

Chapter 18

TAXATION, REVENUE AND MISCELLANEOUS BUSINESS REGULATIONS*

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***Cross references**--Alcoholic beverages, Ch. 3; streets and sidewalks, Ch. 16; vehicles for hire, Ch. 21; zoning, Ch. 22.

State law references--Taxation power of municipal governments, Ga. Const., art. 9, sec. 4, par. 1; limitation on taxing power of municipalities, Ga. Const., art. 9, sec. 2, par. 8; ad valorem taxation of property, O.C.G.A. Ch. 48-5; municipal taxation, O.C.G.A. § 48-5-350 et seq.; specific business and occupation taxes, O.C.G.A. § 48-13-1 et seq.

Section 18-0A **ARTICLE I. IN GENERAL**

Section 18-1 Ad valorem tax.

The city council shall annually levy an ad valorem tax upon properties within the city which are subject to taxation according to the Charter of the city and the constitution and laws of this state, at such rate and for such purposes as are authorized by the Charter and the laws of the state.
(Code 1958, § 21-1)

Section 18-2 City manager to resolve errors related to ad valorem taxes.

As to any irregularity or error which occurs with regard to payment by the taxpayer and which is not the fault or oversight of the taxpayer and which occurs because of fault, oversight, time constraints or other action or inaction on the part of the administrative staff of the City of Thomasville, the city manager

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shall have the authority, in his sole discretion, to allow the benefit of early payment, to waive any penalty for late payment which would otherwise be imposed, or take any other such action which he deems prudent and appropriate in the circumstances.
(Ord. of 12-9-96, § I)

Section 18-3 18-3--18-25. Reserved.

Section 18-25A ARTICLE II. DEPOSITORY FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX*

***State law reference**--Local business license tax for depository financial institutions, O.C.G.A. § 48-6-93.

Section 18-26 Levy; limitation.

(a) Pursuant to O.C.G.A. § 48-6-93 there is hereby levied for the year 1984 and for each year thereafter, an annual business license tax upon state and national banking associations, federal savings and loan associations and state building and loan associations a business license tax at the rate of one-fourth of one (1) percent of the gross receipts of such institutions. Gross receipts shall mean gross receipts as defined in O.C.G.A. § 48-6-93. Notwithstanding any other provisions of this article, the minimum amount of business license tax due from any depository financial institution pursuant to this article shall be one thousand dollars (\$1,000.00) per year.

(b) Notwithstanding the provision of subsection (a), any business license tax levied by this article upon a savings and loan association shall, for a period of three (3) years from January 1, 1984, not be in excess of an amount that would be raised by a current ad valorem tax imposed upon the net worth of such association. As used in this article, the term "net worth" means all surplus, undivided profits, and reserves exclusive of any reserve required by any federal or state statute or regulation in force as of January 1, 1980, which statute or regulation was applicable to such federal or state chartered association, and minus the fair market value of all real estate or equity therein owned by the association. (Code 1958, § 14-61)

Section 18-27 Due date; filing of return.

(a) Each depository financial institution within the city shall make a return of its gross receipts with the city clerk on March 1st of the year following the year in which such receipts were measured. Such return due on March 1, 1984, shall include gross receipts measured for calendar year 1983. The returns shall be in the manner and in the form prescribed by the commissioner of the department of banking and shall be based upon the allocation method set forth in O.C.G.A. § 48-6-93(d). The tax levied pursuant to this article shall be assessed and collected based upon the information provided in such return.

(b) If as of April 15, 1984, 1985, and 1986, no current ad valorem tax digest is available or no current ad valorem tax rate has been established by the city council, in order to enable savings and loan institutions to compute an alternative maximum tax as provided for in O.C.G.A. § 48-6-93, then in any of those events, all savings and loan institutions doing business within the city shall be required to file the return and pay the tax called for in this article within thirty (30) days of the date a current ad valorem tax rate is available.

(c) The due date of taxes levied by this article shall be April 15, 1984, and April 15th of each subsequent year.
(Code 1958, § 14-62)

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Section 18-28 18-28--18-45. Reserved.

Section 18-45A ARTICLE III. OCCUPATION TAXES AND REGULATORY FEES*

***Editor's note--**Section I of an ordinance adopted December 27, 1995, deleted §§ 18-46--18-76 in their entirety and substituting therefor new §§ 18-46--18-78. Formerly, such sections pertained to similar provisions and derived from § 14-1--14-27, 29--31 of the 1958 Code; Ord. of 12-30-88(5), § I--XXVII, XXIX, XXX; Ord. of 12-28-89(2), § 1--27, 29, 30.

State law reference--Specific business and occupation taxes, O.C.G.A. § 48-13-1 et seq.

Section 18-46 Occupation tax required; occupation tax required for business dealings in the city.

For the year 1996 and succeeding years thereafter, each person engaged in any business, trade, profession or occupation in the city, whether with a location in Thomasville or 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 an occupation tax for such business, trade, profession or occupation; which tax and any applicable receipt shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in Thomasville, Georgia. If the taxpayer has no permanent business location in Thomasville, Georgia, such business tax receipt shall be shown to the city marshal or this officer's deputies or to any police officer of such Thomasville, Georgia, upon request. (Ord. of 12-27-95(3), § I)

Section 18-47 Construction of terms; definitions.

(a) Wherever the term "City of Thomasville" is used herein, such term shall be construed to mean Thomasville, Georgia.

(b) As used in this article, the term:

Administrative fee means a component of an occupation tax which approximates the reasonable cost of handling and processing the occupation tax.

Commercial class of business means a business in those business categories that have a standard industrial classification (SIC) number in which the first two (2) digits are other than between twenty (20) and thirty-nine (39) inclusive.

Dominant line means the type of business, within a multiple-line business from which the greatest amount of income is derived.

Employee means an individual whose work is performed under the direction and supervision of the employer and whose employer 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 I.R.S. W-2 but not a form I.R.S. 1099.

Gross receipts means the total revenue of the business or practitioner for the period, including without limitation to the following:

- (1) Total income without deduction for the cost of goods or expenses incurred;
- (2) Gain from trading in stocks, bonds, capital assets or instruments of indebtedness;
- (3) Proceeds from commissions on the sale of property, goods or services;
- (4) Proceeds from rent, interest, royalty or dividend income; and
- (5) Proceeds from fees for services rendered.

Gross receipts shall not include the following:

- (1) Sales, use or excise tax;
- (2) Sales returns, allowances and discounts;

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- (3) Interorganizational sales or transfers between or among the units of a parent-subsidary controlled group of corporations as defined by 26 U.S.C. 1563(a)(1), or between or among the units of a brother-sister controlled group of corporations as defined by 26 U.S.C. 1563(a)(2), or between or among wholly owned partnerships or wholly owned entities.
- (4) Payments made to a subcontractor or an independent agent; and
- (5) Governmental and foundation grants, charitable contributions, or the interest income derived from such funds received by a nonprofit organization which employs salaried practitioners otherwise covered by this article if such funds constitute eighty (80) percent or more of the organization's gross receipts; and
- (6) Proceeds from sales to customers outside the state.

Industrial class of business means a business in those business categories that have a standard industrial classification (SIC) number in which the first two (2) digits are from twenty (20) through thirty-nine (39) inclusive. This class shall also include those businesses with an office or location in the city which do not generate measurable gross receipts.

Location or office shall include any structure or vehicle where a business, profession or occupation is conducted, but shall not include a temporary work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office.

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.

Person wherever used in this article shall be held to include sole proprietors, corporations, partnerships, nonprofit or any other form of business organization, but specifically excludes charitable nonprofit organizations which utilize eighty (80) percent of their proceeds for charitable purposes.

Practitioner of profession or occupation is one who by state law requires state licensure regulating such profession or occupation, but shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

Regulatory fee means payments, whether designated as license fees or permit fees, which are required by as an exercise of police power and as a part of or as an aid to regulation of an occupation, profession, or business. The amount of the regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city.

(Ord. of 12-27-95(3), § I)

Section 18-48 Administrative and regulatory fee structure; occupation tax structure.

(a) A nonprorated, nonrefundable administrative fee of forty-five dollars (\$45.00) shall be required on all business and occupation tax accounts for the initial start-up, renewal, or reopening of those accounts.

(b) A regulatory fee will be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. The regulatory fee schedule for persons in occupations and professions is set forth in paragraph (c).

