made a material misrepresentation in the application;

(d) The applicant has fully cooperated in the investigation of his application;

(e) The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct or convicted of an attempt to commit any of the above-mentioned offenses, or convicted in any state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, or any crime involving dishonesty, fraud, deceit or moral turpitude;

(f) The applicant has not had an adult entertainment establishment permit or other similar license or permit denied or revoked for cause by this City or any other city located in or out of this state prior to the date of application;

(g) The building, structure, equipment or location of such business as proposed by the applicant would comply with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards;

(h) The applicant is at least twenty-one (21) years of age;

(i) That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not, within five (5) years of the date of the application, knowingly allowed or permitted any of the specified sexual activities as defined herein to be committed or allowed in or upon the premises where such adult entertainment establishment is to be located or to be used as a place in which solicitations for the specified sexual activities as defined herein openly occur;

(j) That on the date the business for which a permit is required herein commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open;

(k) That the proposed premises is not to be located too close to any church, school, library, governmental building or site or any other business restricted hereunder;

(l) That the grant of such license will not cause a violation of this article or any other Ordinance or regulation of the City of Lawrenceville, State of Georgia or the United States;

(m) Any other inquiry deemed necessary or desirable by the City to insure the health, safety and welfare of the citizens of the City of Lawrenceville or the preservation of its neighborhoods.

15. Persons prohibited as licensees.

(a) No license provided for by this article shall be issued to or held by:

(1) An applicant who has not paid all required fees and taxes for a business at that location or property taxes;

(2) Any person who is not of good moral character;

(3) Any corporation, any of whose officers, directors or stockholders holding over five (5) percent of the outstanding issued shares of capital stock are not of good moral character;

(4) Any partnership or association, any of whose officers or members holding more than five (5) percent interest therein are not of good moral character;

(5) Any person employing, assisted by or financed in whole or in part by any person who is not of good moral character;

(6) Any applicant who is not qualified to hold and conduct a business according to the laws of the United States, the State of Georgia or the City of Lawrenceville.

(b) Should there be a sufficient number of current licenses to meet the needs and desires of the inhabitants of the City, no new licenses shall issue. In determining the needs and desires of the inhabitants, the standard of review shall be that the market is virtually unrestrained as defined in Young v. American Mini Theaters, Inc. 427 U.S. 50, 81.

16. Permit--Refusal; Appeal. If the City, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this article, it shall notify the City Clerk of such opinion and, within thirty (30) days of the date of application, provide copies of the investigation report to the City Clerk. The City Clerk shall, within ten (10) days, notify the applicant by certified mail of such denial. Any applicant who is denied a permit may appeal such denial to the Mayor and Council.

17. Same--renewal. Permits for adult entertainment establishments may be renewed on a year-to-year basis, provided that the permittee continues to meet the requirements set out in this article. The renewal fees for the adult entertainment establishment permits shall be established by resolution of the City Council.

18. Same--nontransferable. No adult entertainment establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case the permit, upon notification to the City, shall be placed in the name of the surviving partner. An adult entertainment establishment permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit or any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.

19. Change of location or name.

(a) No adult entertainment establishment shall move from the location specified on its permit until a change of location fee, established by resolution of the City Council, has been deposited with the City and approval has been obtained from the city administrator and the zoning department. Such approval shall not be given unless all requirements and regulations as contained in the City code have been met.

(b) No permittee shall operate, conduct, manage, engage in or carry on an adult entertainment establishment under any name other than his name and the name of the business as specified on his permit.

(c) Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require inspection and shall comply with the provisions and regulations of this article.

20. Appeal-Procedure. The permittee shall, within ten (10) days after he has been notified of an adverse determination, submit a notice of appeal to the City Clerk.

The notice of appeal shall be addressed to the Council and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the Council and the name and address of the applicant.

The clerk shall place the appeal on the agenda of the next regular Council meeting occurring not less than five (5) nor more than thirty (30) days after receipt of the application for Council action.

21. Same--Council determines procedure. When an appeal is placed on the Council agenda, the Council may take either of the following actions:

(a) Set a hearing date and instruct the City Clerk to give such notice of hearing as may be required by law;

(b) Appoint a hearing officer and fix the time and place for hearing. The hearing officer may or may not be a City employee and may be appointed for an extended period of time. The City Clerk shall assume responsibility for such publication of notice of the hearing as may be required by law. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this article.

22. City Council hearing. Whenever the City Clerk has scheduled an appeal before the City Council, at the time and date set therefore, the Council shall receive all relevant testimony and evidence from the permittee, from interested parties and from City staff. The City Council may sustain, overrule or modify the action complained of. The action of the City Council shall be final.

23. Powers of hearing officer. The hearing officer appointed pursuant to the procedure set out in this article may receive and rule on admissibility of evidence, hear testimony under oath and call witnesses as he may deem advisable with respect to the conduct of the hearing.

24. Rules of evidence inapplicable. The City Council and the hearing officer shall not be bound by the traditional rules of evidence in hearings conducted under this article. Rules of evidence as applied in an administrative hearing shall apply.

25. Hearing officer--Report. The hearing officer shall, within a reasonable time not to exceed thirty (30) days from the date such hearing is terminated, submit a written report to the Council. Such report shall contain a brief summary of the evidence considered and state findings, conclusions and recommendations. All such reports shall be filed with the City Clerk and shall be considered public records. A copy of such report shall be forwarded by certified mail to the permittee/appellant the same day it is filed with the City Clerk, with additional copies furnished the City administrator and Police Chief.

The City Clerk shall place the hearing officer's report on the agenda of the next regular Council meeting occurring not less than ten (10) days after the report is filed and shall notify the permittee/appellant of the date of such meeting at least ten (10) days prior to the meeting unless the permittee/appellant stipulates to a shorter notice period.

26. Same--Action by Council. The Council may adopt or reject the hearing officer's decision in its entirety or may modify the proposed recommendation. If the Council does not adopt the hearing officer's recommendation, it may:

(a) Decide the case upon a review of the entire record before the hearing officer with or without taking additional evidence.

27. Denial; Procedure. Within thirty (30) days of actual receipt of an application for an adult entertainment establishment license, the City Clerk shall either approve or deny the application. In no event shall the decision whether to approve or deny the adult entertainment establishment license application be held without decision for more than thirty (30) days after actual receipt of the application. In the event that such an application is held without decision for a period of more than thirty (30) days, however, the license application shall be deemed approved, and expressive conduct may begin immediately notwithstanding the fact that no license has been issued. The City Clerk shall issue an adult entertainment establishment license to an applicant who informs the City Clerk the fact that an application has been submitted, but no decision has been made thereon for a period of more than thirty (30) days following actual receipt of the application. The City Clerk shall issue an adult entertainment establishment license under such circumstances within three (3) business days of actual receipt of written notice by the applicant of such circumstances. In the event that the City Clerk denies an application for an adult entertainment establishment license, notice of such denial shall be delivered to the applicant in person or by certified mail within 5 business days of such denial. Any person aggrieved

by any decision of The City, its officials, employees or agents, may seek review of such decision by filing an application for a Writ of Certiorari to the Superior Court of Gwinnett County, Georgia.

28. Violations; penalty. Any person violating the provisions of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1000.00) per violation or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. In addition to such fine or imprisonment, violation of this article shall also be grounds for immediate suspension or revocation of the license issued hereunder.

29. Unlawful operation declared nuisance. Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance. The City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this article. In addition, violation of the provisions of this article shall be per se grounds for suspension or revocation of a license granted hereunder.

30. Cleaning of licensed premises. Each licensed premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the licensed premises. There shall be provided adequate facilities, equipment and supplies on the licensed premises to meet this requirement, and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire licensed premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the licensed premises but shall be disposed of daily or as often as collections permit.

31. Self-inspection of licensed premises. The licensee of a licensed premises or his designated representative shall make sanitary inspections of the licensed premises at least once a month and shall record his findings on a form supplied by the licensing officer. Each licensed premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

32. Sealing for unsanitary or unsafe conditions. A licensed premises or any part thereof may be sealed by order of the licensing officer on his finding of a violation of this article resulting in an unsanitary or unsafe condition. Prior to sealing, the licensing officer shall serve on the licensee, by personal service on him or by posting in a conspicuous place on the licensed premises, a notice of the violation and an order to correct it within twenty-four (24) hours after service. If the violation is not so corrected, the licensing officer may physically seal that portion of the licensed premises causing the violation and order the discontinuance of use thereof until the violation has been corrected and the seal removed by

the licensing officer. The licensing officer shall affix to the sealed premises a conspicuous sign labeled "Unclean" or "Unsafe" as the case may be.

33. Abatement as sanitary nuisance. A licensed premises or any part thereof may be abated as a sanitary nuisance.

34. Automatic License Forfeiture for Nonuse. Any holder of any license hereunder who shall for a period of three (3) consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after the said three (3) month period automatically forfeit the license without the necessity of any further action.

35. Miscellaneous. Nothing contained in this Ordinance shall be deemed to permit or condone any activity whatsoever which is otherwise found to be obscene, lewd or illegal under applicable code, regulation or statute which provides any prohibition upon nudity or unlawful sexual activity. Further the activities and uses which are regulated and permitted by this Ordinance shall only be allowed if they are not obscene or lewd and not in violation of any other such prohibitions on nudity or unlawful sexual activity.

36. Severability. If any portion or subsection of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

32-216 Penalty for Non-Compliance

Unless otherwise provided within the particular code section, any person who shall conduct a business or occupation without having complied with the provisions of this chapter, shall, upon conviction therefore, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and cost, or by imprisonment not to exceed six (6) months, or both, any and all of such penalties to be imposed in the discretion of the Judge of the Recorder's Court.

32-217 Taxes on Financial Institutions

1. Business License Tax

Pursuant to O.C.G.A. § 48-6-93 there is hereby levied for the year 1995, and for each year thereafter, an annual business license tax upon state and national banking associations, federal savings and loan associations and state building and loan associations a business license tax at the rate of .25% of the gross receipts of said institutions. Gross receipts shall mean gross receipts as defined in O.C.G.A. § 48-6-93. Notwithstanding any other provisions of this Ordinance, the minimum amount of business license tax due from any depository financial institution pursuant to this Ordinance shall be \$1,000 per year.

2. Due Date; Filing of Return

Each depository financial institution within the City of Lawrenceville shall file a return of its gross receipts with the City of Lawrenceville on March 1 of the year following the year in which such gross receipts were measured. Said returns shall be in the manner and in the form prescribed by the Commissioner of the Department of Banking and shall be based upon the allocation method set forth in subsection (d) of the Code Section 48-6-93 of the Official Code of Georgia Annotated. The tax levied pursuant to this Ordinance shall be assessed and collected based upon the information provided in said return.

The due date of taxes levied by this Ordinance shall be April 1, 1995 and April 1 of each subsequent year.

3. Effective Date

This Ordinance shall become effective January 1, 1995.

4. Penalty

Any person who shall conduct a business or occupation without having complied with the provisions of this Chapter shall, upon conviction thereof, be punished by a fine not to exceed \$1,000 and costs. or by imprisonment not to exceed six months, or both, any and all such penalties to be imposed in the discretion of the Judge of the Municipal Court.

5. Repealer

All Ordinances and parts of Ordinances in conflict with this Act are hereby repealed.

32-218 **Animal Drawn Carriages**

1. Licensing of horse-drawn carriage companies; headquarters

(a) License required.

(1) No person, firm or corporation shall operate a business involving the use of one (1) or more horse-drawn carriage on the streets of the City unless a license for such business has first been granted by the City in accordance with the provisions of this Ordinance. The license shall be effective only for the calendar year stated in the license, unless suspended or revoked sooner as provided by this Ordinance.

(2) Application for the license shall be made on forms provided by the City Clerk and shall provide such information as is required for other business license applications, and such additional information as may be necessary to define completely the business operation. Renewal of the license shall be required prior to January 31 of each year.

(b) Fixed place of business required. Each horse-drawn carriage company, as a condition for holding a license under the provisions of this Ordinance, shall establish and maintain a fixed headquarters on private property for the operation of the company's business; the headquarters to conform to the Ordinances of the City, shall provide adequate off-street parking space for all horse-drawn carriages not in service on the streets. The company headquarters shall not be moved except by the approved transfer of the company's license to another location.

(c) Operating regulations. In addition to the license requirements imposed herein, no license shall be issued to any carriage operator unless the operator complies with the following operating regulations:

(1) A licensed veterinarian shall certify, after due and proper inspection, the good health of each draft animal before it is placed into service. A minimum of two (2) such health inspections shall be required for each animal each calendar year.

(2) No single animal shall pull a carriage holding more than ten (10) people, including the driver.

(3) Unless written approval is given by a licensed veterinarian, no animal having open sores or wounds or any disease or ailment shall be permitted to be in service on the streets of the City.

(4) Each draft animal shall have its hooves properly trimmed and shod for street surfaces.

(5) Each animal shall be groomed daily and not have fungus, dandruff, or a dirty coat.

(6) Harnesses shall be properly fitted, maintained, and oiled so that no irritating material will come in direct contact with the animal.

(7) No driver may use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal.

(8) No driver shall permit an animal to pull a carriage at a speed faster than a slow trot, except in emergency situations.

(9) No animal shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that animal.

(10) Adequate water shall be provided in stables and stalls at all times while any draft animal is present.

(11) Ventilation adequate to ensure the health and comfort of animals shall be provided in stable and stall areas.

(12) Bedding in stalls and stables shall be kept at least six (6) inches deep and shall not show wetness under the pressure of any draft animal's hooves.

(13) Adequate and leak-free roofing is required for any stable or stall area in which animals are housed.

