

ORDINANCE NO. _____

**AN ORDINANCE REPEALING THE JANUARY 1, 2002 ADOPTED
ORDINANCE FOR REGISTRATION OF BUSINESSES AND
OCCUPATION TAX AND ENACTING A NEW ORDINANCE PROVIDING
FOR THE REGISTRATION AND LICENSURE OF BUSINESSES WITHIN
THE JURISDICTION OF THE TOWN OF BETWEEN GEORGIA**

It is hereby ordained by the governing authority of the Town of Between, Georgia that each entity or person engaged in any type business, trade, profession, or occupation within the jurisdiction of the Town of Between, Georgia shall register such and pay a fee for a business/occupational license.

SECTION 1: That Chapter _____, Section _____, of the Code of Ordinances of the Town of Between, Georgia is to read as follows:

1. New businesses/occupations conducting business within the jurisdiction of the Town of Between shall register said business/occupation with the town prior to commencing operation.
2. Established businesses/occupations conducting business within the jurisdiction of the Town of Between shall renew said business/occupational license on or prior to the date established by the town annually.
3. In the case of an out-of-state business with no location in Georgia exerting substantial efforts within the state pursuant to O.C.G.A. 48-13-7, shall pay a business/occupational license fee for said business, trade, profession, or occupation. The license/registration shall be displayed in a conspicuous place within the business. If the business has no permanent location with the Town of Between, such business/occupational license shall be shown to the town mayor/council upon request.
4. In accordance with O.C.G.A 36-60-6, the Town of Between shall not issue a business/occupational license to any person engaged in a profession or business required to be licensed by the state under Title 43 of the O.C.O.G. unless that person can provide evidence of licensure by the state. Upon satisfactory evidence of licensure, the town shall issue a business/occupational license.
5. A business/occupational license fee shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within the jurisdictional limits of the Town of Between 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 criteria as provided in O.C.G.A 48-13-10. All businesses and practitioners of

professions and occupations shall pay a flat fee of one hundred dollars (**\$100.00**) annually.

6. For any person commencing business on or after July 1 in any year, the business/occupational license fee for the remaining portion of that year shall be fifty (50%) of the fee imposed for an entire year.
7. The business registration of each business operating within the jurisdictional limits of the Town of Between shall identify the dominant lines of business that the business conducts.
8. When an entity conducts business at more than one (1) fixed location, each location or place of business shall be considered a separate business for the purpose of a business/occupational license, requiring a license for each location.
9. No business/occupational license fee may be levied on any state or local authority or nonprofit organization, pursuant to O.C.G.A. 48-13-13(5).
10. Any business required to obtain health permits, bonds, certificates of competency or any other regulatory matter shall first, before the issuance of a Town of Between business/occupational license, shall show evidence that such requirements have been met.

SECTION 2: APPLICATIONS

Every person required to procure a license under the provisions of this ordinance shall submit an application for such license to the Town of Between.

1. **Form of Application.** Each application shall be a written statement upon forms provided by the Town of Between.
2. **Contents of Application.** Each section of the application shall be completed. Incomplete applications will not be processed and will be returned to the applicant.
3. **Home Occupation Businesses.** Home Occupation Requirements list the regulations for operating a home-based business. The requirement form must be signed and returned with the business application.
4. **Affidavit Verifying Residency Status of an Applicant.** This form is required by the Georgia Security and Immigration Compliance Act. This form is required to be completed and notarized in order to receive a business/occupational license.
5. **Private Employer Affidavit Pursuant to O.C.G.A. 36-60-6(d).** This form is required to be completed and notarized.
6. **Verification.** Each applicant shall be sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.
7. **Payment of Fees.** Fees shall be included with the application forms. Checks shall be made out to: **Town of Between**.
8. **Processing of Applications.** Completed applications, accompanying documentation and fees shall be returned to: **Town of Between, 1926 New Hope Church Road, P.O. Box 46, Monroe, Georgia 30655.** Completed application packages not received by the due date as established by the Town of Between shall be subject to a late fee of 10% of the total fee.
9. **Application/Fee Due Date.** *All new or renewal license applications and fees are due to the Town of Between no later than the second Wednesday of December of each calendar*

year. Applications received after this date are considered late and are subject to the 10% penalty as stated in #8 above.

