

Chapter 9: Licensing and Business Regulation

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Sec. 9-101 Applications

Every person required to obtain 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 office 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 addresses of the partners, if a partnership;
 - e. Names and home addresses of the officers and directors, if a corporation;
 - f. Complete record of all arrests and convictions against the applicant and every partner, officer, or director of the applicant for violations of any and all laws and ordinances of the city, state, or federal government; and
 - g. Such additional information which the City Clerk or Council may find reasonably necessary to the fair administration of this chapter.
3. Verification Each application shall be sworn to or affirmed by the applicant if an individual, or by a partner if a partnership, or by an officer of a corporation.
4. Payment of Fee Each application shall be accompanied by the amount of the fee chargeable for such license, such amount to be prorated by quarters to the end of the fiscal year.
 - 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.

Sec. 9-101 Applications (Continued)

- b. Rebate of Fee Upon the disapproval of any application for which a fee has been submitted under the provisions of this chapter, the City Clerk shall refund such fee, provided that the applicant is not otherwise indebted to the city.
5. Confidentiality of Information All information furnished or secured under the authority of this section shall be kept in strict confidence by the City Clerk, shall not be subject to public inspection, and shall be utilized solely by the officers of the city responsible for administering the provisions of this chapter.
6. False Statements False statements on any application for a license shall be grounds for immediate revocation of such license.

Sec. 9-102 Procedure for Issuance

1. Review by City Officers If any provision of this chapter or any license ordinance of the city provides for the review of an application for a license by a city officer designated therein, the City Clerk shall forward a copy of the application to such officer within forty-eight (48) hours of the time of the receipt of the application. The officer charged with the duty of reviewing the application shall make a recommendation thereon, favorable or otherwise, and shall return such recommendation to the City Clerk within seven (7) days after receiving a copy of the application.
2. Council Consideration Upon the receipt of the recommendation of the reviewing officer as hereinabove provided, or upon the receipt of the application if no reviewing officer is designated, the City Clerk shall forward such recommendation and/or application to the City Council for consideration and action at its next regularly scheduled public meeting.
3. Limitation on Issuance No license shall be issued to any application whose place of business is not in full compliance with all minimum standard building codes adopted by this municipality.
4. Issuance of License Upon the express approval of the City Council, the City Clerk shall issue a business license to the applicant therefor, which license shall state the nature of the business authorized, bear the date of issuance and the signature of the Mayor and City Clerk.
5. Council 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.

Sec. 9-103 Acquisition and Display of License

Any person who shall conduct a business or occupation without having obtained a license therefor as required by this chapter shall pay a late payment penalty which shall not be refunded of fifteen dollars (\$15.00) or twenty percent (20%) of the license fee whichever is greater and shall not be eligible for a prorated license fee as allowed in Section 9-101.4, and will be subject to prosecution in the Recorder's Court. 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.

Sec. 9-104 Inspections

1. Search of Premises Whenever inspections of the premises used for or in connection with the operation of 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 violations 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 of 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 to 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.

Sec. 9-105 Termination and Renewal of License

1. All annual licenses shall terminate on December 31 of each year when no provision to the contrary is made. Persons holding a valid business license on December 31 shall be allowed to conduct business until 12:01 a.m. March 1 of the following year, under the previous year's license. This privilege to operate under the previous year's license is contingent upon payment of license fees in full and does not release any person, partnership or corporation from its obligation to obtain a license for its operation of a business between January 1 and the last day of February in any year.
2. Licensees requesting renewal shall pay the required license fees to the City Clerk. The license shall be considered renewed unless the City Council votes to refuse renewal within thirty (30) days of payment of fee. If no business has been conducted in the new year under the precision of Section 9-105 paragraph 1, the fee shall be refunded.
3. Any license conducting business into the year following termination of their license as provided in Section 9-105, paragraph 1, must renew their license before April 1. Licensees failing to renew their business license shall pay a late payment penalty of fifteen dollars (\$15.00) or 10% of the license fee whichever is greater, and be subject to presentation in recorder's court.

Sec. 9-106 Revocation, Suspension, Etc.

The City Council, after affording the licensee notice of the charges and opportunity to be heard with respect to any revocation proceedings, 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 license on probation or place other conditions thereon as the council may deem necessary.

Sec. 9-107 Change of Location

In the absence of any provisions to the contrary, the location of any licensed business or occupation may be changed, provided ten (10) days' notice thereof is given to the City Clerk, and provided that the licensee complies with all building and zoning requirements.

Sec. 9-108 Transfer of Licenses

All license shall be personal to the licensee, but in cases where the ownership is changed and both the name and location of the licensed business or occupation are maintained, the Mayor and City council may allow the license to be transferred.

Sec. 9-109 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 five dollars (\$5.00) to the City Clerk.

Sec. 9-110 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.

Sec. 9-111 Joint License

A person engaged in two or more businesses at the same location shall be required to obtain separate licenses for conducting each of such businesses for which a license is required.

Sec. 9-112 Penalties

Any person who shall conduct a business or occupation without having obtained or renewed a license therefor 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 dollars (\$1,000.00) and costs 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 Recorder's Court.

Sec. 9-113 Schedule of Fees (Amended 3/3/86)

<u>Accident & Health Insurance</u>	\$15.00*
Stock Accident & Health Insurance	per class
Mutual Accident & Health Insurance	
<u>Accounting & Auditing</u> (Amended 3/5/90)	\$100.00
<u>Advertising</u>	\$32.50
Advertising Agencies	
Outdoor Advertising Services	
Miscellaneous Advertising	

Sec. 9-113 Schedule of Fees (Continued)

<u>Agricultural Chemicals</u>	\$65.00
Fertilizers	
Agricultural Chemicals Not Elsewhere Classified	
<u>Agricultural Services (Except Animal Husbandry & Horticultural Services)</u>	\$65.00
Cotton Ginning & Compressing	
Grist Mills	
Corn Shelling, Hay Baling, Threshing	
Packing of Fruits and Vegetables	
Agricultural Services Not Elsewhere Classified	
<u>Amusement & Recreational Services</u>	\$130.00
Services Not Elsewhere Classified	
<u>Animal Husbandry Services</u>	\$45.00
Veterinarians & Animal Hospitals	
Poultry Hatcheries	
Animal Husbandry Services Not Elsewhere Classified	
<u>Antique & Secondhand Stores</u>	\$45.00
<u>Apparel & Accessory Stores</u>	\$45.00
Clothing Stores	
Shoe Stores	
<u>Auctions</u>	\$50.00*
<u>Automobile Dealer</u>	\$45.00
New Cars	
<u>Automobile Dealer</u>	\$150.00*
Used Cars	
<u>Automobile Rentals</u>	\$32.50
Passenger Car Rental & Leasing	
Truck Rental & Leasing	
Utility & House Trailer Rental	

Sec. 9-113 Schedule of Fees (Continued)

<u>Automobile Services</u>	\$45.00
Car Washes	
Repair Shop	
Automobile Services Not Elsewhere Classified	
<u>Bakery Products</u>	\$45.00
Bread, Cake & Related Products	
Cookies & Crackers	
<u>Banks (See Sec. 9-205)</u>	
<u>Barber & Beauty Shops</u>	\$32.50
<u>Beer- Retail Distributor</u>	\$200.00*
<u>Beer- Wholesale Distributor</u>	\$100.00*
<u>Boat Dealers</u>	\$45.00
<u>Book & Stationery Stores</u>	\$45.00
<u>Bookkeeping Service</u>	\$32.50
<u>Bottled & Canned Soft Drinks</u>	\$45.00
<u>Bowling Alleys, Billiards, Pool</u>	\$130.00
<u>Building Services</u>	\$32.50
Window Cleaning	
Disinfecting Services	
Miscellaneous Services	
<u>Business Services</u>	\$32.50
Research & Development Laboratories	
Business Consulting Services	
Detective & Protective Services	
Equipment Rental & Leasing	
Photo Finishing Laboratories	
Trading Stamp Services	
Secretarial Services	
Business Services Not Elsewhere Classified	

Sec. 9-113

Schedule of Fees (Continued)

Car Dealers (See Automobile Dealers)

Carnival & Side Shows \$100.00*

Carpet/Floor Covering Installation \$45.00
(Added 3/5/90)

Catering Services \$32.50

Charitable Solicitor (See Sec. 9-207)

China, Glassware & Metal ware Stores \$45.00

Circus \$200.00*

Coin-Operated Amusement Devices \$32.50

Coin-Operated Laundries \$32.50

Combinations \$65.00
Combined Real Estate, Insurance, Etc.

Commercial Printing \$32.50
Lithographic Printing
Engraving & Plate Printing

Concrete, Gypsum & Plaster Products \$65.00
Concrete Block & Brick
Ready Mixed Concrete
Concrete Products Not Elsewhere
Classified

Confectionery & Related Products \$45.00
Confectionery Products
Chocolate & Cocoa Products
Chewing Gum

Consumer Credit Reporting & Collection \$32.50
Agencies

Convalescent & Nursing Homes \$65.00

Convenience Store \$65.00

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Schedule of Fees (Continued)

<u>Correspondence & Vocational Schools</u>	\$32.50
<u>Craft & Hobby Shops</u>	\$32.50
<u>Custom Tailors</u>	\$32.50
<u>Cut Stone Products</u>	\$65.00
<u>Dairy Products (Manufacturing)</u>	\$65.00
Creamer Butter	
Cheese, Natural & Processed	
Condensed & Evaporated Milk	
Ice Cream & Frozen Desserts	
Fluid Milk	
<u>Dairy Products (Wholesale Distributor)</u>	\$45.00
Milk, Ice Cream & Other Dairy Items	
<u>Dance Hall & Schools</u>	\$32.50
Dance Studios	
<u>Day Care Home (3-6 Children)</u>	\$32.50
(Added 3/5/90)	
<u>Day Care Center (Over 6 Children)</u>	\$45.00
(Added 3/5/90)	
<u>Department Stores</u>	\$65.00
<u>Drapery, Curtain & Upholstery Stores</u>	\$45.00
<u>Drug Stores</u>	\$65.00
Proprietary Stores	
<u>Dry Cleaners</u>	\$32.50
<u>Duplicating, Addressing, Blueprinting</u>	\$32.50
Direct Mail Advertising	
<u>Dyeing & Finishing Textiles (Except</u>	\$95.00
Wood Fabrics & Knit Goods)	
<u>Eating Places</u>	\$45.00
Restaurants	

Sec. 9-113 Schedule of Fees (Continued)

<u>Electrical Companies & Systems</u>	\$65.00
<u>Electric Repair Shops</u>	\$32.50
Radio & Television Repair	
Refrigerator Service & Repair	
Electrical Repair Shops Not Elsewhere Listed	
<u>Electrical Supply Stores</u>	\$45.00
<u>Fabric Mills</u>	\$95.00
<u>Fabricated Structural Metal Products</u>	\$45.00
Sheet Metal Work	
<u>Farm & Garden Supply Stores</u>	\$45.00
Hay, Grain & Feed Stores	
Farm & Garden Supply Stores Not Elsewhere Classified	
<u>Firearm Distributor</u>	\$45.00
(Added 3/5/90)	
<u>Floor Covering Mills</u>	\$95.00
<u>Floor Covering Stores</u>	\$45.00
<u>Florists</u>	\$32.50
<u>Fruit & Vegetable- Truck Sales</u>	\$10.00
<u>Fuel Dealers</u>	\$45.00
Liquid Petroleum Gas Dealers	
<u>Funeral Services</u>	\$65.00
Crematories	
Funeral Homes	
<u>Furniture Stores</u>	\$45.00
<u>Garment, Pressing, Alterations & Repair</u>	\$32.50
<u>Gas Companies & Systems</u>	\$65.00
Gas Production & Distribution	

Sec. 9-113 Schedule of Fees (Continued)

<u>Gasoline Service Stations</u>	\$45.00
<u>General Building Contractors</u>	\$65.00*
<u>Grain Mill Products</u>	\$65.00
Flour & Other Grain Mill Products	
Prepared Feeds for Animals & Fowls	
Cereal Preparations	
Rice Milling	
Blended & Prepared Flour	
Wet Corn Milling	
<u>Grave Stones & Monument Service</u>	\$32.50
<u>Grocery & Specialty Food Stores</u>	\$45.00
Grocery Stores	
Meat & Fish (Seafood) Markets	
Fruit Stores & Vegetable Markets	
Candy, Nut & Confectionery Stores	
Dairy Product Stores	
Retail Bakeries (Baking and/or Selling)	
Miscellaneous Food Stores	
<u>Hardware & Farm Equipment Stores</u>	\$45.00
<u>Health Services</u>	\$32.50
Services Not Elsewhere Classified	
<u>Highway & Street Construction</u>	\$65.00
Paving Construction	
<u>Horticultural Services</u>	\$32.50
Landscaping, Tree Trimming, Etc.	
<u>Hotels, Tourist Courts & Motels</u>	\$125.00
<u>Household Appliance Stores</u>	\$45.00
<u>Household Furniture & Furnishings</u>	\$45.00
Wood Household Furniture	
Upholstered Household Furniture	
Metal Household Furniture	
Mattresses & Bedsprings	
Household Furniture Note Elsewhere Classified	

