

PART II - CODE OF ORDINANCES  
Chapter 11 - OCCUPATIONAL LICENSES AND TAXES

ARTICLE I. LICENSING AND REGISTRATION OF BUSINESSES

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**Sec. 11-1. Registration of the name of a business.**

No person, firm, partnership or corporation shall be engaged in, prosecute or carry on any business, trade or profession, either in whole or in part within the corporate limits of the city by maintaining an office or other place of business within the limits of said city, or by soliciting orders through said office or business, or engage in any business in any manner through said office without having registered said business with the city clerk, having paid the occupational tax as provided in article II of this chapter, if applicable, and complied with all other provisions of this Code which regulate businesses within the city, and have obtained an occupational tax/business license from the clerk.

(Ord. No. 227, § 1, 12-1-98)

**Sec. 11-2. Responsible persons construed.**

Whenever in this chapter the term "owner" or "person" is used, the principal, but in his, her or their absence any agent, clerk, or employee, shall be subject to the penalties herein imposed should the said

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business be carried on without registering the business as required herein in the same manner as if he or she was, or they were the proprietor or proprietors of said business.

(Ord. No. 227, § 1, 12-1-98)

**Sec. 11-3. Administration of this article.**

The city clerk shall administer and enforce, through the police department, the provisions of this article requiring registration and licensing of all persons doing business in the city. The city planner or the planning and zoning board shall make recommendation to the city clerk where required by this article.

(Ord. No. 227, § 1, 12-1-98; Ord. No. 334, § 1, 6-2-09; Ord. No. 354, § 1, 3-1-11)

**Sec. 11-4. Application procedure.**

- (a) *New business.* Prior to commencing a new business in the city, the owner shall file with the city clerk an application to do business in the city. The application shall be signed by the owner, a partner, or corporate officer and attested before a notary public. Application shall be made on forms provided by the city clerk and shall provide at least the following information:
- (1) The name, address within the city, and local telephone number of the entity which owns the business;
  - (2) An exact description of the nature of the business including a description of the items to be sold, the service to be rendered, and the business activities expected to be conducted on the premises;
  - (3) The federal tax identification number and any Georgia sales tax identification number held by the business;
  - (4) The expected date of opening and the expected hours of operation for the business;
  - (5) If the owner is an individual, the name, home address, home telephone number, date of birth and Social Security number of the owner;
  - (6) The name, home address, home telephone number, date of birth and Social Security number of the manager of the business;
  - (7) The name and address of the places of business or employment of the owner (if an individual) and the manager of the business for the previous five (5) years;
  - (8) The name, address and phone number of a person or persons to be notified in case of an emergency.
- (b) *Renewal.* Occupational tax/business licenses granted in this article shall expire December 31 of each year and must be renewed between January 1 and March 1 of the following year. Renewal is not a matter of right and no person or entity shall have a vested right to a license or the renewal thereof. Renewal shall be made by application to the city clerk on forms provided by the city and shall require submission of the same information as required for an initial license as described in subsection (a) of this section.
- (c) *Grant of license.* The city clerk shall act upon the new business application or renewal application within thirty (30) days of receipt of a fully completed application, payment by the applicant of the occupational tax as provided in article II of this chapter and tender of the necessary fees by the applicant. Such fees may be set by resolution of the city council annually. An application for a new license or a renewal license shall be granted unless the city clerk determines that zoning is improper, there has been nonpayment of the occupational tax as provided in article II of this chapter, the

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application is incomplete, or that the owner or his employee(s) has committed one (1) of more of the enumerated infractions as described in [section 11-5](#) of this article.

- (d) *Denial of application.* Should the application for a new license or a renewal license be disapproved by the city clerk, the clerk shall notify the applicant by registered mail of the disapproval, the grounds for denial, and the right of the applicant to appeal the clerk's decision to the city council as provided in this article. In the case of nonrenewal of a license, the business may remain in operation during any appeal to the mayor and city council. If there is no timely appeal to the mayor and city council, the decision of the city clerk shall be final. If the license is approved and the required tax and fee paid, a business license shall be issued to the applicant by the city clerk.
- (e) *Review of applications for zoning compliance.* The City of Clarkston's designated city planner or, if no such designee exists, the planning and zoning board shall review all new applications for business licenses and shall provide an opinion to the city clerk stating whether or not the city planner or planning and zoning board believes the proposed use to be consistent with the zoning designation for the subject property. This review may include the identification of site requirements for specific uses as defined by the zoning district and/or adopted city design standards.

(Ord. No. 227, § 1, 12-1-98; Ord. No. 334, §§ 2, 3 6-2-09; Ord. No. 352, § 1, 12-8-10; Ord. No. 354, § 2, 3-1-11)

**Sec. 11-5. Grounds for rejection of an application, for revocation of an existing license, or for nonrenewal of an application for a business license.**

The city clerk may reject an application, or refuse to renew an application, and the chief of police may revoke a license for any one (1) or more of the following reasons.