(c) The following businesses, occupations, professions or trades are hereby declared not subject to the schedules of taxation imposed by section 18-49, but shall pay a regulatory fee as indicated:

Alcoholic beverages licenses:

- | | |
|--|-----------|
| (1) Beer, retail (package or consumption on premises) | \$ 400.00 |
| (2) Beer, retail (package and consumption on premises) | 500.00 |
| (3) Beer, wholesale | 100.00 |
| (4) Wine, retail (package or consumption on premises) | 350.00 |
| (5) Wine, retail (package and consumption on premises) | 450.00 |
| (6) Wine, wholesale | 100.00 |
| (7) Liquor, retail (consumption on premises) | 2,000.00 |

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(8) Liquor, retail (package)	4,000.00
Businesses paying for the privilege license fee for beer, wine and/or liquor shall apply for renewal of their licenses and pay the fee by December 31st of each year preceding the year for which the license is issued, or cease sales of alcoholic beverages. The gross volume of alcoholic beverage sales may be deducted from the total gross of the business. Such businesses shall pay an additional occupation tax based on their dominant line of business other than alcoholic beverage sales.	
Boxing and wrestling promoters	\$ 100.00
Burglar and fire alarm installers	150.00
Carnivals	500.00
Per occurrence or event which is limited to a one-time setup or display, for up to a maximum of fourteen (14) consecutive calendar days and for which occurrence or event is not intended to be removed, disassembled, or transported at the conclusion of the daily operating hours.	
Building and construction contractors	150.00
Maintenance and repair contractors	25.00
Cable television, plus percent of gross receipts as per special ordinance and contract	300.00
Gold and silver buyers	150.00
Escort services	200.00
Fortune teller, clairvoyant, palm reader	1,000.00
Handwriting analysts	200.00
Hypnotists	200.00
Massage parlors	200.00
Pawnbrokers	
(1) General	150.00
(2) Vehicle	2,500.00
Scrap metal processors	150.00
Tattoo artists	500.00
Taxicabs:	
(1) First four (4) cabs of one (1) owner, each, payable by January 31st, or cease operation as taxicabs	150.00
(2) Each additional cab of same owner, payable by January 31st as above	37.50

(Ord. of 12-27-95(3), § I; Ord. of 12-22-97(1), § I; Ord. of 12-0-03)
(18-48, Amended, 12/08/2003, reference to peddlers deleted)

Section 18-49 Occupation tax levied; restrictions.

(a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one (1) or more locations or offices in the corporate limits of the city and upon the 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, except that those special licenses enumerated in section 18-48 shall be taxed as specified in that section:

- (1) For the industrial class, the tax shall be levied on the number of employees of the business or practitioner as computed on a full-time position basis or full-time equivalent basis;
- (2) For the commercial class, the tax shall be levied on the gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession or occupation as measured by nationwide averages derived from statistics, classifications or other information published by the U.S. Office of Management and Budget, the Internal Revenue Service, or successor agencies of the United States.

(b) Occupation tax schedule:

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(1) For the industrial class, the occupation tax shall be levied according to the number of employees as shown in the following table:

a. Flat fee	\$ 150.00
b. First one hundred (100) employees, per employee	4.50
c. Second one hundred (100) employees, per employee	3.00
d. Each additional employee over two hundred (200)	1.50
e. Minimum occupation tax	375.00

The average annual number of employees shall be determined by counting the number of employees reported to the Employment Security Agency, State of Georgia, in the Employers Quarterly Wage Summary as being employed in the pay period of each month which included the twelfth day of such month, totaling such monthly figures and dividing by twelve (12). For the purposes of this computation, an employee who works forty (40) hours or more weekly shall be considered a full-time employee and the average weekly hours of employees who work less than forty (40) hours weekly shall be added and such sum shall be divided by forty (40) to produce full-time position equivalents. Adjustment for differences which occur in the current year shall be made in the calculations for the next year's occupation tax. Any new businesses as above shall estimate the average annual number for the first year.

(2) For the commercial class, the occupation tax shall be levied according to the tax rate determined by profitability ratios in combination with gross receipts for each business, trade, profession or occupation shall be as follows and will be developed and updated from time to time by ordinance amendment:

<i>Profitability ratio/tax class</i>	<i>Tax rate on gross receipts</i>
Class 1	.41/1,000
Class 2	.55/1,000
Class 3	.68/1,000
Class 4	.82/1,000
Class 5	.95/1,000
Class 6	1.09/1,000

(c) (1) The city shall not require the payment of more than one (1) occupation tax for each location that a business or practitioner shall have nor shall the city require that a business pay occupation tax for more than one hundred (100) percent of the gross receipts.

(2) No occupation tax will be required on receipts on which such tax has been levied in other localities or states provided those receipts were levied in full compliance with O.C.G.A. §§ 48-13-7 and 48-13-14.

(3) An occupation tax shall be required from real estate brokers, agents or companies whose offices are located outside the city and who sell property inside the corporate limits of the city, which tax shall be based upon gross receipts derived from transactions with respect to property located within the corporate limits of the city.

(4) An occupation tax shall not be levied in any other manner except as described in this section.

(5) Occupation taxes are limited to the gross receipts earned in the taxing jurisdiction or in the state.

(6) Out-of-state businesses with no location in Georgia shall be assessed occupation taxes based on the gross receipts of the business as defined in O.C.G.A. § 14-13-7 (see section 18-47 of this article) which are reasonably attributed to sales or services in the state.

(Ord. of 12-27-95(3), § I)

Section 18-50 Paying occupation tax of business with no location in Georgia.

An occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state if the business' largest dollar volume of business in the state is in the city and the business or practitioner has one (1) or more employees or agents who exert substantial efforts within this jurisdiction for the purpose of soliciting business or serving customers or clients.

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(Ord. of 12-27-95(3), § I)

Section 18-51 Dominant line of business to be identified on tax return.

The occupation tax return of each business operated in the city shall identify the dominant line of business that the business conducts.

(Ord. of 12-27-95(3), § I)

Section 18-52 Number of businesses considered to be operating in the city.

Where a person conducts business at more than one (1) fixed location, each location or place shall be considered a separate business for the purpose of occupation tax.

(Ord. of 12-27-95(3), § I)

Section 18-53 Professionals as classified in O.C.G.A. § 48-13-9(c), paragraphs (1) through (18).

(a) Each individual practitioner or each firm of more than one (1) practitioner of law, medicine, osteopathy, chiropractic, podiatry, dentistry, optometry, psychology, veterinary medicine, landscape architecture, land surveying, physiotherapy, public accounting, embalming, funeral directing, civil, mechanical, hydraulic or electrical engineering, architecture, marriage and family therapy, social work or professional counseling, who shall maintain the principal office in the city shall pay the sum of four hundred dollars (\$400.00) per year for each professional; provided, however, that any person engaging in the aforesaid professions may elect to be covered under schedule B of the gross receipts schedule as set forth in section 18-49, but no such levy shall exceed the sum of four hundred dollars (\$400.00) per year for each professional or shall be assessed upon or collected from 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, the state or a municipality or county of the state.

(b) Persons not engaged in private practice but working full time for a single employer shall not be deemed to practice a profession, trade or calling within the meaning of this article. (Ord. of 12-27-95(3), § I)

Section 18-54 Purpose and scope of tax.

The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax only applies to those businesses and professions which are covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.

(Ord. of 12-27-95(3), § I)

Section 18-55 When tax due and payable; effect of transacting business when tax delinquent; occupation tax transferable; refunds.

(a) Each such occupation tax shall be for the calendar year 1996 and succeeding calendar years thereafter unless otherwise specifically provided. Such occupation tax shall be payable on January 1 of each year and shall, if not paid by April 15 of each year, be subject to penalties for delinquency as prescribed in this article. On any new profession, trade or calling begun in Thomasville in 1996 or succeeding years thereafter, the application and tax shall be delinquent if not filed immediately upon

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beginning business and a ten (10) percent penalty imposed. The tax herein provided for shall be issued by the city clerk and if any person, firm or corporation whose duty it is to file the application and pay the occupation tax shall, after such occupation tax becomes delinquent, transact or offer to transact in Thomasville any of the kind of profession, trade or calling subject to this article without first having filed the application and paid such tax, such offender shall, upon conviction by the municipal court judge, be punished by a fine not to exceed seven hundred fifty dollars (\$750.00) or imprisonment not to exceed thirty (30) days, provided, however, that the city clerk, when in his judgment circumstances seem to warrant, may grant an extension of time, in no case exceeding ninety (90) days, within which time to file application and pay the occupation tax. No penalty rate will be charged on any tax on which an extension of time has been granted.

(b) In addition to the above remedies, the marshal may proceed to collect in the same manner as provided by law for tax executions.

(c) Occupation tax may be transferred to a new owner of an existing business if written notice is provided by the existing owner(s). If the existing owner(s) elects to transfer the occupation tax certificate to the new owner, then the new owner shall only be subject to the administrative fee.

(d) If a business ceases operation within a year for which an occupation tax has been paid, the paid fee may be refundable in proportion to the number of months remaining in the year, but there shall be in any calculation made the sum of the administrative fee deducted from such calculated refund. Transaction of business during any month or portion thereof, for the purpose of this section, shall be deemed to have continued business for the entire month. Such refund must be applied for within sixty (60) days of the discontinuance of the business or corporation.

(Ord. of 12-27-95(3), § I)

Section 18-56 Allocation of gross receipts of business with multiple intra- or interstate locations.

For those businesses that have multiple locations inside and outside of the Thomasville where the gross receipts can be allocated to each location, the gross receipts used to determine the occupation tax assessed will be those gross receipts attributed to each Thomasville location. Where the dollar amount of gross receipts attributed locally cannot be determined in those businesses with multiple locations, the total gross receipts will be divided by the total number of locations in Thomasville and elsewhere and allotted to those locations. Upon request, the business or practitioner with a location or office situated in more than one (1) jurisdiction shall provide to the Thomasville the following:

- (1) Financial information necessary to allocate the gross receipts of the business or practitioner; and
- (2) Information relating to the allocation of the business' or practitioner's gross receipts by other local governments.

Where the business has locations outside of Thomasville and taxation is levied for a criteria other than gross receipts in the other local governments, the city shall not assess more than the allotted share of gross receipts for the local operation.