Sec. 9-113 Schedule of Fees (Continued)

<u>Ice Dealers</u>	\$45.00
<u>Installment Sales Finance Companies</u>	\$130.00
<u>Insurance</u> All Classes	\$15.00* per class
<u>Insurance Agents, Brokers & Services</u>	\$32.50
<u>Jewelry Stores</u> Retail Store Repair Service	\$45.00
<u>Junk Dealers & Junkyards</u>	\$150.00*
<u>Knitting Mills</u>	\$95.00
<u>Labor Unions & Other Labor Organizations</u>	\$65.00
<u>Landscaping Services</u> (Added 3/5/90)	\$32.50
<u>Licensed Small Loan Companies</u>	\$130.00
<u>Literature Sales</u> (See Sec. 9-214)	
<u>Locksmith</u> (Added 3/5/90)	\$32.50
<u>Lumber & Other Building Material Dealers</u>	\$45.00
<u>Machinery (Except Electrical)</u> Farm Machinery Food Products Machinery Special Industry Machinery Miscellaneous Industry Machinery	\$45.00
<u>Mail Order Houses</u>	\$45.00
<u>Meat Products (Manufacturing)</u> Meat Packing Plants	\$65.00

Sec. 9-113 Schedule of Fees (Continued)

<u>Meat/Seafood Truck Sales (Fresh/Frozen)</u> (Amended 7/2/90)	\$150.00*
<u>Mills (Textile)</u>	\$95.00
<u>Miscellaneous Repair Shops & Related Services</u> Welding Repair Armature Rewinding Shops Repair Services Not Elsewhere Classified	\$32.50
<u>Miscellaneous Wood Products</u>	\$95.00
<u>Monument & Grave Stone Service</u>	\$32.50
<u>Mortuary (See Funeral Services)</u>	
<u>Motion Picture Theaters</u> Drive-in Motion Picture Theaters Walk-in Motion Picture Theaters	\$65.00
<u>Motor Vehicle Dealers</u> Aircraft Dealers Boat Dealers Motor Vehicle Dealers Not Elsewhere Classified	\$45.00
<u>Newspaper, Publishing & Printing</u> Magazines	\$45.00
<u>Parade (See Sec. 9-213)</u>	
<u>Parking</u> Parking Lots Parking Structures	\$32.50
<u>Pawnbroker</u> (Amended 5/5/86)	\$250.00*
<u>Peddlers/Itinerant Merchants</u>	\$100.00* Per year
<u>Photographic Studios</u> Commercial Photographers	\$45.00

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Schedule of Fees (Continued)

<u>Plumbing, Heating & Air Conditioning Equipment Dealers</u>	\$45.00
<u>Private Elementary & Secondary Schools</u>	\$32.50
<u>Private Employment Agencies</u>	\$45.00
<u>Professional Sports Clubs</u>	\$32.50
<u>Professional Services</u> Accountant, Auditors, Chiropractors, Dentists, Engineers, Lawyers, Physicians Other Professional Services Not Elsewhere Classified	\$100.00
<u>Public Exhibitions</u>	\$75.00*
<u>Radio, Television & Music Stores</u>	\$45.00
<u>Real Estate Agents, Brokers & Managers</u>	\$32.50
<u>Restaurants</u>	\$45.00
<u>Retail Stores</u> Cigar Stores & Stands News Dealers & Newsstands Hobby, Toy & Game Shops Camera & Photographic Supply Stores Gift, Novelty & Souvenir Shops Miscellaneous Retail Stores Not Elsewhere Classified	\$45.00
<u>Reupholsters & Furniture Repair</u>	\$45.00
<u>Rooming & Boarding Houses</u>	\$32.50
<u>Sawmills & Planing Mills</u> Millwork	\$95.00
<u>Schools & Educational Services</u> Services Not Elsewhere Classified	\$32.50
<u>Scrap & Waste Materials</u>	\$45.00

Sec. 9-113	<u>Schedule of Fees (Continued)</u>	
	<u>Security Brokers & Dealers</u>	\$45.00
	<u>Seamstress/Tailoring</u> (Added 3/5/90)	\$32.50
	<u>Shoe Repairs, Shine & Hat Cleaning</u>	\$32.50
	<u>Small Loan Companies</u>	\$130.00
	<u>Soft Drinks</u> (See Bottled & Canned Drinks)	
	<u>Special Trade Contractors</u>	\$45.00*
	Plumbing, Heating, Air Conditioning	
	Painting, Paper Hanging, Decorating	
	Electrical Work	
	Masonry and Other Stone Work	
	Plastering & Lathing	
	Terrazzo, Tile, Marble, Mosaic Work	
	Floor Laying & Floor Work	
	Roofing & Sheet Metal Work	
	Concrete Work	
	Water Well Drilling	
	Structural Steel Erection	
	Ornamental Metal Work	
	Glass & Glazing Work	
	Wrecking & Demolition Work	
	Installing Building Equipment	
	Special Trade Contractors Not Elsewhere Classified	
	<u>Sporting Goods Stores</u>	\$45.00
	<u>Stores</u> (See Specific Heading)	
	<u>Surveyors</u>	\$45.00
	<u>Tailoring/Seamstress</u> (Added 3/5/90)	\$32.50
	<u>Taxi Service</u> Chauffer Services	\$32.50
	<u>Tire, Battery & Accessory Dealers</u>	\$45.00

Sec. 9-113 Schedule of Fees (Continued)

<u>Title Abstract Companies</u>	\$32.50
<u>Trailer Dealer</u>	\$45.00
<u>Trailer Parks & Camps</u>	\$32.50
<u>Tree Surgeon</u> (Added 3/5/90)	\$32.50
<u>Trucking Company</u> Local Trucking without Storage Long Distance Trucking	\$45.00
<u>Truck Sales of Meat/Seafood (Fresh/Frozen)</u> (Added 3/5/90)	\$150.00*
<u>Uniform Companies</u>	\$32.50
<u>Used Car Dealer</u> (See Automobile Dealers)	
<u>Variety Stores</u>	\$45.00
<u>Vending Machine Operators</u>	\$32.50
<u>Video Shop</u>	\$45.00
<u>Water Softener Installation</u> (Added 3/5/90)	\$32.50
<u>Wholesale Drugs</u> Drug, Proprietaries & Sundries Chemicals & Allied Products Not Elsewhere Classified	\$65.00
<u>Wholesale Electric & Electronic Goods & Parts</u> Electrical Apparatus & Equipment Electrical Appliances, TV, & Radio Electronic Parts & Equipment	\$65.00
<u>Wholesale Florist</u> (Added 3/5/90)	\$32.50

Sec. 9-113 Schedule of Fees (Continued)

<u>Wholesale Groceries</u>	\$45.00
Groceries, General Line	
Frozen Food	
Dairy Products	
Poultry & Poultry Products	
Confectionery	
Fish & Seafood	
Meats & Meat Products	
Fresh Fruits & Vegetables	
Groceries & Related Products Not Elsewhere Classified	
<u>Wine - Retail Distributor</u>	\$200.00*
<u>Wine – Wholesale Distributor</u>	\$100.00*
<u>Yarn & Thread Mills</u>	\$95.00

*See Additional Requirements

**AN ORDINANCE TITLED,
"LICENSING THE DISTRIBUTION AND SALE OF ALCOHOLIC BEVERAGES AND
LIQUORS, MALT BEVERAGES AND WINES IN THE CITY OF WOODBINE,
GEORGIA" AND DELETE ORDINANCE SECTIONS 9-201 AND 9-202**

WHEREAS, the Mayor and City Council of the City of Woodbine desire to revamp the existing Woodbine Alcohol Ordinance Sections to comply with new federal and state laws,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WOODBINE, as follows:

City of Woodbine Code of Ordinance Sections 9-201 and 9-202, Licensing the distribution and sale of alcoholic beverages and liquors, malt beverages and wines in the City of Woodbine, Georgia, adopted January 6, 1986 and amended from time to time, is hereby deleted and replaced with the following:

Section 9-200 Alcoholic Beverage, Malt Beverage and Wine Ordinance

9-1 Short Title

This Ordinance shall be known and may be cited as the "Alcoholic Beverage, Malt Beverage and Wine Ordinance of the City of Woodbine."

9-2 Definitions

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

Alcoholic Beverage "Alcoholic Beverage" means and includes all alcohol, distilled spirits, malt beverages, wine or fortified wine.

Building "Building" shall mean any structure having a roof supported by columns or walls intended for shelter, housing or enclosure of persons.

Council "Council" shall mean the City Council of the City of Woodbine.

Consumption on Premises "Consumption on Premises" shall mean the sale or offering to sell alcoholic beverages, malt beverages or wine for consumption on premises at retail only to consumers and not for resale. The license issued to such person shall be known as a "Consumption on Premises License."

Department

“Department” shall mean the Department of Revenue, State of Georgia.

Distilled Spirit

"Distilled Spirits" shall mean all beverages containing any alcohol obtained by distillation or containing more than twenty-one (21%) percent alcohol by volume including, but not limited to, all fortified wines.

Fortified Wine

Any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

Gallon or Wine Gallon

"Gallon or wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

Individual

“Individual” shall mean a natural person.

Keg

Barrel or bulk containers of malt beverage commonly known as tap or draft beer.

License Officer

"License Officer" is the chief administrative officer of the City of Woodbine in charge of licenses issued pursuant to this Ordinance.

Licensed Premises

"Licensed Premises" shall mean the building and real property described in the license application as approved by the City Council where the sale of alcoholic beverages, malt beverages, or wines, for consumption on premises, is permitted to be sold.

Licensed Retailer

"Licensed Retailer" shall mean any person (not a producer) selling or offering to sell alcoholic beverages, malt beverages or wine in an original package not for consumption on the premises where sold and holding a valid license issued by the City of Woodbine and the State of Georgia.

Licensed Wholesaler

"Licensed Wholesaler" shall mean any person (not a producer) who sells or offers to sell alcoholic beverages, malt beverages or wine for purposes of resale to Licensed Retailers, to Licensed Wholesalers, or to persons holding a "Consumption on Premises License."

Malt Beverages

"Malt Beverages" shall be defined to mean any alcoholic beverages obtained by fermentation of any infusion or decoction of barley, malt, hops, or any similar product, or any combination of such product in water, containing not more than six (6) percent alcohol by volume.

Package

"Package" means a bottle, can, keg, barrel or other original consumer container, as delivered by a Licensed Wholesaler to Licensed Retailer.

Person

"Person" shall mean an individual, firm, partnership, corporation, association, company, agency, syndicate, estate, trust, business trust, receiver, fiduciary or any combination acting as a unit, body politic, or political subdivision whether public, private or quasi-public.

Retail Consumption Dealer

"Retail Consumption Dealer" shall mean any person who sells or offers to sell alcoholic beverages, malt beverages or wine for consumption on the Licensed Premises.

Taxpayer

"Taxpayer" means any person made liable by law to file a return or to pay tax.

Wine

"Wine" means all alcoholic beverages containing not more than twenty-one (21%) percent alcohol by volume made from fruit, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Wine" includes, but is not limited to, all sparkling wines, champagnes, and combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

9-3 In Certain Retail Establishments Only - For Consumption on Premises

Alcoholic beverages, wine or malt beverages shall not be sold at retail for Consumption on Premises except in the following types of businesses:

- a. In restaurants, other than fast food restaurants, serving prepared food which is offered to the general public and where chairs, tables and counters are provided to seat and serve fifteen (15) or more persons. Such establishments shall be located in zoning districts which permit restaurants and shall meet the following criteria:
 - 1) Where meals with substantial entrées selected by patrons are served;
 - 2) Has adequate facilities and sufficient full-time employees to prepare, cook and serve meals for consumption at tables in a dining room located in the Licensed Premises; and
 - 3) Derive at least fifty (50%) percent of its total annual gross income from the sale of meals prepared, cooked and consumed on the Licensed Premises as determined by totaling all of combined retail outlets located on the Licensed Premises.

For the purpose of this Ordinance, a fast-food restaurant is defined as a restaurant that derives more than fifteen (15%) percent of its sales by use of a carry-out window serving persons outside the building, who are either on foot or who are the occupants of motor vehicles.

