AN ORDINANCE TO LEVY, ASSESS, AND COLLECT LICENSE FEES AND OCCUPATIONAL TAXES IN THE UNINCORPORATED AREA OF DAWSON COUNTY; TO PRESCRIBE RULES AND REGULATIONS TO EFFECTUATE THE LEVY, ASSESSMENT AND COLLECTION OF LICENSE FEES AND OCCUPATIONAL TAXES; TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY AND FOR OTHER PURPOSES.

ARTICLE I. THE LICENSING OF BUSINESSES AND THE LEVY AND ASSESSMENT OF OCCUPATIONAL FEES GOVERNED BY STATE LAW

This ordinance will allow for the licensing of businesses, the levying, assessment, and collection of license fees and occupational taxes in accordance with the **OFFICIAL CODE OF GEORGIA §48-13-15 et seq.**

ARTICLE II. BUSINESS OCCUPATION TAX

2.01. Payment of tax required; applicability; display of license.

For each calendar year any person or corporation engaged in or commencing any business, trade, profession or occupation in the unincorporated area of Dawson County, Georgia, or in the case of an out of state business with no location in Georgia pursuant to O.C.G.A. 48-13-7, shall pay a license fee or occupation tax for said business, trade, profession or occupation. Business licenses issued shall have an expiration date one year from the date of issuance of the license. Any applicable business license shall be displayed in a conspicuous place in the place of business if the taxpayer has a permanent business location in Dawson County. If the taxpayer has no permanent business location in Dawson County, Georgia, then such business registration shall be shown to the license inspector, Sheriff of Dawson County, Georgia, (or any of his deputies), or to the Dawson County Marshal's Office or designee, upon request.

2.02. Definitions.

A. "Dawson County, Georgia" as used herein shall be construed to mean the unincorporated area of Dawson County, Georgia; wherever the term "county" is used herein, it shall be construed to mean the unincorporated area of Dawson County, Georgia.

B. As used herein the following terms shall apply:

1. *Administrative fee* means a component of an occupational tax that approximates the reasonable cost of handling and processing the occupation tax.
2. *Board of commissioners* means the governing body of Dawson County, Georgia, and shall also include the terms "board" and "board of commissioners of Dawson County."
3. *Business* means any person or entity in Dawson County that engages in, causes to be engaged in or represents to be engaged in any occupation or activity with the object of gain, benefit, or advantage, either directly or indirectly and includes any person or entity advertising by any means including, but not limited to, signs, cards, circulars, and newspapers.
4. *Business license* means the certificate issued upon payment of the administrative fee, payment of the regulatory fee, if any, and the payment of the occupation tax. Only one business license certificate shall be issued, which shall demonstrate that the fees and tax have been paid.

5. *Dominant line* means the type of business within a multiple line business that the greatest amount of income is derived from.

6. *Employee.*

a. Any individual, owner, family member or relative who works 40 hours per week and whose work is performed under the direction and supervision of the employer who withholds FICA, federal income tax or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form IRS W-2, but not a form IRS 1099, shall be counted as an employee. Computation of employees who work less than 40 hours to produce full time equivalents is set out in 2.05(B). For purposes of this article, each business will have a minimum of one employee.

b. An individual who performs work under the direction and supervision of one business or practitioner in accordance with the terms of a contract or agreement with another business which recruits such individual is an employee of the business or practitioner which issues to such individual for purposes of documenting compensation a form IRS W-2.

7. *Engaged in business* or *carrying on business* means doing or performing any act of selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, or renting real or personal property for less than 10 consecutive days; all of the foregoing performed either as an owner, operator or agent of any business, trade, profession, or occupation within Dawson County.

8. *Flea markets* as used herein shall mean a retail sales operation wherein one or more spaces are made available from which goods or wares are sold.

9. *Licensee* means the person issued the license, his authorized employee in charge of the business of the licensee, or the person operating the business of the licensee.

10. *Location* or office shall include any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site that serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation that has a location or office. The renter's or lessee's location that is the site of personal property rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of real property that is rented or leased to another does not constitute a location or office for the real property's owner, lessor or the agent of the owner or lessor unless the real property's owner, lessor, or the agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

11. *Nonprofit organization* means a corporation, club or group exempt from income taxation under the Internal Revenue Code and regulations thereunder as now existing or as hereafter amended and regulations promulgated by the Secretary of State of Georgia, now existing or as hereafter amended.

12. *Occupation tax* means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue raising purposes.

13. *Person*, wherever used in this article, shall be held to include sole proprietors, corporations, partnerships or any other form of business organization.

14. *Practitioner of a profession or occupation* is one who by state law requires state licensure regulating such profession or occupation.

15. *Practitioners of professions and occupations* shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.
16. *Registration, business registration,* and business *tax registration* are all synonymous with "business license" and shall mean the certificate issued upon payment of the administrative fee, the regulatory fee, if any, and the occupation tax, if applicable. Only one business license certificate shall be issued, which shall demonstrate that the fees and tax have been paid.
17. *Regulatory fees* means payments, whether designated as license fees, permit fees or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the county. A regulatory fee may not include an administrative fee or a registration fee. Development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development are not regulatory fees.
18. *Yard sale* means sales of used household belongings by an individual at his principal residence or by a group of individuals combining such items for a group yard sale at one of their principal residences. Such sales may be held no more than four times in a calendar year, with each individual sale lasting no more than three consecutive days, and shall be exempt from the fee requirements of this article. All merchandise must be the property of the person(s) holding the sale and not be purchased for the purpose of resale. The term also includes garage sales, basement sales, or other similar usage. All other sales of merchandise are considered retail sales, and subject to the provisions of this article.

2.03. Purpose and scope of occupation tax.

A. The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the occupation tax made a condition precedent to the practice of any profession that is classified in O.C.G.A. § 48-13-9(c)(1)--(18).
B. The occupation tax applies to those businesses and occupations that are covered by the provisions of O.C.G.A. §§ 48-13-5--48-13-26.
C. All other applicable businesses and occupations are taxed by the local government pursuant to general and/or local law and ordinances of Dawson County.

2.04. Administrative fee and regulatory fee structure.

A. A non-prorated, non-refundable administrative fee of ***$25.00*** shall be required on all business occupation tax accounts for the initial start-up, renewal or reopening of those accounts.
B. A regulatory fee shall only be imposed as provided under O.C.G.A. § 48-13-9 on those businesses that require an application on an annual basis and on those businesses that require an application for the initial business license for the purpose of regulating the business in reference to character checks or other verification that is necessary to legally permit operation of that business for the current licensing year. A regulatory fee may not include an administrative fee.
1. Classifying businesses and practitioners of professions and occupations according to whether such businesses and practitioners have a location within the unincorporated area of Dawson County and imposing and collecting different regulatory fees on the basis of such a classification is prohibited.
2. The regulatory fee is not a general revenue producing component of the license fee structure and is the approximate actual reasonable cost of the regulatory activity performed.

C. Regulatory fees authorized by this article shall be paid before commencing business or the practice of a profession as a condition precedent for transacting business or practicing a profession.
D. Regulatory fees may be paid after commencing business or the practice of a profession when:
1. The work done or services provided are necessary for the health or safety of one or more individuals.
2. The work done or services provided have no adverse affect on any other person; and
3. Regulatory fees are tendered to the local government within two business days after commencing business or practice of a profession.
E. Regulatory fees and administrative fees may not be pro-rated on businesses that close, dissolve, sell or relocate outside unincorporated Dawson County, or otherwise cease to operate in unincorporated Dawson County before the expiration of the license each calendar year.
F. Any and all regulatory and/or administrative fees paid shall be non-refundable.

2.05. Occupation tax levied; amount

A. An occupation tax is levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within unincorporated areas of Dawson County, Georgia, and upon applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based upon the following criteria. The tax shall be levied on the number of employees of the business or practitioner.
B. The occupation tax shall be determined according to the number of employees of the business or practitioner as computed on a full-time position basis or full-time position equivalent basis. An employee who works 40 hours or more weekly shall be considered a full-time employee. The average weekly hours of employees who work less than 40 hours weekly shall be added and such sum shall be divided by 40 to produce full-time position equivalents. The occupation tax shall be levied as follows:*

Number of Employees	Fee Amount	Number of Employees	Fee Amount
1	$100.00	11	$200.00
2	$175.00	12	$212.50
3	$175.00	13	$225.00
4	$175.00	14	$237.50
5	$175.00	15	$250.00
6	$175.00	16	$262.50
7	$175.00	17	$275.00
8	$175.00	18	$287.50
9	$175.00	19	$300.00
10	$187.50	20	$312.50

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Number of Employees	Fee Amount	Number of Employees	Fee Amount
21	$325.00	61	$825.00
24	$362.50	64	$862.50
25	$375.00	65	$875.00
26	$387.50	66	$887.50
27	$400.00	67	$900.00
28	$412.50	68	$912.50
29	$425.00	69	$925.00
30	$437.50	70	$937.50
31	$450.00	71	$950.00
32	$462.50	72	$962.50
33	$475.00	73	$975.00
34	$487.50	74	$987.50
35	$500.00	75	$1,000.00
36	$512.50	76	$1,012.50
37	$525.00	77	$1,025.00
38	$537.50	78	$1,037.50
39	$550.00	79	$1,050.00
40	$562.50	80	$1,062.50
41	$575.00	81	$1,075.00
42	$587.50	82	$1,087.50
43	$600.00	83	$1,100.00
44	$612.50	84	$1,112.50
45	$625.00	85	$1,125.00
46	$637.50	86	$1,137.50
47	$650.00	87	$1,150.00
48	$662.50	88	$1,162.50
49	$675.00	89	$1,175.00
50	$687.50	90	$1,187.50
51	$700.00	91	$1,200.00
52	$712.50	92	$1,212.50
53	$725.00	93	$1,225.00
54	$737.50	94	$1,237.50
55	$750.00	95	$1,250.00
56	$762.50	96	$1,262.50
57	$775.00	97	$1,275.00
58	$787.50	98	$1,287.50
59	$800.00	99	$1,300.00
60	$812.50	100	$1,310.50

** For Each Employee Over 100 add $10.50 per employee

This fee schedule includes a ***$25.00*** non-prorated, non-refundable administrative fee required for the initial start-up, renewal or reopening of those accounts. Sec. 2.04.

2.06. Occupation tax restrictions; transfer of business license.

A. Dawson County shall not require an additional occupational tax on those businesses that have paid the occupation tax in other localities or states on the business' or practitioner's sales or services in Georgia, if those businesses or practitioners were taxed in compliance with O.C.G.A. §§ 48-13-7 and 48-13-14 and show proof of payment of the occupation tax.

B. Dawson County shall not require an occupation tax from those real estate brokers, agents or companies whose offices are located outside the unincorporated areas of Dawson County, Georgia, and sell property inside the unincorporated areas of Dawson County, Georgia.

C. The business license shall not be transferable to another person, firm or corporation in the same location. The business license may be transferred from one location to another if the ownership of the business remains the same.

2.07. Payment of occupation tax by businesses with no location in state.

If not exempt pursuant to O.C.G.A. § 48-13-7(f), the Board of Commissioners of Dawson County, Georgia, require registration and the assessment of an occupation tax on businesses and practitioners of professions with no location or office in the State of Georgia if the largest dollar volume of business in Georgia is done or performed in the unincorporated area of Dawson County and the business or practitioner:

Has at least one employee or agent who exerts substantial efforts within the unincorporated area of Dawson County, Georgia for the purpose of soliciting business or serving customers or clients.

