

# CHAPTER 32: LICENSING AND BUSINESS REGULATION

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## ARTICLE I. GENERAL REGULATIONS

### Section 32-101 Applications

Every person required to procure a license under the provisions of this section or any section or law of this municipality shall submit an application for such license to the City Clerk/Treasurer, 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/Treasurer.
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 conducted;
  - D. Names 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 violation of any and all laws and ordinances of the city, state, or federal government; and
  - G. Such additional information which the City Clerk/Treasurer or City Council may find reasonably necessary to the fair administration of this section.
3. **Verification.** Each application shall be sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.

In accordance with *O.C.G.A.* § 36-60-6, the City of Bowman shall not issue a business license to any person engaged in a profession of business required to be licensed by the state under Title 43 of the *O.C.G.A.* The person requesting a business license from the City of Bowman must provide the city with evidence of licensure by the state. No business license may be issued by the City of Bowman without such proof.

Professions and businesses required to be licensed by the state are as follows:

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| Accountants<br>Architects<br>Athletic Trainer<br>Athlete Agents<br>Auctioneers   |
| Barbers  |
| Charitable Solicitors<br>Chiropractors<br>Coin Operated Amusement Machine Owners and Operators<br>Contractors, Air Conditioned<br>Contractors, Low Voltage<br>Contractors, Utility<br>Cosmetologists<br>Counselors, Professional |
| Dentists<br>Dental Hygienists<br>Dietitians<br>Dietetic Counselors<br>Driver Training Instructors<br>Driver Training Schools Operators   |
| Electrical Contractors<br>Embalmers<br>Engineers, Professional   |
| Firearms Dealers<br>Funeral Directors  |
| Geologists   |
| Hotel, Inns and Roadhouse Operators  |
| Junk Dealers   |

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|---|
| Landscape Architects<br>Land Surveyors<br>Lawyers<br>Librarians   |
| Merchant, Transient<br>Motor Vehicle Dealers  |
| Nurses<br>Nursing Home Administrators   |
| Occupational Therapists<br>Opticians, Dispensing<br>Optometrists<br>Osteopaths Licensed Under Chapter 34 of Title 43  |
| Pest Control, persons engaged in structural<br>Physical Therapists<br>Physicians Licensed Under Chapter 34 of Title 43<br>Physician Assistants<br>Plumbers<br>Podiatrists<br>Polygraph Examiners<br>Practitioners of Physiotherapy<br>Private Detective and Private Security<br>Business Operators<br>Psychologists |
| Real Estate Appraisers<br>Real Estate Brokers and Salespersons<br>Recreation Administrators, Leaders, Specialists and Technicians<br>Respiratory Care   |
| Sanitarians, Registered Professional<br>Scrap Metal Processors<br>Social Workers<br>Speech Language Pathologists and Audiologists   |
| Therapists, Marriage and Family   |
| Used Car Dealers<br>Used Motor Vehicle Parts Dealers,<br>Dismantlers and Rebuilders and Salvage Dealers   |
| Veterinarians   |
| Water and Wastewater Treatment Plant<br>Operators and Laboratory Analysts   |

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/Treasurer 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 section.
- 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/Treasurer 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/Treasurer, 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 section.
6. **False Statements.** False statements on any application for a license shall be grounds for immediate revocation of such license.

#### **Section 32-102            Procedures for Issuance**

1. **Review by City Officers.** If any provision of this chapter or any licensing section of the city provides for the review of an application for a license by a city officer designated therein, the City Clerk/Treasurer 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/Treasurer 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/Treasurer shall forward such recommendation and/or application to the City Council, or its designated committee, for consideration and action at its next regular scheduled public meeting.
3. **Issuance of License.** Upon the express approval of the City Council, or its designated committee, the City Clerk/Treasurer shall issue a business license to the applicant therefor, which license shall state the nature of the business authorized and bear the date of issuance and the signature of the Mayor and City Clerk/Treasurer.
4. **Limitation on Issuance.** No license shall be issued to any applicant whose place of business is not in full compliance with the provisions of this section.
5. **Council Discretion.** The granting of a business license under the provisions of this section 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.