For the industrial class, only the employees who work in the city will be counted for taxing purposes.

(Ord. of 12-27-95(3), § I)

Section 18-57 Exemption on grounds that business is operated for charitable purpose.

No business on which an occupation tax is levied by this article shall be exempt from such tax on the ground that such business is operated for a charitable purpose, unless eighty (80) percent or more of the entire proceeds from such business are devoted to such purpose.

(Ord. of 12-27-95(3), § I)

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Section 18-58 Liability of officers and agents; failure to file occupation tax return.

All persons subject to the occupation tax levy pursuant to this article shall be required to file the necessary occupation tax return and pay any applicable occupation tax for such business as described in this article, 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 file such return and pay such tax. Every person commencing business in Thomasville after January 1 of each year shall likewise file the return and pay the tax herein provided for before commencing same; and any person transacting, or offering to transact in of the kinds of business, trade, profession or occupation without first having filed such return and paid such tax, shall be subject to penalties provided thereof.

(Ord. of 12-27-95(3), § I)

Section 18-59 City clerk; subpoena and arrest powers.

The city clerk's office and its duly designated officers and inspectors or its successors shall be classified as deputy marshal-business inspectors with full subpoena and arrest powers in conjunction with any violation pertaining to the occupation tax ordinance for 1995 and succeeding years.

(Ord. of 12-27-95(3), § I)

Section 18-60 Businesses not covered by this 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 or by local law:

- (1) Those businesses regulated by the state public service commission;
- (2) Those electrical service businesses under O.C.G.A. Title 46, Chapter 3.
- (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusinesses.
- (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.
- (5) Insurance companies governed by O.C.G.A. § 33-8-8 et seq.
- (6) Motor common carriers governed by O.C.G.A. § 46-7-15.
- (7) Those businesses governed by O.C.G.A. § 48-5-355. (Businesses that purchase carload lots of guano, meats, meal, flour, bran, cottonseed or cottonseed meal and hulls.)
- (8) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.
- (9) Depository financial institutions governed by O.C.G.A. § 48-6-93.
- (10) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.

(Ord. of 12-27-95(3), § I)

Section 18-61 Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.

An occupation tax shall not apply to the gross receipts of any part of a business where such levy is prohibited or exempted by the laws of the state or of the United States.

(Ord. of 12-27-95(3), § I)

Section 18-62 Occupation taxes levied on business to be transacted during current calendar year; filing of returns showing gross receipts during preceding calendar year.

(a) All occupation taxes levied under this article are levied on the amount of business to be transacted during the current calendar year. However, for the convenience of both the city and the taxpayer, each

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business subject to the occupation tax levied in section 18-49 hereof shall, on or before the dates hereinafter set forth, file with the city clerk the return hereinafter specifically provided for, showing the gross receipts of that business during the preceding calendar year. This return shall be used as the basis for making estimated payments on the occupation tax for the current calendar year. The actual and final amount of tax levied for business transacted in the current calendar year shall be paid in accordance with a final return to be made after the end of the year, in accordance with the procedure set forth here.

(b) The owner, proprietor, manager, or secretary officer of the business subject to such occupation tax of the current calendar year shall, at the end of the preceding year, and on or before April 15th of the current calendar year file with the city clerk, on a form furnished by such officer, a signed return setting forth the amount of gross receipts of such business for the entire preceding calendar year. This return will be used to determine the final tax for the calendar year just completed and as an estimate of the gross receipts and occupation tax for the current year.

(c) Where the business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the amount of gross receipts for such part shall be reported in such return. Such return shall also show a figure putting the receipts for such part of a year on an annual basis with the part-year receipts bearing the same ratio to the whole-year gross receipts as the part-year bears to the whole year. Such figure shall be used as the estimate of the gross receipts of the business for the current calendar year in establishing the business liability.

(Ord. of 12-27-95(3), § I)

Section 18-63 Filing of return showing actual gross receipts during calendar year; procedure where taxes overpaid or underpaid.

(a) On or before April 15th of each year, the owner, proprietor, manager or executive officer of the business liable for such occupation tax levied for the year shall file with the city clerk, on a form furnished by the city clerks office, a signed return setting forth the actual amount of the gross receipts of such business during the preceding calendar year.

(b) If the amount of the occupation tax for the preceding year based on the return provided for in this section and on the rate of such tax provided for in this section and on the rate of such tax provided for in this article, is less than the amount of occupation tax theretofore paid by such business based on the estimate filed pursuant to section 18-62 hereof, the difference in such amount shall be due and payable by the taxpayer to the city on April 15th of the current year and delinquent if not paid on or before such date.

(c) If the amount of the occupation tax for the preceding year based on the return provided for in this section and on the rate of such tax provided for in this article, exceeds the amount of occupation tax therefore paid by such business based on the estimate filed pursuant to section 18-62 hereof, the difference in such amount shall be refundable by the city to the taxpayer; or, if such business continues to be conducted in such Thomasville, Georgia, during the current year, such difference in amount may be credited by the city on the amount of occupation tax to be paid to the city by such business for the current year. This election is to be taken by the city.

(Ord. of 12-27-95(3), § I)

Section 18-64 When occupation tax due and payable.

The amount of occupation tax shall be payable to the city, at the office of the city clerk an January 1 each year and delinquent if not paid on or before April 15 each year.

(Ord. of 12-27-95(3), § I)

Section 18-65 Reserved.

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Section 18-66 More than one place of business.

Where a business is operated at more than one (1) place or where the business included more than one (1) line, such business will pay an occupation tax in accordance with the prevailing tax method and tax rate for the dominant line at each location.
(Ord. of 12-27-95(3), § I)

Section 18-67 Returns confidential.

Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent or clerk of the city, or any other person to divulge or make known in any manner the amount of gross receipts or any particulars set forth or disclosed in any occupation tax return required under this article. All contents of such return shall be confidential and open only to the officials, employees, agents or clerks of the city using such returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors of bookkeepers employed by the city shall be classed as employees. Nothing herein shall be construed to prohibit the publication by city officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof; or the inspection of the records by duly qualified employees of the tax departments of the state, the United States and other local governments.
(Ord. of 12-27-95(3), § I)

Section 18-68 Inspections of books and records.

In any case, the city clerk of the city, through its officers, agents, employees or representatives, may inspect the books of the business for which the returns are made. The city clerk shall have the right to inspect the books or records for the business of which the return was made in Thomasville, Georgia, and upon demand of the city clerk such books or records shall be submitted for inspection by a representative of the city within thirty (30) days. Failure of submission of such books or records within thirty (30) days shall be grounds for revocation of the tax certificate currently existing to do business in the city. Adequate records shall be kept in Thomasville, Georgia, for examination by the city clerk at the officer's discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of ten (10) percent of the deficiency and an additional one (1) percent of the deficiency for each month or fraction thereof that the deficiency was due an unpaid shall be assessed.
(Ord. of 12-27-95(3), § I)

Section 18-69 Delinquent penalty.

Any person required by this article to pay an occupation tax to engage in any trade, business or profession within the corporate limits of the city who shall fail to make application therefor within the time limits prescribed or fail to pay the tax when due shall be subject to and required to pay a penalty often (10) percent of the tax due plus interest, from date of fi.fa., at a rate of twelve (12) percent per annum, provided that the city clerk, when in his judgment circumstances seem to warrant may grant an extension of time, in no case exceeding ninety (90) days, within which time to file application and pay the occupation tax. No penalty rate will be charged on any license on which an extension of time has been granted.
(Ord. of 12-27-95(3), § I)

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Section 18-70 Penalty for failure to register.

Any person, for himself or as an officer of a firm or corporation, exercising or carrying on any trade, business or profession or operating any establishment for which a regulatory fee or occupation tax is required by this article without first having registered as provided in this article shall be liable to a fine not exceeding seven hundred fifty dollars (\$750.00), or to imprisonment for not more than thirty (30) days.

(Ord. of 12-27-95(3), § I)

Section 18-71 Execution for delinquent occupation tax.

In addition to other remedies herein provided for the collection of the occupation tax herein levied, upon any tax becoming delinquent and remaining unpaid, a ten (10) percent penalty as provided by this article shall be levied and the city clerk, shall issue execution for the correct amount of such tax plus applicable penalties against the persons, partnership or corporation liable for such tax which such execution shall bear interest at the rate of twelve (12) percent per annum from the date when such tax becomes delinquent, and the lien shall cover the property in the city of the person, partnership or corporation liable for such tax, all as provided by the ordinances and charter of such city and the laws of the state. The execution of such occupation tax may become filed on and date from the time when such tax becomes delinquent. The execution shall be levied by the marshal of such city upon the property of defendant located in such jurisdiction, and sufficient property shall be advertised and sold to pay the amount of such execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by ordinance and charter of such city and the laws of the state, and the defendant in such execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the applicable laws in regard to tax executions. When a nulla bona entry has been entered by proper authority upon an execution issued by the city clerk 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 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 him or her as though he or she had never defaulted in the payment of the taxes.

(Ord. of 12-27-95(3), § I)

Section 18-72 Amendment, repeal of provision.

This article 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 council to assess and collect any of the taxes or other charges prescribed. Such 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 collecting by the jurisdiction of additional occupation taxes upon the same person, property or business.

(Ord. of 12-27-95(3), § I)

Section 18-73 Applications of provisions to prior ordinance.