2.08. Each line of business to be identified on business registration.

The business registration/business license certificate of each business operated in the county shall identify the line or lines of business that the business conducts. No business shall conduct any line of business without first having that line of business registered with the business license department and that line of business being noted by the business license department upon the business license certificate which is to be displayed by the business owner.

2.09. Each location considered separate business.

If an occupation taxpayer conducts business at more than one store or location, then each store or location shall be considered a separate business for the purpose of occupation tax; however, no more than one occupation tax shall be required for each location.

2.10. Occupation tax on professionals.

Practitioners of professions as described in O.C.G.A. § 48-13-9(c) (1)--(18) shall elect each calendar year as their entire occupation tax one of the following:

A. The occupation tax based on number of employees as provided in section 2.05 of this article.

B. A fee of $400.00 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location. The per practitioner fee shall include all

persons in the business who qualify as a practitioner under the state's regulatory guidelines and framework.

2.11. Home Occupation.

The occupation tax or license fee for a profession or business conducted as a home occupation shall be $75.00 regardless of any contrary provision set forth herein.

2.12. Exemption for practitioners exclusively practicing for government.

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, or instrumentalities of the United States shall not be required to obtain a license or pay an occupation tax for that practice.

2.13. Allocation of employees of business with multiple locations.

A. For those businesses that have multiple locations inside and outside of the county where the employees can be allocated to each location, the number of employees used to determine the occupation tax assessed will be those employees attributed to each county location. In the case of an employee who works for the same business or practitioner in more than one municipal corporation or county, the municipal corporation or county in which the employee works for the longest period of time within the calendar year shall be authorized to count the individual as an employee who is employed within the local government's geographic jurisdiction for purposes of occupation tax. Upon request, the business or practitioner with a location or office situated in more than one jurisdiction shall provide to the county the following:

1. Payroll and personnel records necessary to allocate the number of employees of the business or practitioner; and
2. Information relating to the allocation of the business's or practitioner's number of employees by other local governments.

B. Where the business has locations outside of the county and taxation is levied for criteria other than number of employees in the other local government's jurisdiction, the county shall not assess more than the allotted share of number of employees for the local operation.

2.14. Miscellaneous exemptions.

No occupation tax, regulatory fee or administrative fee shall be levied on the following:

A. Any state or local authority or nonprofit organization;

B. Veterans with a ten percent or greater disability, upon presentation of a certificate of exemption from the state director of veteran's services;

C. Blind persons, upon presentation of a certificate of exemption from the judge of probate court of Dawson County;

D. Such other businesses as are exempt by federal or state statute;

E. Agricultural production of crops and livestock, except poultry hatcheries, forestry and fishing, and hunting and trapping.

F. Sale of produce, fruits and vegetables grown by the seller when the point of sale is on the property where grown;

G. The builder of a single home or outbuilding for his own use. This exemption does not extend to subcontractors or persons acting in a construction management capacity;

H. Service performed by a unit of government, but not a private contractor for a unit of government.

2.15. Evidence of state registration required if applicable.

Each person who is licensed under O.C.G.A. title 43 by the state license examining boards shall provide evidence of proper state licensure before the county business license may be issued.

2.16. Evidence of qualification required if applicable.

A. Any business required to obtain health permits, bonds, certificate of qualification, certificates of competency, certificate of occupancy, or any other regulatory matter shall first, before the issuance of a county business license, show evidence of such qualification.

B. Any business required to submit an annual application for continuance of that business shall do so before the business license is issued.

2.17. Liability of officers and agents; registration required; failure to obtain registration.

All persons subject to the occupation taxes provided in this ordinance shall obtain the necessary registration for the business prescribed in this ordinance, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a business license. Every person commencing business in Dawson County after January 1 of each year shall likewise register before commencing business activities; and any person transacting or offering to transact in the county any of the kinds of business, trade, profession or occupation subject to this ordinance without first having obtained registration shall be subject to the provisions of section 2.19 of this ordinance.

2.18. Delinquent fees or tax; effect of transacting business when tax delinquent.

A. Each registration shall be valid for one calendar year from the date the original registration was obtained unless otherwise specifically provided. If any fees or occupation tax due under this ordinance remain due and unpaid for 90 days from the due date, then the person liable for the fees or tax shall be subject to and shall pay a penalty of 10 (ten) percent of the fees or tax due. Interest on delinquent fees and tax shall be assessed at 1.5 percent for each month or fraction thereof of delinquency. The penalty and interest shall be in addition to all other penalties, civil and criminal, herein provided; and may be collected by the remedies herein provided for collection of the occupation tax, the administrative fee and the regulatory fee and shall have the same lien and priority as the occupation tax to which the penalty is applied. On renewal registrations, applicable penalties and interest fees shall be collected based on the annual due date from original registration.

B. The business license herein provided for shall be issued by the Dawson County Manager or designee, and, if any person, firm or corporation whose duty it is to obtain a business license shall, after said occupation tax becomes delinquent, transact or offer to transact, in the county, any of the kind of business, trade, profession or occupation subject to this ordinance, without having first obtained said business license, shall be subject to section 2.19.

2.19. Violation of ordinance; penalty.

A. In addition to other remedies available to the county for the collection of special taxes, occupation taxes and regulatory fees due the county from persons subject to the tax or fee who fail or refuse to pay the tax or fee, the officer charged with the collection

of the tax or fee shall issue executions against the delinquent taxpayers for any or all of the following:

1. The amount of the taxes or fees due when the taxes or fees become due.
2. Any penalty imposed by subsection (A) of section 2.18.
3. Any interest imposed by subsection (A) of section 2.18;

B. The (Dawson County Magistrate Court) may impose a civil fine for failure to pay the occupation tax or regulatory fee. Such civil fine shall not exceed $500.00 and may be enforced by the contempt power of the court.

C. In addition to the above remedies, the Dawson County Sheriff may collect such fee or tax in the same manner as provided by law for tax executions.

2.20. Businesses not covered by article.

The following businesses are not covered by the provisions of this article, but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the State of Georgia or by act of local law:

A. Those businesses regulated by the Georgia Public Service Commission.

B. Those electrical service businesses organized under **Chapter 3 of Title 46 of the Official Code of Georgia.**

C. Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.

2.21. Occupation tax inapplicable where levy prohibited or exempted by law.

This occupation tax is not levied upon the number of employees of any part of a business if such levy is prohibited or exempted by the laws of Georgia or of the United States.

2.22. Date when occupation tax due and payable.

The amount of occupation tax shall be due and payable to the county at the business license office of the county one calendar year from the date of original registration and shall be delinquent if not paid within 90 days from the due date. If any person commences business on any date after January 1, in any year, then the tax shall be due and payable within 30 days of the date of the commencement of the business.

2.23. Inspection of books and records.

In any case, the County Manager, through his officers, agents, employees or representatives, may inspect the books of the business upon which the applications are made. The County Manager or his designee shall have the right to inspect the books or records of the business for which the application was made in the county and upon demand of the County Manager or his designee such books or records shall be submitted for inspection by a representative of the county within 30 days. Failure of submission of such books or records within 30 days shall be grounds for revocation of the business license currently existing to do business in the county. Adequate records shall be kept in Dawson County, Georgia, for examination by the County Manager or his designee at his discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of under reporting, a penalty of ten percent of the deficiency and an additional one percent of the deficiency for each month or fraction thereof that the deficiency was due and unpaid shall be assessed.

2.24. Revocation of business license for failure to pay tax, file returns, or permit inspection of books.

Except for a person whose qualifications to practice his or her profession are determined by the general laws of the State of Georgia, the failure of any business to pay the occupation tax or any part thereof before it becomes delinquent shall result in, any business license granted by the county under this ordinance being revoked. No new business license shall be granted by the county for the operation of a business for which any part of the occupation tax herein provided for is at that time unpaid or to a person who has failed to submit adequate records as requested.

2.25. Effect of noncompliance; continuing in business after business license revocation.

Any person, or their manager, agent or employee, who does business in the county after the business license for said business has been revoked as herein provided; any person, or their manager, agent or employee, who is hereby required to make returns showing the number of employees and who fails to make said returns within the time and in the manner herein provided, or refuses to amend such returns so as to set forth the correct information, or who shall make false returns; and any person, or their manager, agent or employee, who refuses to permit an inspection of books in their charge when the officer(s), agent(s), employee(s) or representative(s) of the county request such inspection, during normal business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to the penalties provided in section 2.18 of this article.

2.26. Execution for delinquent occupation tax.

In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the tax commissioner of Dawson County, upon any tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the person liable for said tax, which execution shall bear interest at the rate of one percent per month from the date when such tax or installment becomes delinquent, and the lien shall cover the property of the person liable for said tax, all as provided by the resolutions of Dawson County, Georgia, and the laws of Georgia. The lien of said occupation tax shall become fixed on and dated from the time when such tax becomes delinquent. The execution shall be levied by the Sheriff of Dawson County upon the property of the person liable for said tax, and sufficient property shall be advertised and sold to pay the amount of said execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by the resolutions of Dawson County and the laws of Georgia, and the defendant in said execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the resolutions of Dawson County and the laws of Georgia in regard to tax executions. When a nulla bona entry has been entered by proper authority upon an execution issued by the tax commissioner of Dawson County, Georgia, against any person defaulting on the occupation tax, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the person against whom the execution issues pays the tax in full together with all interest, penalties and costs accrued on the tax, the person may collect any fees and charges due the person as though the person had never defaulted in the payment of the taxes.

2.27. Amendments.

Subject to the provisions of section 2.30, this ordinance shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the board of commissioners to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower

the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the county of additional occupation taxes upon the same person, property or business.

2.28. Payment of tax or assessment levied under prior ordinance or resolution.

This ordinance does not repeal or affect the force of any part of any ordinance or resolution heretofore passed where taxes levied under such prior ordinance or resolution have not been paid in full. So much and such parts of ordinances and/or resolutions heretofore and hereafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances or resolutions, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in said ordinance or resolution, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

2.29. Enforcement of article.

It is hereby made the duty of the Planning and Development Department, the Dawson County Marshal's Office, and the Dawson County Sheriff's Office and or their designees **to** enforce this ordinance; and to summon all violators of the same to appear before the Magistrate Court of Dawson County. It is hereby made the duty of the County Manager or designee, the Dawson County Marshal's Office and/or the Sheriff, and their designees and assistants, to inspect all business licenses issued by the county, as often as in their judgment deemed necessary, to determine whether the business license held is proper for the business sought to be transacted.

2.30. Provisions of ordinance to remain in effect until amended by board of commissioners.

This ordinance shall remain in full force and effect until changed by amendment adopted by the board of commissioners. All provisions hereof relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

2.31. Public hearing required before adoption of tax.

The board of commissioners shall conduct at least one public hearing before adopting any resolution **that** will affect the occupation tax as set forth in this article.

2.32. Authority to establish exemption or reduction in tax.

A. The board of commissioners may by subsequent resolution provide for an exemption or reduction in occupation tax or a credit against occupation tax owed to by one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting, encouraging, or maintaining selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious.