(14) Each individual draft animal shall have a stall large enough for the animal to safely turn around; but in no case shall any individual animal be kept in a stall less than one hundred twenty (120) square feet in area. Ceilings in stalls and stables must be at least nine (9) feet from the bedding and flooring.

(15) Food shall be kept free of contamination.

(d) The City shall be empowered to inspect all stables, stalls and operating facilities of any carriage company without notice, and to examine the operating practices of any carriage company to ensure continuous compliance with this article.

(e) Any applicant who refuses or fails to comply with the requirements of this article shall not be issued a business license until proof of compliance is presented by the applicant and certified by the City. The foregoing licensing requirements shall be ongoing as requirements for continuous operation.

(f) The City Clerk may temporarily suspend any carriage company license for violation of the provisions of this article.

2. Insurance.

(a) Indemnity for Benefit of City. Any horse-drawn carriage company operating under this article shall hold the City of Lawrenceville, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the City by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article shall be construed or interpreted to make the City of Lawrenceville, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any horse-drawn carriage company, its servants, agents, drivers or other employees, during the operation by the company of a horse-drawn carriage business or service, either in

respect to injury to persons or with respect to damage to property which may be sustained.

(b) Insurance for benefit of passengers. Any horse-drawn carriage company desiring a license to do business shall give and maintain a policy of indemnity from an insurance company authorized to do business in Georgia. The minimum coverage shall be one hundred fifty thousand dollars (\$150,000) for bodily injury to any one (1) person, five hundred thousand dollars (\$500,000) for injury to more than one (1) person which are sustained in the same accident, and twenty-five thousand dollars (\$25,000) for property damage resulting from one (1) accident. The indemnity insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a horse-drawn carriage company, its servants or agents.

(c) Blanket policy. Any company or person operating a horse-drawn carriage in the City shall give a separate policy of indemnity insurance for each separate horse-drawn carriage for hire, except where such company or person actually owns or holds legal title to more than one (1) horse-drawn carriage, in which event such company or person may give one (1) policy of indemnity insurance covering all the horse-drawn carriages actually owned. This latter provision, however, shall not apply to any group of persons separately owning horse-drawn carriages who may be jointly operating or doing business under a licensed horse-drawn carriage name.

(d) Notice when voided. Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the City Clerk at least thirty (30) days before the same shall take effect.

3. Removal from service for violations.

(a) Upon discovery of a violation of any provision or provisions in this article relating to animal-drawn vehicles for hire, the City may issue an order to the person responsible for the violation requiring the removal of the subject animal from service.

(b) No animal which has been removed from service for violation of this section shall be returned to service until the animal has been inspected by the Gwinnett County Society for the Prevention of Cruelty to Animals (S.P.C.A.) and approved for return to service in writing.

(c) Any person who refuses to comply with the order of the S.P.C.A. or who complies with the order and returns the subject animal to service before being inspected and approved by the S.P.C.A. shall be guilty of the offense of refusing to obey an order the of the S.P.C.A and subject to citation to the Municipal Court for violation of this Ordinance.

4. Animal working conditions.

(a) No animal shall be worked under any of the following conditions, and any owner allowed to let the conditions exist will be found in violation of this article:

(1) No animal or combination of animals shall pull any combined weight, including passenger(s) and driver, in excess of two (2) times the animal(s) body weight. No animal or combination of animals shall pull any vehicle which is occupied by a number of persons which exceeds such vehicle's normal safe seating capacity;

(2) If the animal works more than 10 hours in any 24-hour period without at least one (1) 20-minute rest break or two (2) 10-minute rest breaks per hours;

(3) If the animal pulling a vehicle for hire is moving at a speed faster than a slow trot;

(4) If the animal works more than 50 hours in any seven-day period; or if the animal works more than five (5) consecutive days;

(5) If the animal is worked with equipment, other than normal blinders, which causes an impairment of vision; or

(6) If the animal is subjected to any condition or treatment which will impair the good health and physical condition of the animal.

(b) For purposes of this section, "working hours" of animals shall include time spent on rest breaks and all the time animals are available for hire; and "a slow trot" shall mean a speed of five (5) to 15 miles per hour.

5. Use of harness.

(a) No animal will be worked without a padded saddle or bit that is approved by the Gwinnett County S.P.C.A.

(b) The harness must be oiled and cleaned so as to be soft at all times.

(c) The harness will be properly fitted and maintained, and kept free of makeshift material such as wire, sisal rope, and hazardous rusty chain.

6. Vehicles for hire pulled by animals.

Vehicles for hire pulled by animals must be properly lubricated and wheels must spin freely.

(a) Vehicles used for the purposes as outlined above shall conform to the following vehicle specifications:

- (1) The wheel base shall be equal to or less than 14 feet.
- (2) The total overall length of the vehicle shall be equal to or less than 28 feet.
- (3) The maximum overall width of the vehicle shall be equal to or less than 78 inches.
- (4) The tires shall be rubber or other resilient material. Metal tires or wheels are prohibited.
- (5) The vehicle right turn radii shall not be greater than 12 feet for the right rear wheel and 24 feet for the left front wheel.
- (6) The vehicle shall be drawn by no more than two (2) animals, except at parades and at special events approved by the City.
- (7) Vehicles shall be equipped with one (1) red light on each outer extremity of the rear of the vehicle body and mounted between two (2) and five (5) feet above the road surface. Similarly mounted yellow lights shall be mounted on the front of the vehicle body. Each light shall be no less than four (4) inches in diameter. Vehicles shall also be equipped with a slow-moving vehicle emblem as required by Georgia Code title 40, section 8-4.

7. Use of whips.

No driver may whip an animal with more than a light touch by a light whip approved by the Gwinnett County S.P.C.A.

8. Diapers.

(a) No animal shall pull a vehicle for hire unless such animal is wearing a diaper. Diapers must be properly fitting and constructed of a sturdy material to ensure comfort to the animal and complete waste disposal.

(b) Should a diaper fail for any reason, manure and urine shall be immediately treated with a chemical deodorizing solution, and manure must be removed immediately from the street by the carriage operator. Each carriage must be equipped with a suitable scoop shovel and airtight container.

9. Trailers.

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

10. Drivers of animal-drawn vehicles.

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

(a) Each driver must have in his possession a completed trip sheet for the vehicle he or she is driving and his or her current shift. Said trip sheet shall be kept with the carriage and available for inspection by the City.

(b) Drivers must have a working knowledge and general experience involving livestock and driving carriages or animal-drawn vehicles.

(c) Companies must provide new drivers with a driver-apprentice training program.

11. Animal-drawn vehicle route system.

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

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

12. Animal-drawn vehicle operating specifications.

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

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

(3) Vehicles shall not travel on streets with grades equal to or greater than 10 percent without approval of the Police Chief.

(4) Vehicles shall not stop within the roadway other than at designated loading and unloading areas except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(5) Vehicles shall observe all applicable rules of the road as set forth in the State of Georgia rules of the road.

13. Identification and marking generally.

Every horse-drawn carriage shall have a sign plainly painted on each side of the vehicle, in letters not less than four (4) inches high, containing the full name of the horse-drawn carriage company operating the vehicle.

14. Registration of number and names of owner and operator.

The number assigned a horse drawn carriage in accordance with this article together with the names of the owner and operator of the horse drawn carriage shall be registered with the City Clerk in a book to be kept for that purpose.

15. Safe mechanical condition of horse-drawn carriage required.

Every horse-drawn carriage operated on the streets of the City shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operating at all times when the horse-drawn carriage is in service.

16. Cleanliness of horse-drawn carriage required.

Each vehicle operating under this article shall be kept painted, and in a clean and sanitary condition, free of litter and debris and at all times suitable for public transportation of passengers.

17. State license tag for horse-drawn carriage required.

Prior to the use and operation of any vehicle as a horse-drawn carriage under the provisions of this article, the owner of the vehicle shall secure and display on the vehicle a current Georgia license registration tag.

18. Authority for removal of horse-drawn carriages from streets.

The City Clerk or Police Chief shall have the authority to remove from operation on the streets of the City any vehicle used as a horse-drawn carriage which is in violation of this

article, and to prohibit operation of the horse-drawn carriage until all deficiencies have been corrected. An order of the City Clerk or Police Chief to remove a vehicle from the streets may be appealed to the Mayor and Council.

19. Rates of fare; rate card required.

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

20. Stands generally.

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

(b) Drivers of horse-drawn vehicles operated under the article shall maintain stands in a sanitary condition at all times. Any failure on the part of the driver or drivers to conform to the requirements of this section shall be unlawful and shall subject the driver and owner to the penalties provided herein.

(c) Any person desiring to have a place designated as a regular stand for horse-drawn carriages in the City shall make application by written petition to the Mayor and City Council for the establishment of the horse-drawn carriage stand, setting out the location desired for the stand.

21. Driver not to leave vehicle while waiting to be hired.

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

22. Soliciting passengers prohibited.

It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, at any horse-drawn carriage stand or upon the streets of the City.

23. Horse drawn carriage movement prohibited under certain circumstances.

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

24. Property left in horse drawn carriage by passenger.

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

25. Safety equipment required.

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

26. Hours of operation.

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

27. Traffic violations.

(a) Horse-drawn carriages shall be prohibited from stopping in traffic or delaying any on-street traffic for the purposes of loading or unloading passengers or for any other purposes.

(b) Every person riding any animal upon a roadway and every person driving any animal-drawn vehicle within the City limits of the City of Lawrenceville shall be subject to the provisions of the article and shall operate the vehicles in accordance with the traffic laws of the City of Lawrenceville.

(c) Due to the nature of operating animal-drawn vehicles in areas of congestion and heavy traffic within the City, it shall be unlawful to operate the animal-drawn vehicles except when the animals are under complete control at all times and shall be operating with extra caution and due care for the safety of others.

28. Compliance required.

Failure to comply with this article or any of the laws, Ordinances and regulations of this City can result in revocation of permit and citation and punishment at Municipal Court. Owners, operators, and all of their agents and employees, including

drivers shall comply with any Ordinance or laws of this City, and any county, state or federal agency which governs the treatment of animals including horses or other oxen of burden.

29. Penalty.

Any citation to Municipal Court for violation of any part of this Ordinance shall be punishable by fines not to exceed \$500.00 per violation and/or community service.

²32-219

Tattoo Establishments

(a) Scope. This Ordinance shall apply to any person, corporation or other organization which, for a fee, applies any tattoo or other needle driven processes involving the manipulation of the superficial tissues of the human body, including but not limited to tattoos, body paint and similar treatment of the human body within the City limits. The rules and regulations promulgated by the Gwinnett County Board of Health entitled "Rules of Gwinnett County Board of Health Body Art Studios and Artists" are hereby adopted as an Ordinance of the City of Lawrenceville, Georgia and incorporated into the law of this City by attachment to the General Code of Ordinances as Attachment "7".

(b) Definitions. For the purpose of this article, the following words and phrases shall be construed as follows:

(1) "Tattoo" shall mean to mark or color the skin, by pricking in coloring matter so as to form indelible marks or figures, or by the production of scars; provided, however, that the word "tattoo" shall not mean a mark placed upon the skin by a physician for medical identification purposes.

(2) "Tattoo artist" or "practitioner" shall mean any person who actually performs the work of tattooing.

(3) "Tattoo establishment" shall mean the room, place or building where tattooing is practiced or where any part of the business of tattooing is conducted.

(4) "Tattoo operator" shall mean any person, firm, or entity which controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not.

(c) License, Application; Information to be Given. Any person desiring to engage in the business, trade or profession of a tattoo artist or practitioner or similar trade or business shall, before engaging in that business trade or profession, file an application for a license addressed to the City Council. The application shall be in writing and shall set forth the following:

(1) Applicant shall first obtain a Body Art Studio Permit and/or a Body Artist Permit from the Gwinnett County Board of Health pursuant to the “Rules of Gwinnett County Board of Health Body Art Studios and Artists” incorporated by reference into this Ordinance in Section 32-219(1) above. A copy of the required permits shall be attached to this application.

(2) Operator and employees must be fingerprinted by the police department and a character reference supplied for all persons or person to operate as a tattoo artist or practitioner and all employees;

(3) Name and address of operator;

(4) Name and address of any person having previously employed the operator for a space of two (2) years or longer;

(5) If the operator is a corporation, the address or addresses of the corporation as well as the names and addresses of the agents and employees of the corporation for a period of two (2) years immediately prior to the filing of the application;

(6) Qualifications must be plainly stated together with required exhibits annexed to the application;

(7) A certificate certifying as to the good moral character of the operator, signed by three (3) currently qualified and registered voters of good moral character of the City. These letters shall not be required for annual renewals of licenses issued hereunder. For the purpose of this Ordinance, good moral character shall mean that the person to whom the phrase refers shall not have been convicted of a felony or crime involving moral turpitude;

(8) Fingerprints must be submitted to the City at least 60 days prior to issuance of license to allow for investigation of operator and employees and processing of fingerprints by GCIC;

(9) Should the operator be a corporation, it shall also submit with the application a certificate, executed as described in subsection (f) above, certifying as to the good moral character of each employees and agent of the corporation who is actually engaged in the business of the corporation.

4. Qualifications. Each operator and all employees hereunder, prior to making application for a license must have the following qualifications:

(a) The operator and all employees must be of good moral character, and in case the operator is a corporation, it must be created in or domesticated by the laws of the State of Georgia.

(b) The operator must be at least eighteen (18) years of age and have received a high school diploma or graduate equivalency diploma.

(c) The operator and each employee must furnish a current health certificate from a medical doctor which shall accompany the application as an exhibit. Should the operator be a corporation, it shall furnish a certificate for all its agents and employees actually engaged and working under the license. The certificate shall recite that the operator or employee is in good health and is free from infectious or contagious disease.