This article does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance has not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or failure to pay regulatory fees provided for in such ordinance or ordinances, or failure to comply

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with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid. (Ord. of 12-27-95(3), § I)

Section 18-74 Enforcement of provisions.

It is hereby made the duty of the city clerk to see that the provisions of this article relating to occupation taxes are observed; and to summon all violators of the same to appear before the court. It is hereby made the further duty of the city clerk and his assistants to inspect all tax certificates issued by the city, as often as in their judgment it may seem necessary to determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

(Ord. of 12-27-95(3), § I)

Section 18-75 Public hearing requirements.

(a) The council shall conduct at least one (1) public hearing before adopting any ordinance or resolution regarding the occupation tax.

(b) In any year when revenue from occupation taxes is greater than the revenue from occupation taxes for the preceding year, the council shall hold at least one (1) public hearing as a part of the process of determining how to use the additional revenue.

(Ord. of 12-27-95(3), § I)

Section 18-76 Option to establish exemption or reduction in occupation tax.

The council hereby provides for a reduction in occupation tax to those businesses with a standard industrial classification number from 20 through 39 inclusive and for businesses which have no measurable gross receipts said reduction provided as an adjustment for fluctuations in the number of employees, increases or decreases in the number of employees or temporary employees. This reduction is provided as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious.

(Ord. of 12-27-95(3), § I)

Section 18-77 Schedule A, business classification schedule.

The following schedule indicates the standard industrial classification number for each trade or business listed, together with the corresponding profitability classification assigned in accordance with the statistics of income referred to in section 18-49.

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
	A	
5044	Accounting machines--wholesale	1
8721	Accounting service	4
7349	Acoustical tile cleaning service	3
1742	Acoustical work--contractors	4
8999	Actuaries, consulting	4
8049	Acupuncturists, except M.D.; offices of	2
7331	Addressing service	3
6411	Adjustment services, insurance	5

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8742	Administrative management consultants	4
8741	Administrative management services	4
8322	Adoption services	2
7311	Advertising agencies	3
7311	Advertising consultants (agencies)	3
7312	Advertising service, outdoor	3
5199	Advertising specialties--wholesale	1
7331	Advertising, direct mail	3
7991	Aerobic dance and exercise classes	5
6531	Agents, real estate	5
5531	Air-conditioning equipment, automobile; sale and installation--retail	1
7539	Air-conditioner repair, automotive	2
7623	Air-conditioner repair, self-contained units; except automotive	3
5075	Air-conditioning equipment, except room units--wholesale	1
5722	Air-conditioning room units, self-contained--retail	1
5064	Air-conditioning room units, self-contained--wholesale	1
4961	Air-conditioning supply services	5
1711	Air-conditioning, with or without sheet metal work--contractors	2
5571	All-terrain vehicles--retail	1
7219	Alteration and garment repair	3
4119	Ambulance service, road	1
5941	Ammunition--retail	1
7996	Amusement centers and parks (not fairs, circuses, or carnivals)	5
7993	Amusement device parlors, coin-operated	5
7641	Antique furniture repair and restoration	3
<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
5932	Antique furniture--retail	1
5932	Antique stores--retail	1
1522	Apartment building construction--general contractors	1
5611	Apparel accessory stores, men's and boys--retail	2
5632	Apparel accessory stores, women's--retail	2
7359	Appliance rental and leasing	3
7629	Appliance repair, electrical	3
7993	Arcades, amusement	5
7694	Armature rewinding	3
7335	Art and illustration, commercial	3
5999	Art dealers--retail	1
8249	Art schools, commercial	3
8299	Art schools, except commercial	3
7336	Artists, commercial	3
1611	Asphalt paving; roads; public sidewalks and streets--contractors	2
3531	Asphalt plants, including travel-mix type--mfg	5
1771	Asphalting of private driveways and private parking areas--contractors	2
5941	Athletic goods--retail	1
5661	Athletic shoe stores--retail	2
7537	Automatic transmission repair, automotive	2
5531	Automobile accessory dealers--retail	1

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5511	Automobile agencies (dealers)--retail	1
5531	Automobile air-conditioning equipment, sale and installation--retail	1
5531	Automobile battery dealers--retail	1
5015	Automobile engines, used--wholesale or retail	1
6159	Automobile finance leasing	6
7515	Automobile leasing, except finance leasing; without drivers	2
5531	Automobile parts dealers--retail	1
5015	Automobile parts, used--wholesale or retail	1
7514	Automobile rental, without drivers	2
5541	Automobile service stations--retail	1
5531	Automobile tire dealers--retail	1
5511	Automobiles, new and used--retail	1
5521	Automobile, used cars only--retail	1
7532	Automotive body shops	2
7539	Automotive electrical service (battery and ignition repair)	2
7536	Automotive glass replacement and repair service	2
7533	Automotive mufflers, sale and installation	2
7532	Automotive paint shops	2
5013	Automotive parts, new--wholesale	1
7622	Automotive radio repair shops	3
7538	Automotive repair shops, general	2
7539	Automotive starter and generator repair	2
5013	Automotive supplies--wholesale	1
<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
7549	Automotive towing service	2
7532	Automotive upholstery and trim shops	2
7542	Automotive washing and polishing	2
B		
5941	Bait and tackle snaps retail	1
5461	Bakeries--retail	1
5947	Balloon shops--retail	1
7231	Barber and beauty shops, combined	3
7241	Barber shops	3
7299	Baths, turkish	3
5013	Batteries, automotive--wholesaler	1
5531	Battery dealers, automobile--retail	1
7539	Battery service, automotive	2
5085	Bearings--wholesale	1
5087	Beauty parlor equipment and supplies--wholesale	1
7231	Beauty shops or salons	3
5719	Bedding (sheets, blankets, spreads, and pillows retail	1
5712	Beds and springs--retail	1
4812	Beeper (radio pager) communications services	5
2499	Bentwood (steam bent) products, except furniture--mfg	2
5941	Bicycle and bicycle parts dealers, except motorized--retail	1
7999	Bicycle rental	5
7699	Bicycle repair shops	3

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7312	Billboard advertising	3
7999	Billiard parlors	5
7699	Blacksmith shops	3
1771	Blacktop work; private driveways and private parking areas-- contractors	2
8071	Blood analysis laboratories	2
5551	Boat dealers--retail	1
7532	Body shops (automotive)	2
1711	Boiler erection and installation--contractors	2
6211	Bond dealers and brokers	5
7389	Bondspersons	3
5942	Bookstores selling new books and magazines--retail	1
5932	Bookstores, secondhand--retail	1
8721	Bookkeeping and billing service	4
5984	Bottled gas--retail	1
7933	Bowling centers	5
7539	Brake repairing, automotive	2
7692	Brazing (welding)	3
1741	Bricklaying--contractors	2
5621	Bridal shops, except custom--retail	2
4832	Broadcasting stations, radio	5
4833	Broadcasting stations, television	5

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
6531	Brokers of manufactured homes, on site	5
5812	Buffets (eating places)	2
5251	Builders' hardware--retail	1
1541	Building alterations, industrial and warehouse--general (contractors)	1
1542	Building alterations, nonresidential; except industrial and warehouses--general contractors	1
1522	Building alterations, residential; except single--family--general contractors	1
1521	Building alterations, single-family--general contractors	1
7349	Building cleaning service, interior	3
1541	Building construction, industrial and warehouse--general contractors	1
1542	Building construction, nonresidential; except industrial and warehouse--general contractors	1
1521	Building construction, single-family--general contractors	1
5211	Building materials dealers--retail	1
1541	Building repairs, industrial--general contractors	1
1542	Building repairs, nonresidential--general contractors	1
1522	Building repairs, residential; except single-family--general contractors	1
1521	Building repairs, single-family--general contractors	1
5211	Buildings, prefabricated--retail	1
1731	Burglar alarm installation--contractors	2
7382	Burglar alarm monitoring and maintenance	3
5112	Business forms--wholesale	1

1

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8741	Business management services	4
5984	Butane gas, bottled--retail	1

C

5712	Cabinet work on a custom basis to individual order--retail	1
5812	Cafes	2
5812	Cafeterias	2
7374	Calculating service, computer	3
7699	Camera repair shops	3
5946	Camera shops, photographic--retail	1
5731	Camera stores, video--retail	1
5441	Candy stores--retail	1
5145	Candy--wholesale	1
7539	Carburetor repair	2
1751	Carpentry work--contractors	2
7217	Carpet and furniture cleaning on location	3
1752	Carpet laying or removal service--contractors	2
5713	Carpet stores--retail	1
5812	Carry-out restaurants	2
5511	Cars, new and used--retail	1

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
7514	Car rental	2
5521	Cars, used only--retail	1
7542	Carwashes	2
5087	Caskets, burial--wholesale	1
5099	Cassettes, prerecorded; audio--wholesale	1
5065	Cassettes, recording--wholesale	1
5961	Catalog (order taking) offices of mail order houses--retail	1
5399	Catalog showrooms, general merchandise; except catalog mail order--retail	2
5812	Caterers	2
1742	Ceilings, acoustical installation--contractors	2
4812	Cellular telephone services	5
8299	Ceramics schools	3
5945	Ceramics supplies--retail	1
8721	Certified public accountants (CPAs)	4
7699	Cesspool cleaning	3
8299	Charm schools	3
5451	Cheese stores--retail	1
5641	Children's wear stores--retail	2
7349	Chimney cleaning service	3
5719	China stores--retail	1
8041	Chiropractors, offices and clinics of	2
5993	Cigar stores and stands--retail	1
5194	Cigarettes--wholesale	1
5194	Cigars--wholesale	1
7216	Cleaning and dyeing plants, except rug cleaning	3
1799	Cleaning exterior (houses)	2