B. Exemptions or reductions in occupation tax pursuant to paragraph A of this section may include but shall not be limited to the following:

1. Absolute dollar amount limitations on the total amount of tax, either by criterion or combination of criteria used for classification or for businesses and practitioners, provided that a jurisdiction which provides an absolute dollar amount limitation on the total amount of tax shall levy and collect such maximum tax only once on each business

entity or practitioner even if a business or practitioner has more than one office or location within the jurisdiction;
2. Tax credits for the retention or creation of jobs, or for jobs of a specific description, including but not limited to entry level jobs or jobs with compensation of a specified range;
3. Tax credits for other taxes paid to the local government, including but not limited to ad valorem taxes;
4. A tax exemption or a lower rate of taxation for sales to customers outside the jurisdiction of Dawson County;
5. A credit or rebate to businesses or practitioners who paid occupation taxes in the previous year;
6. A limitation on the dollar or percentage amount of increase in tax from a base year to a subsequent year, provided that the limitation is made applicable to new businesses or practitioners by imputing the number of employees of the subsequent year to the base year in calculating tax for the base year, tax for the subsequent year and the increase in tax; and
7. A credit or reduction as an adjustment for seasonal fluctuations in the number of employees, other fluctuations in the number of employees, increases or decreases in the number of employees, or temporary employees.

2.33. Conflicts between specific and general provisions.

Where there is an apparent conflict in this article between specific and general provisions, it is the intention hereof that the specific shall control.

2.34. Public hearing on use of increased revenue.

In any year when revenue from occupation taxes is greater than revenue from occupation taxes for the preceding year in Dawson County, one or more public hearings shall be held by the board of commissioners of Dawson County as part of the process of determining how to use the additional revenue.

ARTICLE III. BUSINESS REGULATIONS

3.01. General authority to impose regulatory fees.

Business regulatory fees shall be levied, assessed, collected and paid on and by those individuals, firms or corporations doing business or practicing a trade in the unincorporated area of Dawson County, Georgia, in such sums and in such categories as set forth in section 3.21 of this article. The fees and taxes imposed herein and the categories of business and trade upon which such fees and taxes are imposed may be modified or changed by subsequent resolution of the board of commissioners of the county.

3.02. Regulatory fee exemptions.

Examples of businesses and practitioners of professions and occupations which local governments are not authorized to subject to regulatory fees include, but are expressly not limited to, the following:
1. Lawyers;
2. Physicians licensed under Article 34 of Title 43 of the Official Code of Georgia;
3. Osteopaths licensed under Article 34 of Title 43 of the Official Code of Georgia;
4. Chiropractors;
5. Podiatrists;
6. Dentists;

7. Optometrists;
8. Psychologists;
9. Veterinarians;
10. Landscape architects;
11. Land surveyors;
12. Practitioners of physiotherapy;
13. Public accountants;
14. Embalmers;
15. Funeral Director;
16. Civil, mechanical, hydraulic, or electrical engineers;
17. Architects;
18. Marriage and family therapists, social workers, and professional counselors;
19. Dealers of motor vehicles, as defined in paragraph 1 of the Official Code of Georgia, Section 10-1-622;
20. Owners or operators of bona fide coin operated amusement machines, as defined in the Official Code of Georgia, Section 48-17-1, and owners or operators of businesses where bona fide coin operated amusement machines are available for commercial use and play by the public, provided that such amusement machines have affixed current stickers showing payment of annual permit fees, in accordance with the Official Code of Georgia, Section 48-17-9;
21. Merchants or dealers as defined in the Official Code of Georgia, Section 48-5-354 as to their deliveries to businesses and practitioners of professions and occupations in areas zoned for commercial use; and
22. Any other business, profession, or occupation for which state licensure or registration is required by state law, unless the state law regulating such business, profession, or occupation specifically allows for regulation by local governments.

3.03. Business license transfer.

The business license shall not be transferable to another person, firm or corporation in the same location. The business license may be transferred from one business location to another provided the ownership of the business remains the same.

3.04. Business license application; investigation; action by County Manager or designee; restrictions.

All applications for a business license shall be on forms prepared by Dawson County.

A. The application shall include:
1. The name of the business;
2. The location of the business;
3. The mailing address of the business;
4. The name and address of the owner of the business, and, if a corporation, the name of the person responsible for corporate affairs in unincorporated Dawson County;
5. The name of the manager at the business location;
6. The nature of the business or businesses;
7. The number of employees or such other information as may be required to assess the occupation tax;
8. Such other information as may be required to carry out the provisions of this article.

B. Upon completion of the application and the payment of the tax and fees, the County Manager or designee shall make such investigations and require such reports as necessary to carry out this article. Upon receipt of the necessary reports and investigations, the County Manager or designee shall either issue the business license or refer the application to the board of commissioners. If the application is referred to the

board of commissioners, the applicant shall be notified in person or by certified mail, return receipt requested.

C. The limited hours of operation, restrictions and other special circumstances pertaining to the operation of a business licensed by the county shall be entered directly onto the business license before the same is issued and delivered over to the business license applicant.

D. Business owner must be a citizen of the United States or a legal alien. In the case of a legal alien, the owner must furnish current alien registration card or picture identification and documentation from the United States Immigration and Naturalization Service authorizing the legal alien to work in the United States.

E. All business owners must be 18 years of age when applying for a business license.

F. All sole proprietor business owners must show a photo ID when applying for a business license. If the ownership of the business is a partnership, a corporation or LLC, the applicant must provide evidence that the corporation is registered with the Georgia Secretary of State's office, and that the corporation is current and in compliance with the Georgia Secretary of State's office. All foreign corporations must also register with the Georgia Secretary of State's office.

G. All delinquent and current state and county ad valorem taxes assessed against the business, whether such business is a proprietorship, general partnership, limited partnership, limited liability/limited partnership, limited liability company or corporation, shall be paid prior to the issuance of a business license.

3.05. Issuance of business license by board of commissioners.

Whenever an application is referred to the board of commissioners under section 3.06 of this article, the board of commissioners shall make such investigation and hold such hearings as it shall determine. The board of commissioners may either issue the business license, issue the business license with conditions, or deny the business license, as necessary, in the opinion of the board of commissioners, to safeguard the public health, safety and general welfare and security of the county.

3.06. Special requirements for licensing of certain businesses.

A. The power to issue a business license to a tourist camp, cabin camp, tourist house, road house, public dance hall or similar establishment as defined in O.C.G.A. §§ 43-21-50 and 31-28-1 shall be reserved specifically to the board of commissioners.

B. A Special Event Business License shall be required for non-routine business activity within the unincorporated area of Dawson County that generates or invites public participation or spectators for a particular purpose and for a limited period of time. These events have a significant impact on county services. Special events are not only those events that occur on public streets, but also those events that occur entirely on private property or off-site from the originating business. "Special Event" includes the following types of events: flea markets, community yard sales, outdoor exhibitions, outdoor performances, outdoor musical festivals and other outdoor public assemblies, and agri-tourism events described and defined within the Land Use Ordinance of Dawson County.

C. The following events are exempt from the special events business license requirements: outdoor sales or displays conducted on the property of and in conjunction with existing, licensed businesses (i.e. 'sidewalk sales'); garage or yard sales conducted by a single household on residential property; revivals; reunions; and charity events (unless the charity event involves one or more of the factors included in subsections E, F or G of this section)

D. A Special Event Business License Application (obtained from the Department of Planning and Development) shall be completed for each contemplated event and submitted to the Department of Planning and Development along with applicable fees.

E. Applications for events may be granted by the County Manager or designee unless any of the following conditions apply:

1) A charge for admission, a ticket or a tour;
2) The total square footage of temporary tent structures exceeds 1,000 square feet;
3) Individually licensed food vendors shall be included in the event; adequate parking is not provided on-site to serve the total number of anticipated vehicles based upon the anticipated attendance; or
4) Alcohol is served or sold during the event.

If any of these conditions apply, then the application shall be considered by the Board of Commissioners.

F. At the sole discretion of the County Manager or designee, any application that may be granted by the County Manager or designee may be referred by the County Manager or designee to the Board of Commissioners for consideration if the proposed event involves:

1) Any potentially dangerous or hazardous activity;
2) Any national or local celebrity;
3) Anticipated major media coverage; or
4) Any unusual or excessive burden on the Fire Marshal, Sheriff, County Marshal or other county personnel.

G. Application for events involving an estimated attendance of 10,000 or more persons shall be considered by the Board of Commissioners. The application shall include evidence that:

1) The applicant shall provide sufficient security personnel to control the public and enforce the law within the area occupied by the event;
2) The applicant shall provide adequate emergency medical facilities;
3) The applicant has adequate maintenance personnel to clean the area occupied by the event and the areas adjacent to the event that are littered as a result of the event;
4) The public roads are adequate to handle the anticipated number of attendants;
5) Adequate toilet facilities shall be provided (at least one per 100 in attendance); and
6) Adequate drinking water is available.

H. The criteria to be considered in granting or denying a Special Event Business License Application shall be as follows:

1) The impact of the event on county resources (fire, sheriff, marshal, emergency medical services);
2) The impact of the event on the surrounding community;
3) Traffic generated by the event and access to the event;
4) The zoning of the proposed event location;
5) Any residential zoning of surrounding property;
6) Anticipated attendance and facilities to manage the anticipated population, including parking, crowd control, water, toilet facilities, and emergency precautions; and
7) The effect of the proposed event on the public health, safety and welfare.

I. An application that may be considered by the County Manager or designee may be:

1) Granted by the County Manager or designee with or without conditions necessary to protect the public health, safety and welfare;

2) Denied by the County Manager or designee. If the application is denied by the County Manager or designee, then the applicant may appeal to the County Manager and then to the Board of Commissioners; or
3) Referred by the Director of Planning and Development or designee to the County Manager with a recommendation by the Department of Planning and Development.

J. Applications or denials that are heard by the Board of Commissioners shall be considered during a public meeting of the Board of Commissioners. Denials by the County Manager or designee may be appealed as set forth in this ordinance.

K. All decisions shall be issued in writing to the applicant.

L. The provisions of this section shall not apply to any current licensee if the business activity of such licensee remains the same event or events as the licensee conducted before the adoption of this ordinance.

Cross references: Background investigation required for operators of certain businesses, § 3.19.

3.07. Grounds for denial of business license.

The board of commissioners may deny a business license to any business engaged in an unlawful activity or operated in such a manner as to violate lawful ordinances or resolutions adopted by the board of commissioners of the county. Unlawful activity shall include, but not be limited to, activities in violation of the zoning regulations and the electrical, health, building and fire codes of the county.

3.08. Going-out-of-business sales and similar sales.

A. All persons shall secure from the county a special business license pursuant to the provisions of this section before selling or offering to sell any goods at a sale advertised or held out by any means to be one of the following kinds:

1. Going-out-of-business sales;
2. Removal of business sales; or
3. Fire and other altered stock sale.

B. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. *Fire and other altered goods sale* means a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water, or other means.

2. *Going-out-of-business sale* means a sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: adjustors, adjustment, alteration, assignee's, bankrupt, benefit of administrator's, benefit of creditor's, benefit of trustee's, building coming down, closing, creditor's committee, creditor's end, executor's final days, forced out, forced out-of-business, insolvent's last days, lease expire, liquidation, loss of lease, mortgage sale, receiver's, trustee's quitting business and other like sales.

3. *Goods* means any goods, wares, merchandise or other property capable of being the object of a sale regulated under this section.

4. *Removal of business sale* means a sale held out in such manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the county or will then continue business from other existing locations in the county.

C. A person desiring to conduct a sale regulated by this section shall make a written application to the county, setting forth and containing the following information

1. The true name and address of the owner of the goods to be the object of the sale;
2. The true name and address of the person from whom he purchased the goods to be sold, the price therefore, and, if not purchased, the manner of such acquisition;
3. A description of the place where such sale is to be held;
4. The nature of the occupancy, whether by lease or sublease, and the effective date of termination of such occupancy;
5. The dates of the period of time in which the sale is to be conducted;
6. A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;
7. The means to be employed in advertising such sale, together with the proposed content of any advertisement;
8. A complete and detailed inventory of the goods to be sold at such sale as disclosed by the applicant's records. Such inventory shall be attached to and become part of the required application.