(d) The operator, or the manager in the event the operator is a corporation, must furnish with the application their affidavit of previous employment, together with an affidavit of the persons under whom the apprenticeship or practical experience was obtained, specifying that the operator has satisfied the above requirements.

(e) The operator must submit proof of licensure, certification or permitting by the State pursuant to O.C.G.A. § 31-40-1 et seq.

5. Location restricted. No permit shall issue for the operation of a tattoo establishment or to any person engaged as a tattoo operator in any area other than that zoned HSB (Highway Service Business) by the City. In addition, no permit shall issue if the proposed location is within 1000 feet, measured by the shortest distance, of a church, school, school yard, day care center, library or other public building.

6. Issuance; Fee. If the application is submitted in proper form and is approved by the Council, then the business license department is authorized to issue a business license to the operator upon the payment of any business taxes and regulatory fees due.

7. Information Concerning Employees to be filed with the City Clerk. It shall be the duty of all persons holding a license under this article to file with the City Clerk the names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees with the names of new employees must be filed with the City Clerk within three (3) days from the date of any such change.

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

9. Grounds for Suspension or Revocation; Notice; Hearings; Refund.

(a) No license which has been issued or which may hereafter be issued by the City to any licensee hereunder shall be suspended or revoked except for due cause as hereinafter defined, except that the suspension or revocation of the State permit or license shall cause the City license to be suspended or revoked automatically.

(b) "Due Cause" for the suspension or revocation of the license shall consist of the violation of any laws or Ordinances regulating the business, or violation

of regulations made pursuant to authority granted for the purpose of regulating the business.

(c) The City Clerk is delegated the authority to suspend any license hereunder for due cause in any emergency situation, and said suspension may be made effective immediately and remain in force until the next session of the municipal court.

(d) When a license is revoked under any of the provisions of this section, the City shall not be required to refund any portion of the business tax or regulatory fee.

10. Patronage of Establishments by Minors.

(a) Restricted. It shall be unlawful for any person under the age of 18 to patronize any tattoo establishment unless that person carries with him or her, at the time of the patronage, a written order directing the treatment to be given signed by a licensed physician or unless that person carries the written permission of their parent or legal guardian.

(b) Duty of Operator. It shall be the duty of the operator of the establishment to determine the age of the persons patronizing the establishment, and a violation of this section shall be grounds for revocation of the license of the establishment.

11. Treatment by Unlicensed Persons to be given only under Supervision of License Holder. Tattoo treatments may be given by persons not holding a license as an tattoo artist or practitioner, provided the treatments are given under the direct supervision of a person having such a license, and further provided that a person holding the license shall be in the same room where the treatment is being administered during the entire time of the giving of the treatment.

12. Hours of Operation. No tattoo practitioner shall engage in the business or profession except within and between the hours of 8:30 a.m. and 10:00 p.m. Eastern

Standard Time, nor shall any operator of a parlor, establishment or business operate the same except within and between the aforesaid hours.

13. Signed Copy of Ordinance to be filed with License Application. A signed copy of this article shall be filed with any license application.

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

15. Repealer. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

9 32-220 Cable Services and Other Telecommunications Services Franchising

1. Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein, unless the context clearly indicates that another meaning is intended. The word "shall" is always mandatory, and not merely directory:

(a) City shall mean the City of Lawrenceville, Georgia, a municipal corporation in and of the State of Georgia, in its present incorporated form or in any later re-organized, consolidated, enlarged or re-incorporated form and its duly authorized officials acting on its behalf.

(b) County shall mean the County of Gwinnett.

(c) State shall mean the State of Georgia.

(d) Mayor shall mean the existing or succeeding Chief Executive Officer of the City, or his designee.

(e) City Council; Council shall mean the present governing body of the City or any successor to the legislative powers of the present City Council.

(f) Chief Administrative Officer shall mean the existing or succeeding City Manager or Clerk of the City of Lawrenceville.

(g) City Engineer shall mean the existing or succeeding Director of the Engineering Department of the City, or his designee.

(h) City Attorney shall mean the existing or succeeding retained legal counsel of the City or his assistants.

(i) Franchise shall mean the permission, license or authorization given hereunder to construct, operate and maintain a cable television system in the City.

(j) Franchisee shall mean any person, its successors, transferors or assigns the recipient of the franchise granted herein.

(k) Cable Act shall mean the Cable Communications Policy Act of 1984.

(l) Federal Communications Commission; F.C.C. shall mean that administrative agency of the federal government responsible for cable television regulation on a national level, or its lawful successor. To the extent that the F.C.C. does not specifically regulate cable television, the City of Lawrenceville shall become, subject to the Cable Act, the lawful successor to said agency for the promulgating of rules and regulations for the cable television operation, solely to the extent that which said operation relates to and affects the City of Lawrenceville.

(m) Community Antenna Television System; CATV; Cable Television System shall mean any facility which:

(1) In whole or in part receive directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television and AM and FM radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such services; and

(2) Distributes by cable or wire, news, weather, and other information, including civil defense type information as required as an incidental part of cable television service to all subscribers without additional charges.

(n) Application shall include all written communications, in whatever form, made by the Franchisee to the City concerning the construction, rendition of services, maintenance, or any other matter pertaining to the cable television system contemplated herein.

(o) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(p) Subscriber shall mean a purchaser of any service delivered over the system to an individual dwelling unit or of service to be utilized in connection with a business, trade or profession.

(q) Ordinance as used herein shall include this Ordinance and as the same from time to time may be amended.

(r) Channel shall mean a band of frequencies six (6) megahertz wide in the electro-magnetic spectrum which is capable of carrying either one (1) audio-video television signal and a number of non-video signals or several thousand non-video signals.

(s) Access Channels shall mean those channels set aside for specific access purposes, as described in Section 6 hereinafter.

(t) Basic Subscriber Services; Basic Service shall mean the simultaneous delivery by the Franchisee to all subscribers within the confines of the City of Lawrenceville of:

(1) All signals of off-air television broadcasters required by the F.C.C. to be carried by a community antenna television system as defined by the F.C.C.; and

(2) All channels designated for carrying currently received or in the future received local Lawrenceville stations; and

(3) All public, educational, local government, local origination, and leased access channel signals; and

(4) Any and all additional service as proposed for hereinafter in Section 6.

(u) Additional Service shall mean any communications service other than Basic Service provided over the cable television system by Franchisee directly or as a carrier for its subsidiaries, affiliates, or any other person engaged in communications services including, but not limited to, premium pay programming, burglar alarms, computer controlled services or other electronic intelligence transmissions, facsimile reproductions, meter readings, home shopping, fire and smoke detectors, medical alarms, and police alert systems.

(v) Normal Service Interval shall mean the period between the time that Franchisee is notified by a subscriber of a service deficiency and forty-eight (48) hours following the receipt of such notice, provided that the subscriber or his representative is available during this period at the premises to be serviced.

(w) Pay Television shall mean the delivery over the cable television system of video and/or audio signals in intelligible form to subscribers for a fee or charge (over and above the charge for Basic Service) on a per program, per channel or other subscription basis.

(x) Annual Gross Revenue shall mean any and all compensation in whatever form, exchange or otherwise, derived from all cable services within the confines of the City of Lawrenceville, including, but not limited to, revenues from monthly subscriber rates; pay cable; advertising; leased access channels; and any compensation derived from the furnishing of other communications non-broadcast services either directly or as a carrier for another party; provided, however, it does not include any compensation derived from taxes for services furnished by Franchisee imposed directly on any subscriber or user by a local, state, or federal

governmental unit, compensation for installation defined in Section 12(a) and collected by Franchisee for such entity; and any compensation derived from subscribers outside the City Limits of Lawrenceville.

(y) Street shall mean the surface of and the space above and between any public street, road, highway, freeway, lane, path, public way or place, alley, court, sidewalk, boulevard, parkway, drive or other easement now or hereafter held by the City for the purpose of public travel and shall include such other easements or rights of way as shall be now held or hereafter held by the City which shall, within their proper use and meaning, entitle the City and its Franchisee to the use thereof for the purpose of installing or transmitting cable television system transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a cable television system.

(z) Public School shall mean any school, college or university which is part of the Lawrenceville City School district or is a part of an educational program operated by the County of Gwinnett or the State of Georgia.

(aa) Private School shall mean any school, college or university that is part of a parochial or religious school system and is operated not for profit.

(bb) Local Educational Authorities shall mean those individuals, groups, organizations, or governmental entities which provide for primary or secondary education, whether public or private, within the City.

(cc) Good Cause shall represent that set of facts and circumstances which, in an individual case, a reasonable man would adjudge to be beyond Franchisee's reasonable control and which would, therefore, represent a justifiable excuse of non-performance. Depending on the facts and circumstances, good cause may include, but shall not be limited to, delays or interruptions arising from necessary utility changes, re-arrangements, power outages, damage to the equipment of Franchisee by the City or a third party, the fulfillment of any federal, state, and/or local governmental or regulatory restrictions or requirements, national emergency, uncontrollable material shortages, fire, earthquakes or the elements and acts of God.

(dd) Substantial Uniformity shall mean having incorporated all terms and provisions of this Ordinance which may legally be contracted for between the City and Franchisee into the acceptance instrument.

2. Franchise Agreements.

(a) There is hereby granted by the City of Franchisee, and the Mayor of the City of Lawrenceville is hereby authorized to execute a contract providing for, the right, privilege and franchise to construct, operate, maintain and upgrade a cable television system within the franchise area as herein defined, for a period of five (5) years from the effective date of a contract with the City based on this Ordinance,

subject to the conditions and restrictions as hereinafter provided. Said contract will be extended by the City for the first additional five (5) year period and may be renewed by the City for all subsequent additional five (5) year periods if such renewal is made in writing and in compliance with the provisions of the Ordinance ninety (90) days prior to expiration of the existing five (5) year term. The City shall provide appropriate public notice and opportunity to comment on such renewal requests.

(b) All updating, expansion or rebuilding of the system which is under the control of Franchisee which results in a major interruption of service shall be accomplished between the hours of 12:00 A.M. and 12:00 P.M. on the following day so as to preclude interruption of service under this franchise, except that the City council may, by majority vote, waive this requirement. Major interruptions, as used herein, shall be defined as any interruption extending for a period of one hour or more.

3. Authority Not Exclusive. The right to use and occupy said franchise area as defined in Section 2 herein for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said franchise area to any person or entity at any time during the period of this Franchise.

4. Franchise Territory. This Franchise is for the present territorial limits of the City of Lawrenceville, Georgia, and for any area henceforth added thereto during the term of this Franchise.

5. Extension of City Limit. Upon the annexation of any territory of the City of Lawrenceville (other than through a governmental consolidation process, as to which the City makes no agreement), the rights of Franchise hereby granted shall extend to the territory so annexed to the extent which the City has authority; and all facilities owned, maintained, or operated by Franchisee, located within, under, or over streets of the territory so annexed, shall thereafter be subject to all terms hereof.

6. Operational Standards.

(a) The cable television system as contemplated herein shall be installed and maintained in accordance with the highest accepted industry standards to the end that the subscriber may receive the most desirable form of service.

(b) The cable television system shall be installed and remain capable of using all band equipment and of passing the entire VHF and FM spectrum and that it shall have the further capability of converting UHF for the distribution to subscribers on the VHF band.

(c) The cable television system shall be installed and remain capable of transmitting and passing the entire color television signals without the introduction of material degradation of color fidelity and intelligence.

(d) The cable television system shall be designed and capable of twenty-four (24) hours per day continuous operation.

(e) The cable television system shall be capable of and will produce a picture upon any subscriber's television screen in black and white or color (provided the subscriber's television set is capable of producing a color picture) that is undistorted and free from ghost images and accompanied by proper sound, assuming the technical, standard production television set is in good repair and that the television broadcast signal transmission is receivable satisfactorily at the Franchisee's antenna site. In any event, the picture produced shall be as good as is generally accepted in the cable television industry.

(f) The cable television system shall transmit or distribute signals of adequate strength to produce good pictures with good sound in all television receivers operating within the manufacturer's specifications of all subscribers without causing cross modulation in the cables or interference with other electrical or electronic systems.

(g) Franchisee shall not allow its cable or other operations to interfere with the television reception of persons not served by Franchisee, nor shall the system interfere with, obstruct or hinder in any manner the operation of the various utilities serving the residents of the City. Should Franchisee discover or otherwise become aware of such interference, Franchisee shall respond with reasonable diligence to eliminate the interference.

(h) Franchisee shall continue, throughout the term of this Franchise, to maintain the technical standards and quality of service set forth in this Ordinance. Should the Council find, by resolution, that Franchisee has failed to maintain these technical standards and quality of service, and should it, by resolution, specifically enumerate improvements to be made, Franchisee shall make such improvements. Failure to make such improvements within thirty (30) days of written notice of the effective date of such resolution will constitute a material breach of a condition of this Franchise for which the remedy of Section 21 herein is applicable.

(i) The requirements of A through H above may be waived the Mayor and City Council upon a majority vote.

7. Construction Standards.

(a) Franchisee shall, at all times, employ ordinary care and shall install and maintain devices or systems for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(b) Franchisee shall install and maintain its wires, cables, fixtures, and other equipment so as not to interfere with the equipment of any utility serving the

residents of the City or any other entity lawfully and rightfully using the conduit, pole or other part of the right of way.