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7542	Cleaning and polishing (detailing) new autos for dealers on a contract or fee basis	2	
1629	Clearing of land--general contractors	2	
8041	Clinics of chiropractors	2	
8021	Clinics of dentists	2	
8042	Clinics of optometrists	2	
8031	Clinics of osteopathic physicians		2
8011	Clinics of physicians (M.D.)	2	
8043	Clinics of podiatrists	2	
8093	Clinics, alcohol and drug treatment; outpatient	2	
8093	Clinics, mental health; outpatient		2
7631	Clock repair shops	3	
7219	Clothing alteration and repair shops	3	
5651	Clothing stores, family--retail	2	
5611	Clothing stores, men's and boys'--retail	2	
5932	Clothing stores, secondhand--retail	1	
5621	Clothing, ready-to-wear; women's--retail	2	
7991	Clubs, health	5	
5999	Coin shops--retail, except mail order	1	

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>	
5099	Coin-operated game machines	1	
7216	Collecting and distributing agencies operated by cleaning plants	3	
7322	Collecting agencies, accounts	3	
1542	Commercial building construction--general contractors	1	
7812	Commercials, television; tape or film production	3	
1731	Communications equipment installation--contractors	2	
7379	Computer consultants	3	
7371	Computer programming services	3	
5734	Computer stores--retail	1	
1741	Concrete block laying--contractors	2	
5087	Concrete burial vaults and boxes--wholesale	1	
5032	Concrete mixtures--wholesale	1	
5441	Confectionery stores--retail (concession stands, cotton candy, snow cones, etc.)	1	
1623	Construction; water, sewer, pipeline, power line--general contractors	2	
7299	Consumer buying service	3	
7323	Consumer credit reporting bureaus	3	
8059	Convalescent homes for psychiatric patients, with health care	4	
8059	Convalescent homes with health care	4	
5461	Cookie stores--retail	1	
5999	Cosmetic stores--retail	1	
7299	Costume rental	3	
8322	Counseling centers	2	
8111	Counselors at law	4	
7389	Coupon stores (redemption of trading stamps)	3	
4215	Courier services, except by air	1	
7323	Credit bureaus and agencies	3	
7323	Credit investigation services	3	

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5947	Curio shops--retail	1
1521	Custom builders, single-family houses--general contractors	1
3479	Custom car tags	3
5699	Custom tailors--retail	2
5992	Cut flowers--retail	1

D

7374	Data processing services	3
7389	Decorators consulting service, interior	3
1795	Demolition	2
8021	Dentists' offices and clinics of	2
8072	Dentures made in dental laboratories to order for the profession	2
5311	Department stores--retail	2
8011	Dermatologists, offices of	2
7381	Detective agencies	3
7219	Diaper service	3
1794	Dirt moving--contractors	2

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
0752	Dog grooming	3
5461	Doughnut shops--retail	1
7389	Drafting service	3
5714	Drapery stores--retail	1
5621	Dress shops--retail	2
5699	Dressmakers' shops, custom--retail	2
8069	Drug addiction rehabilitation hospitals	2
5912	Drug stores--retail	1
7216	Drycleaning plants, except rug cleaning	3

E

1794	Earth moving--contractors	2
7629	Electric appliance repair	3
1731	Electrical contractor	2
5722	Electric household appliance stores--retail	1
7694	Electric motor repair	3
7538	Engine repair, automotive	2
8712	Engineering services; architectural	4
8711	Engineering services; industrial, civil, electrical, mechanical, petroleum, marine and design	4
1794	Excavation work--contractors	2
7991	Exercise salons	5
7533	Exhaust system services, automotive	2
7342	Exterminating service	3

F

5949	Fabric shops--retail	1
5651	Family clothing stores--retail	2
8322	Family counseling services	2
5812	Fast food restaurants	2
1799	Fence construction--contractors	2

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0181	Field nurseries; growing of flowers and shrubbery, except forest shrubbery	4
5541	Filling stations, gasoline--retail	1
6159	Finance leasing of equipment and vehicles	6
6141	Financing of automobiles, furniture, appliances, personal air-planes, etc.; not engaged in deposit banking	6
1731	Fire alarm installation--contractors	2
7382	Fire alarm monitoring and maintenance	3
7389	Fire extinguishers, service of	3
5941	Firearms--retail	1
5421	Fish markets--retail	1
7991	Fitness salons	5
5074	Fittings, plumbers'--wholesale	1
5713	Floor covering stores--retail	1
5992	Florists--retail	1

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
5193	Florists--wholesale	1
5963	Food service, mobile--retail	1
5661	Footwear stores--retail	2
5431	Fruit markets	1
5983	Fuel oil dealers--retail	1
7217	Furniture cleaning on customers' premises	3
4214	Furniture moving, local; combined with storage	1
7641	Furniture refinishing	3
5712	Furniture stores, household--retail	1
5932	Furniture, antique--retail	1

G

5261	Garden supplies and tools--retail	1
0782	Gardening	3
7699	Gas appliance repair service	3
5722	Gas household appliance stores--retail	1
5984	Gas, liquefied petroleum; bottled--retail	1
5541	Gasoline filling stations--retail	1
5172	Gasoline, except bulk stations and terminals--wholesale	1
5399	General merchandise stores--retail	2
7539	Generator and starter repair, automotive	2
5947	Gift shops--retail	1
1793	Glass work, except automotive--contractors	2
5941	Golf goods and equipment--retail	1
5941	Golf professionals operating retail stores	1
7336	Graphic arts and related design	3
5947	Greeting card shops--retail	1
5812	Grills (eating places)	2
5411	Grocery stores, with or without fresh meat--retail	1
7699	Gunsmith shops	3
5941	Gymnasium equipment (rental)	1
8011	Gynecologists, office of	2

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H

5611	Haberdashery stores--retail	2
5122	Hair preparations--wholesale	1
7241	Hair stylists, men's	3
7231	Hairdressers	3
5251	Handtools--retail	1
5251	Hardware stores--retail	1
7699	Harness repair shops	3
4212	Hauling, by dump truck	1
5499	Health food stores--retail	1
7629	Hearing aid repair	3
5999	Hearing aids--retail	1
1711	Heating equipment installation--contractors	2
1711	Heating, with or without sheet metal work--contractors	2

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
7363	Help supply service	3
5731	High fidelity (hi-fi) equipment--retail	1
8082	Home health care services	2
7699	Horseshoeing	3
5632	Hosiery stores--retail	2
7011	Hotels, except residential	2
1799	House cleaning--exterior	2
1799	House moving--contractors	2
1721	House painting--contractors	2
5722	Household appliance stores, electric or gas--retail	1
5712	Household furniture--retail	1
7349	Housekeeping (cleaning service) on a contract or fee basis	3

I

5451	Ice cream (packaged) stores--retail	1
5812	Ice cream (served on premises)	2
5199	Ice, manufactured or natural--wholesale	1
4953	Incinerator operation	5
7291	Income tax return preparation services without accounting, auditing, or bookkeeping services	3
5169	Industrial chemicals--wholesale	1
7218	Industrial uniform supply service	3
5641	Infants' wear stores--retail	2
6141	Installment sales finance, other than banks	6
1742	Insulation installation, buildings--contractors	2
6411	Insurance agent	5
6411	Insurance claim adjusters, not employed by insurance companies	5
7389	Interior decorating consulting service except painters and paper-hangers	3
7352	Invalid supplies rental and leasing	3
7381	Investigators, private	3
1799	Iron work, ornamental--contractors	2

J

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7349	Janitorial services on a contract or fee basis	3
5087	Janitors' supplies--wholesale	1
5651	Jeans stores--retail	2
7631	Jewelry repair shops	3
5944	Jewelry stores, except costume--retail	1
7999	Judo instruction	5
7993	Juke boxes, operation of	5
6324	Medical service plans	2
5093	Junk and scrap, general line--wholesale	1

K

7999	Karate instruction	5
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<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
0752	Kennels, boarding	3
7699	Knife sharpening and repair shops	3
5949	Knitting yarn shops--retail	1

L

1629	Land clearing--contractors	2
8713	Land surveying	4
0781	Landscape architects	3
7218	Laundered mat and rug supply service	3
7215	Laundromats	3
7211	Laundry collecting and distributing outlets operated by power laundries	3
8111	Law offices	4
0782	Lawn care and gardening	3
7699	Lawnmower repair shops	3
8111	Lawyers	4
7374	Leasing of computer time	3
5948	Leather goods, including goods made to individual order--retail	1
5063	Lighting fixtures; residential, commercial and industrial--wholesale	1
5331	Limited price variety stores--retail	2
7213	Linen supply service	3
5984	Liquefied petroleum (LP) gas delivered to customers' premises--retail	1
6163	Loan brokers	6
6141	Loan companies, small; licensed	6
4212	Local trucking, without storage	1
7299	Locker rental, except cold storage	3
7549	Lubricating service, automotive	2
5211	Lumber and building materials dealers--retail	1
5812	Lunch counters	2
5963	Lunch wagons, mobile--retail	1