(a) All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.

(b) Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any unusual purchase or additions to the stock of goods of the business hereby affected within ten days before the filing of an application hereunder shall be deemed to be of such character.

D. Any applicant for a business license under this section shall submit to the county a business regulatory fee of $100.00 with his application.

E. Any person who has not been the owner of the business advertised or described in the application for a business license under this section for a period of at least 12 months prior to the date of the proposed sale shall not be granted a business license except upon the approval of the county commissioners; provided that, upon the death of a person doing business in this county, his heirs, devises or legatees shall have the right to apply at any time for a business license under this section.

F. Where a person applying for a business license under this section operates more than one place of business, the business license issued shall apply only to the one store or branch specified in the application. No other store or branch shall advertise or represent that it is cooperating with it or in any way participating in the licensed sale. Nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.

G. A business license issued under this section shall authorize the sale described in the application for a period of not more than three calendar months following the issuance thereof; provided that a longer period shall be designated by the county commission upon good cause shown, but not to exceed 30 additional days.

H. A business license issued under this section shall authorize only the one type of sale described in the application at the location named therein.

I. Any business license provided for or by this section shall not be assignable or transferable.

J. Upon being issued a business license under this section for a going-out-of-business sale, the licensee shall surrender to the county all other business licenses he may hold at the time applicable to the location and goods covered by the application for a business license under this section.

K. Any person who has held a sale, as regulated under this section, at the location stated in the application, within one year last past from the date of such application shall not be granted a license, except upon the approval of the county commission.

L. A business license issued under this paragraph [section] shall authorize only the sale of goods described in the inventory attached to the application.

M. A licensee under this section shall:

1. *Adhere to inventory.* Make no additions whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license;

2. *Advertise properly.* Refrain from employing any untrue, deceptive or misleading advertising;

3. *Adhere to advertising.* Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto;

4. *Keep duplicate inventory.* Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request; and

5. *Segregate non-inventoried goods.* Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and out of the place of sale apprising the public of the status of all such goods.

N. It is unlawful for any person to advertise by newspapers, radio, posters or otherwise and represent that he is operating, offering or maintaining fire sales, wreck sales, bankrupt sales, closing-out or going-out-of-business sales and similar businesses, whereby the public is led to believe that it is being offered merchandise at reduced rates on account of fire, wrecks, bankruptcies, closing out or discontinuance of business, when in fact such sales are not bona fide, but are fakes and frauds, and the advertisement and representations are untrue and false.

O. It is unlawful for any person to advertise by sign, posters, handbills or otherwise that he or any business entity is operating, offering or maintaining fire sales, wreck sales, bankrupt sales, closing-out or going-out-of-business sales or similar sales for more than a four-month period. In the event such advertising is continued for a period of time in excess of four-months, such shall constitute prima facie evidence of a violation of this section; provided, however, any individual or business entity having just cause or reason requiring the extension of such sales for more than the four-month period may, prior to expiration of the four-month period, petition the county commission for a continuance of time within which to complete such sales, and the county commission, in its discretion, upon a showing of good cause, may but shall not be required to grant an extension of time. The commission's decision on whether or not to grant such additional time for the advertising and the conducting of the sales shall be final.

P. It is also unlawful for any person, conducting any sale, except judicial sales, whether the same is by auction or otherwise, of any goods, wares or merchandise which are claimed to be or have been in or damaged by fire, or which are claimed to be or have been sold or purchased on account of any fire, or which are or have been or which are claimed to be the property of any bankrupt person who has failed in business or has made a general assignment, or is or has been in voluntary or involuntary bankruptcy, or which are being sold or offered for sale in any other way than through the usual channels of trade, to sell or offer for sale in such sale any goods, wares or merchandise not so affected or damaged or to add to or to permit to be added to or to bring into or permit to be brought into any store, warehouse or any building in the county, for the purpose of adding to such goods, wares or merchandise not so circumstanced or affected and which are on hand in any such store, warehouse or other building for the purpose of being sold at such sale.

Q. The provisions of this section shall not apply to or affect the following persons:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction

2. Persons acting in accordance with their powers and duties as public officials:

3. Duly licensed auctioneers, selling at auction;
4. Any publisher of a newspaper, magazine or other publication who publishes in good faith any advertisement, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this section have not been complied with.

3.09. Failure to pay regulatory fee; collection of delinquent fees.

Any person, firm or corporation required to pay a regulatory fee and who fails to do so during the required period of collection shall be deemed to be delinquent. When any fee becomes delinquent under this article, collection and fines shall be as provided for in section 2.18 and section 2.19 of this article.

3.10. Grounds for revocation of business license.

The board of commissioners shall have the right, after notice and hearing, to revoke any business license issued hereunder on the following grounds:
A. Violation of this article.
B. 1. Violation of other laws and resolutions of the county pertaining to the carrying on of such business as would affect the health, safety, and welfare of the public or the county.
2. Violation of a law of the United States or the State of Georgia, which affects the public health, welfare and safety.
C. Fraudulent business practices.
D. Failure of a licensee for a business which is so required by section 3.06 to provide the following enumerated items:
1. Sufficient security people, at the expense of the licensee, to control the public and enforce all laws within the area occupied by the business and/or event.
2. Adequate emergency medical facilities, at the expense of the licensee, to provide sufficient emergency medical care for members of the public who patronize his business and/or event.
3. Adequate maintenance personnel to clean the area occupied by the business as well as those areas which are adjacent to the area occupied by the business and which are littered as a result of the business, event, and/or its patrons.
4. Adequate toilet facilities such that a minimum of one toilet facility per 100 patrons is provided.
5. Adequate drinking water for members of the public who patronize his business and/or event.
E. The business constitutes a nuisance. For the purposes hereof, a nuisance is defined as follows: A nuisance is anything that works to hurt, inconvenience, or damage another; and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary reasonable person.

3.11. Preliminary investigation on revocation of business license.

Where it is reported to the County Manager or designee that a holder of a county business license is engaged in any activity which could form the basis for a revocation of said business license under section 3.10. a preliminary investigation shall be conducted by the County Manager or designee in order to determine whether or not there is a basis for the reports. If the County Manager or designee's preliminary investigation reveals that there may be a basis for revocation or suspension of the business license. the business license holder will be notified to appear before the board of commissioners for a hearing under the provisions of section 3.13

3.12. Seizure of business license.

A. If the Sheriff or Marshal of the county shall find that a business of a certain category listed below is in violation of a law of the State of Georgia or in violation of a law or resolution of the county and that the continued operation of the business would create a clear and present danger to the health, safety and general welfare and security of the county, the Sheriff or Marshal shall be empowered to seize and temporarily suspend the business license of the business. The Sheriff or Marshal shall deliver the business license to the clerk of the board of commissioners upon the next working day of the clerk. The chairman of the board of commissioners shall then schedule a special hearing of the board of commissioners to consider further action upon the order within five days of the date upon which the clerk of the board of commissioners received the business license from the Sheriff or Marshal.

B. The provisions of this section shall be limited to the following businesses:

1. Tourist camps, cabin camps, tourist houses, roadhouses, public dance halls or similar establishments as defined in Ga. Code Ann. Ch. 52-3 [O.C.G.A. § 43-21-1 et seq.];
2. Flea markets, outdoor exhibitions, outdoor performances, outdoor musical festivals or other places of outdoor public assembly;
3. Auctions of property other than real estate, billiard rooms, game rooms, canvassers and solicitors, second hand sales, pawn brokers, precious metal dealers, private detectives and detective agencies, carnivals, circuses, traveling shows, taxi services, limousine services, and bounty hunters.

3.13. Hearing on revocation of business license.

A. When a matter is transmitted by the County Manager or designee, the Sheriff or the Marshal to the clerk of the Board of Commissioners for possible suspension or revocation, the chairman of the board of commissioners shall schedule a hearing before the board of commissioners. The board of commissioners shall make such investigation as it deems necessary.

B. The licensee shall be notified in person or by mail at the business address of the date and time of the hearing. The licensee may appear in person or be represented by counsel.

C. At the conclusion of the hearing, the board of commissioners, based upon evidence submitted at the hearing, shall enter an order making findings of fact and then:

1. Find that the evidence does not authorize revocation or suspension; or
2. Issue a warning to the licensee; or
3. Suspend the business license and limit the suspension to a probationary period of time; or
4. Revoke the business license and limit the revocation to a probationary period of time; or
5. Suspend the business license; or
6. Revoke the business license; or
7. Take any other appropriate action regarding the license.

3.14. Appeal of decision of administrative official.

A. Any person, firm or corporation may appeal any action, order, decision, or determination of the County Manager or designee or any other administrative official to the board of commissioners. The appeal is limited to an alleged error of the official from which the appeal is taken.

B. The appeal shall be filed in writing with the clerk of the board of commissioners within 15 days following the date on which the alleged error was made. Upon receiving

the appeal, the clerk shall schedule a hearing before the board of commissioners and notify all parties to the appeal by mail at their business address of the time and date of the appeal hearing.

C. All parties to the appeal may appear in person or be represented by counsel.

D. The board of commissioners shall conduct the hearing. At the conclusion of the hearing, the board of commissioners shall enter an order making findings of fact and shall have all the powers of the official from which the appeal was taken.

3.15. Board of commissioners' decisions final.

Any decision, order, requirement or determination of the board of commissioners of the county shall be a final administrative determination. Any application for relief from an official action of the board of commissioners shall be as set forth in section 3.24 of this article.

3.16. Requirements for businesses exempted from fees.

Even though a person, firm or corporation may be exempt under section 2.14.A from paying an administrative fee, regulatory fee, and occupation tax, or exempt from paying the administrative fee and occupation tax under section 2.14.B, C and D, such person, firm or corporation shall apply to the County Manager or designee for a free business license to engage in or carry on any business, occupation or use provided for herein, and shall submit proper credentials showing that the applicant is entitled to exempt status. The applicant shall comply with all other provisions of this article and all other rules, regulations and resolutions of the county and upon failure to do so shall be subject to the penalties of this article or any other appropriate resolution of the county.

3.17. Right of entry.

The County Manager or designee, the Dawson County Marshal's Office and or the Sheriff, or their authorized representatives shall have the power to enter any premises during the normal business hours of the business for the purpose of enforcement of this article.

3.18. Business license for canvassers and solicitors.

A. Any person, firm or corporation engaging or offering as a canvasser or solicitor in person or by telephone at residences and places of business in the unincorporated areas of the county, for the purpose of soliciting orders, sales, subscriptions, contributions, or conducting business of any kind, shall first obtain a business license from the County Manager or designee, and in addition thereto must secure identification badges from the County Marshal for each canvasser or solicitor. Canvassers and solicitors for nonprofit organizations who are regularly enrolled in a public or private school in the county shall not be required to obtain identification badges.

B. All such persons, firms, or corporations must file an application for a business license with the County Manager or designee, which application shall contain identification and the signature of each person so canvassing or soliciting, the name and address of the employer or sponsor, and the proposed method of operation in the county, including the time and area of such operation, limited to daylight hours only.

C. Licenses shall be granted or refused after an investigation of the applicant and any canvassers or solicitors named in the application. No license or badge shall be issued to any applicant, canvasser, or solicitor who shall have a conviction for a crime of moral turpitude, a pending charge for an offense involving the elements of assault and battery, or any civil judgment involving unethical or improper business actions, including but not limited to actions which would constitute fraud and deceit under the laws of the state

3.19. Background investigation required for operators of certain businesses.

A. Persons, firms or corporations engaged in the following businesses, trades or professions shall be investigated prior to the issuance of a business license:

1. Operators of tourist camps, camp cabins, tourist houses, roadhouses, public dance halls or similar establishments as defined under O.C.G.A. Sections 43-12-50 and 31-28-1.