- (1) If the application is incomplete;
- (2) If the application contains false or misleading information;
- (3) If the applicant has failed to pay the occupational tax proscribed in article II of this chapter or fails to pay the fees proscribed in this section;
- (4) If the applicant or its employees have engaged in illegal activity either on the premises of the business or in the transaction of the applicant's business;
- (5) If the business has been conducted in a manner so as to create a nuisance;
- (6) If the business is subject to regulation under some other section of this Code and has failed to conduct itself in accordance with those regulations;
- (7) If the business being conducted is not in accordance with the city zoning laws and regulations;  
or
- (8) The applicant has allowed the violation of an ordinance of the city or a violation or any criminal law of the State of Georgia or the United States to occur on the premises within the city.

(Ord. No. 227, § 1, 12-1-98)

**Sec. 11-6. Revocation of a business license.**

- (a) The chief of police shall be authorized to revoke an occupational tax/ business license previously granted by the city clerk. Such action is authorized upon a determination by the chief of police that has been the occurrence of one (1) or more of the acts described in [section 11-5](#) of this chapter. The chief of police shall hold a hearing prior to such revocation. In the event the chief of police seeks to revoke a license, the chief of police shall give written notification to the holder of the license of such

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action and such notice shall contain a specification of the violation or violations and shall be hand delivered to the holder of the license no less than five (5) days prior to any hearing on the revocation. The holder shall be given written notice of the time and place of the hearing.

- (b) In the event the chief of police shall revoke a license, the license holder shall be authorized to continue its business until the date of the hearing scheduled in accordance with subsection (c) of this section. In any hearing conducted by the chief of police, the chief shall consider, among other things, the severity of the allegations, the evidence submitted, and the testimony presented, in making any decision on revocation.
- (c) In the event of a revocation by the chief of police, the license holder may appeal the decision of the chief of police to the mayor and city council by filing a written notice of appeal within ten (10) days from the date of the decision of the chief of police. Appeals shall be conducted as provided in [section 11-7](#) of this article. In the event the license holder does not file an appeal from a decision of the chief of police, as provided herein, the decision of the chief of police shall be final.

(Ord. No. 227, § 1, 12-1-98)

**Sec. 11-7. Appeal procedure.**

- (a) The applicant or holder of a revoked license may, within ten (10) days after he has been notified of an adverse decision by the city clerk or the chief of police, submit a notice of appeal to the city clerk.
- (b) The notice of appeal shall be addressed to the mayor and city council and shall specify the subject matter of the appeal, the date of any original and amended application, the date of the adverse decision of the city clerk or chief of police, and the name and address of the applicant or holder of a revoked license.
- (c) The city clerk shall place the appeal on the agenda of the next regular council meeting occurring not less than five (5) nor more than forty-five (45) days after receipt of the application for appeal. Pending such appeal, the business may continue to operate.
- (d) Final decision of the city council may be appealed to the Superior Court of DeKalb County, Georgia, by filing an application for writ of certiorari within thirty (30) days of said final decisions.
- (e) Whenever the city clerk has scheduled an appeal before the city council, at the time and date set therefore, the council shall receive all relevant duly sworn testimony and evidence from the applicant, any witness he may wish to call, from interested parties and from the city staff. The city council may sustain, overrule or modify the action complained of based upon the evidence submitted to it. The action of the city council shall be final.
- (f) The appealing party may be represented by legal counsel. The city council shall not be bound by the traditional rules of evidence in hearings conducted under this chapter. Rules of evidence as applied in an administrative hearing shall apply.

(Ord. No. 227, § 1, 12-1-98)

**Sec. 11-8. Penalty for violation.**

Any person who operates a business within the city without a valid occupational tax/business license or after revocation of a license shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. Each day of operation of a business without a license or after revocation of a license shall be considered a separate offense.

(Ord. No. 227, § 1, 12-1-98)

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**Sec. 11-9. Unlawful operation declared a nuisance.**

Any business operated, conducted or maintained without having a valid occupational tax/business license issued pursuant to this chapter is declared to be unlawful and a public nuisance. The city may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof, in the manner provided by law.

(Ord. No. 227, § 1, 12-1-98)