(c) The cable television system shall at all times conform to the construction and maintenance standards set forth in Franchisee's application and to the standards set forth below:

(1) Methods of construction, installation, and maintenance of the City's cable television system shall comply with the National Electrical Safety Code 1975 (ANSI CI-1975), and any future amendments, modifications, or replacements thereof, to the extent that such Code is consistent with the local law affecting the construction, installation, and maintenance of electrical supply and communications lines. To the extent that such Code is inconsistent with the other provisions of this Franchise or with local law, the latter shall govern.

(2) Any tower constructed or maintained in the City for use in the City's cable television system shall comply with the standards contained in Structured Standards for Steel Antenna Towers and Antenna Supporting Structures, EIE Standards RS-222-A, as published by the Engineering Department of the Electronic Industries Association, 20001 I Street, N.W., Washington, D.C. 20006 and as the same may be, from time to time, modified, amended, or replaced.

(3) Installations and physical dimensions of any tower constructed in the City for use in the City's cable television system shall comply with all appropriate Federal Aviation Agency Regulations including, but not limited to, Objectives Affecting Navigable Airspace, 14 C.F.R. § 77.1 et seq., February, 1965 and as the same may be, from time to time, modified, amended or replaced.

(4) Any antenna structure in the City's cable television system shall comply with Construction, Marking and Lighting of Antenna Structure, 47 C.F.F. § 17.1 et seq., September, 1967 and as the same may be, from time to time, modified, amended or replaced.

(5) All working facilities and conditions used during construction, installation and maintenance of the City's cable television system shall comply with the standards of the Occupational Safety and Health Administration.

(6) Each cable distribution system of the public streets shall comply with all applicable laws and Ordinances and governmental regulations regarding clearances above ground.

(7) Franchisee shall at all times use ordinary care and shall install and maintain in use commonly-accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(8) Franchisee shall construct and operate the system and related facilities in accordance with generally-accepted related industry codes, standards and recommendations that are applicable now or that may hereafter become applicable.

(d) As stated above, Franchisee shall be required to reasonably comply with standards as set forth in the publications recited above, this to include any modifications, replacements, and/or amendments thereto. However, in the event any publication mentioned herein should become obsolete or should expire, then Franchisee shall be required to comply with the latest set of published standards available at such time of obsolescence or expiration.

(e) All conductors, cables, towers, poles and other components of the system shall be located and constructed by the Franchisee in back of the street curbs, except insofar as such components cross streets and public rights of way, so as to provide minimum interference with access by adjoining property owners to the streets and public ways, and no pole or other fixture of the Franchisee shall be placed in the public way so as to interfere with the usual travel on such public way.

(f) The requirements of A through E above may be waived by the Mayor and City Council by majority vote upon a showing of good cause.

8. Conditions of Street Occupancy.

(a) All transmissions and distribution structures, lines, and equipment erected by Franchisee within the franchise area shall be located so as to not cause unreasonable interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and reasonable convenience of property owners who join any of said streets, alleys, or other public ways and places. The cable television system shall constructed and operated in compliance in all material respects with all adopted local, state, and national construction and electrical codes which are in effect as of the date of this Ordinance.

(b) Prior to commencing construction, Franchisee shall submit to the City detailed maps showing proposed construction locations. These plans shall show the proposed placement of Franchisee's cables on the City right of way, and poles that are to be erected by Franchisee as required for construction, and locations where Franchisee proposes to attach to existing utility poles. Franchisee shall cooperate with the City and any of its agents during the initial construction period and throughout the full term of the Franchise in regards to construction procedures, practices, and locations.

(c) Whenever the City, County, or State of Georgia shall require the re-location or re-installation of any property of Franchisee in any of the streets of the franchise area, it shall be the obligation of Franchisee, upon notice of such requirements, to cooperate in the timely removal and re-location or re-installation of said property so as not to cause unreasonable delay. Such re-locations, removal or re-installation by Franchisee shall be at the sole cost of Franchisee.

(d) Whenever in any place within the franchisee area, all or any part of the electric and telephone utilities shall be located underground, it shall be the obligation of Franchisee to locate or to cause its property to be located underground within such places. If the electric and telephone utilities shall be located underground in any place within the franchise area after Franchisee shall have previously installed its property, Franchisee shall, nevertheless, at the same time or in a timely manner thereafter, remove and re-locate its property also underground in such places. Any facilities of Franchisee placed underground at the property owner's request, in an area where electric or telephone facilities are aerial, shall be installed with the additional expense being paid by the property owner.

(e) Franchisee shall have the authority to trim trees upon and overhanging streets of the franchise area so as to prevent the branches of such trees from coming into contact with Franchisee's wires and cables. Franchisee shall obtain from the City a permit to conduct any such trimming and the same shall be conducted in strict obedience of all local laws and Ordinances and at the sole expense of Franchisee.

(f) In the case of any disturbance of any street or sidewalk caused by Franchisee, Franchisee shall, at its own cost and expense and in a manner approved by the City, replace and restore such street or sidewalk in as good a condition as before the work involving such disturbance was done. Provided however, that where a cut or disturbance is made in a section of sidewalk, rather than replacing only the area cut, Franchisee shall replace the full width of the existing walk and length of the section or sections cut, a section being determined as that area marked by expansion joints or scoring.

(g) Franchisee shall maintain, repair and keep in good condition for a period of one (1) year following such disturbance all portions of a sidewalk or street disturbed by it or its agents, provided such maintenance and repair shall be made necessary because of defective workmanship or materials supplied by Franchisee.

(h) Franchisee shall, upon the request of any person holding a building permit issued by the City, temporarily remove, raise or lower its wires to permit the moving of such buildings. The expense of such temporary removal or raising or lowering of the wires shall be paid by the person requesting the same, and the Franchisee shall have the authority to require such payment in advance. Franchisee shall be given not less than seventy-two (72) hours advance notice to arrange for such temporary wire changes.

(i) If, at any time, in case of fire or disaster in the franchise area, it shall become necessary in the judgment of the Mayor or the Chief of the Fire Department to cut or move any of the wire cables, amplifiers, appliances or other fixtures of Franchisee, this may be done and the repairs thereby rendered necessary shall be made by Franchisee, at Franchisee's sole cost and expense and without charge against the City.

(j) Franchisee's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares or other devices as are reasonably required to protect all members of the public having occasion to use the portion of the streets involved or adjacent property.

9. Supervision by the City.

(a) Franchisee shall construct, operate and maintain the cable television system in strict compliance with all laws, Ordinances, and departmental rules and regulations affecting the cable television system.

(b) The cable television system and all parts thereof shall be subject, upon reasonable notice, to the right of periodic inspection by the City.

(c) If, at any time, the powers of the City Council or any agency or official of the City are transferred by law to any other board, authority, agency or official, then such other board, authority, agency or official shall have the powers, rights, and duties previously vested under this Ordinance in the City Council or any agency or official of the City.

(d) The City and the Franchise, by its acceptance hereof, agree that the purposes of the provisions hereof are to create the relationship of Franchisor and Franchisee, to provide for the terms and conditions of that relationship, including compensation for the use of municipal property and municipal supervision, and the conditions upon which such property may be utilized, and not to provide for benefits to any third party whatsoever.

10. Rental Properties.

(a) To the extent that the provisions contained in this Section are consistent and not in conflict with any federal, state, or local law or regulation in existence now or at any time during the term of this Franchise, the following shall apply:

(b) No landlord shall unreasonably interfere with the installation of cable television facilities upon his or her property or premises requested by a lawful tenant except that a landlord may require:

(1) That the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well-being of other tenants;

(2) That the Franchisee or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and

(3) That the Franchisee and the tenant agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

11. Franchise Fees.

(a) Franchisee herein shall pay to the City for the use of the streets and other facilities of the City in the operation of the cable television system and for the municipal supervision thereof a sum equal to five (5%) percent of the annual gross revenues, as defined herein, of the Franchise. The Franchisee shall file with the City within forty-five (45) days after the expiration of each of the Franchisee's fiscal quarters a financial statement clearly showing in detail the annual gross revenues received by the Franchisee during the preceding quarter and a financial statement clearly showing in detail the annual gross revenues. Payment of the quarterly portion of the franchise fee shall be rendered to the City at the time such statements are filed.

(b) In the event this Franchise should be terminated or forfeited prior to the end of the franchise term, as defined herein, Franchisee shall immediately submit to the City a financial statement prepared by an independent certified public accountant or chief financial officer of Franchisee acceptable to the City showing the annual gross revenues of Franchisee for the time elapsed since the last fiscal year report. The expenses incurred for having this report prepared by an independent certified public accountant shall be borne by Franchisee. Franchisee shall pay to the City not later than forty-five (45) days following the termination of this Franchise a like percentage of such annual gross revenues and any other sums legally due and owing to the City.

(c) In the event that any payment is not made on or before the applicable date fixed herein, Franchisee shall be subject to the penalty provided for hereinafter.

(d) The City shall have the right to inspect the Franchisee's records showing the annual gross revenues from which its franchise payments are computed. The right of audit and re-computation of any and all amounts paid under this Franchise shall always be accorded to the City. Should the City notify Franchise in writing of its desire to inspect and/or audit Franchisee's records, Franchisee shall be obligated to produce such records and make them available at its local offices

maintained in the City of Lawrenceville within five (5) working days of such notification.

(e) Franchise fee for state issued cable or video franchise. The City hereby requires a franchise fee of 5% of gross revenues generated within the City for any cable or video state franchise issued in its corporate boundaries by the State of Georgia.

(f) Authorized designee. The City hereby authorizes the City Clerk, upon receipt of notice to the City of its right to designate a franchise fee for an applicant for or holder of an existing state franchise, to provide written notice to the Secretary of State and each applicant for or holder of a state franchise within a service area that is wholly or partially located within the city limits of the 5% franchise fee rate applicable to such applicant or holder of a state franchise.

12. Rates.

(a) Initial Rates to Subscribers.

Rates shall be established by the Franchisee pursuant to the terms of Federal statutes and regulations that preempt local government intervention

(b) Advance Charges and Deposits. Franchisee may require subscribers to pay for basic subscriber service for the current month of service plus one (1) month in advance. Franchisee may also require a reasonable security deposit for provision of the basic converter unit.

13. Local Business Office. Franchisee shall maintain a local business office or a toll-free telephone listing for the purpose of receiving inquiries, complaints and requests for repairs or adjustments from its customers and the general public. Said office or listing shall be so operated that complaints and requests for repairs or adjustments may be received and processed with a minimum delay. Provision shall also be made for telephonically receiving service interruption calls on a twenty-four (24) hour basis.

14. Service Maintenance Standards.

(a) Franchisee shall maintain sufficient repair and maintenance crews capable of responding to subscriber complaints or request for service within the normal service interval as defined herein. No charge shall be assessed the subscriber for service calls except for those service calls necessitated by damage caused by the subscriber.

(b) Service to Subscribers.

(1) Any verbal, telephonic, or written complaint relating to the quality or continuity or service shall be attended to within the normal service interval as defined herein.

(2) The provisions contained in this subsection shall not apply if the discontinuation of service is occasioned because of an act of God, strike, national emergency, or any other circumstance beyond the control of Franchisee. Similarly, this provision shall not apply to service requests or complaints pertaining to television set malfunctions or other breakdowns not related to the operation of the cable television system.

15. Complaint Procedures.

(a) Franchisee shall establish procedures for receiving, acting upon and resolving subscriber complaints. Franchisee shall furnish a notice of such procedures to each subscriber at the time of the initial subscription to the system. In addition, Franchisee shall maintain a written record, or "log," listing the date and time of each customer's complaints, identifying the subscriber, and describing the nature of the complaints and when and what action was taken by Franchisee in response thereto. Such records shall be kept for a period of three (3) years at Franchisee's local offices reflecting the operations to date and shall be available for inspection during normal business hours.

(b) The Chief Administrative Officer or his authorized designee is hereby designated as the City Complaint Officer and shall have the primary responsibility for the continuing administration of the complaint procedures hereunder. Any subscriber, user, programmer, or other interested person who has a complaint regarding the quality of cable television service, equipment malfunctions, billings, or any other matters, which remain unsolved for thirty (30) days after same have been brought to Franchisee's attention, may file a complaint, in writing, with the City Complaint Officer. Upon the filing of such a complaint, said City Complaint Officer shall notify Franchisee and make an investigation to determine whether or not there is probable cause to credit the allegations of the complaint, he shall so notify Franchisee and Complainant in writing and promptly endeavor to resolve the matter by conciliation and persuasion. In the event that the City Complaint Officer is unable to obtain conciliation within a reasonable time, he shall promptly set the matter for a hearing where all parties may give evidence and the merits of the dispute will be decided. The City Complaint Officer shall make public his decision, along with a statement reciting the basis therefore. Within thirty (30) days thereafter, either Franchisee or the Complainant may appeal to the Council, in writing, the decision rendered by the City Complaint Officer. At the appeal hearing, the aggrieved party may contest

the findings of fact or interpretation of controlling law, at which time the Council may affirm, reject, or modify the decision of the City Complaint Officer. The affirmation, rejection, or modification of said decision by the Council shall be final.

(c) Franchisee shall notify each subscriber at the time of initial installation of the name and address of the City Complaint Officer and of the procedures contained in this section.

16. Performance Bond.

(a) Within thirty (30) days after the effective date of a contract, Franchisee shall deposit with the Clerk of the Council a Performance Bond from surety acceptable to the City Attorney in the minimum amount of Twenty-Five Thousand Dollars (\$25,000.00). The form and content of such performance Bond shall be approved by the City and shall contain a provision that the issuer of such Performance Bond can rely absolutely on the demand of the City upon said Performance Bond. The Performance Bond shall be used to ensure the faithful performance by Franchisee of all provisions of this Ordinance; compliance with all orders, permits and directions of any agency, commission, board, department, division, or office of the City having jurisdiction over its acts or defaults under this Franchise; and the payment by Franchisee of any claims, liens, and taxes due the City which arise by reason of the construction, operation or maintenance of the system.