10. **Effective Dates.** Business/occupational licenses are effective beginning on January 1st and expiring on December 31st of each calendar year.

SECTION 3: PENALTY OF ORDINANCE VIOLATION

1. Each license shall be for the calendar year in which the license was obtained unless otherwise specifically provided. There is hereby imposed a penalty upon any business which fails to apply for and obtain an appropriate business registration and pay the fee(s) as provided herein on or before January 31st of each calendar year. Each business is required to obtain the appropriate business/occupational license prior to conducting any business in the Town of Between. Any person transacting or offering to transact business in the Town of Between without the proper license is subject to penalties as stated in #2 of this section.
2. Any person violating any provisions of this ordinance shall, upon conviction before the Walton County Magistrate Court Judge, shall be fined in an amount not to exceed One Hundred Dollars (\$100.00) at his/her discretion.
3. The Walton County Sheriff and his duly designated officers and inspectors or their successors shall be classified as Deputy Marshal-Business Inspector with full subpoena and arrest powers in conjunction with any violation pertaining to this ordinance until such time as this ordinance is amended or repealed.
4. Upon the failure of any business to pay said business/occupational license fee before it becomes delinquent, any license issued by the Town of Between under this ordinance permitting the owner of said business to do business for the current year shall be, ipso facto, revoked. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall consist of a fine of One Hundred Dollars (\$100.00).

SECTION 4: AMENDMENTS, REPEAL AND ENFORCEMENT PROVISIONS

1. 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 Town Council to access and collect any fees or other charges prescribed. Said amendment may increase or lower the amount of any business/occupation license fees and may change the classification thereof. The payment of any business/occupational license fee(s) shall not be construed as prohibiting the levy or collection by the Town of Between of additional business/occupational fees upon the same person, property, or business.
2. It is the duty of the Town Council to see that the provisions of this ordinance relating to business/occupational license and fees are observed; and to summon all violators of the same to appear before the appropriate court. It is hereby made the further duty of the Town Council, to inspect all licenses issued by the Town of Between as often as in their judgement it may seem necessary to determine whether the license held is the proper one for the business sought to be transacted thereunder.

3. The ordinance shall remain in full force and effect as of the adopted date indicated at the end of this document.
4. The Council shall conduct at least one public hearing before adoption of any ordinance or resolution which will increase the business/occupation license fee as set forth in this ordinance.

SECTION 5: If any provision, section, subsection, clause, or phrase of this ordinance, or application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance or the application to such other persons or set of circumstances shall not be affected thereby, it being the intent of the Town Council of the Town of Between, Georgia, in adopting this ordinance, that no portion or provision therefore or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 6: This ordinance shall be published and become effective in accordance with the Town of Between Charter.