- b. In hotels or motels, kept, used, maintained, advertised and held out to the general public to be a place where food is served and consumed, and sleeping accommodations are offered for adequate rates to travelers and guests, whether transient, permanent or residential, in which fifteen (15) or more rooms are used for sleeping accommodations for guests, and having one or more public dining rooms, with an adequate and sanitary kitchen and with a seating capacity for at least fifteen (15) people; and which have a license issued by the State of Georgia. In lounges that are located within a hotel or motel and have seating accommodations for not less than fifteen (15) persons and where access to the lounge is located through the hotel or motel restaurant.
- c. In private clubs organized and existing under the laws of the State of Georgia as a bona fide association of individuals organized for fraternal purposes, conducted solely for the benefit of its members and their beneficiaries, and only operated on the lodge system with ritualistic form of work, having a representative form of government and at least twenty-five (25) regular members paying monthly dues, where no part of the net earnings of which shall inure to the benefit of any shareholder or member, provided further that no member, officer or agent, or employee of the club is compensated, directly or indirectly, by any form of commission or other compensation based on the amount of profit from the sale of alcoholic beverages, malt beverages or wine beyond the amount of such salary as may be fixed by its members or by its governing body out of the general revenue of the club. For the purpose of this subsection, tips which are added to the bills under club regulations shall not be considered as profits hereunder.
- d. In golf course clubhouses. Malt beverages and wine for consumption on premises may also be sold in the clubhouse, refreshment stands or beverage carts located within the boundaries of the golf courses.

- e. In bowling alleys, provided that the following rules and regulations are followed:
1. No alcoholic beverages will be served in the bowling alley, except through a service window and then only when delivered directly to the customer at that location;
 2. No alcoholic beverages will be consumed in the area of the bowling lanes, but only in a seating area set aside for spectators located separately and apart from the bowling lanes; and
 3. No alcoholic beverages will be served in any part of the bowling alley prior to 6:00 p.m. Monday through Saturday.

9-3.1 Unlawful Practices

It shall be unlawful for any licensee holding a license for the sale of alcoholic beverages of any kind who derives more than 20 percent of their gross annual income from the sale of such alcoholic beverages to permit, perform, promote, advertise, stage, suffer, or in any way to allow any person to expose specified anatomical areas or engage in specified sexual activities in, on or about the licensed premises.

Definitions:

As used in Section 9-3.1, these terms shall have the following meanings:

- a. 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.
- b. Specified sexual activities means and shall include any of the following:
- 1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral and 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, zooerasty; or
 - 2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - 3) Use of human or animal ejaculation, sodomy, or 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 and lewd touching, fondling or other sexual contact with an animal by a human being; or

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

9-4 Sale of Distilled Spirits and Fortified Wine - Not for Consumption on Premises

No packaged sales of distilled spirits for off-premise consumption shall be allowed in the City.

9-5 Sale of Malt Beverages and Wine - Not for Consumption on Premises

No malt beverages or wines shall be sold at retail except as follows:

- a. In retail stores devoted principally to the sale of groceries and food products to the general public and located in zoning districts in which food or convenience stores are permitted as a conforming use or in districts where existing food or convenience stores exist as a nonconforming use. In order for a store to be devoted principally to the sale of groceries and food products, the building must contain at least one thousand (1,000) square feet and sixty (60%) percent of the retail floor area of the building must be devoted exclusively to the sale of groceries or related grocery items. For the purpose of this Ordinance, groceries and related grocery items are defined so as to exclude any drinks containing any amount of alcohol.
- b. In a facility duly licensed by the City of Woodbine to sell at retail wine and malt beverages in the original unbroken package.
- c. In a marina providing space to secure moorings for boats, motorboats and yachts and offering or supplying repairs, fuels, refreshments and other facilities.
- d. All licensees selling kegs of malt beverage shall, at the time of the sale of such, record the serial number of the keg along with the name and address of the buyer. Further, the licensee shall require the buyer to provide documentation, in the form of a driver's licenses, etc., to verify the identity of the buyer. Said record shall be maintained for a period of six (6) months, and shall be provided to the Camden County Sheriff's Department upon request. For purposes of this subsection, the form utilized by the Georgia Department of Revenue, Alcohol and Tobacco Division, properly filled out, shall be sufficient to satisfy the information retention requirements herein.

9-6 Hotel In-Room Service License

Any hotel, motel, inn or other establishments which meets the requirements set out in Section 9-3.b and which has been licensed by the State of Georgia, is hereby authorized to provide in-room service as defined in this section. In order to qualify for a hotel-in-room service, the applicant must satisfy the following requirements:

- a. Applicant must be the current holder of a retail dealer license, or a retail consumption dealer license; provided, however, the applicant may only qualify for a hotel in-room service for the type of alcoholic beverage for which applicant holds a current license.

- b. Applicant shall apply on a form provided by the City of Woodbine specifying the type of in-room service license sought (beer, wine, distilled spirits or any combination thereof) together with any other forms, documentation, or other information required by the City Council.
- c. A hotel in-room service licensee shall be authorized to deliver alcoholic beverages, either by the package or by the drink, if the hotel holds a valid in-room service license, by a hotel employee to a registered guest's room when such distilled spirits, malt beverages or wine have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages, at the time of the delivery; provided further, however, such sale shall be evidenced by a signed receipt indicating which guest ordered the alcoholic beverages and showing the identification information for that guest, as well as, the identification and quantity of alcoholic beverages, malt beverages and wine actually delivered.
- d. All hotels having in-room service shall comply with all requirements promulgated by the Department of Revenue of the State of Georgia dealing with storage of alcoholic beverages and records required to be maintained in order to provide hotel in-room service.
- e. Nothing contained in this Ordinance shall be construed to restrict or prohibit possession of alcoholic beverages by hotel guest in quantities otherwise permitted by O.C.G.A., Title 3.

9-7 Hours of Sale

The following hours of sale are hereby established for the sale of alcoholic beverages, malt beverages or wine:

- a. Licensed Retailers shall not sell distilled spirits in the package for hotel in-room service, at any time on Sundays or on any other day during the hours of 2:01 a.m. and 6:00 a.m.
- b. Licensed Retailers shall not sell wine or malt beverages in the package for consumption off the premises, or hotel in-room service, at any time on Sunday or on any other day between the hours of 2:01 a.m. and 6:00 a.m.
- c. Licensed Retailers shall not sell alcoholic beverages, malt beverages or wine sold for consumption on the premises, at any time on Sundays or on any other day of the week between the hours of 2:01 a.m. and 6:00 a.m.
- d. Alcoholic beverages either in the unbroken package or by the drink for consumption on premises, may be sold on a primary or election day; provided, however, that no such sale shall take place within 250 feet of a polling place or of the outer edge of any building within which such polling place is established during such time as the polls are opened.

9-8 Required for Sale or Possession for Sale and Possession for Consumption On Premises

- a. It shall be a violation of this Ordinance for any person to sell or possess for the purpose of sale, alcoholic beverages, malt beverages or wine when such person does not hold a valid license

issued by the City of Woodbine and the State of Georgia to sell or possess for sale such items. It shall also be a violation of this ordinance for any business required to purchase a business license under Chapter 9 of the Code of Ordinances, Woodbine, Georgia to permit any person to consume alcoholic beverages of any kind on the premises of such business without first securing an alcoholic beverage license as provided for herein.

b. Subject to the exceptions as hereinafter set forth, it shall be unlawful for a person, business, establishment, or employee thereof, which imposes, collects, or charges any admission charge, ticket charge, entertainment fee, cover charge, setup or mixer charge, or contribution and which is not licensed under this chapter for on-premises consumption to permit any container of alcoholic beverages to be possessed or consumed by any guest, patron, or customer while on such premises. It is the intent and purpose of this provision to prohibit the operation of bottle clubs and brown bagging establishments which do not obtain and hold a valid on-premises consumption license.

c. Such prohibition shall not, however, apply to activities or events sponsored or conducted by bona fide non-profit civic or service organizations on an occasional basis which has been licensed by the State of Georgia.

9-9 Application on Form Prescribed by City Council

Any person desiring to sell alcoholic beverages shall make application therefore on a form to be furnished by the City of Woodbine, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits and other supporting data as required thereby. Any knowingly, untrue, misleading or omitted statement or information contained in any such application shall be cause for denial or suspension and if a license has been granted, shall be cause for revocation of the same. Each application shall be filed together with a certified check or cashier's check in payment of the license fee, and if an initial application, the investigation fee required by Section 9-12 of this ordinance. The application shall contain the following information:

a. Where the owner of such business is an individual (a natural person), the application shall be made in that name and the complete address of the applicant, together with applicant's social security number, shall be listed.

b. Where the applicant is a domestic corporation lawfully registered and doing business under the laws of the State of Georgia, or any foreign corporation lawfully registered under the laws of the State of Georgia to do business in this State, the applicant may be permitted to apply for such license in the name of the corporation as registered in the Office of the Secretary of State. The applicant shall provide the Licensing Officer with the name of its agent authorized to receive service of process under the laws of this State and also provide the Licensing Officer with the address of its registered office.

- c. The written application for a license on file in the City of Woodbine shall be a permanent record which the licensee must maintain current with correct information at all times. The failure to maintain a current license application shall be grounds for revocation of a license.
- d. The Council may, in the exercise of its discretion, require a Personnel Statement as to any employee or agent of an applicant for licensing purposes.
- e. The license application shall require the disclosure of any conviction of a felony of the owner, agent or any proposed employee for any offense under Federal, State or local law involving moral turpitude.
- f. The license application shall require the disclosure of any conviction of a misdemeanor of the owner, agent or any proposed employee for any offense under Federal, State or local law involving alcoholic beverages, malt beverages and wine, in any form; gambling or tax law violations.
- g. The license application shall list the names of any persons having financial interest in the operation of a Proposed Licensed Premises or control over or ownership interest in such Proposed License Premises. Such persons must meet the same requirements as set forth in this Ordinance for the licensee.
- h. The license application shall contain a statement as to whether applicant holds any other license for the sale of alcoholic beverages, malt beverages or wine, and the location thereof.
- i. If the Proposed Licensed Premises is not in existence or requires substantial renovation, the applicant shall submit a detailed set of plans and working drawings showing the exact location of the Proposed Licensed Premises and the construction proposed to be carried out by the applicant and the anticipated time for completion of said construction or renovation.
- j. As a prerequisite to the issuance to any license, the applicant shall furnish a complete set of fingerprints of the applicant or any managing officer. Upon written recommendation of the City Administrator this requirement may be waived by the License Officer.
- k. Such other information as the City Administrator under the direction of the City Council may require.
- l. The application submitted shall include three references. These references shall not be relatives or current or future employees of the applicant.

9-10 Consideration for a License

In determining whether or not any license applied for hereunder shall be granted, in addition to all other provisions of the Ordinance, the following shall be considered in the public interest and welfare:

- a. The applicant's reputation, character, and mental capacity to conduct this business, personal associations, record of arrest or reputation in any community in which he or she has resided, and whether or not applicant is likely to maintain the operation of the business for which he or she is seeking a license in conformity with Federal, State or local laws.
- b. If applicant is a previous holder of a license to sell alcoholic beverages, malt beverages and wine, whether or not he has violated any law, regulation or ordinance relating to such business.
- c. If applicant is a previous holder of a license to sell alcoholic beverages, malt beverages or wine, the manner in which he conducted the business thereunder as it pertains to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business; and
- d. Whether a person has previously had a similar license suspended or revoked and the reason therefore.
- e. The City Council shall also give consideration to such other factors as may affect the health and general welfare of the incorporated area of the City of Woodbine, to include the type of license applied for, the effect that license will have on schools, public parks and churches in the area, the effect the granting of the license will have on existing land uses in the area, the character of the area and its peculiar suitability for the particular use sought, and the congestion of roads and streets. These items shall receive reasonable consideration with a general view of promoting desirable living conditions, and sustaining the stability of neighborhood property values.
- f. When any application is denied or any license is revoked because of a decision by the City Council that such license or application fails to meet any of the factors or requirements of subsection (e) of this section or in any case where such a decision was made because of the undesirability of the location itself, no application can be made until at least one year has elapsed from the date the previous application was denied or revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal.
- g. When any application is denied or any license is revoked because of a decision by the City Council that such licensee or applicant fails to meet the requirements of subsections (a) through (d) of this section or in any case where such a decision was made because of the ineligibility of the applicant to receive or the licensee to retain an alcoholic beverage license, that applicant or former licensee may not apply for an alcoholic beverage license

in the City of Woodbine until at least one year has elapsed from the date the previous application was denied or revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal.