#### **Section 32-103            Display of License**

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

#### **Section 32-104            Inspections**

1. **Search of Premises.** Whenever inspections are a reasonable precedent to the licensing of a business or to the detection of violations of public peace, order, or morality that would normally be cause to revoke a license for any period of time, 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 a reasonable precedent to the licensing of a business or to the detection of violations of the public welfare that would normally be cause to revoke a license for any period of time, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the city requesting the same, sufficient samples of such material or commodity for such analysis.
3. **Refusal to Allow Inspection.** In addition to any other penalty which may be provided, the Mayor may revoke the license of any licensed proprietor of a licensed business in the city who refuses to permit any officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the city, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

**Section 32-105 Termination and Renewal of Licenses**

1. All annual licenses shall terminate on the last day of the fiscal year of the city when no provision to the contrary is made.
2. Each licensee shall make a written application for renewal on forms supplied by the City Clerk/Treasurer on or before November 15, which application shall contain substantially the same information as the initial application and be accompanied by all required fees.
3. An applicant for renewal of a license shall be entitled to a refund of fees tendered if he withdraws his application for renewal prior to final action on the same by the City Council.

**Section 32-106 Revocation, Suspension, Etc.**

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

**Section 32-107 Change of Location**

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

**Section 32-108 Transfer of Licenses**

All licenses shall be personal to the licensee to whom issued; 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.

**Section 32-109 Duplicate Licenses**

A duplicate license shall be issued by the City Clerk/Treasurer 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 as determined by the Mayor and City Council to the City Clerk/Treasurer.

**Section 32-110 Branch Offices**

For the purpose of this section, 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 section shall not be deemed to be separate places of business or branch offices.

**Section 32-111 Joint License**

A person engaged in two (2) 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.

**Section 32-112 Penalties**

Any person who shall conduct a business or occupation without having obtained a license therefor as required by this chapter, or who shall violate any other provisions of this chapter, shall, upon conviction therefor, be punished by a fine not to exceed two hundred dollars (\$200.00) and costs, or be imprisonment not to exceed thirty (30) days, or both, any and all of such penalties to be imposed in the discretion of the Judge of the Municipal Court.

**ARTICLE II. BUSINESSES REGULATED**

**Section 32-201 Reserved**

**Section 32-202 Reserved**

**Section 32-203 Reserved**

**Section 32-204 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/Treasurer 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 Chapter 7, Title 33 of the *O.C.G.A.*, 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).

**Section 32-205 Reserved**

**Section 32-206 Reserved**

**Section 32-207 Peddlers and Itinerant Merchants**

1. **Definitions.**
  - A. A peddler is defined as one who goes from place to place and from house to house carrying for sale and exposing to sale goods, wares and merchandise which he carries with him.
  - B. A transient or itinerant dealer is one who establishes himself in business in a locality with one intention to remain here for a limited time and who for such time occupies a place for the exhibition and sale of his wares.
  - C. A solicitor is a person who goes from person to person, house to house and who orders, subscriptions or any other kind of support, or who distributes literature handbills and the like for information, advertising etc.
2. The practice of going in and upon the public property of the City of Bowman, State of Georgia, to utilize its streets, parks and sidewalks by solicitors, peddlers, itinerant merchants and transients vendors of merchandise, not having been requested or invited by the Mayor and Council of the City of Bowman, for the purpose of soliciting orders for sale of goods, wares and merchandise and/or for the purpose of demonstrating or advertising the same or for the sale of goods; wares and merchandise is declared a public nuisance and is prohibited. All law enforcement and city personnel are required to abate any such nuisance.
3. The Mayor and Council in their discretion may from time to time designate certain areas or times which during such designation may be used by solicitors, peddlers, itinerant merchants in transit merchants for the purpose of conducting their trade. In the event such designation is made a fee may be charged as determined by the Mayor and Council for the conducting of trade.
4. In the event the Mayor and Council designate certain areas and or times for the operation of such trade business, the Mayor and Council may establish rules and regulations attributable to the operation of the designated area which rules shall be posted at City Hall and at the designated area. No person shall have exclusive rights to any location and shall not operate in a congested area or impede the flow of traffic. The judgment of city officials exercised in good faith, shall be deemed conclusive as to whether the area is congested or traffic impeded.
5. In the event the Mayor and Council designate certain areas for use as herein contemplated an application must be made for a permit and license fee paid. The application shall be in such form as designated by Mayor and Council and applicable fees, if any, paid at the time of application, to the City Clerk.