M

5994	Magazine stands--retail	1
7231	Manicurists	3

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1741	Masonry--contractors	2
7299	Massage parlors	3
5621	Maternity shops--retail	2
5712	Mattress stores, including custom made--retail	1
7993	Mechanical games, coin-operated; operation of	5
6324	Medical service plans	2
5661	Men's wearing apparel--retail	2
7323	Mercantile credit reporting bureaus	3
7389	Message service, telephone answering; except beeper service	3
5085	Mill supplies--wholesale	1

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
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5632	Millinery stores--retail	2
5211	Millwork and lumber dealers--retail	1
5271	Mobile homes, new and used--retail	1
5099	Monuments and grave markers--wholesale	1
5999	Monuments finished to custom order--retail	1
7261	Morticians	1
7833	Motion picture theaters, drive-in	3
5511	Motor vehicle dealers, new and used cars--retail	3
5521	Motor vehicle dealers used cars only--retail	1
5015	Motor vehicle parts, used--wholesale or retail	1
5014	Motor vehicle tires and tubes--wholesale	1
5551	Motorboat dealers--retail	1
5571	Motorcycle dealers--retail	1
7841	Movie rental	3
7533	Mufflers, automotive; installation, repair, or sales and installation	2
5736	Musical instrument stores--retail	1

N

8049	Naturopaths, offices of	2
5949	Needlework stores--retail	1
8011	Neurologists, office of	2
5994	News dealers--retail	1
5949	Notion stores--retail	1
5947	Novelty shops--retail	1
5999	Numismatist shops--retail	1
5193	Nursery, stock--wholesale	1
5441	Nut stores--retail	1

O

8011	Obstetricians, office of	2
8049	Occupational therapists, office of	2
7363	Office help supply service	3
8011	Ophthalmologists, office of	2
5995	Optical goods--retail	1
5995	Opticians--retail	1
8042	Optometrists, offices and clinics of	2
5961	Order taking office of mail order houses--retail	1
8072	Orthodontic appliances made in dental laboratories to order for the	2

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	profession	
8021	Orthodontists, offices of	2
5999	Orthopedic and artificial limb stores--retail	1
8011	Orthopedic physicians, offices of	2
8031	Osteopathic physicians, offices and clinics of	2
5551	Outboard motor dealers--retail	1
7312	Outdoor advertising service	3

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
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P

4812	Paging services; radiotelephone	5
7532	Paint shops, automotive	2
1721	Painting contractor	2
5231	Paint stores--retail	1
5198	Paints--wholesale	1
1721	Paper hanging--contractors	2
7515	Passenger car leasing, except finance leasing; without drivers	2
7514	Passenger car rental, without drivers	2
8011	Pathologists (M.D.), offices of	2
1611	Paving construction--contractors2	
5932	Pawnshops	1
8011	Pediatricians, offices of	2
8021	Periodontists, offices of	2
6141	Personal finance companies, small loan; licensed	6
7299	Personal shopping service	3
5999	Pet shops--retail	1
5912	Pharmacies--retail	1
5731	Phonograph stores--retail	1
7334	Photocopying service	3
7221	Photographers, portrait; still or video	3
7335	Photography, commercial	3
7991	Physical fitness centers	5
8049	Physical therapists, offices of	2
8011	Physicians (M.D.), including specialists; offices and clinics of	2
5736	Piano stores--retail	1
7699	Piano tuning and repair	3
5999	Picture frames, ready-made--retail	2
7699	Picture framing to individual order, not connected with retail art stores	3
7699	Picture framing, custom	3
5949	Piece goods--retail	1
5812	Pizza parlors	2
5992	Plants (retail)	1
8011	Plastic surgeons, offices of	2
1711	Plumbing and heating--contractors	2
8043	Podiatrists, offices and clinics of	2
7999	Pool parlors	5
7221	Portrait photographers	3
5992	Potted plants--retail	1

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5719	Pottery stores--retail	1
1541	Prefabricated building erection, industrial--general contractors	1
5211	Prefabricated buildings--retail	1
8011	Primary care medical (M.D.) clinics	2
2759	Printing, commercial or job	4

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
5984	Propane gas, bottled--retail	1
5912	Proprietary (nonprescription medicines) stores--retail	1
8021	Prosthodontists, offices of	2
8011	Psychiatrists, offices of	2
8011	Psychoanalysts, offices of	2
8049	Psychologists, clinical; offices of	2
8999	Psychologists, industrial	4
8049	Psychotherapists, except M.D.; offices of	2
8721	Public accountants, certified	4

R

7539	Radiator repair shops, automotive	2
4832	Radio broadcasting stations	5
8011	Radiologists, offices of	2
5621	Ready-to-wear stores, women's--retail	2
6531	Real estate agents, brokers and managers	5
7534	Recapping tires	2
5093	Recycling, collection for (metal waste and scrap)	1
7623	Refrigeration repair service, electric	3
5942	Religious bookstores--retail	1
5949	Remnant stores--retail	1
7359	Rental of coin-operated machines	3
7359	Rental of tools	3
7641	Repair of furniture upholstery	3
1761	Repair of roofs--contractors	2
7538	Repair shops, automotive; general	2
7389	Repossession service	3
8093	Respiratory therapy clinics	2
5812	Restaurants	2
5812	Restaurants, fast food	2
6513	Retirement hotels, operators of	5
7641	Reupholstery shops	3
7999	Roller skating rink operation	5
1761	Roofing work, including repairing--contractors	2
0181	Rose growers	4
5999	Rubber stamp stores--retail	1
7217	Rug cleaning, dyeing, and repairing plants	3

S

5211	Sand and gravel dealers--retail	1
5032	Sand, construction--wholesale	1
1799	Sandblasting of building exteriors--contractors	2
5812	Sandwich bars or shops	2

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7699	Saw sharpening and repair shops	3	
5093	Scrap and waste materials--wholesale	1	
5421	Seafood markets--retail	1	
5932	Secondhand bookstores--retail	1	
<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>	
5932	Secondhand clothing and shoe stores--retail	1	
5932	Secondhand furniture stores--retail	1	
6211	Security brokers	5	
7381	Security guard service	3	
0723	Seed cleaning	3	
7699	Septic tank cleaning service	3	
1711	Septic tank installation--contractors	2	
5541	Service stations, gasoline--retail	1	
7699	Sewing machine repair shops	3	
5722	Sewing machine stores--retail	1	
1711	Sheet metal work combined with heating or air-conditioning-- contractors	2	
3444	Sheet metal work; cornices, ventilators, skylights, gutters, tanks, etc.--mfg.	3	
1761	Sheet metal work; except plumbing, heating, or air-conditioning-- contractors	2	
7251	Shoe repair shops	3	
5661	Shoe stores--retail	2	
7299	Shopping service for individuals	3	
0181	Shrubberies, except forest shrubbery; growing of	4	
7389	Sign painting and lettering shops		3
5941	Skin diving and scuba equipment--retail	1	
7991	Slenderizing salons	5	
5812	Snack shops	2	
8049	Speech clinicians, offices of	2	
8049	Speech pathologists, office of	2	
5499	Spice and herb stores--retail	1	
5941	Sporting goods stores--retail	1	
5699	Sports apparel stores--retail	2	
1711	Sprinkler system installation--contractors	2	
7539	Starter and generator repair, automotive	2	
7299	Steam baths	3	
1799	Steam cleaning of building exteriors--contractors	2	
1711	Steam fitting contractor	2	
6211	Stock brokers and dealers	5	
7221	Studios, portrait photography	3	
5411	Supermarkets, grocery--retail	1	
8011	Surgeons (M.D.), offices of	2	
8713	Surveying; land, water, and aerial	4	
7389	Swimming pool cleaning and maintenance	3	
1799	Swimming pool construction--contractors	2	
	T		
7299	Tanning salons	3	

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5735	Tape store, audio and video--retail	1
<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
7291	Tax return preparation services without accounting, auditing, or bookkeeping services	3
7699	Taxidermists	3
5812	Tearooms	2
7389	Telephone answering, except beeper service	3
4833	Television broadcasting stations	5
7812	Television film production	3
7622	Television repair shops	3
5731	Television set stores--retail	1
7363	Temporary help service	3
7342	Termite control	3
7833	Theaters, motion picture; drive-in	3
7832	Theaters, motion picture; except drive-in	3
1743	Tile setting, ceramic--contractors	2
5531	Tire dealers, automotive--retail	1
7534	Tire recapping	2
5531	Tire battery, and accessory dealers--retail	1
5993	Tobacco stores--retail	1
7359	Tool rental and leasing	3
3541	Tools, machine: metal cutting types--mfg	5
5251	Tools, power and hand--retail	1
7532	Top repair, automotive	2
3089	Tops, plastics (e.g., dispenser, shaker)--mfg	3
3824	Totalizing meters, consumption registering, except aircraft--mfg	5
4725	Tour operation (travel)	1
4724	Tourist agencies for the arrangement of transportation, lodging, and car rental	1
7999	Tourist attractions, natural wonder--commercial	5
7389	Tourist information bureaus	3
7213	Towel supply service, except wiping	3
7218	Towel supply service, wiping	3
5113	Towels, paper--wholesale	1
7549	Towing service, automotive	2
5945	Toy and game stores--retail	1
7699	Tractor repair	3
8611	Trade associations	1
8249	Trade schools	3
7389	Trading stamps redemption	3
8748	Traffic consultants	4
1721	Traffic lane painting--contractors	2
7033	Trailer parks for transients	2
7519	Trailer rental	2
3799	Trailers for automobiles, except travel and mobile home--mfg	1
3799	Trailers, boat--mfg	1
3792	Trailers, camping--mfg	1
3792	Trailers, house; except as permanent dwellings--mfg	1