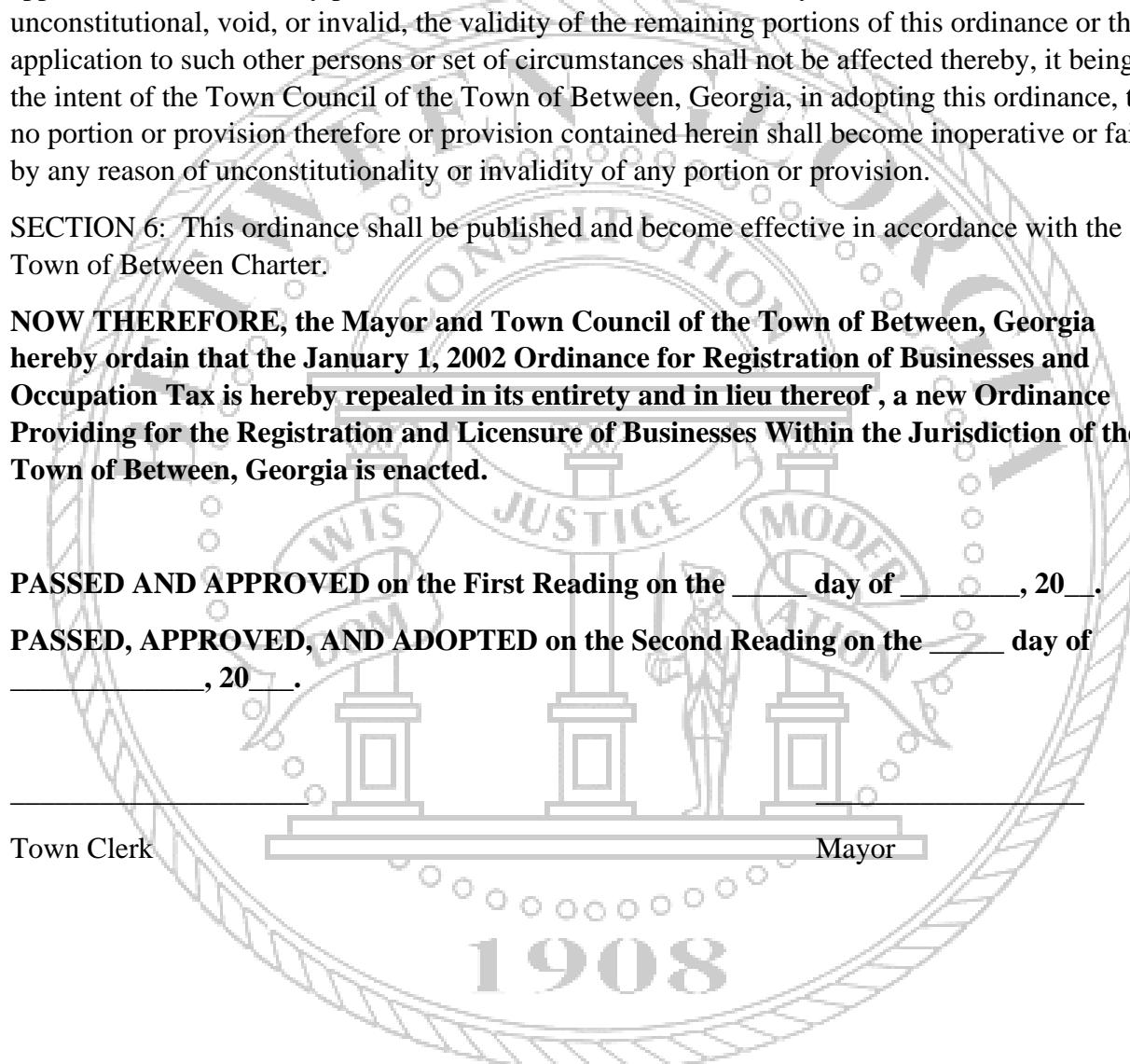
NOW THEREFORE, the Mayor and Town Council of the Town of Between, Georgia hereby ordain that the January 1, 2002 Ordinance for Registration of Businesses and Occupation Tax is hereby repealed in its entirety and in lieu thereof, a new Ordinance Providing for the Registration and Licensure of Businesses Within the Jurisdiction of the Town of Between, Georgia is enacted.