9-11 Persons Prohibited from Holding Licenses

Licenses shall not be issued to:

- a. A person who is not a citizen of the United States.
- b. A person who has in Georgia or any other jurisdiction been convicted of a misdemeanor or a violation of a municipal or county ordinance involving driving under the influence of intoxicants or drugs, or who has pled nolo contendere or forfeited bond in connection with any such charge of the same within the preceding two (2) years.
- c. A person who has in Georgia or any other jurisdiction been convicted of a felony, or who has pled nolo contendere or forfeited bond in connection with any charge of the same within the preceding five (5) years.
- d. A person who has been convicted or pled nolo contendere or forfeited bond for a violation of a law or ordinance pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance within the preceding five (5) years.
- e. A partnership, unless all partners qualify.
- f. A person whose place of business is managed, operated or owned by a person who could not acquire a license hereunder, except as to the residence requirements herein above provided.
- g. Any person whose license to sell alcoholic beverages, malt beverages and wine has been revoked by any licensing authority, during the immediately preceding five (5) years.

9-12 Processing Application

a) All applications filed with the License Officer after investigation of the fitness of the applicant and the proposed location shall be approved or disapproved by the City Council at a public meeting. In cases where applications are disapproved, the Clerk of the City of Woodbine shall return the amount of the fee submitted with the application to the applicant (excluding in the case of a new application, the investigative fee). In cases where such applications are approved by the Council, the Council shall issue a proper license to the applicant authorizing the applicant to engage in the particular business and at the particular location applied for. All new license applications shall, in addition to the license fee, include a non-refundable fee in the amount of \$250.00 to cover the cost of the investigation into whether or not applicant should be granted the license applied for.

b) Copies of each application received shall be forwarded to the following offices: (1) Building Inspector's Office; (2) Police Chief; (3) Planning and Zoning Director; and (4) if a hotel, motel restaurant, lounge, or private club to the Camden County Health Department for their recommendations.

c) Notice of the public hearing on the application for the license shall be published once a week for two (2) weeks in the official newspaper of the City of Woodbine wherein legal advertisement are published. After the application is complete and all information is received by the License Officer, a public hearing will be scheduled on the application by the Council. In addition, if the proposed location does not have an existing license, a sign shall be posted by the License Officer on premises at least fifteen (15) days prior to the public hearing.

c) The City Council shall have full power to determine whether the applicant for a license under the provisions of this Ordinance is a fit and proper person to operate the type of business involved, and whether the location of such business is proper and in the best interest of the City of Woodbine, and the City Council's determination of these requirements shall be final, except where a right of appeal exists under applicable law.

d) An approved application for an alcohol license by the Woodbine City Council shall be temporary in nature until the applicant receives a valid state license. The license shall become permanent until the noted expiration when the applicant provides the city with a copy of the valid state license. In the event the license is denied by the state or a copy of the state license is not submitted to the City of Woodbine within forty-five (45) days of City Council approval, the City of Woodbine alcohol license shall become void immediately.

e) All decisions denying, suspending, or revoking such license shall be in writing, with the reasons therefore stated, and mailed or delivered to the applicant personally within 30 days from such decision.

9-13 Initial License

a) Before an initial license shall be issued to the applicant, the applicant must file a complete application which shall include a valid State application with all the questions answered.

b) All persons making an application for an initial license shall be notified of the requirement to attend the hearing on such application and to answer such questions and provide such information as the City Council deems necessary and proper. If the applicants fail to appear at such hearings, the application shall be deferred to the next meeting. If the applicant fails to appear at the next meeting, the application shall be treated as having been withdrawn.

c) If the application is filed prior to July 1 of a particular license year, the full license fee shall be paid. If the application is filed after July 1, the license fee shall be one-half the

amount of the normal license fee charged for the entire year. The investigation fee shall not be prorated.

9-14 Fee Scale

Before such license shall be granted, the applicant shall pay a regulatory fee in accordance with the following scale.

- a) Wholesale dealers of distilled spirits, having a place of business located in the City of Woodbine, \$1,500.00 per year.
- b) Wholesale dealers of wine, having a place of business located in the City of Woodbine, \$1,500.00 per year.
- c) Wholesale dealer of malt beverages, having a place of business located in the City of Woodbine, \$1,500.00 per year.
- d) Retail dealers of wine and malt beverages in the original package, not to be consumed on premises at the same location where the wine may be unchilled, chilled, iced or refrigerated, \$1,500.00 per year.
- e) Retail dealers of distilled spirits where the same is sold by the drink to be consumed on the premises, \$1,500.00 per year.
- f) Retail dealers of wine and malt beverages where the same is sold by the drink to be consumed on the premises, \$1,500.00 per year.
- g) A combination retail dealer license to sell distilled spirits, wine and malt beverages, where the same is sold by the drink to be consumed on the premises, \$2,500.00 per year.
- h) The manufacturer of alcoholic beverages whose plant is located in the City of Woodbine, \$3,500.00 per year.
- i) Hotel in-room service licensees shall pay an additional license fee in an amount equal to the fee charged to a Licensed Retailer for each type of alcoholic beverage served.
- j) Non-profit private clubs who sell distilled spirits, malt beverages and wine to be consumed on the premises, \$550.00 per year.

9-15 Expiration; Renewal

All licenses granted hereunder shall expire on December 31 of each license year. Licensees who desire to renew their license shall file the alcohol license renewal application together with the requisite fee with the City Administrator on the form provided for renewal of a license for the ensuing year. Applications for renewal must be filed on or before November 1 of each year, otherwise no license, except for cause as approved by Mayor and Council, shall be renewed. If a

license is not renewed in a timely manner, the application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of license to the same extent as if no previous license had been held.

9-16 Required Distance of Place of Business from School, College Campus, a Fee Simple Ownership Church, Playground, Alcohol Treatment Center, Housing Authority Property

- a. No license shall be issued for the sale, either at retail or wholesale, of packaged alcoholic beverages where the proposed Licensed Premises would be located within 300 feet of any school, college campus, a fee simple ownership church, playground, Alcoholic Treatment Center owned and operated by this state or any county or municipal government therein, or Housing Authority Property, as measured in a straight line from the closest point of the building housing the school, church or Alcohol Treatment Center or the closest property line of the college campus, playground or Housing Authority Property to the closest point of the building housing the proposed Licensed Premises. A school referred to in this section shall mean a State or County school, or private schools (including church schools) which normally teach the same subjects as commonly taught in public schools.
- b. No license shall be issued for the consumption on premises of alcoholic beverages where the proposed Licensed Premises are located within 300 feet of any school, college campus, playground, Alcoholic Treatment Center owned and operated by this state or any county or municipal government therein, or Housing Authority Property; or 150 feet of any fee simple ownership church as measured in a straight line from the closest point of the building housing the school, church or Alcohol Treatment Center or the closest property line of the college campus, playground or Housing Authority Property to the closest point of the building housing the proposed Licensed Premises.
- c. Nothing contained in this Section shall prohibit the issuance of a license to an existing Licensed Premises, licensed under this or any proceeding Ordinance during the preceding twelve (12) months.

9-17 Leased Premises

In the event premises for which a license is sought is part of a larger parcel of land, which would not qualify for a license, because of the proximity to school, college, church or recognized place of a worship as defined in Section 9-16 of this Ordinance, a license may nevertheless be issued by the Council, provided the applicant meets the following additional requirements:

- a) The owner of the larger tract of land does not own or have a direct or indirect financial interest in the business sought to be licensed (other than the payment of rents). The lease does not require the lessee to pay to the lessor a percentage of profits based upon the amount of sales.
- b) The owner has agreed to lease the premises to applicant for a period of at least one year.

- c) The lease in the opinion of the Council is an arm's length transaction.
- d) The Leased Premises, as described in the application, if they were owned by applicant, would meet the requirements of Section 9-16 of this ordinance, whereby the Leased Premises would be at least:
1. 300 feet from any school, college campus, a fee simple ownership church, playground, Alcoholic Treatment Center owned and operated by this state or any county or municipal government therein, or Housing Authority Property; as measured in a straight line from the closest point of the building housing the school, church or Alcohol Treatment Center or the closest property line of the college campus, playground or Housing Authority Property to the closest point of the building housing the proposed Licensed Premises for the sale, either at retail or wholesale, of packaged alcoholic beverages; or
 2. 600 feet from any school, college campus, playground, Alcoholic Treatment Center owned and operated by this state or any county or municipal government therein, or Housing Authority Property; or 150 feet from any fee simple ownership church as measured in a straight line from the closest point of the building housing the school, church or Alcohol Treatment Center or the closest property line of the college campus, playground or Housing Authority Property to the closest point of the building housing the proposed Licensed Premises for the consumption on premises of alcoholic beverages.
- e) The Leased Premises do not exceed fifty percent (50%) of the land area or larger parcel of land.
- f) The lease is not between any of the following parties:
1. Person related by blood or marriage;
 2. Affiliated companies or corporation;
 3. Officers, director, and stockholders (including family members) of a corporation and a corporation;
 4. Persons who have no other financial or business relationship between themselves.

9-18 Display at Place of Business

The City of Woodbine License shall at all times be displayed in plain view at the Licensed Premises.

9-19 Transferability

No license for the sale of alcoholic beverages shall be transferred from one location to another. No license for the sale of alcoholic beverages shall be transferable from one party to another.

9-20 Refund

No fees paid for an alcoholic beverage license shall be refunded whether partially or in full once the license is issued.

9-21 License Granted Only after Licensed Premises Receives a Certificate of Occupancy

No license other than a provisional license shall be granted under this Ordinance until the business establishment referred to in the license application has been granted a Certificate of Occupancy by the City of Woodbine. A provisional license will be issued by the City Council to the applicant for a location not previously licensed, provided reasonable assurances are given to the City Council that the applicant promises, when all work is completed, will fully comply with this Ordinance, the City of Woodbine Zoning Ordinance and the City of Woodbine Building Codes. The provisional license for a new location shall not entitle the applicant to sell alcoholic beverages until such time as the necessary work has been inspected and approved by all city or county agencies having jurisdiction thereof, a Certificate of Occupancy has been issued by the City of Woodbine and the applicant has been issued a valid State License. When all necessary approvals have been obtained, the City Administrator or the License Officer shall issue the license previously applied for and approved by the Council.

9-22 Consumption on Premises and Package License

A license holder may apply for and obtain both the license for sales in original package except for distilled spirits and for consumption on the premises, but the sale of such items must be in separate establishments having independent entrances. This section shall not apply to hotel in-room service.

9-23 Compliance with Applicable Laws Necessary

Each licensee shall comply with all applicable rules, regulations, laws and statutes of the State of Georgia, and all local ordinances, and shall, in addition thereto or in furtherance thereof:

- a) Prohibit the sale or serving of alcoholic beverages in automobiles or other vehicles, or anywhere outside the main building or accessory thereto in which the business of such licensee is operated, except as provided for in Section 9-3.e of this ordinance;
- b) Strictly adhere to the laws of the State of Georgia respecting the sale of alcoholic beverages to minors, intoxicated persons or habitual drunkards. The term "minor" shall be construed in accordance with O.C.G.A. § 3-3-23 et. seq. as now or hereafter amended.
- c) Shall keep the Licensed Premises free and clear of cans, bottles, paper and other debris;

d) No one other than the holder of the license for consumption on the premises, except for a hotel, motel or inn, during normal business hours, shall carry into any Licensed Premises any alcoholic beverages in the original package, the seal of which has been broken or the original package opened;

e) The holders of license for Consumption on the Premises shall not knowingly permit the purchaser to carry off the Licensed Premises any alcoholic beverage;

f) The licensees shall not sell to, give away, or permit the consumption of alcoholic beverage by any minor as that term is defined by O.C.G.A. § 3-3-23 et. seq. or by any person who is mentally incompetent.

g) Every licensed consumption dealer and retail dealer selling alcoholic beverages must display a sign warning customers that it is a violation of City of Woodbine Ordinances to have an open container or broken package containing alcoholic beverages in any motor vehicle. The City of Woodbine shall furnish such signs and the sign furnished must be prominently displayed at or near the entrance to where alcoholic beverages are sold. In addition, the sign must be displayed so as to be readily visible, in a well-lighted area and safe from being defaced or destroyed.

9-24 Employment of Minors Restricted

(a) No licensee hereunder shall employ any minor in his establishment; provided, however, that in hotels, motels, and restaurants as defined herein, minors eighteen (18) years of age or below may be employed where their duties are not in any way involved with the preparation of, taking orders for, selling, or the service of any alcoholic beverages; provided that musicians and other entertainers eighteen (18) years of age or below may provide professional entertainment in the Licensed Premises with permission of the City Administrator.

(b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages, malt beverages or wine which are sold for consumption off the premises.

9-25 Revocation Hearing

Each license issued pursuant to this Ordinance is granted as a mere privilege and not a right. Upon violation of any provision of this Ordinance or of any law or regulation of the State relating to alcoholic beverages, malt beverages and wine, the City Council, at a regular or specifically called meeting, after reasonable written notice of the pending violations to the license and after said licensee has been afforded an opportunity to be heard as to the proposed grounds for revocation, may revoke or suspend the license. When a license is revoked or suspended, no portion of the license fee shall be refundable.