2. Operators of flea markets, outdoor exhibitors, outdoor performances, outdoor musical festivals, and outdoor public assemblies as defined in section 3.06.

3. Auctioneers of property other than real estate, owners and/or operators of billiard rooms or game rooms, canvassers and solicitors, (except those exempted from obtaining identification badges under the provisions of section 3.18 A.), second hand sales, pawn brokerages, precious metal dealers, carnivals, circuses, traveling shows, taxi services, limousine services, tattoo artists, tattoo operators and bounty hunters.

B. No license shall be issued to any business type listed in paragraph A. to any person or business where any individual having an interest either as owner, partner, principal stockholder or licensee, whether such interest is direct or indirect, or beneficial or absolute, has been convicted or has taken a plea of nolo contendere within ten years for conviction involving moral turpitude, or five years immediately prior to the filing of the application for any felony or misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such a business, except traffic offenses. The term "conviction" as used in this Section shall include an adjudication of guilt or plea of guilty, plea of nolo contendere or forfeiture of a bond when charged with a crime.

C. The board of commissioners on appeal may waive any conviction as a disqualification if it finds that it would have no material effect upon the applicant's ability to properly conduct its business if such license were granted. Upon payment by the applicant of a fee in the amount of $100.00 the County Manager or designee shall schedule a hearing before the Dawson County Board of Commissioners for its consideration as to whether a license be granted.

D. Any person desiring to operate a tattoo establishment or desiring to operate as a tattoo operator or tattoo artist shall make application for a business license to the Business License Office of Dawson County, Georgia. The minimum age of each applicant shall be 18 years of age. Applicants shall furnish two photographs showing a front and side picture of the full face of the applicant, size two and one-half inches by two inches. Applicants shall present a medical certificate from a medical doctor certifying that the person is sound physically and mentally, has good eyesight and is not affected with a disease which can be communicated through openings in the human skin. The applicant shall also submit the exposure control plan which has been approved by the Dawson County Health Department prior to the issuance of the business license, and shall further comply with all requirements of the Dawson County Board of Health.

Cross references: Special requirements for licensing of certain businesses, § 3.06; tattoo establishments.

3.20. Prohibited businesses.

No person shall practice any of the following trades, occupations or professions in the county:

A. Astrologers, bookmaking and bookmaking services, clairvoyants, fortune-tellers, gambling or gambling establishments, games of chance, palmists and phrenologists and such other occupations as prohibited by law.

B. Reserved.

C. The sale of drug consumption paraphernalia or drug enhancement paraphernalia (head shops) by persons other than those legally licensed as a pharmacist.
D. No business activity listed in section 3.06 shall be conducted within the unincorporated areas of Dawson County prior to being approved in accordance with section 3.06.

3.21. Amount of regulatory fees.

The regulatory fees set forth herein shall apply to the following businesses or portions thereof, and shall be in addition to the administrative fee and the occupation tax imposed in article I:
A. Sheriff approval or Sheriff or Marshal background checks: $8.00 each.
B. Identification badges: $20.00 each.
C. Address change or business name change requiring reissuance of business license: $5.00.
D. Permits requiring board of commissioners' approval:
1. New applications: $100.00.
2. Renewal applications: $50.00.
3. Going-out-of-business sale: $100.00.
E. Registration and regulatory fees shall be non-refundable after the fact. Upon written request the occupation tax may be refunded, if the application is not approved or is canceled.

3.22. Additional restrictions on certain businesses.

A. Door to door canvassers or solicitors shall be limited to daylight hours only and must display badges issued by Dawson County while canvassing or soliciting.
B. All food sales or merchandise sales from vehicles require written permission from the property owner on which the vehicle is located.
C. Flea markets: No public sales before noon on Sundays; before noon operations limited to loading and unloading.
D. Establishments permitting public dancing must close by 12:30 a.m. weeknights, except Thursday and Friday nights, when they may remain open until 2:00 a.m. There will be no Sunday operation.
E. Race tracks: Racing is prohibited between 10:00 a.m. and 12:30 p.m. on Sundays, ending racing activity at 7:00 p.m. on Sunday and at midnight on other nights. There will be a 1:00 a.m. extension for an unforeseen delay only due to extenuating circumstances.

3.23. Amendments.

This article may be amended from time to time, and all persons, businesses, occupations, trades and uses subject to this article shall be subject to such amendment.

3.24. Appeal of decisions of board of commissioners.

A. Any person, firm or corporation who may have a substantial interest in any decision of the board of commissioners may appeal from any final decision of the board of commissioners by certiorari to the superior court of Dawson County by filing a petition with the clerk of the court in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law within 30 days after the decision of the board of commissioners is rendered.
B. The appellant shall bear the cost of preparing the necessary documents required by the court.

ARTICLE IV. MASSAGE AND BODYWORK THERAPY BUSINESSES

4.01. Purpose.

The purpose of this article is to regulate massage and bodywork therapy businesses in the interest of promoting and protecting the public health, safety and general welfare of the citizens of the unincorporated county.

4.02. Definitions.

The following terms used in this article regulating massage and bodywork therapy businesses shall have the meanings indicated below:

A. *Business license* means the certificate issued upon payment of the administrative fee, payment of the regulatory fee, if any, and the payment of the occupation tax. Only one business license certificate shall be issued, which shall demonstrate that the fees and tax have been paid.

B. *County* means the unincorporated area of Dawson County, Georgia.

C. *Employee* means any person over 18 years of age, who renders any service in connection with the operation of a massage and bodywork therapy business and who receives compensation from the owner, operator or patrons of the business. For the purpose of this article, the term "employee" includes the terms "massage and bodywork therapist" and "independent contractors."

D. *Good moral character* means a person who has not been convicted of a sex-related crime, or convicted of an attempt to commit such offense, or convicted in any state of any offense which if committed or attempted in this state, would have been punished as a sex related crime, in the past ten years.

E. *Home office* means any residence which a person may use as a base of operation to include making appointments, receiving phone calls, mail, or engaging in management activity related to a business. This however, would not permit the practice of the business at the home office, any signs, or any visible evidence from the exterior that any type business activity is being conducted at the location.

F. *Massage and bodywork* means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, range of motion stretches, soft tissue manipulation or stimulating of the external parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, hot packs or cold packs with or without such supplementary aids as rubbing alcohol, water, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. This definition shall also include treatment by baths of all kinds, including all forms and methods of hydrotherapy. This definition excludes "physical therapy" as that term is defined in O.C.G.A. § 43-33-3(7).

G. *Massage and bodywork therapist* means any individual who, for any consideration whatsoever, engages in the practice of "massage and bodywork or reflexology" as defined herein, whether as an owner, operator or employee of a massage and bodywork therapy business.

H. *Massage and bodywork therapy business* means any business or location operated by any person, firm, association or corporation, who engages in, carries on, or permits to be engaged in or carried on, any of the activities defined under massage and bodywork therapy or reflexology herein. Massage and bodywork therapy or reflexology businesses shall not include any occupations, businesses or professions exempted by section 5.40.180 of this article.

I. *Massage parlor* means any building, structure, or place used for the purpose of lewdness, assignation, prostitution, or masturbation for hire.

J. *Minor* means any person who has not attained the age of 18 years.

K. *Operator* means the manager or other natural person principally in charge of a massage and bodywork therapy business.
L. *Owner or owners* shall mean the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, director or designees and persons holding ten percent or more of the outstanding shares if a corporation.
M. *Patron* means any person over 18 years of age, or a minor with verified written consent of at least one parent or guardian, or who is accompanied by at least one parent or guardian, who receives a massage and bodywork or reflexology therapy under such circumstances that it is reasonably expected that he or she will give money or any other consideration thereof.
N. *Recognized school* means a state-licensed school or institution of learning which has for its purpose the teaching of the theory, method, profession, and work of massage and bodywork, including but not limited to: physiology, anatomy, hygiene, applied kinesiology, AIDS awareness, ethics, and statutes and rules of massage and bodywork therapy, and which school requires a resident course of study of not less than 500 hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning. Or a state licensed school or institution of learning which has for it's purpose the teaching of the theory, method, profession, and work of reflexology, and which school requires a resident course of study of not less than 200 hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.
O. *Reflexology* means the application of specific pressure by the use of the therapist's hands, thumbs, and fingers to reflex points limited solely to the patron's hands, feet, and ears and which practice does not involve or require the patron to undress beyond the removal of the shoes and socks and does not require the aid of any mechanical or electrical apparatus or appliance, hot packs or cold packs with or without such supplementary aids as rubbing alcohol, water, liniments, oils, powder, creams, lotions, ointments or other similar preparations but may include the application of antiseptics to the patron's feet.
P. *Specific anatomical regions* means and includes the genitals, anus, perineum, and female breast.

4.03. Facilities.

No massage and bodywork therapy business establishment shall be issued a license, nor be advertised, operated, established or maintained in the county unless an inspection by the building inspections department and the health department reveals that the establishment complies with each of the following minimum requirements:
A. Construction of rooms used for toilets, tubs, steam baths, and showers shall be made water impervious with approved materials and shall be installed in accordance with all codes and ordinances of the county.
B. All massage tables, bathtubs, shower stalls, and steam or bath areas, shall have surfaces which may be disinfected.
C. The premises shall have equipment for disinfecting and sterilizing nondisposable instruments, and such instruments shall be disinfected after each use on each patron.
D. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean linens and towels storage areas.
E. Toilet facilities shall be provided for use by employees and patrons.
F. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule immediately adjacent thereto. Lavatories

or washbasins shall be provided with soap and a dispenser and with sanitary towels or dryers.

4.04. License 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 county, a massage and bodywork therapy business without a license to do so. It shall also be unlawful to be a massage and bodywork therapist, owner, operator or employee of a massage and body work therapy business without a valid employee license issued under terms of this article. No license so issued shall condone or make legal any activity there under if the same is deemed illegal or unlawful under the laws of the state or of the United States.

4.05. Qualifications for licenses.

Owners, operators, and employees of a massage and bodywork therapy business shall be of good moral character as defined in this article. Any owner, operator, or employee who is convicted of a crime specified under good moral character as defined herein, while employed as an owner, operator, or employee of a massage and bodywork therapy business shall not thereafter work as an owner, operator, or employee of any massage and bodywork therapy business in the county for a period of ten 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, a plea of guilty, a plea of nolo contendere, or bond forfeiture.

4.06. Application process for a license to operate a massage and bodywork therapy business.

Any person, association, partnership, or corporation desiring to obtain a license to operate, engage in, conduct, or carry on any massage and bodywork therapy business shall make application to the County Manager or designee. A nonrefundable new application fee of $100.00 shall be paid to the County Manager or designee with the application and all required supporting documentation. The application for a license does not authorize the engaging in, operation of, or carrying on of any massage and body work therapy business. An employee license must be secured by each employee who shall work in the business in any capacity as outlined in section 4.11. Upon payment of a fee of $50.00 by the applicant, the County Manager or designee shall complete an investigation and upon the applicant meeting the requirements shall issue the employee license.

4.07. Application contents.

Each application for a license to operate a massage therapy business shall contain the following information:

A. Applicant's full true name, social security number, date of birth, place of birth, aliases, sex, nationality, and citizenship.