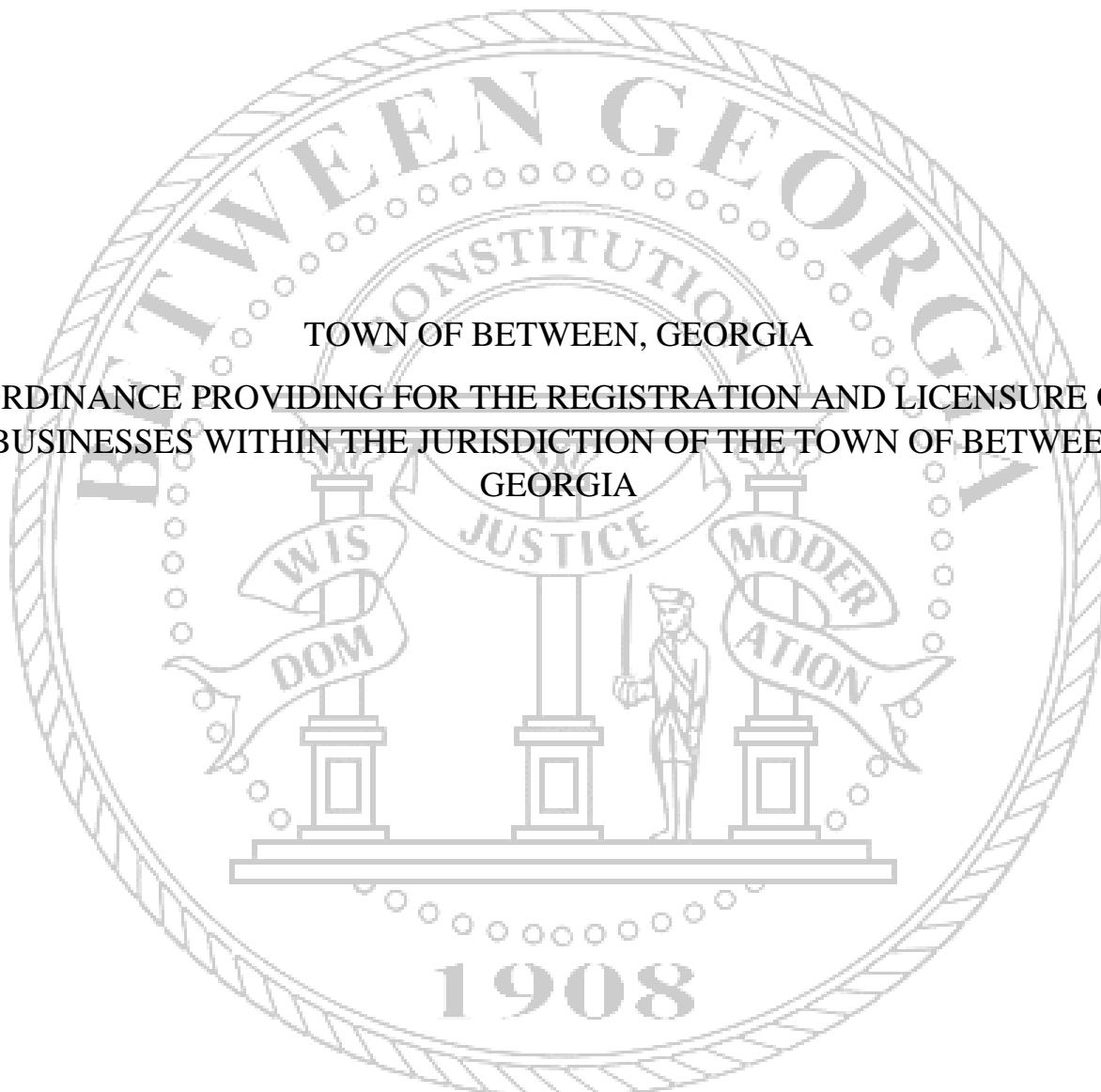
PASSED AND APPROVED on the First Reading on the ____ day of _____, 20__.

PASSED, APPROVED, AND ADOPTED on the Second Reading on the _____ day of _____, 20____.

Town Clerk

Mayor





TOWN OF BETWEEN, GEORGIA

ORDINANCE PROVIDING FOR THE REGISTRATION AND LICENSURE OF
BUSINESSES WITHIN THE JURISDICTION OF THE TOWN OF BETWEEN
GEORGIA