The City Administrator, may temporarily suspend any license involving the sale of alcoholic beverages if the manner of operation poses a serious safety or health hazard, for a period not to exceed thirty (30) days pending a hearing and final action by the City Council.

9-26 Denial, Suspension or Revocation of a License

The City Council may deny, suspend, revoke, or refuse to renew any license required under this Ordinance if:

- a. The license application is not filed in good faith or is filled by some person as a subterfuge for any other person.
- b. Any applicant for a license or any license under this Ordinance willfully fails to comply with any provision of this Ordinance or with rules and regulations adopted by the City Council.
- c. Any person to whom a license has been issued is no longer engaged in the sale of alcoholic beverages, malt beverages, malt beverages or wine, or no longer qualifies as a licensee under this Ordinance.
- d. In the event applicants permit the Licensed Premises to be operated in a disorderly manner so as to constitute a public nuisance after (i) applicant has been advised in writing by the City Administrator of the unsatisfactory manner in which the business is being operated and (ii) after applicant has been given a reasonable opportunity to cure said deficiencies.

9-27 Notice of Hearing

All decisions approving, denying, suspending or revoking such licenses shall be in writing, with the reasons therefore stated, and mailed or delivered to the applicant personally. Within thirty (30) days of any such decision, any applicant or license holder aggrieved by the decision of the City Council regarding a license shall be afforded by a public hearing with an opportunity to present evidence and cross-examine opposing witnesses if requested by such applicant in writing filed with the City Clerk within thirty (30) days of the decision from which relief is sought.

9-28 Limitations as to Nature of Business

Upon and after the date of the adoption of this Ordinance, no future original alcoholic beverage, malt beverage or wine license of any type shall be issued to a business or person that does not meet the standards set out in this Ordinance. It is further provided that any location heretofore licensed to operate any of the businesses described herein, wherein a different method of ascertaining minimum distances was used, or other requirements imposed, may continue to operate such business at the present location, without being deemed in violation of this Ordinance.

9-29 Retailer to Purchase from Licensed Wholesaler Only

No retailer shall purchase for use at licensed place of business, any alcoholic beverages, malt beverages, or wine from any person, firm or corporation other than a wholesaler licensed by the

State of Georgia. No wholesaler shall sell any alcoholic beverages, malt beverages or wine to anyone other than a retailer licensed under this Ordinance.

9-30 Excise Tax on Wholesale Alcoholic Beverages

- a) City of Woodbine by this Ordinance pursuant to O.C.G.A. § 3-4-80 does hereby levy and excise tax on the sale of alcoholic beverages by licensed wholesalers I the amount of twenty two cents per liter on a proportionate tax at like rates on any fractional part of a liter on distilled spirits and alcoholic beverages (i.e. spirituous liquors), excluding fortified wine.
- b) Every licensed wholesaler shall file a monthly report with the City Administrator on a form prescribed by the City Council, which form shall set forth the total quantity of distilled spirits and alcoholic beverages sold during such month and shall have attached to it legible copies of all invoices covering said sales. Such monthly report shall be filed no later than the 15th day of the next month following the month of sale. The report shall be accompanied by a local check or cashier's check in the full amount of the tax due.
- c) There is hereby imposed a penalty equal to ten (10%) percent of the taxes due on each licensed wholesaler who fails to file a timely report and pay the tax due. If the City Administrator with the concurrence of the City Attorney, determines that the tax deficiency or any part thereof is due to fraud with intent to evade the tax, the City Council may assess a penalty equal to fifty (50%) percent of the tax assessed. The failure to pay the tax provided for in this section shall constitute sufficient cause for the revocation of any license issued under this Ordinance.

9-31 Excise Tax on Distilled Spirits by the Drink

- a) City of Woodbine pursuant to O.C.G.A. § 3-4-130 does hereby levy an excess tax on the sale of alcoholic beverages by the drink at a rate equal to three (3%) percent of charge made by the licensed dealer to the public for the beverage sold. The tax levied by this Section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.
- b) The excise tax provided for in this Section shall be imposed upon and paid by the licensed retail dealer of distilled spirits by the drink. The tax shall be paid on or before the twentieth (20th) day of the month following the calendar month in which the beverages are sold or disposed of. Each licensee responsible for the payment of the excise tax shall file a report with the City Administrator containing such information as may be required by the City Administrator in order to calculate the tax due.
- c) The failure to file the report or pay the tax shall subject Licensed Consumption Dealer to a penalty comparable to that set out in Section 9-30(c).

9-32 Excise Tax on Malt Beverages

- a) City of Woodbine pursuant to O.C.G.A. § 3-5-80(1) does hereby levy an excise tax on the sale of malt beverages, commonly known as tap or draft beer, which is sold in or from a barrel or bulk container, at a rate equal to \$6.00 on each container sold containing not more than 15 ½ gallons on a proportionate tax at the same rate of all fractional parts of 15 ½ gallons.
- b) City of Woodbine pursuant to O.C.G.A. § 3-5-80(2) does hereby levy an excise tax on the sale of malt beverages, sold in bottles, cans and other containers, except barrel or bulk containers, at a rate equal to five (5) cents per 12 ounces and proportionate tax at the same rate on all fractional parts of 12 ounces.
- c) The excise tax provided in this Section shall be imposed upon and shall be paid by the licensed wholesale dealer in malt beverages. The taxes shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the City of Woodbine by the wholesale dealer. Each licensee responsible for the payment of the excise tax shall file a report with the City Administrator itemizing for the preceding calendar month, the exact quantities of malt beverage, by size and type of containers, sold during the month within the city of Woodbine.

9-33 Per Liter Tax on Wine

There is hereby levied and imposed by the City of Woodbine pursuant to O.C.G.A. § 3-6-60 on the first sale or use of wine by the package an excise tax in the amount of 22 cents per liter or a proportionate tax at like rates on all fractional parts of a liter. The manner of imposition, payment and collection of this tax shall be the same as set out in Section 9-30 dealing with distilled spirits and alcoholic beverages.

9-34 License Application; Use of Licensed Vehicle for Delivery, etc.

Any person, firm or corporation located in the City of Woodbine, Georgia, desiring to sell at wholesale any alcoholic beverages, malt beverages, or wine, in the City of Woodbine shall make application to the City Council for a license to do so, which application shall be in writing the forms authorized and prescribed by the Council. No alcoholic beverages, malt beverages, or wine shall be delivered to any retail sales outlet in the City of Woodbine except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

9-35 Rules and Regulations

- (a) It shall be a violation of this Ordinance for any licensee to fail in a timely manner to file any report required pursuant to this Ordinance or to fail to timely and properly remit all taxes due with any such report. Such licensee may be required to appear before the

City Council to show cause why such licensee's license should not be revoked or suspended.

(b) Any licensee who fails in a timely manner to file any report required pursuant to this Ordinance shall be assessed a penalty and interest in the amount hereinafter provided:

1. When any person required to file a report as provided by this Ordinance fails to file the report within the time prescribed he/she shall be assessed a penalty of \$100.00 or ten (10%) percent of the tax due, whichever is greater, for each failure to file.

2. In the event the Finance Director determines, upon inspection of the invoices, books, and records of a licensed dealer or from any other information obtained by him or his authorized agents, that the licensed dealer has not paid the proper tax or the proper amount of taxes, the dealer shall be assessed for the taxes due. After assessment, the person assessed shall be provided with notice and an opportunity for a hearing as provided for in Section 9-27 of this Ordinance.

3. When any person willfully fails to pay any tax due as provided by this Ordinance, the person shall be assessed a penalty the same as that provided for in O.C.G.A. § 48-2-44.

4. When any person willfully fails to file a return, files a false or fraudulent return, or when a tax deficiency or any part of a tax deficiency is due to a fraudulent intent to evade any tax imposed or authorized by this Ordinance, the person shall be assessed a specific penalty of fifty (50%) percent of the tax due.

5. When any person fails to pay the tax or any part of the tax due as provided by this Ordinance, the person shall pay interest on the unpaid tax at the rate of one (1%) percent per month from the time the tax became due until paid or at the rate specified in O.C.G.A. § 48-2-40, whichever is greater. Interest shall be computed on a monthly basis for any portion of a month during which payment is delinquent.

6. All penalties and interest imposed by this Ordinance shall be payable to and collected by the City Administrator in the same manner as if they were a part of the tax imposed by this Ordinance.

9-36 Outdoor Advertising

No outdoor advertising with respect to the promotion of the sale of alcoholic beverages, malt beverages or wine shall be permitted on the exterior of any wholesale or retail outlet or elsewhere in the City of Woodbine, Georgia, except as may be authorized by the laws of the State of Georgia and the City of Woodbine Sign Ordinance.

9-37 Severability Should Any Portion of Ordinance Be Held Invalid

The terms and provisions of this Ordinance are severable. Should any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this Ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the Ordinance may reasonably be given effect without the invalid or void portion.

Ordained this the 2nd day of October, 2006, by the Mayor and City Council of the City of Woodbine, Georgia.

City of Woodbine, Georgia

By: _____
W. Burford Clark, Jr.
Mayor

Attest: _____
Sandra L. Rayson
City Clerk

(City Seal)

Sec. 9-203 Insurance Businesses

1. 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.
2. Fee Established The annual business license fee for each company authorized by the state to write life, accident, and sickness insurance, as such terms are defined in Sections 33-7-1 through 33-7-H of the Georgia Code Annotated, shall be fifteen dollars (\$15.00) for each separate business location of such company in the city, and the business license fee for all other persons, agencies, firms, or companies doing an insurance business within the city shall be fifteen dollars (\$15.00).

Sec. 9-204 Construction Contractors

1. Plumbers No master, contracting, or journeyman plumber, as such terms are defined in Chapter 43-14 of the Georgia Code Annotated, shall be permitted to engage in any plumbing business in this municipality, unless such person shall hold a valid certificate of qualification issued to him by the Division of Master Plumbing and Journeyman Plumbers. (O.C.G.A. 43-14-8).

2. Electrical Contractors No electrical contractor, as such is defined in Chapter 43-14 of the Georgia Code Annotated, shall be permitted to engage in any electrical contracting business in this municipality unless such person shall hold a valid license issued to him by the division of Electrical Contractors. (O.C.G.A. 43-14-8).
3. Warm Air Heating Contractors No warm air heating contractor, as such term is defined in Chapter 43-14 of the Georgia Code Annotated, shall be permitted to engage in any warm air heating contracting business in this municipality unless such person shall hold a valid certificate of qualification issued to him by the State Board of Warm Air Heating Contractors or by the county in which this municipality is located.
4. General Contractors All general contractors who contract with this municipality for any public work exceeding one thousand dollars (\$1,000) in amount shall be required to obtain a performance and payment bond in the amount and manner specified by state law.

Sec. 9-205 Financial Institutions

1. Purpose To impose business license taxes on financial institutions located within the City of Woodbine. To repeal conflicting ordinances and for other purposes.
2. Financial Institutions Business License Tax Pursuant to O.C.G.A. 48-6-93 there is hereby levied for the year 1984, 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 tax at the rate of .25 of 1% 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 one thousand dollars (\$1,000.00) per year: Except as provided in the Official Code of Georgia Annotated.
3. Due Date; Filing of Return Each depository financial institution within the City of Woodbine shall file a return of its gross receipts with the City of Woodbine 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 on the allocation method set forth in subsection (d) of 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 furnished in said return.

The due date of the tax levied by this ordinance shall be April 1, 1984 and April 1 of each subsequent year.

4. Effective Date This ordinance shall be effective on January 1, 1984.
5. Conflicting Ordinance/Resolutions All ordinances and parts of ordinances and/or resolutions in conflict with this Act are hereby repealed. (12-27-83 Commissioners' Minutes).

Sec. 9-205 Peddlers and Itinerant Merchants

1. License Required Each peddler and itinerant merchant as such terms are defined herein, 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. Definitions For the purposes of this section, the following words shall have the meanings specified:

Sec. 9-205 Peddlers and Itinerant Merchants (Continued)

- a. Peddler Includes any person, whether a resident of this city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden produce, farm products, or provisions, who offers and exposes the same for sale, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance.
- b. Itinerant Merchant Any person, firm, or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, tent, railroad, box car, boat, or public room in any hotel, lodging house, apartment, or shop within the city for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction.