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<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
5599	Trailers, utility--retail	1
0752	Training of pets and other animal specialties	3
6289	Transfer agents, securities	5
3612	Transformers, electric power--mfg	4
5063	Transformers, electric; except electronic--wholesale	1
7221	Transient photographers	3
7319	Transit advertising	3
1623	Transmission line construction--general contractors	2
4911	Transmission of electric power	5
4922	Transmission of natural gas	5
7537	Transmission repair, automotive	2
7537	Transmissions, automotive; installation, repair, or sale and installation	2
4131	Transportation service	1
3496	Traps, animal and fish; made from purchased wire--mfg	3
4724	Travel agencies	1
3792	Travel trailer chassis--mfg	1
5561	Travel trailers, automobile; new and used--retail	1
7218	Treated mats, rugs, mops, dust tool covers, and cloth supply service	3
0783	Tree trimming for public utility lines	3
1629	Trenching--contractors	2
1622	Trestle construction--general contractors	2
1751	Trim and finish--contractors	2
5031	Trim, sheet metal--wholesale	1
2431	Trim, wood and covered wood--mfg	2
5999	Trophy shops--retail	1
7538	Truck engines repair, except industrial	2
6159	Truck finance leasing	6
7513	Truck leasing, except industrial trucks and finance leasing; without drivers	2
7513	Truck leasing, without drivers; except finance (equity) leasing	2
7359	Truck rental and leasing, industrial	3
4212	Truck rental for local use, with drivers	1
7513	Truck terminals, freight; with or without maintenance	2
5541	Truck stops--retail	1
5014	Truck tires and tubes--wholesale	1
4213	Trucking terminals, freight; with or without maintenance	1
4231	Trucking terminals, freight; with or without maintenance facilities	1
4213	Trucking, except local	1
4212	Trucking, local; without storage	1
4214	Trucking, local; combined with storage	1
7699	Tuning of pianos and organs	3
0782	Turf installation, except artificial	3
2499	Turned and carved wood (except furniture)--mfg	2
8299	Tutoring	3
7299	Tuxedo rental	3
<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
2211	Twills, cotton--mfg	2

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2298	Twine--mfg	2
2791	Typesetting for the printing trade--mfg	4
7699	Typewriter repair, including electric	3
5999	Typewriter stores--retail	1
7338	Typing service	3
2791	Typographic composition--mfg	4

U

7549	Undercoating service, automotive	2
1799	Underpinning work--contractors	2
7261	Undertakers	3
2211	Underwear fabric, woven; cotton--mfg	2
2322	Underwear; men's and boys'--mfpm--mfg	3
5137	Underwear; women's, children's and infants--wholesale	1
2341	Underwear; women's, misses', children's, and infants'--mfpm--mfg	3
7213	Uniform supply service, except industrial	3
5699	Uniforms--retail	2
5651	Unisex clothing stores--retail	2
7231	Unisex hairdressers	3
2512	Upholstered furniture, household; on wood frames, except dual-purpose sleep furniture--mfg	2
7217	Upholstery cleaning on customers' premises	3
7641	Upholstery shop	3
5714	Upholstery materials stores--retail	1
7532	Upholstery repair, automotive	2
8011	Urologists, offices of	2
3448	Utility buildings, prefabricated; metal--mfg	3
0783	Utility line tree trimming services	3
7519	Utility trailer rental	2
5599	Utility trailers--retail	1

V

5722	Vacuum cleaner stores--retail	1
7532	Van conversions, except on a factory basis	2
5331	Variety stores, limited price--retail	2
3272	Vaults, grave; concrete and precast terrazzo--mfg	4
5431	Vegetable and fruit stands--retail	1
0181	Vegetable bedding plants, growing of	4
5431	Vegetable markets and stands--retail	1
2033	Vegetables, canned--mfg	3
5962	Vending machine sale of products	1
7359	Vending machines, rental only	3
2435	Veneer mills, hardwood--mfg	2
2436	Veneer mills, softwood--mfg	2

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
5719	Venetian blind shops--retail	1
1711	Ventilating work, with or without sheet metalwork--contractors	2
0742	Veterinarians for pets and other animal specialties	3
0741	Veterinary services for livestock	3

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5731	Video camera stores--retail	1
7841	Video disk rental to the general public	3
7993	Video game arcades	5
7539	Video recorder and player rental and leasing	2
7622	Video recorder or player repair	3
7819	Video tape or disk reproduction	3
7812	Video tape production	3
7841	Video tape rental to the general public	3
5735	Video tape stores--retail	1
1752	Vinyl floor tile and sheet installation--contractor	2
5499	Vitamin food stores--retail	1
8331	Vocational rehabilitation counseling	2
4813	Voice telephone communications, except radio telephone	5
7534	Vulcanizing tires and tubes	2

W

5963	Wagons, ice cream--retail	1
2396	Waistbands, trouser--mfg	3
5231	Wallcovering stores--retail	1
1721	Wallpaper hangers	2
5231	Wallpaper stores--retail	1
1741	Walls retaining; block, stone, or brick--contractors	2
1541	Warehouse construction--general contractors	1
4221	Warehousing and storage, farm product; other than refrigerated	1
4225	Warehousing, general	1
4225	Warehousing, self-storage	1
7542	Washing and polishing, automotive	2
7629	Washing machine repair	3
7631	Watch repair shops	3
5944	Watches, including custom made--retail	1
1623	Water main line construction--general contractors	2
1629	Water treatment plant construction--general contractors	2
5499	Water, mineral--retail	1
5712	Waterbeds--retail	1
3824	Water meters, consumption registering--mfg	5
7389	Welcoming service	3
1799	Welding contractors, operating at site of construction	2
7692	Welding shops, including automotive	3
7539	Wheel alignment, automotive	2
5999	Whirlpool baths--retail	2
1721	Whitewashing--contractors	2
5699	Wig, toupee, and wiglet stores--retail	2
1751	Window and door (prefabricated) installation--contractors	2

<i>SIC NO.</i>	<i>BUSINESS</i>	<i>CLASS</i>
5719	Window shade shops--retail	1
7549	Window tinting, automotive	2
5211	Windows, storm, wood or metal--retail	1
7218	Wiping towel supply service	3
4822	Wire or cable telegraph	5

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2421	Wood chips produced at mill--mfg	2
5989	Wood dealers, fuel--retail	1
1752	Wood flooring--contractors	2
2611	Wood pulp--mfg	4
5199	Wood products for crafts	1
2499	Wood, except furniture; turned and carved--mfg	2
5719	Woodburning stoves--retail	1
7338	Word processing service (typing)	3
7218	Work clothing supply service, industrial	3
6331	Workers' compensation insurance	2
6153	Working capital financing	6
7549	Wrecker service (towing), automotive	2
1795	Wrecking of buildings or other structures, except marine--contractor	3
8999	Writers	5
X		
8071	X-ray laboratories, including dental (not manufacturing)	5
Y		
5949	Yard goods stores--retail	2
8322	Youth centers	6

Business or occupations not listed in this classification schedule shall be classified and taxed according to the Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, and profitability classes in accordance with Statistics of Income, Business Income Tax Returns, U.S. Treasury Department, Internal Revenue Service.
(Ord. of 12-27-95(3), § I)

Section 18-78 Schedule B, gross brackets classification schedule.

The following schedule indicates the amount of the occupational tax which is derived from gross receipts and the profitability classification designated in Schedule A, business classification schedule, referred to in section 18-77.

Gross Receipts Range Brackets

<i>At Least</i>	<i>But Less Than</i>	<i>Class</i>							
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>
0 --	5,000	46	46	47	47	47	47	48	48
5,000 --	10,000	48	49	50	51	52	53	54	55
10,000 --	25,000	52	54	57	59	62	64	67	69
25,000 --	50,000	60	63	71	76	81	86	91	96
50,000 --	75,000	71	74	88	96	105	113	122	131
75,000 --	100,000	81	84	105	117	129	141	153	165
100,000 --	150,000	96	101	130	148	165	182	200	218
150,000 --	200,000	117	124	165	189	212	236	260	284
200,000 --	250,000	137	144	199	230	260	291	322	353
250,000 --	500,000	199	219	301	353	404	455	506	557
500,000 --	750,000	301	335	472	558	643	728	813	898