B. The present address and telephone number of the applicant.

C. Acceptable written proof that the applicant is at least 21 years of age.

D. Business, occupation, or employment history of the applicant for the five years immediately preceding the date of application. Business or employment records of the applicant, partners in a partnership, director and officers of a corporation.

E. The business license history of the applicant and where such applicant, in previous operations in this or any other city, state or territory under license, has had such license or permit for a massage and bodywork therapy business or similar type business

revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.

F. 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 date and place of incorporation, and the names and addresses of each of its current officers and director. If the applicant is a partnership, the applicant shall set forth the same, the residence address and dates of birth of the partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more partners are a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant, corporation, or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this article, but only one application fee shall be charged.

G. If the applicant, any partners, or any corporate officers or director, if the applicant is a corporation, have been convicted of any crime involving good moral character in the past ten years, and if so a complete description of any such crime including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether any terms of disposition have been fully completed.

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

I. Address of the premises to be licensed.

J. Whether the premises are owned or rented.

K. Each applicant for a license to operate a massage and bodywork therapy establishment or business shall be verified and acknowledged under oath to be true and correct by:

1. If the applicant is an individual, by the individual;
2. If by a partnership, by the manager or general partner;
3. If by a corporation, by the president of the corporation;
4. If any other organization or association, by the chief administrative official.

L. In addition to the information required herein, the application shall disclose the name, address, social security number, and date of birth of any and all persons who have a financial interest in the entity applying for the license, and must consent for the county to obtain his or her criminal history record information.

M. The application must be accompanied by a certificate or diploma from a recognized school as defined in section 4.02(N) for each person working in the business of performing massage or reflexology. This paragraph does not apply to clerical or administrative personnel.

4.08. Application; investigation.

The county shall have 45 calendar days to investigate the application and the background of the applicant. The application will be referred to the commission for consideration of the issuance of a business license upon the completion of the investigation, and verifying the application meets the following requirements:

A. The required fee has been paid.

B. Application conforms in all respects to the provisions of this article.

C. The applicant has not knowingly made a material misrepresentation in the application.

D. The applicant has fully cooperated in the investigation of the application.

E. The applicant, if an individual, or any officers or director, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a

partnership, has not been convicted within ten years of the date of the application, in a court of competent jurisdiction of an offense involving moral character as defined herein. Applicant has not had a license or permit to operate a massage and body work therapy establishment or business denied or revoked for cause involving lack of good moral character in this county or any other local government jurisdiction located in or out of this state prior to the date of application.

F. The building, structure, equipment, or location of such business, as proposed by applicant complies with all applicable zoning and distance laws code.

G. The applicant is at least 21 years of age.

4.09. Licenses nontransferable.

No license to operate a massage and bodywork therapy business may be sold, transferred or assigned by a licensee to any other person or persons. Any such sale, transfer, or assignment, shall be deemed to constitute a voluntary surrender of such license, and such license shall thereafter be null and void; provided and excepting, however, that the licensee 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 license, and in such case, the license upon notification to the County Manager or designee, shall be placed in the name of the surviving partner.

4.10. Change of name or location.

No licensee shall advertise, operate, conduct, manage, engage in or carry on a massage and bodywork therapy business under any name other than his name and the name of the business as specified on his license. Any application for an extension or expansion of a building where a massage therapy business is located shall require inspection and shall comply with all provisions and regulations of this Code.

4.11. Application process for employee license.

Before any person may work as an owner, operator, or employee of a massage and bodywork therapy business, such person shall pay a nonrefundable $50.00 fee designated in section 4.06 of this Code and file a notice of intended employment with the County Manager or designee on forms that require applicant's full name, current address, social security number, date of birth, birth place, sex, telephone number, address for the last five years, business occupation and employment history for the last five years, proof of age (photo I.D. from a governmental agency), complete information concerning the conviction of any crime within the past ten years, citizenship and consent for the county to obtain criminal history record information. If such applicant will engage in any activities of massage and bodywork or reflexology as defined in this article, such applicant shall provide a required diploma or certificate of graduation from a recognized school as defined by this article, or provide a current license from another state whose licensure requirements meet or exceed those set forth in this article, or provide proof of successful completion of the National Certification Examination for Therapeutic Massage and Bodywork. Upon the filing of the notice and any other required documents with the County Manager or designee, the applicant may become a conditional employee and work on the licensed premises. The county shall have 45 calendar days to investigate the information furnished by the applicant. Each applicant shall furnish a consent form authorizing the county to receive criminal history information as may be contained in the files of the GCIC. If the applicant is found to be of good moral character and otherwise qualifies under this article, the County Manager or designee shall grant approval of employment. Upon approval, the applicant shall be issued an employee license. The license shall be with the owner, operator or employee while on a licensed premises or while engaged in or carrying on any activities of massage or reflexology. All notices to

applicants or license holders issued pursuant to this article shall be mailed certified mail, return receipt requested, to the address set forth in the notice of intended employment. Applicants and license holders shall have the duty to furnish the County Manager or designee a new mailing address if the applicant's or license holder's address shall change during the investigation period or term of employment. Employee licenses issued pursuant to this code section shall remain valid until or unless otherwise suspended, revoked or in such case or circumstance where the employee would not otherwise qualify for the granting of a new license under this article.

4.12. Suspensions and revocations.

If the Sheriff or Marshal of the county shall find that a massage therapy business or a massage therapist is in violation of a law of the state or in violation of a law or resolution of the county and that the continued operation of the business would create a clear and present danger to the health, safety and general welfare and security of the county, the Sheriff or Marshal shall be empowered to seize and temporarily suspend the business license of the business. The Sheriff or Marshal shall deliver the business license to the County Manager or designee upon the next working day of the County Manager or designee. The chairman of the board of commissioners shall then schedule a special hearing of the board of commissioners to consider further action upon the order within five days of the date upon which the County Manager or designee received the business license from the Sheriff or Marshal. The commission may suspend or revoke the license for any one of the following reasons:

A. A licensee gave false or misleading information in the original or renewal application process.

B. A licensee has knowingly allowed the violation of this Code or the violation of laws of the state to occur on the premises.

C. A licensee fails to maintain good moral character as defined herein.

D. A licensee fails or refuses to provide consent for the county to obtain criminal history record information.

E. A licensee fails to pay any fee or any other amount of money due to the county under this article or any other code section.

F. Violations of any county codes or laws of the state that demonstrate the owner(s) further conducting the business would be a detriment to the community or surrounding area.

4.13. Appeals procedure.

A. Any person, firm or corporation may appeal any action, order, decision, or determination of the County Manager or designee or any other administrative official to the board of commissioners. The appeal is limited to an alleged error of the official from which the appeal is taken.

B. The appeal shall be filed in writing with the clerk of the board of commissioners within 15 days following the date on which the alleged error was made. Upon receiving the appeal, the clerk shall schedule a hearing before the board of commissioners and notify all parties to the appeal by mail at their business address of the time and date of the appeal hearing.

C. All parties to the appeal may appear in person or be represented by counsel.

D. The board of commissioners shall conduct the hearing as the chairman shall see fit. At the conclusion of the hearing, the board of commissioners shall enter an order making a finding of fact and shall have all the powers of the official from which the appeal was taken.

4.14. Penalty for violation.

Any person, firm, corporation, association or partnership violating any provision of this article as the same exists or as hereinafter amended, failing to do anything required by this article as the same exists or as hereafter amended, shall be amenable to the process of the Magistrate Court of Dawson County, shall be subject to the provisions of Section 2.19 of this ordinance.

4.15. Enforcement.

The enforcement of the provisions of this article shall be conducted by the County Manager or designee, the county Marshal's Office or county Sheriff's Office.

4.16. Renewal of licenses.

All licenses for massage and bodywork therapy businesses shall expire one year from the original date of issue, but may be reissued by the County Manager or designee for the following year, upon renewal application being made, payment of the appropriate fee designated in section 4.17 of this Code, and a determination by the County Manager or designee that the applicant remains qualified as set forth in this article. Renewal applications shall be submitted and renewal fees shall be paid by November 15th. Licenses not renewed by December 31st shall be void and such license holder must reapply as a new applicant in order to obtain a license.

4.17. Fee schedule.

A. New application . . . $100.00
B. Renewal application . . . $50.00
C. Sheriff approval and/or Sheriff or Marshal background investigations (each) . . . $8.00
D. Employee license . . . $50.00

4.18. Exceptions.

This article shall not apply to the following while engaged in the performance of the duties of their respective occupations, business or professions:

A. Physicians, surgeons, chiropractors, osteopaths, occupational therapists, or physical therapists who are duly licensed to practice their respective professions in the state.

B. Nurses who are registered under the laws of the state who practice nursing only.

C. Barbers, cosmetologists and nail technicians who are duly licensed under the laws of the state, except that this exemption shall apply solely to the massaging and bodywork of the neck, face, scalp, feet, hands, and hair of the customer or client for cosmetic purposes.

D. A "recognized school" as defined in section 4.02(N) of this article.

E. Any person actively enrolled in and pursuing a course of study leading to a degree or certificate as a massage and bodywork therapist in an educational program in a "recognized school," not to exceed one year beyond the effective date of this article.

F. None of the provisions of this article shall be construed so as to limit or prevent any person duly licensed under the laws of this state to practice the profession for which he or she was licensed.

G. Persons licensed as a "home office" shall be exempt from requirements of section 4.03.

4.19. License required prior to advertising.

No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, a massage and bodywork therapy business without a valid massage and bodywork therapy license issued pursuant to this article.

4.20. Minimum age of massage and bodywork therapist.
No massage and bodywork therapy business or owner or operator shall employ or contract with, as a massage and bodywork therapist, a person under the age of 18 years or any person not licensed pursuant to this article.

4.21. Hours of operation.
A massage and bodywork therapy business shall be closed between 10:00 p.m. and 6:00 a.m.

4.22. Patrons not to administer massage and bodywork.
No massage and bodywork business or employee, owner or operator thereof shall offer to permit, or permit, any patron to administer any act of massage and bodywork or reflexology to any person.

4.23. Price rates to be posted.
Price rates for all services performed at a massage and bodywork therapy business shall be prominently posted in the reception area in a location available to all prospective patrons.

4.24. Alcoholic beverages prohibited.
No alcoholic beverages shall be allowed to be brought into or served, stored, kept, or consumed on the premises of a massage and bodywork therapy business.

4.25. Massage of specific anatomical areas prohibited.
No owner, operator or employee shall intentionally touch or massage, or offer to touch or massage any specific anatomical region of any patron.

4.26. Patron coverings required.
Each massage and bodywork therapy business shall provide to each patron clean, sanitary and opaque coverings capable of covering the patron's specific anatomical regions. Reuse of such covering is prohibited unless the covering has been adequately cleaned. No massage and bodywork shall be administered unless the patron is covered by such covering of the specific anatomical regions. Opaque coverings shall not be required to be furnished to patrons receiving only reflexology therapy. Patrons receiving reflexology therapy shall not undress beyond the removal of shoes and socks.

4.27. Proper patron clothing required.
With the exception of bathrooms and dressing rooms, no massage and bodywork therapy business, owner, operator or employee thereof shall permit any person within the massage and bodywork therapy business unless the specified anatomical regions are covered.

4.28. Proper owner, operator, employee clothing required.
Each owner, operator, and employee of a massage and bodywork therapy business shall, while in the presence of another person, while on the premises of a massage and bodywork therapy business, wear clothing of an opaque material, and it shall be unlawful for such person to fail to fully conceal his or her specific anatomical regions or any portion thereof.