**Sec. 11-10. Background examination and good character of sellers and traders of used goods.**

- (a) All persons desiring to sell or trade used goods including used furniture, pawn shop operators, car title loan companies, used appliance companies, used jewelry companies, flea markets and second hand stores shall make application to the city clerk for a license authorizing the same on the form described in [section 11-4](#) of this article. Thereafter, if any person other than a person or person listed in the application as manager shall be employed as a manager, the name, home address, home telephone number, Social Security number, date of birth and places of employment for the previous five (5) years of the new manager or managers shall be filed with the city clerk for investigation as hereinafter provided within three (3) days of the date of such employment.
- (b) If the entity applying for said license is a partnership, corporation, or other form of limited liability company, the application shall contain the name, home address, home telephone number, Social Security number, and date of birth of each partner, officer, director or member of the entity seeking such license. Applications must be sworn to by the applicant or any agent thereof. All applicants shall furnish data, information and records as required by the city clerk to insure compliance with this section. Failure to furnish such information and records within fifteen (15) days from the date of such application for a license to the city clerk shall automatically serve to dismiss the application for a business license.
- (c) The city clerk, in conjunction with the chief of police, shall investigate all applicants to insure that such person, individuals, partners in a partnership, officers and directors of any corporation, members of any other form of business entity, and the manager or managers thereof shall be of good moral character, and in no event shall any license be granted to any business in which an owner, partner, officer, director, member or manager has been convicted or has pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, theft by taking, or theft by receiving, within a period of five (5) years immediately prior to the filing of such application.
- (d) The applicant shall file and provide to the chief of police fingerprints and other information deemed necessary by the chief of police in order to conduct a thorough, complete and exhaustive search relative to any police record of the persons covered by this article. The chief of police shall report to the city clerk with regard to his findings relative to such background examination.
- (e) The city clerk shall determine whether the applicant meets the good character requirements of this Section, when applicable, before issuance of a business license.
- (f) The city council shall hear appeals of decisions pursuant to this section under the same procedure as set forth in [section 11-7](#) of this article.

(Ord. No. 232, § 1, 12-13-99; Ord. No. 334, § 4, 6-2-09)

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**Sec. 11-11. Public display of merchandise is prohibited.**

It shall be unlawful for any person holding a license issued pursuant to this chapter, or for any other person, to display outside the walls of any business location merchandise or samples of merchandise which are offered for sale at that or another business location. Notwithstanding the foregoing, objects such as automobiles which are too large to be displayed indoors and plants or other living materials which require sunlight may be displayed outdoors.

(Ord. No. 242, § 1, 8-1-00; Ord. No. 251, § 1, 10-2-01; Ord. No. 340, § 1, 12-2-09)

**Sec. 11-12. Regulation and licensing of vendors.**

- (a) Vendors are hereby defined as a provider of goods or services operating within the City of Clarkston whose principal place of business is outside of the city and who by the nature of their goods and service is mobile or transient in nature. Examples include, but are not limited to, mobile catering services and mobile auto detailing services.
- (b) All vendors offering goods or services within the city limits of the City of Clarkston shall have on their person at all times a valid business license issued from the jurisdiction where their principal place of business is located. In lieu of the business license described above, the vendor may apply for and obtain a City of Clarkston Vendor License from the city clerk.
- (c) Application shall be made for a City of Clarkston Vendor License on forms provided by the city clerk. The fee for such license shall be as set by the city council. Vendor licenses shall be valid for a period of one (1) year from the date of issue.
- (d) Person who fail to comply with the requirements of this Section, upon a finding of guilt, shall be subject to the penalties set forth in [section 1-7](#) of the Code of Ordinances. Failure to comply on each day shall be a separate offense.

(Ord. No. 323, § 1, 2-6-07)

**Sec. 11-13. Hours of operation.**

It shall be unlawful for any business within the City of Clarkston to be open to the public or to transact any business between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday. It shall be unlawful for any business within the City of Clarkston to be open to the public or to transact any business between the hours of 2:55 a.m. and 6:00 a.m., Saturday and Sunday mornings. Any owner or other responsible person operating a business in violation of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. Each violation of this section shall constitute a separate offense. Any business operating in violation of this section shall be subject to license revocation pursuant to [section 11-6](#) of this Code of Ordinances.

(Ord. No. 333, § 1, 4-7-09; Ord. No. 344, § 1, 4-6-10)

**Sec. 11-14. Dominant line of business to be identified on business registration.**

The business license or registration of each business operated in the city shall identify the dominant line of business that the business conducts.

(Ord. No. 352, § 2, 12-8-10)

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**Sec. 11-15. Evidence of state registration required if applicable; state registration to be displayed.**

- (a) Each person who is licensed by the Secretary of State pursuant to Title 43 of the Official Code of Georgia Annotated shall provide evidence of proper and current state licensure before the city business license or registration may be issued.
- (b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.

(Ord. No. 352, § 2, 12-8-10)

**Sec. 11-16. Evidence of qualification required if applicable.**

Any business required by state law, county ordinance, or city ordinance to obtain any health permit, bond, certificate of qualification, certificate of competency, or any other regulatory authorization shall first, before the issuance of city business license or registration, show evidence that such requirements have been met.

(Ord. No. 352, § 2, 12-8-10)

**Sec. 11-17. Display of license or registration required.**

A city-issued business license and any applicable registration shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in Clarkston, Georgia. If the taxpayer has no permanent business location in Clarkston, Georgia, but a business tax registration is required pursuant to Article II of this chapter, said registration shall be shown to the city clerk or this officer's deputies or to any police officer of the city upon request.

(Ord. No. 352, § 2, 12-8-10)

**Secs. 11-18—11-32. Reserved.**

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 227, § 1, adopted Dec. 1, 1998, repealed former Art. I, §§ 11-1—11-32, in its entirety and enacted new provisions as herein set out. Former Art. I pertained to similar subject matter and derived from the following: [\(Back\)](#)

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