*(Adopted December 12, 1994)*

**Section 32-208 Charitable Solicitors**

All charitable solicitors shall comply with *O.C.G.A.* § 43-17-1 et seq.

**Section 32-209 Reserved**

**Section 32-210 Reserved**

**Section 32-211 Reserved**

**Section 32-212 Reserved**

**Section 32-213 Reserved**

**Section 32-214 Reserved**

**Section 32-215 Reserved**

**Section 32-216 Billiard and Pool Rooms**

1. **License Required.** Each person keeping, operating, or maintaining a billiard table, pool table, or any other table of like character within the corporate limits of the city for use by the public must obtain a license from the City Clerk/Treasurer in the manner specified in this chapter.
2. **Sale or Use of Intoxicating Liquors.** No alcoholic beverages shall be sold, served, or allowed to be used in or on the premises of billiard rooms or any place operated in connection therewith, except if such premises or establishment is an establishment which is authorized to sell alcoholic beverages and derives at least fifty percent (50%) of its total annual gross revenues from the sale of products or services other than alcoholic beverages; provided however, that if alcoholic beverages are sold by the drink for consumption on the premises of a billiard room, the governing authority of a local government may prohibit the sale, serving, or use of alcoholic beverages therein unless the establishment derives at least seventy-five percent (75%) of its revenue from the sale of products or services other than alcoholic beverages; and no local government may prohibit billiard rooms or the playing of billiards in any business which neither sells alcoholic beverages for consumption on the premises nor engages in package sales of such beverages nor allows alcoholic beverages to be consumed on the premises.
3. **Fee Established.** The annual business license fee for each operator of a billiard or pool room in the City of Bowman shall be as determined by the Mayor and the City Council. (Also see *O.C.G.A.* § 43-8-2(b)(1))
4. **Hours of Operation.** It shall be unlawful for the owner, operator, or manager of any billiard or pool room in the city to permit such establishment to be open for business between the hours of 12:00 midnight and 6:00 a.m. or between the hours of 12:00 midnight on Saturday and 6:00 a.m. on Monday. (See *O.C.G.A.* § 43-8-2(b)(2))
5. **Minors.** It shall be unlawful for any person having charge of or control of any pool room or billiard room open to the public to admit into such room any minor, whether for the purpose of playing billiards or pool or not.
6. **Clear View of Premises Required.** The owner, operator, or manager of any billiard or pool room in the city shall not permit to be used on such premises any screens, shades, partitions, or other devices of like character which shall have the effect of obstructing the view through the windows or doors of the place where the billiard or pool tables are kept.
7. **Doors.** The doors of all billiard or pool rooms licensed under this section shall be kept unlocked whenever the tables are in use, or when any person other than the proprietor or his agent is present in such place.
8. **Gambling.** It shall be unlawful for the owner, operator, or manager of any billiard or pool room open for public use to allow gambling of any kind to occur upon such premises.
9. **Exemption.** The provisions of this section shall not apply to billiard tables or rooms operated by private industrial concerns, Young Men's Christian Associations, religious orders, charitable institutions, state, county, or city institutions, fraternal orders, or bona fide clubs using such tables for members or employees only.

**10. Penalty.** Every person, firm, or corporation operating a billiard room within a municipality without having applied for a license pursuant to *O.C.G.A.* §§ 43-8-3 through 43-8-5, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Each day that the billiard room is operated without a license shall be a separate offense.

**Section 32-217      Reserved**

**Section 32-218      Reserved**