4.29. Compliance with laws and ordinances.

No patron, owner, operator, or employee of a massage and bodywork therapy business shall violate any federal, state or local law or ordinance while engaged in or carrying on any of the activities of massage and bodywork or reflexology as defined in this article.

4.30. Authority to inspect premises.

Massage and bodywork therapy businesses shall be open at reasonable times for inspection by county employees to ensure compliance with this Code.

4.31. Minors as patrons unlawful.

A. It shall be unlawful to allow a person who is under the age of 18 years to become a patron of a massage and bodywork therapy business unless such person possesses verified written permission from at least one parent or guardian, or is accompanied by at least one parent or guardian.

B. It shall be the duty of the owner, operator or employee of each massage and bodywork therapy business to ensure that no person under the age of 18 years becomes a patron of the business unless such person possesses verified written permission from at least one parent or guardian or is accompanied by at least one parent or guardian. It shall be presumed that an owner, operator, or employee knew a person was under the age of 18 unless such owner, operator or employee asked for and was furnished photo identification issued by a governmental agency reflecting that such person is 18 years of age or older.

4.32. Proper diploma or certificate required.

It shall be unlawful for any owner, operator, or employee possessing a diploma or certificate of graduation from a recognized school, only for the work or practice of reflexology, to engage in activities beyond those defined under reflexology herein.

4.33. Prohibited devices and preparations in reflexology.

It shall be unlawful for any owner, operator, or employee engaged in the activities of reflexology, to apply to any patron any mechanical or electrical apparatus or appliance, hot packs or cold packs, with or without such supplementary aids as rubbing alcohol, water, liniments, oils, powder, creams, ointments, or other similar preparations. Antiseptics may be applied only to a patron's feet.

4.34. Prohibited businesses--Masseurs or massage parlors.

A. It shall be unlawful for any masseur or masseuse to massage any person in any building, structure, or place used for the purpose of lewdness, assignation, prostitution, or masturbation for hire.

B. Activities in accordance with this article may be licensed, and physical therapy conducted by a licensed physical therapist or conducted under the supervision of licensed medical personnel is permitted.

4.35. Hearing on revocation of business license.

A. When a matter is transmitted by the County Manager or designee, the Marshal or the Sheriff to the clerk of the board of commissioners for possible suspension or revocation, the chairman of the board of commissioners shall schedule a hearing before the board of commissioners. The board of commissioners shall make such investigations as it deems necessary and shall conduct the hearing as the chairman shall see fit.

B. The licensee shall be notified in person or by mail at his business address of the date and time of the hearing. The licensee may appear in person or be represented by counsel.

C. At the conclusion of the hearing, the board of commissioners, based upon evidence submitted at the hearing, shall enter an order making a finding of fact and then:

1. Find that the evidence does not authorize revocation or suspension; or
2. Issue a warning to the licensee; or
3. Suspend the business license and probate the suspension; or
4. Revoke the business license and probate the revocation; or
5. Suspend the business license; or
6. Revoke the business license; or
7. Take any other appropriate action regarding the license.

ARTICLE V. DEPOSITORY FINANCIAL INSTITUTIONS

5.01. Definitions.

A. All definitions set forth in Section 2.02 of this ordinance are incorporated herein by reference and shall be included in this Article.

B. "Dawson County, Georgia" as used in this Article means the unincorporated as well as any incorporated area within Dawson County, Georgia.

C. "County" as used in this Article means the area within the legal boundaries of Dawson County, Georgia.

D. "Gross receipts" shall mean gross receipts as defined in O.C.G.A. § 48-6-93.

E. "Depository financial institutions" shall mean state and national banks, state building and loan associations, and federal savings and loan associations.

5.02. Business license tax on depository financial institutions.

A. In accordance with O.C.G.A. § 48-6-93, there is hereby levied an annual business license tax upon all depository financial institutions located within Dawson County at a rate of 0.25 percent of the gross receipts of said depository financial institutions.

B. The minimum annual amount of business license tax due from any depository financial institution pursuant to this section shall be $1,000.00.

C. Pursuant to O.C.G.A. § 48-6-93(c), each depository financial institution subject to this tax shall file a return of its gross receipts with the Business License Department of Dawson County on March 1 of the year following the year in which such gross receipts are measured. Said return shall be in the manner and in the form prescribed by the commissioner of the department of revenue based on the allocation method set forth in O.C.G.A. § 48-6-93(d). The board of commissioners of Dawson County shall assess and collect the tax levy pursuant to this section based upon the information provided in said return.

D. Taxes levied pursuant to this section shall be due no later than 30 days after filing of the return prescribed by this section unless extended by the board of commissioners.

5.03. Violation of article; penalty.

A. In addition to other remedies available to the county for the collection of special taxes, occupation taxes and regulatory fees due the county from persons subject to the tax or fee who fail or refuse to pay the tax or fee, the officer charged with the collection of the tax or fee shall issue executions against the delinquent taxpayers for any or all of the following:

1. The amount of the taxes or fees due when the taxes or fees become due.
2. Any penalty imposed by Section 2.19(A) of this ordinance.
3. Any interest imposed by 2.19(A) of this ordinance;

B. The court of competent jurisdiction (Dawson County Magistrate Court) for the enforcement of ordinances of Dawson County may impose a civil fine for failure to pay the occupation tax or regulatory fee. Such civil fine shall not exceed $500.00 and may be enforced by the contempt power of the court.

Article VI. PAWNSHOPS

6.01. State Law Reference:

Pawnbrokers, O.C.G.A. § 44-12-130 et seq.

6.02. License required.

All persons, before beginning the business of operating a pawnshop, shall first file an application with the County Manager or designee to obtain a license to conduct such a business.

6.03. Application for license; issuance of license.

(a) *Application.*
(1) All persons 25 years in age or older desiring to obtain a license required under this article shall make written application to the board of commissioners through the Planning and Development Department for such privilege, and shall supply such information as may be required by the County Manager or designee. The application shall be sworn to by the applicant or agent thereof.
(2) All applicants shall furnish all data, information and records requested of them. Failure to furnish such data, information and records within 30 days from the date of such request shall automatically serve to dismiss the application, with prejudice. An applicant, by filing an application, agrees to produce for oral interrogation any persons who are considered as being important in the ascertainment of the facts relative to such license, as may be requested by the board of commissioners or its duly authorized representative. The failure to produce such persons within 30 days after being requested to do so shall result in the automatic dismissal of such application.
(b) *Notification to county of changes in information.* Licensees shall immediately notify the county, in writing, through the Planning and Development Department, of any change in any information, material or data furnished in connection with an application for a license, or of any material change in the type of business or ownership or qualifications of the applicant or employees subsequent to license issuance.
(c) *Citizenship and residency requirements.*
(1) No license shall be granted under this article to any applicant who is not a citizen of the United States and who has not been a resident of the county for a period of one year prior to filing the application.
(2) Where the applicant is a corporation, the majority stockholder must meet the residence requirements set out in subsection (1) of this subsection, and the license shall be issued to the corporation and the majority stockholder.
(3) If the applicant is a partnership, the requirements pertaining to corporations shall apply.
(d) *Applicants with prior convictions.*
(1) No license shall be issued under this article to any person for pecuniary gain where any individual having an interest, either as owner, partner, principal stockholder or licensee, whether such interest is direct or indirect, or beneficial or absolute, or his

spouse, has been convicted or has taken a plea of nolo contendere, within five years immediately prior to the filing of the application, for any felony or misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such a business, except traffic offenses. The term "conviction," as used in this section, shall include an adjudication of guilt or plea of guilty, plea of nolo contendere or forfeiture of a bond when charged with a crime. Where the violation is for a misdemeanor, forfeiture of bond or violation of a county ordinance, or where there is a plea of nolo contendere, the County Manager or designee may, after investigation, waive the violation as a disqualification.

(2) The board of commissioners, on appeal, may waive any conviction as a disqualification if it finds that it would have no material effect upon the applicant's ability to properly conduct its business if such license were granted.

(e) *Investigation of applicant.* All applications for a license for a pawnshop shall be investigated by the County Marshal. No license shall be issued by the County Manager or designee to any person until such time as a signed and notarized background check consent form has been filed by such person with the Marshal's Office or such department's designee and upon payment of a fee that shall be established by the Board of Commissioners and a search of the criminal record of the applicant is completed. The background check consent form shall include, but not be limited, to the name, date of birth, address, citizenship status and prior arrest record of the person, though the fact of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order. Applications must be accompanied by a valid government issued I.D. Card. (for example a drivers license or state issued I.D. card). The Marshal shall report his recommendations to the board of commissioners. A copy of such report shall be filed with the Planning and Development Department.

(f) *Time limit for obtaining license.* All licenses must be obtained and fees paid not later than two weeks from the date of the approval of the application by the board of commissioners, and, if not so obtained, the approval granted by the board of commissioners shall be void.

(g) *Issuance.* When a license has been approved and the applicant has deposited with the Planning and Development Department the required fee, the license shall be issued.

6.04. Display of license number.

Each pawnshop licensee shall have legibly printed on the front window of the licensed premises the inscription "Dawson County Pawnshop License Number _____."

6.05. Time limit for commencement of business; cessation of operation.

(a) All holders of licenses under this article must, within three months after the issuance of the license, open the establishment referred to in the license for business, unless such period is extended by the County Manager or designee. Failure to open the licensed establishment within the three-month period shall serve as an automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder.

(b) Any holder of a license who shall begin the operation of the business as authorized in the license, but who shall for a period of three consecutive months thereafter cease to operate the business as authorized in the license, shall, upon completion of the three-month period, automatically forfeit his license, and the license shall, by virtue of such

failure to operate, be canceled without the necessity for any further action of the County Manager or designee.

6.06 Transfer of license.

No license granted to a pawnshop shall be transferable except upon application to the board of commissioners in the same form and manner and subject to the same requirements with respect to the transferee as are applicable in an original application. Any such license may be transferred only to another person doing the same business at the same place as the person to whom the license was originally issued. When permission for transfer has been granted, the original licensee or transferee shall cause the license to be delivered to the County Manager or designee who shall record such transfer, and the transferee shall pay a fee therefore as a condition precedent to engaging in operations under the license. The fee for such transfer shall be kept on file as part of the schedule of fees in the Planning and Development Department.

6.07. Required records; inspection of records and goods.

Any licensee under this article shall keep books wherein shall be entered an accurate description of all property pawned, pledged or sold to the licensee. Such description shall include the name of the maker of the article, any identifying mark or number, and a statement of the kind of material of which it is made. In such books there shall be entered also the name of the person by whom the article was pledged, pawned or sold, and the time when the article was pledged, pawned or sold. These entries shall be made as soon after the transaction as possible, and in no event more than one hour thereafter. Such books, and the articles themselves so pledged, pawned or sold, shall at all times be subject to inspection and examination by the County Marshal and or the Sheriff. Any person subject to this article, or any licensee or employee thereof, who shall fail or refuse to keep books as provided in this section or shall make false entries concerning the transactions named, or who shall fail or refuse to permit an inspection or examination by any law enforcement officer of the books and of the property pledged or sold to the licensee shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20.