3. Exemptions This section shall not be applicable to traveling salesmen or nonresident merchants as provided in Chapter 34-10 of the Georgia Code Annotated, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, or philanthropic organizations.
4. Application Application for a license under this section shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information:
 - a. The fingerprints of the person or persons having the management or supervision of the applicant's business, or in lieu thereof at least three letters of recommendation from reliable property owners in the county in which the business is to be conducted, certifying as to the applicant's good character and business responsibility, or other evidence which establishes the good character and business responsibility of such person(s) to the satisfaction of the Mayor and Council;
 - b. The place or places in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

Sec. 9-205 Peddlers and Itinerant Merchants (Continued)

- c. The place (s), other than the permanent place of business of the applicant, where applicant within the six (6) months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the Post Office and street address of any building or office in which such business was conducted;
- d. A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by the applicant in the city; the invoice value and quality of such goods, wares, and merchandise; where the goods or property to be sold are manufactured or produced; and where such goods or products are located at the time said application is filed;
- e. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the City Clerk, copies of all said advertising whether by hand bills, circulars, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto; and

- f. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of such offense, and the punishment assessed therefor.
5. Bond Before any license shall be issued for engaging in a transient or itinerant business as provided in this section, the applicant for such license shall file with the City Clerk a bond running to the city in the sum of five hundred dollars (\$500.00), executed by the applicant, as principal, and two sureties upon which service of process may be made in the State of Georgia; said bond to be approved by the City Attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of this city and statutes of this state regulating and concerning the sale of goods, wares, and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person(s) for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, ware, and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city for the use of the aggrieved person. Such bond must be approved by the City Attorney, both as to form and as to the responsibility of the sureties thereon.

Sec. 9-205

Peddlers and Itinerant Merchants (Continued)

6. Service of Process Before any license as herein provided shall be issued for engaging in business as a peddler or itinerant merchant in this municipality, the applicant for such license shall file with the City Clerk an instrument nominating and appointing the City Clerk as his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by this section, or for the performance of the conditions of said bond, or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person(s) applying for the said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgement or service or manner of service. Immediately upon service of process upon the City Clerk, as herein provided, the City Clerk shall send to the licensee at this last known address, by registered mail, a copy of said process.

7. Fee Established The business license fee for each peddler and itinerant merchant doing business in the city shall be ten dollars (\$10.00) per day, twenty-five dollars (\$25.00) per week, fifty dollars (\$50.00) per month, one hundred dollars (\$100.00) per year.
8. Duty to Exhibit All persons obtaining a license under the provisions of this section shall be required to exhibit such license at the request of any citizen.
9. Loud Noises and Speaking Devices No license under this section, nor anyone on his behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any other sound device including any loud-speaking radio or amplifying system upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city where sound or sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

Sec. 9-207 Charitable Solicitors

1. Registration Required Any person who wishes to solicit donations or contributions for, or to sell any insignia or novelty on the streets of the city on behalf of, or under the sponsorship of any charitable, religious, social, patriotic, or civic club or organization shall be required to register such solicitation or sale with the Chief of Police at least forty eight (48) hours in advance of such event and to obtain a permit therefor.
2. Form of Registration The registration required by this section shall be in writing, shall be signed by the Chief Officer of the club or organization, and shall contain the following information:
 - a. The name and object of the charitable, religious, social, patriotic, or civic club, or organization conducting or sponsoring the solicitation or sale to which the registration relates;
 - b. The day(s) on which the solicitation or sale will take place;
 - c. The object for which the funds to be derived from the solicitation or sale will be utilized; and
 - d. The name and address of the Chief Officer of the club or organization conducting or sponsoring the solicitation or sale.
3. Exemption This section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes.

4. Duty to Exhibit Charitable solicitors shall be required to exhibit their permits at the request of any citizen.
5. Unlawful Acts It shall be unlawful for any person to execute a registration which contains any false statement, and it shall be unlawful for any person to solicit donations or contributions or sell any insignia or novelty on the streets of the city purportedly on behalf of, or under the sponsorship of any charitable, religious, social, patriotic, or civic club or organization which does not in fact exist.

Sec. 9-207 Charitable Solicitors

1. License Required Each pawnbroker doing 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 pawnbroker doing business in this city shall be five hundred dollars (\$500.00).
3. Review of Application No action on any application for a pawnbroker's license shall be taken by the City Council until the Chief of Police has reviewed such application and forwarded his recommendation thereon to the City Clerk in the manner specified in this chapter.
4. Limitation on Issuance No pawnbroker's license shall be issued to any person who has been convicted of the offense of receiving stolen goods or burglary or robbery.
5. Records Each pawnbroker license hereunder shall furnish to the Police Chief each week a list of every article pledged with him or sold to him during the previous week, giving a full and accurate description of the article, from whom it was received, and the hour of the day received.
6. Weapons Each pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack, or sawed off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.
7. Minors No pawnbroker shall have any business dealings as a pawnbroker with a minor, nor shall a pawnbroker's license be issued to a minor, nor shall a pawnbroker employ a minor to assist him in his business.
8. Stolen Goods It shall be the duty of every pawnbroker to report to the police any article pledged with him, or which is sought to be pledged with him, if her

shall have reason to believe that the article was stolen or lost and found by the person attempting to pledge it the case of a lost article.

Sec. 9-209 Used Car Dealers

1. License Required Any used car or used motor vehicle dealer, as such terms are defined in Sections 43-47-1 through 43-47-14 of the Georgia Code Annotated, 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 one hundred fifty dollars (\$150.00).
3. Review of Application No action on any application for a license under this section shall be taken by the City Council until the Chief of Police 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 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 Chief of Police or any patrolman or police officer within the city and open to his inspection at any time. It shall be the further duty of every such person to immediately report to the Chief of Police 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 Chief of Police 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.

Sec. 9-210 Junk Dealer and Junkyards

1. License Required Each junk dealer, as such term is defined in this section, 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. Definitions For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them herein:
 - a. Junk Old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but “junk” shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.
 - b. Junkyard A yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts to be used for charity.
 - c. Junk Dealer A person who operates a junkyard, as defined above, within the city.
 - d. Business Premises or Premises The area of a junkyard as described in a junk dealer’s license or application for license, as provided for in this section.
3. Application Application for a license under this section shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information:
 - a. Trade names used during the previous five (5) years by the applicant and each person signing the application, along with the locations of prior establishments;
 - b. Names and addresses of employers of each person signing the application during the previous five (5) years;
 - c. The name, residence, address, and telephone number of each person employed or intended to be employed in the business as of the time the application is filed;
 - d. A sketch of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, buildings, uses; and

- e. A description of the materials with which any buildings to be used in connection with the licensed business are or are to be made; a sketch giving distances, showing the location of such buildings on the business premises; and a diagram or plan giving distances and heights, showing floors, exists, entrances, windows, ventilators, and walls.
4. Review of Application No action on any application for a license to operate a junkyard shall be taken by the City Council until the Planning Commission has reviewed such application and forwarded its recommendation thereon to the City Clerk in the manner specified in this chapter.
 5. Fee Established The annual business license fee for each junk dealer doing business in this municipality shall be one hundred fifty dollars (\$150.00).
 6. General Operating Requirements The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this section:
 - a. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
 - b. No space not covered by the license shall be used in the licensed business.
 - c. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
 - d. No weeds shall be permitted to attain a height of more than four (4) inches.
 - e. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is being used in the licensed business.
 - f. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb, or become scattered or blown off the business premises.
 - g. Junk shall be stored in piles not exceeding ten (10) feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes.
 - h. Combustible material of any kind, not necessary or beneficial to the licensed business, shall not be kept on the premises; nor shall the premises be allowed to become a fire hazard.

- i. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
 - j. No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the building code; and no junk or other material shall be burned on the premises in the open except in accordance with the provisions of Chapter 6, Article I.
 - k. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on any Sunday, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
 - l. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits which shall have a solid, vertical wall or fence of a minimum height of eight (8) square feet measured from ground level. The fence or wall shall not contain any poster or advertising of any kind except one sign of the licensee not exceeding fifteen (15) square feet in size. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business.
 - m. The licensee shall permit inspection of the business premises by any police officer at any reasonable time.
 - n. No junkyard shall be allowed to become a nuisance; nor shall any junkyard be operated in such manner as to become injurious to the health, safety, or welfare of the community or of any nearby residents.
7. Records Each acquisition of junk shall be recorded in a permanent register kept on the business premises, giving the name, residence, and address of a person from whom the acquisition was made, a description of the junk acquired, and the date of the transaction. Such data shall be available for inspection by any police officer.
 8. Minors No junk dealer shall have any business dealings as a junk dealer with a minor, nor shall a junk dealer's license be issued to a minor, nor shall a junk dealer employ a minor to assist him in his business.
 9. Stolen Goods Every junk dealer who shall receive or be in possession of any goods, articles, or things of value which may have been lost or stolen shall upon demand produce such article or thing to any member of the Police Department for examination.
 10. Vehicles Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

Sec. 9-211 Auctions

1. License Required Each person who desires to conduct an auction within this municipality shall be required to obtain a license therefore from the City Clerk in the manner specified in this chapter.
2. Fee Established The business license fee for each auction licensed under this section shall be fifty dollars (\$50.00).
3. Application Application for a license under this section shall be made as provided in Article I of this chapter, except that such application shall contain the following additional information:
 - a. A statement setting forth when, where, and for how long the auction sale will be conducted;
 - b. A certified copy of the State Auctioneer's license of the person who is to conduct the auction; and
 - c. A full and true inventory of all the articles to be sold at the auction sale, together with an affidavit that all information contained in the application is true and that the inventory contains a true listing of all the articles to be sold at said auction.

No auction shall be held except as set forth in the application and affidavit. No other articles shall be sold except those included in the sworn inventory unless a new affidavit shall be filed listing additional goods to be sold. No other person shall be allowed to conduct the auction sale except such person listed in the affidavit unless a new affidavit is filed setting forth such other person who may be the auctioneer and employed to conduct such auction.

4. Bond Every applicant for a license under this section shall file with the City Clerk a surety bond running to the city in the amount of five thousand dollars (\$5,000.00) with surety acceptable to and approved by the City Clerk, conditioned that the said applicant, if issued a license hereunder, will comply fully with all of the provisions of the ordinances of this city and the statutes of this state regulating and concerning auctions and auctioneers, will render true and strict accounts of all his sales to any person(s) employing him to make the same, will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud, deceit, negligence, or other wrongful act on the part of the licensee, his agent, or employees in the conduct of any auction or in the exercise of the calling of the auctioneer. A liability insurance policy issued by an insurance company authorized to do business in this state

which conforms to the above requirements may be permitted by the City Administrator, in his discretion, in lieu of a bond.

5. Cappers, Boosters, or By-bidders It shall be unlawful for any person to act or to employ another in any auction sale as a by-bidder or what is sometimes known as a “capper” or “booster”, or to make or to accept any false or misleading bid, or to pretend to buy or sell any article sold or offered for sale at such auction.
6. Exemptions. Nothing in this section shall be held to apply to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers, or other public officers acting under judicial process, nor to the sale of real property at auction.

Sec. 9-212 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 conduct 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 each circus, carnival, or public exhibition operating within the city limits shall be as follows:

Circuses	\$200.00 per day
Carnivals	\$100.00 per day
Sideshows and concessions	\$100.00 per day
Rides	\$100.00 per day
Other public exhibitions	\$75.00 per day

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 must 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;
- c. The applicant has place 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 one hundred thousand dollars (\$100,000.00) for each person, and three hundred thousand dollars (\$300,000.00) for each accident.

5. Inspections It shall be the duty of the Chief of Police and the Fire Chief to see that proper inspections and patrols are made of the premises used for the activating licensed herein.
6. Exemption. Nothing in this section shall be held to apply to local non-profit organizations holding fund raising carnivals or public organizations.

Sec. 9-213 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 Chief of Police at least twenty-four (24) hours in advance of the event and to obtain a permit therefore.
2. Definition For the purposes of this section, “parade” shall mean any march, ceremony, demonstration, exhibition, 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 Chief of Police 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 Chief of Police shall forward the application to the Mayor, who shall review the information set forth in the application and ascertain the following; 1) the extent of vehicular and pedestrian traffic to be anticipated at the time and place of and on the route of the proposed parade; 2) the availability of police forces to escort the proposed parade and to direct traffic in conjunction with the proposed parade; and 3) 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 Mayor 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 Mayor shall indicate his disposition on the application and shall notify the applicant of the action taken.
 6. Exemption The provisions of this section shall not applicable to any parade which is conducted under the supervision of a practicing mortician in conjunction with any funeral.

Sec. 9-214 Sales of Certain Literature

1. No place of business located in the City of Woodbine shall sell or keep for sale any magazine, paperback book, or literature of any kind which regularly depicts therein male or female in the nude which appeals solely to prurient interests except upon compliance with the following regulations.
2. All such magazines, paperback books and literature shall be placed in a rack separate from all other literature kept and sold in said place of business. The rack in which said literature is stored shall be so constructed so as to allow only the name of the magazine to be visible. Each such magazine, paperback book or other literature shall at all times while in said place of business have thereon a wrapper which conceals all except the name of such magazine,

paperback or other literature. Such wrapper shall not be removed while such magazine, paperback or other literature remains in said place of business. No such magazine, paperback book or literature shall be sold, delivered, or allowed in the possession of any person under the age of eighteen (18) years. (2-7-84 Commissioners minutes.