(b) The Performance Bond shall be maintained at the minimum amount of Twenty Five Thousand Dollars (\$25,000.00) during the entire term of this Franchise, even if amounts have to be withdrawn pursuant to A, C, or D of this section.

(c) If Franchisee fails to pay the City any compensation within the time fixed herein, and fails after thirty (30) days written notice to pay to the City any fees due and unpaid, or fails to repay the City within such thirty (30) days any damages, costs, or expenses which the City is compelled to pay by reason of the acts or default of Franchisee in connection with this Franchise, and fails after receipt of thirty (30) days written notice of such failure by the City to comply with any provision of this Franchise which the City reasonably determines can be remedied by demand on the Performance Bond, the City may, subject to subsection D herein, demand payment of the amount thereof, with interest and nay penalties, from the Performance Bond. Upon such demand for payment, the City shall notify Franchisee of the amount and date thereof.

(d) Notwithstanding subsection C, hereinabove, in the case of a bona fide dispute regarding compliance, Franchisee may request a hearing

before the City's Chief Administrative Officer within (30) days after written notification of non-compliance and penalty by the City. At such hearing, all parties may give evidence, and the merits of the dispute will be decided. The City's Chief Administrative Officer shall make public his decision, along with a statement reciting the basis therefore. Within thirty (30) days, Franchisee may appeal to the Council, in writing, the decision rendered by the City's Chief Administrative Officer. At the appeal hearing, Franchisee may contest the findings of fact or interpretation of controlling law, at which time the Council may affirm, reject, or modify the decision of the City's Chief Administrative Officer. The affirmation, rejection, or modification of said decision by the Council shall be final.

(e) The rights reserved to the City with respect to the Performance Bond are in addition to all other rights by the City, whether reserved by negotiation with Franchisee or authorized by law, and no action, proceeding, or exercise of a right with respect to such Performance Bond shall affect any other right the City may have.

(f) The Performance Bond shall contain the following endorsement:

"It is hereby understood and agreed that this Performance Bond may not be canceled by the issuer hereof nor the intention not to renew be stated by the issuer hereof until thirty (30) days after receipt by the City of Lawrenceville, Georgia, by registered mail of a written notice of such intention to cancel or not to renew."

17. Liability Insurance.

(a) Franchisee shall maintain, and by its acceptance of this Franchise specifically agrees that it will maintain, throughout the term of this Franchise, liability insurance insuring the City (and naming the City, its officers, boards, commissions, agents and employees as additional named insured) and Franchisee with regard to any and all damages for the following:

(1) A general comprehensive public liability insurance policy indemnifying, defending and saving harmless the City, its officers, boards, commissions, agents, or employees, from any and all claims by any person or entity whatsoever on account of injury to or death of a person or persons or derivative from any injury to or death of a person or persons (i.e., including, but not limited to, claims for consortium, loss of services, medical and other expenses) occasioned by the operations of Franchisee under this Franchise or alleged to have been so caused or occurred with a minimum liability of \$500,000.00 per personal injury or death of any one (1) person

and \$1,000,000.00 per personal injury or death of any two (2) or more persons in any one (1) occurrence.

(2) Property damage insurance indemnifying, defending and saving harmless the City, its officers, boards, commissions, agents, and employees from and against all claims by any person or entity whatsoever for property damage, including loss of use and all consequential damages, occasioned by the operation of Franchisee under this Franchise or alleged to have been so caused or occurred with a minimum liability of \$250,000.00 for property damage to any one (1) person and \$500,000.00 for property damage to any two (2) or more persons in any one (1) occurrence.

(3) \$1,000,000.00 for all other types of liability.

All insurance shall be kept in full force and effect by Franchisee throughout the term of this Franchise and until after the removal of all poles, wires, cables, underground conduits, manholes and other conductors and fixtures incident to the maintenance and operation of the cable television system as defined in this Franchise.

(b) An insurance certificate obtained by Franchisee in compliance with this section shall be approved by the City, and a copy of such certificate shall be filed and maintained with the Clerk of the Council during the term of this Franchise.

(c) Neither the provisions of this Section nor any damages recovered by the City hereunder shall be construed as limiting the terms, obligations, or liabilities imposed under any other Sections of this Franchise.

(d) All insurance policies maintained pursuant to this Franchise shall contain the following endorsement:

"It is hereby understood and agreed that this insurance policy may not be canceled by the insurer nor the intention not to renew be stated by the insurer until thirty (30) days after receipt by the City of Lawrenceville, Georgia, by registered mail, of a written notice of such intention to cancel or not to renew."

18. General Indemnification.

(a) Franchisee agrees by the acceptance of this Franchise to indemnify, hold, and save the City free and harmless from all liability on account of injuries, deaths, or damages to persons or property arising out of the construction, maintenance, repair, and operation of its cable television system. In the event that suit shall be brought against the City, either independently or jointly with Franchisee on account thereof, Franchisee shall, upon notice by the City, defend the City in any such suit at the cost of Franchisee, and, in the event of a settlement approved by

Franchisee, which approval will not be unreasonably withheld, or final judgment being obtained against the City either independently or jointly with franchisee, Franchisee shall indemnify the City and pay such settlement or judgment, together with all costs, and hold the City harmless therefrom.

(b) Franchisee shall pay, and by its acceptance of this Franchise specifically agrees that it will pay, all expenses incurred by the City in defending itself with regard to all damages and penalties mentioned in subsection A hereinabove. These expenses shall include, but not be limited to, all out-of-pocket expenses, such as attorney's fees, and shall also include the reasonable value of any services rendered by the City Attorney or his assistants or any employees of the City or its agents.

19. Transfer of Control.

(a) No transfer of control of the cable television system shall take place, whether by forced or voluntary sale, lease, mortgage, assignment, encumbrance, or any other form of disposition, without prior written notice to and approval by the Council which shall not be unreasonably refused. The notice shall include full identifying particulars of the proposed transaction, and the Council shall act by resolution. The Council shall have thirty (30) days within which to approve or disapprove a transfer of control. If no action is taken within such thirty (30) day period, approval shall be deemed to have been given.

(b) A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons (except by descent) of ten (10%) percent of the voting shares of Franchisee.

(c) Franchisee shall have the right to mortgage, pledge, or otherwise hypothecate the assets of its cable television system including the rights granted under this Franchise.

20. Review and Renewal.

(a) The Council shall not make a decision involving the renewal, cancellation, or expiration of Franchisee's Franchise unless the City's Chief Administrative Officer has advised Franchisee in writing, at least thirty (30) days prior to such meeting, as to its time, place and purpose.

(b) It shall be the policy of the City to amend this Franchise upon application of the Franchisee when necessary to enable Franchisee to take advantage of advancements in the state of the art which will afford it an opportunity to more effectively, efficiently or economically serve its subscribers; provided, however, that this section shall not be construed to require the City to make any amendment. No such amendment shall create any rights in Franchisee other than those specifically set out in such amendments. Furthermore, every three (3) years during the term of

this Franchise, on or about the anniversary of its effective date, the Council shall hold a public hearing, the purpose of which will be to consider system performance, design modifications, the need for rate regulation, or other possible modifications in the Franchise of a nature that would not result in effectively terminating same under the then existing Federal Communications Commission Rules for cable television. Franchise shall furnish to the City a written statement at least ten (10) days prior to such public hearing setting out its position concerning system performance, design modifications, the need for rate regulation, or other possible modifications in the Franchise. This Franchise may be amended at any time in order to conform with the applicable law and rulings after notice and public hearing.

(c) The Council, subject to the first five (5) year extension requirement of Ordinance Section 2(A), may initiate formal renewal procedures by formally notifying Franchisee of its intent to do so during the six month period from thirty-six months to thirty months prior to expiration of the franchise contract. Such formal renewal procedures will be conducted pursuant to Section 626 of the Cable Act.

21. Revocation of Franchise.

(a) In addition to all other rights and powers reserved or pertaining to the City, the City reserves, as an additional and as a separate and distinct remedy, the right to revoke this Franchise and all rights and privileges of Franchisee hereunder in any of the following enumerated events or for any of the following reasons:

(1) Franchisee shall, by act or omission, violate any material or substantial term or condition of this Ordinance or Franchise Agreement and shall within thirty (30) days following written notice by the City to effect such compliance fail to do so; or

(2) Any provision of this Ordinance, Franchise Agreement, or Franchisee's application shall be finally adjudged by a court of law invalid or unenforceable, and the Council of the City further finds that such provision(s) constitute at that time a consideration material to the continuance of the Franchise herein granted except that any provisions' invalidity or unenforceability which results from compliance with the Cable Act shall not be the basis for revocation; or

(3) Franchisee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt, or all or part of Franchisee's facilities should be sold under an instrument to secure a debt and are not redeemed by Franchisee within thirty (30) days from said sale; or

(4) Franchisee fails to restore service following ninety-six (96) consecutive hours of interrupted service, except when an act of God, disaster, or other action beyond the control of the Franchise caused such service interruption; or when approval of such interruption is obtained from

the City; or

(5) Franchise attempts to or does practice any fraud or deceit or pattern of material misrepresentation in its conduct or relations with the City under this Franchise.

(b) No such revocation shall be effective unless or until the Council of the City shall have adopted an Ordinance setting forth the cause and reason for the revocation and the effective date thereof, which Ordinance shall not be adopted without thirty (30) days prior written notice thereof to Franchisee and an opportunity for the Franchisee to be heard upon the proposed adoption of said Ordinance. Franchisee shall furnish to the City a written statement at least ten (10) days prior to the date on which Council convenes to consider such proposed Ordinance setting out its position relative to the cause(s) of such revocation. In the event the revocation as proposed in said Ordinance depends upon finding a fact, such finding of fact as made by the City Council in writing after the hearing provided for, if requested by Franchisee, shall be conclusive.

(c) Notwithstanding the grounds for termination herein, no termination procedure shall be had except in compliance with FCC regulations and the Cable Act.

(d) Franchisee shall not be declared in default nor be subject to any sanction under any provision of this section in any case in which the performance of such provision is prevented for reasons of good cause.

22. Franchisee's Obligation to Remove or to Sell its Facilities in the Event of Revocation or Non-Renewal.

(a) In the event of revocation of this Franchise as provided for in Section 21 herein or in the event this Franchise is not renewed as provided for in Section 20 herein, the City shall have the option of either requiring Franchisee to remove from the public streets where its properties are located all or any part of its equipment and facilities so located within thirty (30) days of the effective date of such revocation or non-renewal, or of requiring Franchisee to leave all of its equipment and facilities in place within the franchise area.

(b) The City's Chief Administrative Officer is hereby authorized to enforce the provisions of this Section as hereinafter provided:

(1) The City's Chief Administrative Officer shall immediately notify Franchisee in writing of such revocation or non-renewal. Within thirty (30) days following receipt of such notice, Franchisee shall, if required, remove from the streets of the City upon, over and under which its properties are located all of said properties. Such removal, if required, shall be performed by Franchisee in such a manner so as to not permanently

destroy, mar, or damage the franchise areas in which such removal is being conducted. The City Engineer shall make an inspection of the areas in which the removal is being or has been conducted, and should it be found that Franchisee has unreasonably destroyed, marred, or damaged such areas, Franchisee shall be held responsible for the expenses of repairing such areas to the satisfaction of the City.

(c) In the event Franchisee has not removed its facilities within thirty (30) days as described herein, or in the event the City elects not to require Franchisee to remove its facilities, Franchisee shall be obligated to sell its facilities in place within the franchise area to either the City or to any new franchise operator. Any sale of facilities as required by this subsection shall be pursuant to the valuation requirements of Section 627 of the Cable Act.

23. Liquidated Damages. Should it be found, after conducting the hearing and appeal procedure provided for in Section 15 herein, that Franchisee is in violation of the terms of this Ordinance, the liquidated damages chargeable to the Performance Bond, provided for under Section 16 herein, shall be as follows:

(a) For failure to provide or maintain data and reports as requested by the City or as required herein, Franchisee shall forfeit One Hundred Dollars (\$100.00) per day or part thereof that the violation continues.

(b) For failure to comply with the operation standards following the Council's resolution directing Franchisee to make improvements pursuant to Section 7 herein, Franchisee shall forfeit Fifty Dollars (\$50.00) per day or part thereof that the violation continues.

(c) For failure to test, analyze, and report on the performance of the system following the reasonable request of the City pursuant to Section 6 herein, Franchisee shall forfeit Fifty Dollars (\$50.00) per day or part thereof that the violation continues.

(d) For failure to pay the franchise fee when due pursuant to Section 11 herein, Franchisee shall forfeit One Hundred Dollars (\$100.00) per day or part thereof that the violation continues; provided, however, if any payment is more than thirty (30) days past due, the City shall have the option to revoke this Franchise upon thirty (30) days written notice to Franchisee.

(e) The rights in this Section are separate, distinct, and in addition to those enumerated elsewhere in this Ordinance.

24. Rights Reserved to the City. Without limitation upon the rights which the City might otherwise have, the City does hereby expressly reserve the following rights, powers, and authorities:

(a) To exercise its governmental powers now or hereafter to the full extent that such powers may be vested in or granted to the City.

(b) To determine through the Council any question of fact relating to the meaning, terms, obligations, or other factors of this Franchise, subject to this Section.

(c) To grant additional franchises within the City to other persons for the conduct of a cable television system.

(d) To exercise any other rights, powers or duties required or authorized under the Constitution of the State of Georgia, the laws of Georgia, or the City Charter.