6.08. Weekly report to the Sheriff; fingerprinting and identification of customers.

(a) *Weekly report.* Every licensee under this article shall make a weekly report in writing to the Sheriff, or any designated agent, in such form as may be prescribed by the Sheriff, of all property pledged, received, traded, bartered, bought or otherwise acquired by the licensee during the week ending at 08:00 p.m. on the Saturday of the reporting week. Such report shall be typewritten and mailed or hand-delivered to the designated agent of the Sheriff within 24 hours of the end of the week covered by the report. In addition to any other information required by the Sheriff, the report shall include the following:

(1) The name and address of the licensee;

(2) The time of the transaction;

(3) The serial number of the pawn tickets;

(4) The amount paid or advanced;

(5) A full description of the articles, with sufficient information to identify each of such articles, including kind, style, material, color, design, kind and number of precious metals or gemstones, if any, and all identifying names, marks and numbers; and

(6) A description of the person pledging, selling or pawning the article, including his name, address, color, weight and height.
Insufficient reports shall be rejected, and any licensee or employee thereof making an insufficient report shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20.
(b) *Fingerprinting of customers and other required information.* In addition to other records and information as required in subsection (a) of this section, each licensee shall obtain from each person pawning, pledging or selling any article with such licensee the fingerprint of the right-hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand of the person pawning the article shall be obtained and a notation made as to the exact finger printed. All prints shall be made on forms to be furnished by the chief of police, and the licensee shall obtain all other information called for on such form. Fingerprints and the information required in this subsection shall be obtained from all persons each time such persons pawn any article with the licensee, regardless of whether or not that person may have previously pawned an article with such licensee and have been fingerprinted.
(c) *Customer identification.* In addition to the fingerprinting requirements of subsection (b) of this section, each licensee shall require that any person pawning, pledging, bartering, exchanging, selling or entering into any transaction with the business shall display evidence of identification, such as a duly issued driver's license with a picture, or other similar evidence containing a picture of the customer, and the licensee shall record the driver's license number or other number or feature of such evidence of identification.
(d) *Violations.* The failure of any licensee or employee thereof to comply with the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20.

6.09. Employee permits.

No person shall be employed by a pawnshop in any capacity until such person has been issued an annual personal identification card or permit by the County Marshal, authorizing such person to be employed by a pawnshop. Such a permit shall not be issued to any person who has been convicted within five years prior to the application for employment for any misdemeanor or felony involving theft, burglary or crimes against property, any felony involving drugs or controlled substances, any violation of this chapter, or any other crime involving moral turpitude. The term "conviction," for purposes of this section, shall mean any adjudication of guilt or plea of guilty or nolo contendere. No permit shall be issued as long as there are outstanding criminal warrants, criminal charges, accusations or indictments for any of the crimes specified in this section on which there has been no final disposition or adjudication, and any such application involving any such pending charges shall be held for any final decision until final disposition or adjudication of such charges. Applications must be accompanied by a valid government issued I.D. Card. (for example a drivers license or state issued I.D. card)

6.10. Hours of operation.
No licensee under this article shall operate his place of business except during the hours of 7:00 a.m. to 8:00 p.m.

6.11. Holding period for goods received.

All personal property acquired by a licensee under this article, whether by pawn, purchase, barter, trade or otherwise, shall be held and maintained by the licensee at the licensed location, or at such other impound location as may have been previously approved by the Sheriff in writing, for a minimum of 30 days, prior to disposal of the property by the licensee, except in instances where the property is redeemed by the pawner.
(Res. No. 92-17, § 1.132, 2-28-92)

6.12. Dealing with minors.
It shall be unlawful for any pawnbroker or his agents or employees to receive in pawn, pledge or sale goods of any character or description from a minor. For purposes of this section, the term "minor" means any individual 17 years of age or under.

6.13. Sale of knives, blackjacks and other weapons.

It shall be unlawful for any licensee under this article to sell, offer for sale or expose for sale any kind of metal knuckles, dirks, sword-in-canes, spears, Bowie knives or switchblade knives, or any blackjacks or similar weapons. Any licensee or employee thereof violating this section shall be deemed guilty of an offense.

ARTICLE VII. POOL ROOMS

7.01. State law references:

Authority to license and regulate billiard rooms, O.C.G.A. § 43-8-2.

7.02. Applicability of article; statutory authority.

(a) The rules and regulations set forth in this article shall govern the operation of all pool rooms and billiard halls in the unincorporated areas of Dawson County. The provisions in this article are adopted under the home rule provisions of Art. IX, Section III, Paragraph I of the state constitution, and O.C.G.A. § 43-8-2.

7.03. Exemptions from article.

This article shall not apply to billiard tables or billiard 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. O.C.G.A. § 43-8-3.

7.04. Application for license; issuance of license.

(a) *Application.* All persons 18 years of age or older desiring to obtain a license required for the operation of a billiard room shall make written application at Office of Planning and Development Department. Such application shall state:
(1) The name and address of the applicant;
(2) The place where the proposed business is to be located;
(3) The nature and character of the business to be carried on;
(4) If a partnership, the names of the partners;
(5) If a corporation, the names of the officers and stockholders, and

(6) Such other information as may be required by the County Manager or designee or the Planning and Development Department.
(b) The phrase "billiard" room means any public place where a person is permitted to play the game of billiards and for which a charge is made for the use of equipment. The term "billiards" means any of the several games played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue and shall include all forms of the game known as "carom billiards," "pocket billiards," and "English billiards."
The application shall be sworn to by the applicant or an agent thereof.
(b) *Investigation of applicant.*
(1) All applicants shall be investigated by the County Marshal, and a report made to the Planning and Development Department, before the hearing by the board of commissioners. Said report shall consist of a criminal background check. This requirement shall be waived if a current investigation report is on file. For purposes of this subsection, the term "current" means having been made within the past six months.
(2) The County Marshal's reports shall be sent to the Planning and Development Department to be placed in the applicant's file.
(c) *Grounds for denial.*
(1) No license shall be issued to any person having an interest in the licensee, directly or indirectly, either as owner, partner or principal stockholder, who has been convicted or has taken a plea of nolo contendere within the past five years immediately prior to filing of the application, of any felony of any state or of the United States. The term "conviction," as used in this section, shall include an adjudication of guilt or plea of guilty or nolo contendere, or the forfeiture of a bond when charged with a crime.
(2) No license shall be issued if evidence establishes by a preponderance of the evidence that the granting of such license shall have an adverse effect on the community.

7.05. Transfer of license.

A license for the operation of a pool room shall not be transferable except by application to the Planning and Development Department in the same form and manner as an original application.

7.06. Suspension or revocation of license; violations.

(a) Commission of any of the following acts by a licensee under this ordinance, or his agent or employee, shall be a violation of law and shall be grounds for revocation of a billiard room license:
(1) It shall be unlawful to permit the use of any drug in any form in or around the place of business.
(2) It shall be unlawful to permit any gambling or betting in the place of business or on the premises.
(3) It shall be unlawful to permit or commit any violation of a state law or county ordinance.
(4) It shall be unlawful for any person under the age of 18 years to play billiards in or for any other purpose to enter or remain in a billiard room during hours and times when alcoholic beverages are sold, consumed or dispensed therein. This subsection shall not apply to persons under 18 years of age who are accompanied by a parent or guardian or who possess a written permit from a parent or guardian, which permit is witnessed by a notary public with seal. Any person desiring admission thereto during hours and times

when alcoholic beverages are sold, consumed or dispensed, who is or appears to be under the age of 18 years, shall produce a satisfactory identification and age verification or certify his age in writing or produce a written permit before he shall be allowed entry.
(b) In addition to revocation or suspension of a license for the reasons otherwise specified in this ordinance, the license to operate a billiard room or parlor may be suspended or revoked for violation of any of the following standards:
(1) If the licensee permits public drunkenness and disorderly conduct among patrons or employees. After a warning by any law enforcement officer, a failure to act shall be grounds for revocation or suspension.
(2) If the licensee receives notice from the Sheriff, Marshal or county officials of any violations of any ordinance other than as provided in subsection (1) of this subsection, without correction thereof, such failure to act shall be grounds for automatic revocation.
(3) In the event of violation of state or federal laws by the licensee or his agents or servants on the premises, such violations shall be grounds for revocation or suspension.
(4) In the event of conviction of a crime involving moral turpitude by the licensee off the premises, such conviction shall be grounds for revocation or suspension.

7.07. Inspections; revocation of state license or permit.

It shall be the duty of the Sheriff, Marshal or designees to inspect all public billiard rooms in the county for the purpose of ascertaining whether or not the provisions of this article are being observed; and it shall be their duty to report all violations promptly to the appropriate prosecuting attorney of the county and furnish him with such information and assistance as is necessary for the prosecution of such violations. Whenever the state shall revoke any permit or license held by the licensee, the license issued under this article shall thereupon be automatically revoked without any action of the board of commissioners.

7.08. Restrooms; sanitation generally.

The place of business of a pool room or billiard hall shall have restrooms for males and females. Such restrooms must be kept clean, and the premises shall be in compliance with all applicable rules and regulations of the health department or other departments of the county.

7.09. Health certificate required for premises serving food.

If food is served at a pool room or billiard hall, the applicant shall have a valid health certificate issued by the county health department before any license can be issued under this article.

7.10. Hours of operation.

Licensees for the operation of a billiard room shall be permitted to engage in such activities between the hours of 6:00 a.m. and 12:00 a.m. midnight.

7.11. Gambling; alcoholic beverages.

(a) No dice, cards, dominoes or other games of chance shall be permitted, nor any form of gambling allowed, in any billiard room or in any other business place operated in connection therewith, and such games as Kelly pool, keno, pigeon pool, star pool, scrub and similar gambling devices are prohibited. No racing or other betting pool shall be

exhibited or sold in such place of business. The use of baseball tickets and the posting of results of sporting events is expressly prohibited in billiard rooms or in any place operated in connection therewith.
(b) 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 that this prohibition shall not apply if such premises or establishment is an establishment which is authorized to sell alcoholic beverages and is a permitted eating establishment.

7.12. Connection with premises where illegal activity is conducted.

It shall be unlawful for any billiard room to maintain connections with any place where gambling or any other illegal activity is conducted, or where persons congregate for the illegal consumption, sale, possession, barter, manufacture, exchange, purchase, dispensation or delivery of or other dealing in alcoholic beverages, or for any immoral purpose.

ARTICLE IIX. STATES OF EMERGENCY

8.01. Overcharging prohibited.

In order to preserve, protect, or sustain the life, health, or safety of persons or their property, it shall be unlawful during the duration of a state of emergency or subsequent recovery period in which the county has been designated as a disaster area, for any person, firm, or corporation located or doing business in the county to overcharge for any goods, materials, services or housing sold within the county.

8.02. Definitions.

Overcharging. The term overcharging is defined as charging prices for goods, materials, services, or housing which are substantially in excess of the customary charges or in applicable cases substantially in excess of the supplier's or provider's costs for such goods, materials, services or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the goods, materials, services, or housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies, and labor costs resulting from the emergency.
State of emergency. The term state of emergency is defined, pursuant to O.C.G.A. § 38-3-3 (5), as a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
Subsequent recovery period. The term subsequent recovery period is defined as that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed six months after the emergency declaration has been terminated by the governor unless extended by official action of the governing authority of the county.

8.03. Penalties.

Violation of the provisions of this article upon conviction shall be punishable by a fine not to exceed $1,000.00 per violation or imprisonment not to exceed 60 days, or both such fine and imprisonment. Each sale shall constitute a separate offense.

ARTICLE IX. SEVERABILITY

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the ordinance not held to be invalid or the application of the resolution to other circumstances not held to be invalid. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

ARTICLE X. REPEALER

All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

Approved this 19th day of November, 2008.

ATTEST:

Dawson County
Board of Commissioners

Davida Simpson, County Clerk

By: Mike Berg
Mike Berg, Chairman

Vote:
Yes: 4
No: 0

Dates of Public Hearings: 11/05/09 and 11/19/09

Dates of Advertising: 10/21/09, 10/28/09, 11/04/09