Sec. 9-215 Truck Sales of Meat/Seafood (Fresh/Frozen)

Applicants must produce the required State license (one license per vehicle) and a letter of compliance from the Camden County Public Health Department prior to receiving a City of Woodbine license and selling merchandise. (Amended 7/2/90).

Sec. 9-216 Adult Entertainment Ordinance

1. Purpose The purpose of this Ordinance is to regulate certain types of businesses generally known as and defined herein as adult entertainment establishments. To that end this Ordinance has been enacted in the interests of:
 - a. Promoting the health, safety and general welfare of the residents of the City of Woodbine; and
 - b. Preserving the quality of life in residential and business areas of the City; and
 - c. Promoting desirable living conditions and sustaining the stability of residential and commercial property values.

This Ordinance is intended to reasonably regulate adult entertainment establishments and businesses in order to serve the legitimate governmental interests set out herein.

2. Legislative Findings of Fact Based upon the results of an investigation and the attendant evidence produced this Council finds that:
 - a. The outright prohibition of adult entertainment establishments improperly infringes upon protected forms of expression; but that reasonable regulation of such businesses so as to curtail and prevent pernicious secondary effects is both permissible and desirable.
 - b. Adult entertainment establishments and businesses, if unregulated, are likely to lead to an increase in illegal sexual activities, drug and alcohol offenses, disorderly conduct and other criminal activity.

- c. Law enforcement resources available for responding to problems associated with or created by adult entertainment establishments and businesses are extremely limited due to the growth of the City and Camden County and such resources are best conserved by regulating and licensing adult entertainment establishments.
- d. The public health, safety, welfare and convenience of the residents of the City of Woodbine require that adult entertainment businesses and establishments and their locations, operations, employees and owners be regulated and licensed in order to preserve and protect the quality of life in the residential and business environs of the City.
- e. The location of adult entertainment establishments and businesses in close proximity to each other adversely affects the property values, causes an increase in crime and encourage residents and other businesses in proximity to such adult entertainment establishments to move and locate elsewhere.
- f. There is presently in North Florida, particularly in the Jacksonville area, and in Southeast Georgia an increasing trend toward nude and semi-nude acts, exhibitions and entertainment, and toward the utilization of nude and semi-nude employees engaged in other service-oriented aspects of and by adult entertainment establishments.
- g. The commercial exploitation of nudity and semi-nudity consists of the use of nude and semi-nude entertainment in connection with or for the sale of goods or services, and the receipt of money by the person engaged in nude or semi-nude entertainment in exchange for or as consideration for a nude or semi-nude performance by such individual. Competitive commercial exploitation of nudity and semi-nudity is adverse to the public's interest in quality of life and commerce and the total community environment in the City and surrounding areas.
- h. The commercial exploitation of nude and semi-nude conduct, acts, exhibitions and entertainment frequently occurs in commercial establishment increase in crime and encourages residents and other businesses in proximity to such adult entertainment establishments to move and locate elsewhere.
- i. There is a direct relationship between the consumption of alcoholic beverages concurrently with nude and semi-nude activities, conduct and entertainment and an increase in criminal activities, disturbances of the peace and good order of the City and the concurrency of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.

Sec. 9-216 Adult Entertainment Ordinance (Continued)

- j. The combination of the sale and/or consumption of alcoholic beverages with the performance of nude and semi-nude entertainment are inimical and adverse to the public's interest in the quality of life and commerce and quality of the environment of the City.
- k. It is the duty and responsibility of the Mayor and Council for the City of Woodbine to protect and preserve the public health, safety, and welfare of the City and its residents, the stability of the value and use of property within the City, and the character of its neighborhoods and developments.
- l. In order to preserve the public peace and good order, and to safeguard and protect the health, safety and welfare of the City and its citizens, it is necessary and advisable to prohibit nude and semi-nude acts, exhibitions and entertainment in commercial establishments at which alcoholic beverages are available, sold, or consumed.
- m. In order to preserve the public peace and good order, and to safeguard and promote the health, safety and welfare of the City and its citizens, therefore, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, contractors, entertainers, performers, patrons, spectators, clientele and persons on the premises of adult entertainment establishments.

3. Definitions

As used herein, the following words or phrases shall have the following meanings:

Adult Entertainment Establishment- the premises on which the following defined establishments operate or which the following defined activities occur shall constitute adult entertainment establishments:

- a. Adult Business either: 1) any business or establishment to which the public or any portion thereof is permitted which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage thereat either by law or by the operators of such business or establishment; or 2) any business or establishment to which the public or any portion thereof is permitted where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or 3) any other business or establishment to which the public or any portion thereof is permitted 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.

- b. Adult Bookstore An establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent (5%) of its total floor space, devoted to the sale or display of such materials of five percent (5%) 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.
- c. Adult Cabaret Any place where alcoholic beverages are sold for consumption on the premises which features, uses, employees, or displays topless dancers, bottomless dancers or nude dancers; go-go dancers; exotic dancers; strippers, or similar entertainers or dancers.
- d. Adult Dancing Establishment A business that features dancers displaying or exposing specified anatomical areas.
- e. Adult Hotel/Motel A business which rents lodging rooms to the public for the purpose of engaging in conduct or entertainment defined in Section 3 (a)(3) of this ordinance.
- f. Adult Motion Picture Theater An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- g. Adult Mini-Motion Picture Theater An enclosed building with a capacity of less than fifty (50) persons used for commercially presenting materials distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- h. Adult Motion Picture Arcade Any place to which the public is permitted or invited wherein coins or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
- i. Adult Video Store An establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions,

whether for sale or rent, which are distinguished or characterized by their emphases on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent (5%) of its total floor space, devoted to the sale or display of such material or which derives more than five percent (5%) 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.

- j. Church. A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship, or for propagating a particular form of religious belief.
- k. Erotic Dance Establishment. A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- l. Escort Bureaus; Introduction Services. Any business, agency or persons who, for a fee, commission, hire, reward or profit, furnish or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainment or places of amusement or who may consort with others about any place of public resort or within any private quarters.
- m. Good Moral Character. A person is of good moral character if that person has not been convicted of a drug-related or alcohol-related felony or sexual related crime in the past five (5) years.
- n. Licensed Day Care Center. A day care center licensed by the State of Georgia and/or a local government that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to an owner or operator of the facility.
- o. Lingerie Modeling Studio. A business or establishment to which the public or any portion thereof is permitted whose primary business activity consists of persons exhibiting or modeling lingerie or similar undergarments and characterized or distinguished by an emphasis on specified sexual activities or specified anatomical areas.
- p. Massage Parlor/Bathhouse. Any establishment to which the public is permitted or invited and in which services offered include some form of physical contact between employee and patron and in which services

offered are characterized or distinguished by an emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas”.

- q. Minor Any person under eighteen (18) years of age.
- r. Operator The manager or other person principally in charge of an adult entertainment establishment.
- s. Owner(s) If a sole proprietorship, the proprietor; if a partnership, all partners (general and limited); if a corporation, all officers, directors and persons holding at least five percent (5%) of the outstanding shares.
- t. Residential Pertaining to the use of land, premises such as homes, town homes, patio homes, mobile homes, duplexes, condominiums or apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.
- u. School A public or private facility where persons regularly assemble for the purpose of instruction or education including any playground, stadium, or other structure.
- v. Specified Sexual Activities Means and shall include any of the following:
 - (1) Actual or simulated sexual intercourse, or copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, of 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, zoerastia; 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.

w. Specified Anatomical Areas Shall include any of the following:

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

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

4. Adult Entertainment Establishment Regulations Adult Entertainment Establishments shall comply with the following regulations concerning their operation, to wit:

a. An Adult Entertainment Establishment may be open only between the hours of 8:00a.m. and 2:00 a.m., Monday through Friday and from 8:00 a.m. Saturday through 12:00 a.m. on Sunday.

b. No Adult Entertainment Establishment shall serve, sell, distribute or suffer the consumption or possession of alcoholic beverages or controlled substances upon its premises.

c. All Adult Entertainment Establishments shall conspicuously display the permit required by this Ordinance.

d. No person under the age of twenty-one (21) years shall be admitted to an Adult Entertainment Establishment for any purpose or reason.

e. Merchandise or activities of the establishment shall not be visible from any point outside the establishment.

5. Erotic Dance Establishment Regulations In addition to the regulations set forth in the preceding Section 4, Erotic Dance Establishments shall be subject to and shall comply with the following 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 or permit issued pursuant to this Section.

b. No later than the 1st day of February of each year an erotic dance establishment shall file a verified report with the City Clerk showing the

permittee's gross receipts and amounts paid to dancers for the preceding calendar year.

- c. An erotic dance establishment permittee shall maintain and retain for a period of two (2) years the names, address and ages of all persons employed as dancers.
 - d. No Adult Entertainment Establishment permits shall employ or contract with as a dancer a person under the age of twenty-one (21) years of age or a person not licensed pursuant to this Ordinance.
 - e. All dancing shall occur on a platform intended for that purpose, which is raised at least two (2) feet from the level of the floor.
 - f. No dancing shall occur closer than ten (10) feet to any patron.
 - g. No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.
 - h. No patron shall directly pay or give any gratuity to any dancer.
 - i. No dancer shall solicit any pay or gratuity from any patron.
 - j. 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.
 - k. If any portion or subparagraph of this Section or its application to any person or circumstance is held in valid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.
6. 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, any portion of a person's genitals, pubic areas, or buttocks in a lewd and obscene fashion.
7. 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 Woodbine any of the Adult Entertainment Establishments defined in this ordinance without a permit so to do.
8. On Premises Operator Required An adult entertainment establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during operating hours.

9. 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, escort bureau or adult business or adult dancing establishment unless such business shall have a currently valid license or permit, or shall have made proper application for renewal within the time required thereof under this ordinance, which permit shall not be under suspension or permanently or conditionally revoked.

10. Admission of Minor Unlawful

- a. It shall be unlawful to allow a person younger than twenty-one (21) years of age to enter an adult entertainment establishment.
- b. It shall be the duty of the operator to ensure that an attendant is stationed at each public entrance to the establishment at all times during the establishment's operating hours. It shall be the duty of the attendants to not allow any person under the age of twenty-one (21) years to enter the establishment. It shall be presumed that an attendant knew a person was under the age of twenty-one (21) years unless such attendant asked for and was furnished:
 - (1) A current, valid operator's, commercial operator's, or chauffeur's driver's license: or
 - (2) A valid personal identification certificate issued by the Georgia Department of Public Safety reflecting that such person is twenty-one (21) years of age or older: or
 - (3) A current, valid military identification certifying that such person is twenty-one (21) years of age or older.

11. 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 bathhouse or massage parlor or adult dancing establishment or other adult entertainment facility.

12. Location: Building and Signage Restrictions

- a. No adult business or use restricted hereunder shall be located:
 - (1) Within 1000 feet of any parcel of land which is either zoned or used for residential uses or purposes.

- (2) Within 1000 feet of any parcel of land upon which a church, school, governmental building, library, licensed day care facility, civic center, public park or playground is located.
 - (3) Within 1000 feet of any parcel of land upon which another establishment regulated or defined hereunder is located.
 - (4) Within 1000 feet of any parcel of land upon which any other establishment selling alcoholic beverages is located.
 - (5) On less than one (1) acre of land containing at least 400 feet of road frontage on a public right-of-way.
- b. A minimum of one (1) parking space shall be provided for every one hundred (100) square feet of gross building area, or for every three (3) customer seats, whichever is greater.
 - c. Signage for such establishments shall be limited to one (1) freestanding sign not to exceed twenty-five (25) square feet. Maxim sign height shall not exceed ten (10) feet from ground to highest point of the sign. Minimum sign setbacks shall be ten (10) feet from any property line or street right-of-way line.
 - d. Buildings and structures operated and maintained in connection with an adult entertainment establishment shall be set back at least forty (40) feet from any property line.
 - e. For the purposes of this Section, all distances shall be measured along a straight line which describes the shortest distance between the property lines.