25. Compliance with Municipal, State, and Federal Laws, Rules and Regulations.

(a) Notwithstanding any other provision of this Franchise to the contrary, Franchisee shall at all times reasonably comply with all laws, rules and regulations of the State and Federal governments or any administrative agencies thereof; provided, however, that if any such State or Federal law, rule or regulation shall require Franchisee to perform any service or shall prohibit Franchisee from performing any service or shall permit Franchisee to perform any service in conflict with the terms of this Franchise or of any law, rule or regulation of the City, then as soon as possible, following knowledge thereof, Franchisee shall notify the City's Chief Administrative Officer of the point of conflict believed to exist between such law, rule, or regulation and the laws, rules, or regulations of the City or this Franchise and Franchisee shall be governed by the advice of the City's Chief Administrative Officer; provided, however, that nothing herein shall compel Franchisee to act in any way which violates or contravenes any local, state, or federal law, rule or regulation.

(b) If the Council determines that a material provision of this Ordinance is affected by such subsequent action, the Council shall have the right to modify any of the provisions herein to such reasonable extent as may be necessary to carry out the full intent and purpose of this Ordinance.

(c) Franchisee shall be subject to all City Ordinances, rules and regulations and Franchisee shall also be subject to all applicable rules and regulations which, from time to time, may be promulgated by the Federal Communications Commission for cable television systems.

26. Franchisee to Have No Recourse.

(a) Except as expressly provided for in this Franchise, Franchisee herein shall have no recourse whatsoever against the City for any loss, cost or expense of

damage arising out of any of the provisions or requirements of this Franchise or because of the enforcement thereof by the City, nor for the failure of the City to have the authority to grant all or any part of this Franchise.

(b) Franchisee expressly acknowledges that upon acceptance of this Franchise it did so relying upon its own investigation and understanding of the power and authority of the City to grant this Franchise.

(c) Franchisee further acknowledges by the acceptance of this Franchise that it has not been induced to enter into this Franchise by any understanding or promise or other statement, whether verbal or written, by or on behalf of the City or by any other third person concerning any term or condition this Franchise not expressed herein.

(d) Franchisee further acknowledges by the acceptance of this Franchise that it has carefully read the terms and conditions hereof and is willing to and does accept all of the risks of the meaning of such terms and conditions and agrees that, in the event of any ambiguity therein or in the event of any other dispute over the meaning thereof, the same shall be construed strictly against Franchisee and in favor of the City.

(e) Franchisee further acknowledges by the acceptance of this Franchise that this Franchise is non-exclusive.

27. Failure of the City to Enforce this Franchise. Franchisee shall not be excused from complying with any of the terms or conditions of this Franchise resulting from the failure of the City upon one or more occasions to insist upon or to seek compliance with any such terms or conditions.

28. Franchisee Will Not Contest Validity of Franchise. Franchisee agrees by the acceptance of this Franchise that it will not, at any time, set up against the City in any claim or proceeding any condition or term of this franchise as unreasonable, arbitrary, or void, or that the City did not have the power or authority to make such term or condition, but shall be required to accept the validity of the terms and conditions of this Franchise in their entirety, except in accordance with effective FCC regulations, as amended, and the Cable Act.

29. Franchisee's Application Incorporated.

(a) Franchisee shall provide all services specifically set forth in its application to provide cable television service within the City, and by its acceptance of this Franchise Franchisee specifically grants and agrees that its application is hereby incorporated by reference and made a part of this Ordinance and the Franchise Agreement.

(b) In the event of a conflict between such proposals and the provisions of this Ordinance, that provision which provides the greatest benefit to the

Subscribers, in the opinion of the Council, shall prevail.

30. Theft of Cable Services. It shall be unlawful for any person to make or use any unauthorized construction, whether physically, electronically, acoustically, inductively, or otherwise with any part of Franchisee's cable television system for the purpose of enabling himself or others to receive or use any television signal, radio signal, program, picture or sound without payment to Franchisee, and it shall further be unlawful for any person without the consent of the Franchisee to tamper willfully with, remove or injure any cables, wires, or equipment used for distribution of such signals. Franchisee agrees to make information and reports concerning theft of services available to the City upon request. The Cable Act has established maximum penalties of \$1,000.00 and six months in jail for theft of cable services for private use. The Cable Act has established maximum penalties of \$25,000.00 and one year in jail for theft of cable service for commercial use or financial gain. The criminal penalties imposed by the Cable Act are not exclusive and do not abrogate criminal penalties or other sanctions authorized by state or local law.

31. Continuity of Service Mandatory. It shall be the right of all subscribers to receive all available services insofar as their financial and other obligations to Franchisee are honored. In the event that Franchisee elects to overbuild, rebuild, modify, or sell the cable television system, or the Council terminates or fails to renew this Franchise, Franchisee shall do everything in its power to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances. In the event of a change of Franchisee, the current Franchisee shall cooperate with the City to operate the system for a temporary period in maintaining continuity of service to all subscribers.

32. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

33. Time Essence of this Franchise. Whenever this Franchise shall set forth any time for any action to be performed by or on behalf of Franchisee, such time shall be deemed of the essence, and any failure of Franchisee to perform within the time allocated shall always be sufficient grounds for the City to revoke this Franchise; provided Franchisee receives notice of intent to revoke and has thirty (30) days to cure any and all alleged violations as specified in the Ordinance.

34. Acceptance. This Ordinance, and its terms and provisions, shall be accepted by Franchisee by a written Franchise Agreement executed and acknowledged by Franchisee and filed with the Clerk of the City Council. Said agreement shall incorporate Franchisee's written application to the City for the cable television Franchise and shall bind and obligate Franchisee to perform and carry out all provisions of said application. The Council may require Franchisee to clarify any portion of its written application prior to final acceptance.

35. Franchise Applications

(a) Applications for Franchises shall be submitted in such form and be issued on such terms and conditions as the City Council may determine, subject to applicable law.

(b) Any Application for a Franchise shall contain and require the following information with respect to the proposed Franchise and such other information as the City Council shall deem necessary or appropriate:

(1) applicant's name, address, telephone number, and federal employer identification number or social security number; copy of applicant's corporate charter or partnership agreement as applicable; and any trade names (and registrations) used by applicant;

(2) a detailed statement of the corporation or business entity organization of the applicant, including but not limited to the following, and to whatever extent required by the City:

(i) the names and the residence and business addresses of all officers and directors of the applicant;

(ii) the names, residence, and business addresses of all persons and entities having any share of the ownership of the applicant and the respective ownership share of each person or entity;

(iii) the names and address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to telecommunications or cable systems owned or controlled by the applicant, its parent, and subsidiary, and the areas served thereby;

(iv) a detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year immediately preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the City Council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed telecommunications or cable system in the City, or a statement from an independent certified public accountant certifying that the applicant has available sufficient

free, net, and uncommitted cash resources to construct and operate the proposed cable or telecommunications system in the City;

(v) a detailed financial plan (pro forma) describing for each year of the franchise, projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements, and a sources and uses of funds statement; and

(vi) a statement identifying, by place and date, any other cable system or Telecommunication franchises awarded to the applicant, its parent or subsidiary; the status of said franchises with respect to completion thereof; the total cost of completion of such franchised cable or Telecommunication systems; and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof;

(3) a detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

(i) description of the Cable Services and any other Telecommunications Services proposed to be provided;

(ii) a detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced;

(iii) a statement or schedule setting forth all proposed classifications or rates and charges to be made to subscribers and all rates and charges as to each of said classifications, including installation charges, cable service charges, and any other Telecommunications service charges;

(iv) a detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant;

(v) a copy of the form of agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber to Cable or Telecommunications Services; and

(vi) a detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate

or pertain to or depend upon the application and the granting of the franchise;

(4) a copy of any agreement covering the franchise area, if existing between the applicant and any utility providing for the use of any facilities of the utility, including but not limited to, poles, lines, or conduits; and

(5) any other details, statements, supplementary information, or references pertinent to the subject matter of such application which shall be required or requested by the council, or by any other provision of law.

36. Non-refundable Application Fees for New Franchises. No application for a new franchise shall be considered without payment by the applicant of application fees as provided in this Section. If a franchise is granted, application fees will not be deemed a credit towards any other fees or sums due by the Grantee. If an application is denied, the application fee will not be refunded.

(a) Purpose of Application Fees. The application fees provided by this section will serve to cover the direct and indirect costs incurred by the City in processing the application, evaluating the applicant, and granting a franchise, and shall include, but not be limited to, administrative, engineering, publication, legal, and consultant's expenses.

(b) Application Fee. Notwithstanding any other requirement of this Ordinance, each applicant must furnish with its proposal a non-refundable application fee in the amount of Five Thousand Dollars (\$5,000.00) by certified check or cashier's check made payable to the City of Lawrenceville.

37. Responsibilities of Applicants. It shall be the responsibility of each applicant for a Franchise to comply with all applicable laws, Ordinances, resolutions, rules, regulations and other directives of the City and any federal, state or local governmental authority having jurisdiction.

38. Public Availability of Applications. To the extent determined by the City Council, applications for Franchises, including any additions, modifications or amendments thereto, shall be available for public inspection at a designated City office during normal business hours.

39. Evaluation Criteria. In making any determination hereunder as to any application for a Franchise, the City Council may consider such factors as it deems appropriate and in the public interest, including, without limitation:

(a) the adequacy of the proposed compensation to be paid to the City, including the value of any facilities and Telecommunications Services offered by the applicant to the City;

(b) the legal, financial, technical and other appropriate qualifications of the applicant;

(c) the ability of the applicant to maintain the property of the City in good condition throughout the term of the Franchise;

(d) the value and efficiency to the City and its residents of the Cable Services and other Telecommunications Services to be provided, including the type of Telecommunications Services to be provided, as well as alternatives to those Services and services that may be precluded by the grant of the Franchise;

(e) the willingness and ability of the applicant to meet construction and physical requirements and to abide by all purpose and policy conditions, limitations and requirements with respect to the Franchise; and

(f) any other public interest factors or considerations deemed pertinent by the City for safeguarding the interests of the City and the public.

40. Procedure for Consideration of and Action on Applications.

(a) The City may make such investigations and take or authorize the taking of such other steps as the City Council deems necessary or appropriate to consider and act on applications for Franchises and determine whether a Franchise should be granted to an applicant, and may require the applicant to furnish additional information and data for this purpose. In considering applications, the City Council may seek advice from other City officials or bodies, from such other advisory bodies as it may establish or determine appropriate, or from the public, and may request the preparation of one or more reports to be submitted to the City Council, which may include recommendations with respect to such applications.

(b) If the City Council, after considering such information as it determines to be appropriate, elects to further consider one or more applications, the City Council shall set one or more public hearings for consideration of the applications, fixing and setting forth a day, hour and place certain when and where any Person having any interest therein or objections thereto may file written comments and appear before the City Council and be heard, and providing notice of such public hearing(s) in accordance with applicable law.

(c) The City Council may authorize negotiations between City officials and applicants to determine whether the City and such applicants are able to reach agreement on the terms of the proposed Franchise.

(d) Upon completion of the steps deemed appropriate by the City Council, the City Council may grant the Franchise, and may specify the conditions under which the Franchise is granted. Alternatively, the City may reject any and all applications from whatever source and whenever received except that a franchising

authority may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise. The City may also waive any or all requirements when it determines that the best interests of the City may be served thereby and may, if it so desires, request new or additional proposals.

41. Terms and Conditions of Franchise.

(a) The terms and conditions applicable to any Franchise granted pursuant to this Ordinance shall be set forth in the separate Ordinance granting the Franchise or in a separate written agreement. Such separate Ordinance or written agreement, among other things, shall address the following subjects:

- (1) the term of the Franchise;
- (2) the Franchise area and the Cable Services and other Telecommunications Services and purposes of such other Telecommunications Services, if any, which are the subject of the Franchise;
- (3) the compensation to be paid to the City, which may include the payment of fees or the provision of facilities or services, or both;
- (4) the circumstances upon which the Franchise may be terminated or canceled;
- (5) the mechanisms, such as performance bonds, security funds or letters of credit, to be put in place to ensure the performance of the Franchisee's obligations under the Franchise;
- (6) the City's right to inspect the facilities and records of the Franchisee;
- (7) insurance and indemnification requirements applicable to the Franchisee;
- (8) the obligation of the Franchisee to maintain complete and accurate books of account and records, and the City's inspection rights with respect thereto;
- (9) provisions to ensure quality workmanship and construction methods;
- (10) provisions to ensure that the Franchisee will comply with all applicable City, state and federal laws, regulations, rules and policies, including, without limitation, those related to employment, purchasing and investigations;

(11) provisions to ensure adequate oversight and regulation of the Franchisee by the City;

(12) provisions to restrict the assignment or other transfer of the Franchise without the prior written consent of the City;

(13) remedies available to the City to protect the City's interest in the event of the Franchisee's failure to comply with terms and conditions of the Franchise;

(14) provisions to ensure that the Franchisee will obtain all necessary licenses and permits from, and comply with, all laws, regulations, rules and policies of any governmental body having jurisdiction over the franchisee, including the Federal Communications Commission;

(15) provisions to ensure that the Franchisee will protect the property of the City and the delivery of public services from damage or interruption of operations resulting from the construction, operation, maintenance, repair or removal of improvements related to the Franchisee;

(16) provisions designed to minimize the extent to which the public use of the Streets of the City are disrupted in connection with the construction of improvements relating to the Franchise; and

(17) such other provisions as the City determines are necessary or appropriate in furtherance of the public interest.

42. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

32-221 Soliciting.

1. Definition. The term "soliciting" includes any activity by any person soliciting orders, sales, subscriptions, survey taking, or conducting business of any kind on a door to door or house to house basis on behalf of a business, individual, vocation, occupation without an appointment or invitation, in a residential and business areas.

2. License Required. No person, firm or corporation shall conduct or operate the business as a solicitor or door to door surveyor within the City limits of Lawrenceville without first having obtained a solicitor's work permit from the Gwinnett County Sheriff's Office.

3. License Fees. No business license fee or occupation tax shall be required to be paid to the City of Lawrenceville unless the solicitor has its principal place of business within the City limits of Lawrenceville.

4. Penalty. Any person, firm, corporation or association, or officer, director or

manager of such corporation violating any of the provisions of this Ordinance shall be liable for a fine or penalty of not less than \$100 nor more than \$1,000 for each offense.

5. Separability of Provisions. It is the intention of the City of Lawrenceville that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Mayor and Council that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain in full force and effect.

6. Effective Date. This Ordinance shall be in full force and effect upon the date of adoption set forth hereinbelow.

⁸32-222 **Billiard Rooms**

1. Definitions.

- (a) "Billiard room" means any public place where a person is permitted to play the game of billiards and for which a charge is made for use of equipment.
- (b) "Billiards" means any of the several games played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue and shall include all forms of the game known as "carom billiards," "pocket billiard," and "English billiards."

2. Occupational tax certificate required, application.

- (a) All persons, firms or corporations desiring to operate a billiard room shall, prior to commencing such business, trade or profession, comply with all rules and regulations adopted by the governing authority regulating the operation of billiard rooms.
- (b) The application shall include but shall not be limited to the information required on all occupational tax returns, along with the following additional information:
 - (1) Name and residence address of the owner-applicant;
 - (2) If the owner-applicant is a corporation, the names of the officers, along with the name and address of the agent for service of process;
 - (3) The name of the manager, and the name of all shareholders holding 20 or more percent of any class of corporate stock;
 - (4) Failure to furnish required information, and in the form

designated, shall automatically serve to dismiss the application;

- (5) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths; and
- (6) In all instances in which an application is denied under the provision of the article, and after lapse of the time for appeal, or upon the adjudication of the appeal with decision rendered in favor of the City, the applicant may not reapply for an occupational tax certificate for at least 120 days from the final date of denial.

3. Applicant disqualifications.

- (a) No occupational tax certificate shall be granted to any person who has had any occupational tax certificate revoked within two (2) years prior to filing the current application.
- (b) The City Clerk may decline to issue a certificate when any person having an ownership or management interest in the operation of such place of business or control over such place of business does not meet the same character requirements as herein set forth for the certificate holder.

4. General operating provisions.

- (a) No gambling or other games of chance shall be permitted in a billiard room except as authorized by the State of Georgia.
- (b) All establishments which have three or more billiard tables shall have a manager, or designated employee on duty during operating hours whose responsibility is the operation of the billiard tables.
- (c) Any establishment which serves any type of alcohol shall have no more than two billiard tables.

5. Inspection of registered establishments.

Sworn officers of the police department or planning department shall have the authority to inspect establishments registered under this article during the hours in which the premises are open for business. Such inspection shall be made for the purpose of verifying compliance with the requirements of this article.

6. Unlawful or prohibited activities.

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

7. Hours of operation.

No billiard room shall be open or operated during the hours of 12 midnight to 6 a.m.

8. Penalties.

Any person who shall conduct a business or occupation without having obtained a license therefore is required by this chapter, or who shall violate any other provision of this chapter, shall upon conviction therefore be punished by a fine not to exceed \$1,000 and costs or by imprisonment not to exceed 6 months or both, any and all such penalties to be imposed in the discretion of the Judge of the Municipal Court.

9. Severability.

Should any part or portion of this Ordinance be declared invalid for any reasons by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance not so declared to be invalid, but all such remaining portions of this Ordinance shall remain in full force and effect as if they were separately adopted.

32-223 Solicitation of Contributions on Streets and Highways by Charitable Organizations

1. Registration and Permit.

Any person who wishes to organize, form, or conduct a solicitation of contribution on streets and highways within the City shall be required to apply for a permit for such activity at least 7 days in advance of the date on which the solicitation shall take place and to obtain a permit therefore. A separate application shall be required for each day of soliciting.

2. Qualifications.

In order to receive such permit, the applicant must produce evidence satisfactory to the City Police Chief or his designee that the organization is a charitable organization

registered in accordance with O.C.G.A. §43-17-50 or is a charitable organization exempt from such registration in accordance with O.C.G.A. §43-17-9. The Police Chief or his designee shall not process any application which does not contain certification of the registration or exemption of the charitable organization.

3. Application.

The application for a permit to conduct such solicitation shall be made to the Police Chief in writing, shall be signed by the person responsible for supervising the solicitation, and shall contain the following information:

- (a) the proposed date and time of the solicitation;
- (b) the proposed location of the solicitation;
- (c) the number of persons who are expected to participate in the solicitation, the name and address of each participant, and an executed agreement from each participant agreeing to hold harmless and indemnify the City;
- (d) the name and address of the person or organization sponsoring or promoting the proposed solicitation;
- (e) a certificate of insurance demonstrating that the organization sponsoring or promoting the proposed solicitation maintains general liability insurance in an amount not less than \$1,000,000, together with a certificate showing the City of Lawrenceville as a holder of the policy or an additional named insured;
- (f) the name, address and phone number of the person making the application for a permit; and

4. Review of Application.

The Police Chief or his designee shall review the information set forth in the application and ascertain the following: the extent of vehicular and pedestrian traffic anticipated at the time and place and on the route of the proposed solicitation; whether or not, in light of all circumstances the proposed solicitation will reasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public. The Police Chief shall consider the risk involved in soliciting to the participants and to others using the streets of the City in the selected areas.

5. Disposition.

In the event the Police Chief determines, in view of all the circumstances, that the proposed solicitation will unreasonably burden and interfere with the normal use of the streets or sidewalks of the City by the general public, he shall deny the request for a

permit. If he determines on the contrary that the proposed solicitation will not unreasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public, he may grant the permit. In either case, the Police Chief or his designee shall indicate his disposition on the application in writing and shall notify the applicant of the action taken.

6. Waiver.

The Police Chief, in his discretion, may waive any of the foregoing requirements of the application.

7. Conduct During Solicitation.

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

8. Revocation of Permit.

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

9. Penalty.

Any Applicant, participant, person or organization violating the provisions of this Ordinance, in addition to the revocation of his or its license, shall be liable for a fine or penalty not less than \$200.00 no more than \$500.00 for each offense and up to six (6) months imprisonment.

10. Repeal of Conflicting Laws.

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

II. Severability.

It is the intention of the City of Lawrenceville Council that each separate provision of this Ordinance be deemed independent of all other provisions herein, and it is further the intention of Council that if any provision of this Ordinance were declared invalid, all other provisions thereof shall remain valid and enforceable.

Telecommunication Company Ordinance

1. Adoption. The City hereby adopts the entirety of O.C.G.A. § 46-5-1. Said code section contains the substantive and procedural requirements for Telecommunications Companies operating within the limits of the City.
2. Responsibility.
 - (a) It is the responsibility of each Telecommunications Company operating within the limits of the City to read, understand, and comply with all the requirements of O.C.G.A. § 46-5-1. These requirements include, but are not limited to, submitting the proper application and promptly paying the City due compensation as defined by O.C.G.A. § 46-5-1 and section 3 of this Telecommunication Company Ordinance.
 - (b) The City Clerk, shall, on behalf of the City, exercise day-to-day administrative duties necessary to fulfill the regulatory authority of the city under O.C.G.A. 46-5-1 et seq. and shall perform the following duties:
 - (1) Review application information submitted by a telephone company to the city and, if an application is incomplete, notify the telegraph or telephone company within fifteen (15) business days of the receipt of such application, identifying in such notice all application deficiencies.
 - (2) Report the receipt of a completed application to the council within sixty (60) calendar days of the receipt of such completed application.
 - (3) Review payments of due compensation submitted by the company to ensure compliance with the provisions of the amended law and this article.
 - (4) Provide a coordination function between a telephone company and all city departments on any matter relating to the amended law and this article.
 - (5) Arrange and evaluate, no more than once a year, a comprehensive review of the records of a company which is reasonably related to the calculation and payment of due compensation.

- (6) Provide to all telegraph and telephone companies located in its rights of way written notice of annexations and changes in municipal corporate boundaries.

3. Due Compensation.

- (a) The City hereby adopts a due compensation rate of three percent (3%) of actual recurring local service revenues received by such company from its retail, end user customers located within the boundaries of the City. Each Telecommunications Company within the limits of the City shall render due compensation according to the time schedule set out in O.C.G.A. § 46-5-1.
- (b) Any telephone company that does not have retail, end user customers located within the boundaries of the City, the payment by such company to a municipal authority in accordance with the rates set by regulations promulgated by the department of transportation for the use of its right-of-ways shall be considered payment of due compensations.

32-225 Video Stores

Based on the experiences of other counties and municipalities, including, but not limited to Houston, Texas; Tucson, Arizona; Chattanooga, Tennessee; Minneapolis, Minnesota; Dayton, Ohio; and Gwinnett County, Georgia, which experiences are found to be relevant to the problems faced by the City of Lawrenceville, Georgia, the Mayor and Council take note of the opportunity for unlawful sexual activities including, but not limited to, masturbation and oral and anal sex to occur at video stores which provide private or semi-private booths or cubicles for viewing films or videos depicting nudity, and for sexually transmitted diseases to spread as a result of the unhealthy conditions and unlawful activities associated with such booths, and the Mayor and Council further note that persons frequent such video booths for the purpose of engaging in sexual activities within such video viewing booths, and bodily fluids, including semen, urine and feces are found in such video viewing booths.

The Mayor and Council find that removal of doors on such video viewing booths and prohibiting holes between such booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in such booths. The Mayor and Council therefore find that it is in the best interest of the health, safety and welfare of the community to require that doors or other partitions on video viewing booths in video stores be removed and that no or doors holes be allowed to exist between or on adjoining booths. The Mayor and Council find that these regulations promote the public welfare by furthering legitimate public and governmental interests, including, but not limited to, reducing unlawful sexual activities and unhealthy conditions in video viewing booths found in video stores. The Mayor and Council further find that these regulations will not

infringe upon the protected Constitutional rights of freedom of speech or expression. To those ends, this Ordinance is hereby adopted.

Any video store having available for customers, patrons, or members, any booth, room, or cubicle for the private viewing of any video or motion pictures must comply with the following requirements:

(a) Access. Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the video store, and shall be unobstructed by any curtain, door, lock, or other control-type or view-obstructing devices or materials.

(b) Construction. Every booth, room, or cubicle shall meet the following construction requirements:

(1) Each booth, room, or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.

(2) Each booth, room, or cubicle shall have at least one side totally open to a public lighted area or aisle so that there is an unobstructed view of anyone occupying the booth from the area in which the cash register for the video store is located.

(3) All walls shall be solid and without openings, extended from the floor to a height of not less than six feet and be lighted colored, nonabsorbent, and smooth-textured.

(4) The floor must be light-colored, nonabsorbent, and smooth-textured.

(5) The lighting level of each booth, room, or cubicle when not in use shall be a minimum of ten candles at all times, as measured from the floor.

(c) Occupants. Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room, or cubicle. No individual shall damage or deface any portion of the booth, room, or cubicle.

(d) Definition of Video Stores. "Video Store" means any establishment having a substantial or significant portion of its stock in trade which includes videotapes or movies or other reproductions, whether for sale or rent, or an establishment with a segment or section comprising five percent or more of its total floor space devoted to the sale or display of such material or which derives more than five percent of its net sales from videos. The term "Video Store" shall

include adult video stores as defined in Sections 32-215 of the Code of Ordinances of the City of Lawrenceville.

(e) Enforcement. The provisions of this Ordinance may, in addition to any criminal remedy available, be enforceable through an action for abatement of a nuisance in the manner provided by law. The City may apply to a court with jurisdiction to grant equitable relief to abate or remove private video viewing booths and to restrain or enjoin any person from operating or engaging in conduct contrary to the provisions of this Ordinance.

¹³**32-226 Precious Metals Dealers**

1. Definitions:

- e. “Nonpermanent Location” – means any location used to conduct business in a temporary location or for a limited time. Such definition shall include, but is not limited to, moveable vehicles, temporary or moveable structures, tents, awnings, hotels or motels and the like.
- f. “Permanent Location” – refers to a business domiciled within a properly constructed building located within an area zoned for such business.
- g. “Precious Metals” – Any metals including, but not limited to, in whole or in part, silver, gold and platinum.
- h. “Precious Metals Dealer” - Any person, partnership, sole proprietorship, corporation, association or other entity engaged in the business of purchasing, bartering or acquiring in trade any Precious Metals from persons or sources, other than from manufacturers of or licensed dealers in Precious Metals, for re-sale in its original form or as changed by melting, reforming, remolding, or for re-sale as scrap or in bulk.

2. Hours and Method of Operation: The hours during which Precious Metals Dealers may conduct business shall be from no earlier than 7:00 A.M. to no later than 9:00 P.M. If dealing in precious metals is ancillary to the principle business, this provision shall only apply to dealings in Precious Metals and not to other portions of the business. Precious Metals Dealers may only operate from a Permanent Location. Conducting business as a Precious Metals Dealer in any Nonpermanent Location shall constitute a violation of this Section.

3. License Required, Supplementary to Business License or Occupational Tax: All persons, before beginning the business of operating a Precious Metal Dealer, shall first file an application with the City of Lawrenceville Police

Department for an annual Precious Metals Dealer License to conduct such business. The issuance of said Precious Metals Dealer License shall be a requirement in addition to a business license or occupation tax certificate required by the Planning and Zoning Department of the City of Lawrenceville.