13. Adult Entertainment Establishment Employees

- a. Qualifications Employees of an adult entertainment establishment shall be no less than twenty one (21) years of age. Every employee must be of good moral character as defined by this Ordinance. 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 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 City Clerk of his intended employment on forms supplied by the City Clerk and shall receive approval of such employment from the City Clerk. The prospective employee shall supply such information as the City Clerk requires, including but not limited to, date of birth, social security number, current address, current telephone and pager numbers, two color photographs of the prospective employee at least two inches (2") by two inches (2") taken within the preceding six (6) months, and a set of fingerprints, on regular City of Woodbine 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 City Clerk for a hearing. The decision of the City Clerk after hearing may be appealed to the City Council which may issue such order as is proper in the premises. An investigation fee of \$500.00 shall accompany the notice of intended employment or a receipt of the City Clerk evidencing the payment of such fee at the time the notice is filed.
- c. Suspension, Revocation of License or Permit Violation of the provisions of this ordinance, other ordinances of the City of Woodbin, laws and regulations of the City shall subject an employee to suspension or revocation of license or permit.
- d. Independent Contractors For the purpose of this ordinance, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or permittee of any adult entertainment establishment.

14. 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 Manager or his designated representative. Prior to submitting such application, a non-refundable fee in the amount of \$2,500.00, shall be paid to the City Clerk to defray, in part, the cost of investigation and report required by this ordinance. The City Clerk shall issue a receipt or a copy thereof shall be supplied to the City Clerk 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 establishments.

15. 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 address 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. If a person, acceptable written proof that the applicant is a least twenty-one (21) years of age;
- e. If a person, the applicant's height, weight, color of eyes and hair and date and place of birth;
- f. If a person, two (2) photographs of the applicant at least two inches (2") by two inches (2") 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 percent (5%) 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, stating the dates and places of any such convictions and the disposition of such violations;
- 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 address of each of its current officers and directors, and each stockholder holding more than five percent (5%) 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 Clerk of Camden County Superior Court. If one or more of the partners is a corporation, the provision of the subsection pertinent 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 person shall complete

and sign all application forms of an individual applicant under this section, but only one application fee shall be charged. If the applicant is a Georgia corporation, it shall attach to the application a certified copy of its Articles of Incorporation, together with all amendments thereto and its most recent annual report. If the applicant is a foreign corporation, it shall attach a certified copy of its Certificate of Authority to Transact Business in the State of Georgia, together with all amendments and its most recent annual report. If the applicant does or proposes to do business under a trade name, it shall attach a copy of the recorded trade name registration document to the application;

- 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 hereinbefore 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 percent (5%) 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 percent (5%) of the shares of the corporation stock outstanding, 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 the 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. 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 or permit is granted and who have not been convicted of any felony or any crime or ordinance violation involving moral turpitude in the past five (5) years. The City Clerk shall prepare forms consistent with the provisions of this sub-section for the applicant, who shall submit all character references on such forms;

- q. Address of the premises to be licensed;
- r. 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;
- s. 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;
- t. An interior floor plan drawing showing the location of all interior walls and/or partitions, stages, platforms and/or dance floors.
- u. Each application for an adult entertainment establishment permit 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 a 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;
- v. The written consent of the registered agent as required by Section 36 of this ordinance.

16. Applicant to Appear The applicant, if an individual, or designated responsible managing officer, if a partnership or corporation, shall personally appear at the City Hall of the City of Woodbine and produce proof that a non-refundable application fee has been paid and shall present the application containing the aforementioned and described information.

17. Application; Investigation The City shall have sixty (60) 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 ordinance;
- 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 officer 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 offense 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 governmental entity 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 requirements contained in Section 12 and with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards as evidenced by inspection report prepared by City Building Official and State Fire Marshall's representatives;
- h. The applicant is at least twenty-one (21) years of age;
- i. That the proposed premises complies with the distance requirements and limitations contained in Section 12 of this ordinance and is not located too close to any church, school, library, governmental building or site or any other business restricted hereunder;
- j. That the grant of such permit will not cause a violation of this ordinance or any other ordinance or regulation of the City of Woodbine, the State of Georgia or the United States;
- k. Any other inquiry deemed necessary or desirable by the City to insure the health, safety and welfare of the citizens of the City of Woodbine or the preservation of its neighborhoods.

18. Persons Prohibited as Permittees

- a. No permit provided for by this ordinance shall be issued to or held by:
 - (1) An applicant who has not paid all required fees and taxes for a business at that location or property taxes;

- (2) Any person who is not of good moral character;
- (3) Any corporation, any of whose officers, directors or stockholders holding over five percent (5%) of the outstanding issued shares of capital stock are not of good moral character;
- (4) Any partnership or association, any of whose officers or members holding more than five percent (5%) interest therein are not of good moral character;
- (5) Any applicant who is not qualified to hold an conduct business according to the laws of the United States, the State of Georgia or the City of Woodbine.

b. Should there be a sufficient number of current permits to meet the needs and desires of the inhabitants of the City, no new permits 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.

19. 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 ordinance, it shall notify the City Clerk of such opinion and, within forty-five (45) days of the date of the 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 may appeal such denial to the City Council.
20. Permit- Renewal Permits for adult entertainment establishments may be renewed on a year-to-year basis, provided that the permittees continue to meet the requirements set out in this ordinance. The renewal fees for the adult entertainment establishment permits shall be established by resolution of the City Council.
21. Permit- 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.

22. Change of Location of 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 Manager and the Planning Director. 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 ordinance.

23. Revocation

- a. The City Clerk shall be authorized to suspend or revoke an adult entertainment establishment permit or license under the conditions set forth in this Section. In the event the City Clerk seeks to suspend or revoke a permit, the City Clerk shall give written notification to the permittee of such action and such notice shall contain a specification of the violation(s).
- b. The City Clerk may suspend or revoke a permit in the event of any of the following:
 - (1) A permittee gave false or misleading information in the application or renewal process;
 - (2) A permittee knowingly allowed possession, use, or sale of controlled substances on the premises, or the permittee did not make a reasonable effort to prevent such occurrence(s);
 - (3) A permittee violated or knowingly allowed violation of any provision of this adult entertainment ordinance, any other ordinance of the City, or any criminal law of the State of Georgia to occur on the premises;

or the permittee did not make a reasonable effort to prevent such violation(s);

- (4) A permittee has been convicted of any drug-related, alcohol-related, or sex-related crime and/or a crime involving moral turpitude by the State of Georgia or City of Woodbine regarding any offense which was committed on the premises, or which would otherwise violate the provisions of this ordinance;
 - (5) A permittee failed to pay any fee, application/permit fee, fine or other amount of money due to the City of Woodbine under this ordinance or any other ordinance of the City of Woodbine.
 - (6) A permittee has, after the date of the original application and floor plan approval, made interior floor plan alterations, without first obtaining approval, and such alterations involve the addition of private viewing rooms, cubicles, booths or similar areas.
- c. In the event that the City Clerk determines that a permit violation has occurred, such permit shall be suspended for thirty (30) days for the first violation. For a second violation, the permit shall be suspended for sixty (60) days. For a third and all subsequent violation(s), the permit shall be suspended for ninety (90) days. Any permit that has been suspended three (3) or more times in any consecutive twelve-month period shall be revoked. In addition, any permittee found to be in violation of Section 4(a), 4(b), and 4(d) of this ordinance shall be subject to immediate permit revocation. Provided however, that permittee shall be allowed to continue business operations until the date of the hearing scheduled in accordance with Section 25 hereafter. No permittee or any other applicant may apply for a permit for the same premises during any period of suspension or revocation.
- d. In the event of permit suspension or revocation by the City Clerk, the permittee may appeal the decision of the City Clerk to the Mayor and City Council by filing a written notice of appeal with the City Clerk within ten (10) days from the effective date of written notice received by permittee in accordance with subsection (a) of this section. The notice of appeal shall be accompanied by a memorandum or other writing, setting out fully the grounds for such appeal and all arguments in support thereof. The City Attorney may submit a memorandum in response to the memorandum filed by the permittee upon appeal to the Mayor and City Council. The City Clerk's decision shall be final unless an appeal is timely file. An appeal shall stay the City Clerk's decision until the appeal is heard or withdrawn. The City Clerk shall place the appeal on the agenda of the next regular meeting of the Mayor and City Council, said meeting occurring not less than five (5), nor more than thirty (30) days after receipt of appeal.

24. Appeal- Procedure When an appeal is placed on the Council Agenda, the City Council may take either of the following actions:

- a. Set a hearing date and instruct the City Clerk to mail written notice of hearing by certified mail, return receipt requested;
- b. Appoint a hearing officer and fix the time and place for the 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 the mailing of notice of the hearing by certified mail, return receipt requested. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this ordinance.

25. City Council Hearing Whenever the City Clerk has scheduled an appeal before the City Council, at the time and date set therefor, 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.

26. Powers of Hearing Officer The hearing officer appointed pursuant to the procedure set out in this ordinance 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.

27. Rules of Evidence Inapplicable The City Council and the hearing officer shall not be bound by the traditional rules of evidence in hearing conducted under this ordinance. Rules of evidence as applied in an administrative hearing shall apply.

28. Hearing Officer-Report

- a. The hearing officer shall, within a reasonable time not to exceed thirty (30) days from the date of 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 to the City Manager and the Chief of Police.
- b. The City Clerk shall place the hearing officer's report on the agenda of the next regular City 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.

29. Same- Action by Council The City 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. Refer the matter to the same or another hearing officer for a completely new hearing or for the taking of additional evidence on specific points; in either of such cases, the hearing officer shall proceed as provided in this ordinance;
 - b. Decide the case upon a review of the entire record before the hearing officer with or without taking additional evidence.
30. Violations; Penalties Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment for a period not to exceed ninety (90), or by both such fine and imprisonment. In addition to such fine or imprisonment, violation of this ordinance shall also be grounds for immediate suspension or revocation of the permit issued hereunder.
31. Unlawful Operation Declared Nuisance Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this ordinance 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 ordinance. In addition, violation of the provisions of this ordinance shall be per se grounds for suspension or revocation of permit granted hereunder.
32. 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.

33. Self-Inspection of Licensed Premises The permittee 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 City Building Official. Each licensed premises shall post and maintain, in a readily accessible place, a schedule for maintaining the sanitation of the premises.
34. Sealing for Unsanitary or Unsafe Conditions A licensed premises or any part thereof may be sealed by order of the City Building Official on his finding of a violation of this ordinance resulting in an unsanitary or unsafe condition. Prior to sealing, the City Building Official shall serve on the permittee, 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 City Building Official 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 City Building Official. The City Building Official shall affix to the sealed premises a conspicuous sign labeled “Unclean” or “Unsafe” as the case may be.
35. Abatement as a Sanitary Nuisance A licensed premises or any part thereof may be abated as a sanitary nuisance.
36. Notices, Registered Agent, Jurisdiction
 - a. All licensed establishments must have and continuously maintain in Camden County a registered agent upon whom any process, notice or demand required or permitted by law or under this ordinance to be served upon the permittee, may be served. This person shall act as a registered agent for the operator and each owner collectively. This person must be a resident of Camden County. The operator may be appointed as the registered agent if he or she is a resident of Camden County. The permittee shall file the name of such agent, along with the written consent of such agent, with the City Clerk as part of the permit application. By appointing such registered agent, and as a condition of the issuance of a permit pursuant to the terms of this ordinance, the permittee agrees that any legal action brought by the City against the adult entertainment establishment or the permittee (which includes the operator or any owner) to enforce the provisions of this ordinance, may be filed in any Court of competent jurisdiction in Camden County, Georgia.
 - b. Any notice required or permitted to be given by the City Clerk or any office, division, department or other agency under this ordinance to any

permittee, operator or owner of an adult entertainment establishment, may be given by either:

- (1) Personal delivery or;
- (2) By certified United States mail addressed to permittee's registered agent at the most recent address specified in the agent's written consent form received by the City Clerk, or a notice of address change which has been received by the City Clerk. If personally delivered, the notice's effective date shall be the date of delivery. If mailed, the notice's effective date shall be two (2) days after the notice is placed in the mail.

37. Conditions of Adult Entertainment Establishment Approval

- a. All adult entertainment establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the City of Woodbine, and the State of Georgia.
- b. The Camden County Health Department shall have the authority to regularly inspect adult entertainment establishments to determine compliance with all applicable health rules and regulations and report any violations to the City Building Official.
- c. The City of Woodbine Fire Department shall have the authority to regularly inspect adult entertainment establishments located within the City to determine compliance with all applicable fire regulations and report any violations to the City Building Official.
- d. The City Building Official or designee shall have the authority to regularly inspect adult entertainment establishments to determine compliance with all applicable building and other technical codes of the City and Camden County.
- e. The Woodbine Police Department shall have the authority to periodically inspect adult entertainment establishments to determine compliance with all provisions of this ordinance or other applicable laws and report any violations to the City Building Official.

38. Miscellaneous

- a. Nothing contained in this ordinance shall be deemed to permit or condone any activity whatsoever which is otherwise declared to be obscene or illegal by any applicable code, regulation, or statute which violates any jurisdictional prohibition upon nudity or sexual activity. Further the

activities and uses which are regulated and permitted by this ordinance shall only be allowed if they are not obscene