- k. Form of Application: The application for Precious Metals Dealer License shall be completed on a form prescribed by the Chief of Police or his designee. At minimum, the application shall include the physical address at which the business is proposed to be operated and the full name, address, phone number, date of birth, photograph and social security number of managerial employees of the business. Additionally, the permit shall list the owner or owners of the business. In the event the business is owned by a partnership or corporation, the partners or officers and registered agent shall be listed.

- l. License Fee; Separate License Required for Each Physical Location: The completed form must be accompanied by an application and license fee of \$100. In the event an owner has more than one physical business location, each location will be required to obtain a separate license. The application fee is non-refundable in the event the applicant, for any reason, is not issued a license, business license, or occupational tax certificate.

- m. Background Check Required: Upon receipt of the application and fee, the Chief of Police, or his designee, shall conduct a background check on the applicant. A Precious Metals Dealer License may not be issued where the applicant has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of ten (10) years immediately prior to the filing of such application.

- n. Falsified Applications: No license shall issue if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.

- o. Denial of License; Appeal Process: If an application for Precious Metals Dealer License is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the Police Department to the Zoning Board of Appeals.

- p. Renewal: Owners are required to renew the license upon expiration thereof and shall be required to pay a renewal fee of \$100.

- q. Replacement License: In the event a license is lost or destroyed, a replacement license may be issued for the unexpired term of the initial license.
 - r. Display of License: Operators of Precious Metals Dealer businesses shall conspicuously display the license at all times while the business is in operation.
 - s. License Issued in Error; License the Property of the City: Any Precious Metals Dealer License issued through administrative oversight or error may be terminated and seized by the Chief of Police or his designee. All Precious Metals Dealer Licenses remain the property of the City of Lawrenceville. Upon notice by the Lawrenceville Police Department, the holder of a Precious Metals Dealer License must surrender said license.
 - t. Suspension or Revocation of License; Appeal: The Chief of Police, or his designee may suspend or revoke any license issued under this section for falsifying an application, violation of this section, or if the applicant has otherwise become ineligible to hold a license under this section. The license holder may appeal the decision of the Chief of Police to the Zoning Board of Appeals.
 - u. Exclusions: Businesses holding a valid Pawn license issued in accordance with Section 32-208 of the General Code of Ordinances shall not be required to obtain a separate Precious Metals Dealer license.
4. Work Permits Required of Employees: No person shall be employed by a Precious Metals Dealer in any capacity that receives Precious Metals from others, other than from manufacturers of or licensed dealers in Precious Metals, until such person has obtained a work permit from the Lawrenceville Police Department.
- k. Form of Application; Fee Required: An application for a work permit shall be made on a form prescribed by the Chief of Police or his designee. Such application form shall include, at a minimum, the applicant's name, date of birth, and social security number. Applicant must also provide positive identification (only official government issued pictured identification accepted, e.g. driver's license, passport, military card, or state-issued I.D. card) at the time of application.
 - l. Fee for Permit: The completed permit application form must be accompanied by an application and permit fee of \$100. The application fee is non-refundable.
 - m. Background Check Required: Upon receipt of the application and fee, the Chief of Police, or his designee, shall conduct a background check on the applicant. A permit may not be issued where the applicant has been

convicted, plead guilty, or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, any felonies, or any crime involving theft or fraudulent practices within a period of five (5) years immediately prior to the filing of such application.

- n. Falsified Applications: No permit shall issue if it is found that the applicant falsified, concealed or misrepresented any material fact in the application.
 - o. Denial of Permit; Appeal Process: If an application for work permit is denied for any reason, the applicant will be notified in writing of such denial and the reason for the denial. The applicant may appeal the decision of the police department to the Zoning Board of Appeals.
 - p. Renewal: Permit holders are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee of \$50.
 - q. Replacement Permit: In the event a permit is lost or destroyed, a replacement permit may be issued for the unexpired term of the initial license upon the payment of a permit replacement fee of \$20.
 - r. Permit in Possession While Working; Inspection by Police Department: Permit holders must have a valid permit on their person at all times while working within a Precious Metals Dealer establishment. The permit shall be displayed upon the request of a Lawrenceville Police Officer.
 - s. Permits Issued in Error; Permit the Property of the City: Any work permit issued through administrative oversight or error may be terminated and seized by the Chief of Police or his designee. All permits remain the property of the City of Lawrenceville. Upon notice by the Lawrenceville Police Department, the holder of a permit must surrender said permit.
 - t. Suspension or Revocation of Permit; Appeal: The Chief of Police, or his designee may suspend or revoke any permit issued under this section for falsifying an application, violation of this section, or if the applicant has otherwise become ineligible to hold a license under this section. The permit holder may appeal the decision of the Chief of Police to the Zoning Board of Appeals.
 - u. Exclusions: Persons whose work is substantially that of a Precious Metals Dealer who work at a Pawnshop as defined in Section 32-208 of the General Code of Ordinances are not required to have a Precious Metals work permit in addition to the Pawn work permit.
5. Records of Transactions; Required Information; Method of Transmittal: Engaging in the business of dealing in Precious Metals within the city limits of Lawrenceville is hereby declared to be affected with the public interest due

to the opportunity it affords for the disposal of stolen property. In the public interest and as set forth herein, all Precious Metal Dealers shall document all transactions as required by this ordinance. A transaction number will be assigned to every transaction to document the transaction.

- k. Identification of Persons Pledging Items: Employees of Precious Metals Dealers shall require all persons pledging, trading, pawning, exchanging, or selling Precious Metals to show proper identification prior to conducting a transaction. For purposes of this section, proper identification shall consist of a government-issued identification document such as a driver's license, state identification card, military identification card or passport.
- l. Required Documentation of Identifying Data: Employees of Precious Metals Dealers shall document the name, address, telephone number, race, gender, height, weight, driver's license number, date of birth, social security number, and identifying number from the presented identification of the person pledging, trading, pawning, exchanging, or selling Precious Metals along with the date and time of the transaction. This documentation shall be made at the time of the transaction.
- m. Photographs Required: Employees of Precious Metals Dealer shall photograph all persons pledging, trading, pawning, exchanging, or selling Precious Metals. Such photograph will be made with a digital camera or web camera. Such photograph shall clearly show a frontal view of the subject's face along with the Precious Metals Dealer transaction number. Additionally, photographs of the items being pledged, traded, pawned, exchanged or sold shall be made. The photographs shall be appended to the record of the transaction in a manner prescribed by the Chief of Police or his designee.
- n. Fingerprint and Signature Required: Employees of Precious Metals Dealers shall obtain from all persons pledging, trading, pawning, exchanging, or selling property the fingerprint of the right hand index finger. The fingerprint shall be appended to the record of the transaction in a manner prescribed by the Chief of Police or his designee. The subject shall also sign the transaction. In the event the indicated finger is missing, the next finger available on the right hand will be used and the finger used will be noted on the transaction record. If the right hand is amputated, congenitally deformed, or otherwise unavailable due to medical condition, the left hand may be used and noted on the record. If neither hand is available due to medical condition, amputation or congenital deformity, that fact will be noted on the transaction record. Fingerprints and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any Precious Metals.

- o. Accurate Property Descriptions Required: Employees of Precious Metals Dealers shall document an accurate description of all items pledged, traded, pawned, exchanged or sold to the Precious Metals Dealer. Such description shall include, at a minimum and to the extent possible, manufacturer, model, serial number, style, material, kind, color, design, number of stones (if jewelry), and any identifying names, marks, numbers or engravings.
 - p. Tags Required: Each item received by a Precious Metals Dealer as a pledge, trade, pawn, exchange, or purchase shall be tagged with the transaction number. Such tag must remain attached to the item until the item is disposed of by sale, trade or other lawful means.
 - q. Wholesale Purchases Excluded: The requirements of this section shall not apply to property purchased from licensed wholesale or distributor businesses for the purpose of retail sale; however, the Precious Metals Dealer employees shall be maintain purchasing records for property exempted under this paragraph while the property remains in inventory.
 - r. Special Requirements for New or Unused Goods: Items of property that appear to be new, unused, and in their original packaging may not be accepted by a Precious Metals Dealer unless the customer can supply a copy of the original sales receipt or other proof of purchase. Precious Metals Dealers shall retain a copy of such receipt or proof of purchase on file while the item is in inventory.
 - s. Entry of Transactions for Electronic Transmittal: Each Precious Metals Dealer shall enter each transaction into the electronic automated reporting system as it occurs. In the event the electronic transmittal system is unavailable, Precious Metals Dealers shall make records in paper form as prescribed by the Chief of Police or his designee. Such paper forms shall include all information otherwise required. Precious Metals Dealers shall keep a supply of paper forms available at all times.
 - t. Automated Reporting System; Mandatory Use: The Chief of Police or his designee shall select and designate an automated electronic reporting system for use by Precious Metals Dealers to record and transmit transactions. The Precious Metals Dealer will be assessed a fee for each transaction entered into the system. This fee may be assessed to the person pledging, trading, pawning, exchanging, or selling property. Said fee will be collected by the Chief of Police or his designee, which may be a third party administrator of the automated reporting system.
6. Retention of Property; Storage; Police Holds:

- d. All property received through any Precious Metals Dealer transaction shall be held for at least thirty (30) days before being disposed of by sale, transfer, shipment, smelting, reforming, reshaping or otherwise.
 - e. All property pledged, traded, pawned, exchanged or sold to the Precious Metals Dealer shall be held and maintained on the premises of the licensed Precious Metals Dealer that completed the transaction, or, if impractical, at such other location as may have been previously approved in writing by the Chief of Police or his designee. No off-site locations will be approved which are outside of the city limits of Lawrenceville.
 - f. The Lawrenceville Police Department shall have the authority to place property that is the subject of a law enforcement investigation on “police hold.” In that event, the police department shall notify the Precious Metals Dealer of the need for the police hold and identify all property subject to the police hold. Such notification may be made verbally; however, written notice shall be provided within 24 hours of the verbal hold. Upon notification, it shall be the responsibility of the Precious Metals Dealer to maintain the subject property until such time as the property is released from the police hold or the property is confiscated as evidence.
7. Dealing with Minors. It shall be unlawful for any Precious Metals Dealer, his or her agents or employees, to receive from minors, goods of any character or description. A minor, for the purpose of this Section is an individual under the age of 18.
8. Responsibility for Enforcement. The Lawrenceville Police Department shall have the responsibility for the enforcement of this section. Sworn officers of the Lawrenceville City Police Department, and civilian employees designated by the Chief of Police shall have the authority to inspect establishments licensed under this section during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this section and state law.
9. Penalty for Violation. Any person, firm, company, corporation or other entity who violates any provision of this Chapter may be subject to arrest or summoned to appear in the Lawrenceville Municipal Court and upon conviction or other finding of guilt, be punished by a fine of up to \$1,000.00 or six (6) months imprisonment, or both.
10. Severability. If any portion of this Section shall be declared by a court of competent jurisdiction to be invalid, unconstitutional or unenforceable, such declaration shall not be deemed to affect the remaining portions of this Section.

¹ Ordinance to Amend Section 32-209 of the Code of the City of Lawrenceville, Georgia 2005 was adopted on February 6, 2006.

² Ordinance to Amend Section 32-219 of the City of Lawrenceville 2005 Code of Ordinances to Incorporate the Gwinnett County Board of Health Department's Rules Governing Body Art Studios and Artists was adopted on August 7, 2006.

³ Ordinance to Adopt Chapter 34 to Amend the City of Lawrenceville's Alcohol Ordinance by Deleting Certain Provisions in Chapter 4-104, 31-104, 31-107, 31-112, and 32-207 Regarding Alcoholic Beverages Sales and Consumption of the City of Lawrenceville's 2005 Lawrenceville General Code of Ordinances was adopted on July 9, 2007.

⁴ Ordinance to Amend Section 32-214 of the City of Lawrenceville 2005 Code of Ordinances as it Relates to Taxicabs was adopted on July 9, 2007.

⁵ Ordinance to Amend Penalty Provisions and to make Technical Revisions within Certain Sections of the City of Lawrenceville's 2005 Lawrenceville Code of Ordinances was adopted on September 10, 2007.

⁶ Ordinance to Amend Section 32-213 of the City of Lawrenceville's 2005 Code of Ordinances was adopted on October 1, 2007.

⁷ Ordinance to Amend Section 32-214 of the City of Lawrenceville's 2005 Code of Ordinances was adopted on November 20, 2007.

⁸ Ordinance to Amend 32-222 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on January 7, 2008.

⁹ Ordinance to Establish a Franchise Fee Applicable to Holders of Cable or Video Franchises Issued by the State of Georgia was adopted on April 7, 2008.

¹⁰ Ordinance to Amend Chapter 32 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on December 1, 2008.

¹¹ Ordinance to Amend Chapter 32-224 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on October 5, 2009. This Ordinance replaces 32-224 Telecommunication Franchising with 32-224 Telecommunication Company Ordinance.

¹² Ordinance to Amend Chapter 32-208 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on March 1, 2010.

¹³ Ordinance to Amend Chapter 32 of the City of Lawrenceville's 2005 General Code of Ordinances to include Section 32-226 was adopted on September 13, 2010.

¹⁴ Ordinance to Amend Chapter 32 of the City of Lawrenceville's 2005 General Code of Ordinances to include Section 32-201 was adopted on July 11, 2011..

¹⁵ Ordinance to Amend Chapter 32 of the City of Lawrenceville's 2005 General Code of Ordinances to include Section 32-214 was adopted on July 11, 2011..