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750,000	--	1,000,000	404	438	643	763	882	1002
1,000,000	--	1,250,000	506	540	814	968	1121	1275
1,250,000	--	1,500,000	609	643	985	1173	1360	1548
1,500,000	--	1,750,000	711	745	1155	1378	1600	1822
1,750,000	--	2,000,000	814	848	1326	1583	1839	2095
2,000,000	--	2,250,000	916	950	1497	1788	2078	2368
2,250,000	--	2,500,000	1019	1053	1668	1993	2317	2642
2,500,000	--	2,750,000	1121	1155	1839	2198	2556	2915
2,750,000	--	3,000,000	1224	1258	2010	2403	2795	3188
3,000,000	--	3,250,000	1326	1360	2180	2608	3035	3462
3,250,000	--	3,500,000	1429	1463	2351	2813	3274	3735
3,500,000	--	3,750,000	1531	1565	2522	3018	3513	4008
3,750,000	--	4,000,000	1634	1668	2693	3223	3752	4282
4,000,000	--	4,250,000	1736	1770	2864	3428	3991	4555
4,250,000	--	4,500,000	1839	1873	3035	3633	4230	4828
4,500,000	--	4,750,000	1941	1975	3205	3838	4470	5102
4,750,000	--	5,000,000	2044	2078	3376	4043	4709	5375
5,000,000	--	5,500,000	2198	2249	3633	4350	5067	5785
5,500,000	--	6,000,000	2403	2471	3975	4760	5546	6332
6,000,000	--	6,500,000	2608	2676	4316	5170	6024	6878
6,500,000	--	7,000,000	2813	2881	4658	5580	6502	7425
7,000,000	--	7,500,000	3018	3086	4999	5990	6981	7972
7,500,000	--	8,000,000	3223	3291	5341	6400	7459	8518
8,000,000	--	9,000,000	3530	3632	5853	7015	8177	9338
9,000,000	--	10,000,000	3940	4077	6537	7835	9133	10432
10,000,000	--	11,000,000	4350	4487	7220	8655	10090	11525
11,000,000	--	12,000,000	4760	4897	7903	9475	11047	12618
12,000,000	--	13,000,000	5170	5307	8587	10295	12003	13712
13,000,000	--	14,000,000	5580	5717	9270	11115	12960	14805
14,000,000	--	15,000,000	5990	6127	9953	11935	13917	15898
15,000,000	--	16,000,000	6400	6537	10637	12755	14873	16992
16,000,000	--	17,000,000	6810	6947	11320	13575	15830	18085
17,000,000	--	18,000,000	7220	7357	12003	14395	16787	19178
18,000,000	--	19,000,000	7630	7767	12687	15215	17743	20272
19,000,000	--	20,000,000	8040	8177	13370	16035	18700	21365
20,000,000	--	21,000,000	8450	8587	14053	16855	19657	22458
21,000,000	--	22,000,000	8860	8997	14737	17675	20613	23552
22,000,000	--	23,000,000	9270	9407	15420	18495	21570	24645

(Ord. of 12-27-95(3), § I)

Section 18-79 18-79--18-95. Reserved.

Section 18-95A ARTICLE IV. DOWNTOWN IMPROVEMENT DISTRICT SURTAX*

Section 18-96 Established.

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There is hereby established a downtown improvement district surtax for each calendar year on businesses located in the downtown improvement district that have a Standard Industrial Classification (SIC) number as assigned by the Standard Industrial Classification Manual compiled by the U. S. Office of Management and Budget, in which the first two (2) digits are from 52 through 59 inclusive, as designated on a map filed in the office of the city clerk, and on the owners of property in said district. (Ord. of 12-28-94, § I)

Section 18-97 Schedule of district surtax amounts.

(a) Each business in the downtown improvement district that has a Standard Industrial Classification (SIC) number in which the first two (2) digits are from 52 through 59 inclusive shall pay a surtax equal to the amount of its occupation tax for the current calendar year based on its January first status in the district, with the following exceptions:

- (1) There shall be no surtax imposed on the alcoholic beverage license fees paid by any business.
- (2) The surtax for each business shall not exceed five hundred dollars (\$500.00).

(b) Each owner of property located within the downtown improvement district shall pay a tax in the amount of one-half of the occupation tax due for the current calendar year from all tenants that have a Standard Industrial Classification (SIC) number from 52 through 59 inclusive. If a tenant vacates the property after January first and the amount of occupation tax which the tenant would have paid cannot be definitely determined, then the property owner shall pay a surtax as if such property were vacant as of January first

Each owner of vacant property shall pay a fixed surtax of one hundred dollars (\$100.00) for each such property, regardless of location, age, or square footage. There shall be no limit on

***Editor's note--**An ordinance adopted Dec. 28, 1994, deleted former Art. IV. §§ 18-96-- 18-99, relative to the downtown improvement district surtax, and enacted a new Art. IV to read as herein set out. The provisions of former Art. IV derived from Code 1958, §§ 14-32--14-35; and ordinances adopted Dec. 30, 1988 and Dec. 28, 1989.

the number of vacant buildings for which the fixed surtax is due. For the calendar year 1995, a property shall be determined vacant or occupied on April first. In each succeeding year, a property shall be determined vacant or occupied on January first.

(c) This surtax on business and property owners shall not be refundable. A property owner who has already paid the surtax during the year, based on a tenancy or vacancy as of January first, will not be liable for an additional surtax on a new tenant or a reduced surtax on a newly vacant building during the same calendar year.

(d) Should any circumstance arise concerning the proper amount of the surtax to be paid by the business owner or property owner, then the city clerk shall make a determination of the amount to be paid. Any person dissatisfied with the decision of the city clerk shall have the right of appeal of the city council, provided such person makes such appeal in writing to the city council within thirty (30) days of the disputed decision of the city clerk.

(Ord. of 12-28-94, § I)

Section 18-98 Method of payment.

(a) All surtax amounts are to be paid annually during the occupation tax period annually from January first to April fifteenth or as soon thereafter as the city can bill them according to the existing conditions as of January first on tenancy and vacancy. At the written request of the business and as long as the business is not delinquent on the payment of its occupation tax for such year, the surtax on the business shall be billed in equal installments on the business' utility bill and paid in full during the year in

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which the surtax is imposed.

(b) The district surtax shall not include any occupation tax penalty amount but shall be based on the current year's occupation tax payment, including additions or credit adjustments shown on same.
(Ord. of 12-28-94, § I)

Section 18-99 Delinquent collections.

The district surtax shall be collected in the same manner and methods and in all respects the same as the occupation tax, except that there shall be no late penalties, interest, or fi.fa. costs, but only the costs of advertising for public sale shall be added for a collection expense.
(Ord. of 12-28-94, § I)

Section 18-100 Downtown improvement district.

The "downtown improvement district" shall encompass the same area as the "downtown development area" designated by the city council in accordance with O.C.G.A. §§ 36-42-5 and 36-42-6.
(Ord. of 12-28-94, § I)

Section 18-101-114 Reserved.

Section 18-115A ARTICLE V. HOTEL/MOTEL EXCISE TAX*

***State law reference**--Excise tax on rooms, lodgings and accommodations, O.C.G.A. § 48-13-50 et seq.

Section 18-116 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Guest room means a room occupied, or intended, arranged, or designed for occupancy, by one (1) or more occupants for the purpose of living quarters or residential use.

Hotel means any structure or any portion of a structure, including any lodginghouse, roominghouse, dormitory, turkish bath, bachelor hotel, studio hotel, motel, motor hotel, auto court, inn, bed and breakfast accommodation, public club, or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other buildings in which human beings are housed and detained under legal restraint.

Occupancy means the use or possession, or the right to the use or possession, of any room or apartment in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Occupant means any person who, for a consideration, uses, possesses, or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

Operator means any person operating a hotel in the city, including but not limited to the owner or proprietor of such premises, lessee, sub-lessee, lender in possession, licensee or any other person otherwise operating such hotel.

Person means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation, or cooperative nonprofit

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membership, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States of America, the state, and any political subdivision of either thereof upon which the city is without power to impose the tax herein provided.

Rent means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

(Code 1958, § 14-63)

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 18-117 Imposition and rate of tax.

(a) There shall be paid a tax of eight (8) percent of the rent for every occupancy of a guest room in a hotel in the city.

(b) The proceeds of this tax shall be expended in conformity and accordance with O.C.G.A. §48-13-51(b) and more particularly as follows:

(1) An amount equal to 50% of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5% shall be expended through a contract with the Destination Thomasville Tourism Authority for the promotion of tourism, conventions and trade shows, pursuant to O.C.G.A. §48-13-51(b)(5)(A).

(2) An amount equal to 50% of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5% shall be expended through a contract with the Destination Thomasville Tourism Authority for tourism product development pursuant to O.C.G.A. §48-13-51(b)(5)(B), to be specifically used for the Events Center located at 207 S. Dawson Street, Thomasville, Georgia

(3) An amount equal to the amount of total taxes collected which would be collected at a rate of 5% shall be expended through a contract with the Destination Thomasville Tourism Authority for the promotion of tourism, conventions and trade shows, pursuant to O.C.G.A. §48-13-51(b)(6) and §48-13-51(a)(3).”

(Code 1958, § 14-64; Ord. of 11-11-91, § I(14-64) (Ord of 1-11-16)
(2005 (Sec. 18-117), Amended, 06/29/2005)

Section 18-118 Collection of tax by operator.

Every operator maintaining a place of business in this City, and renting guest rooms in this City, shall collect a tax of eight (8) percent of the amount of rent from the occupant.

(Code 1958, § 14-65) (Ord 1-11-16)

(Sec.18-118, corrected, 11/08/2004, Tax percentage was changed to 5% on 11-11-91 in section 18-117, but corresponding change to this section was overlooked at that time; this oversight was corrected on 11-08-04.)

Section 18-119 Exemptions.

No tax shall be levied pursuant to this ordinance for the following:

- (a) The use of meeting rooms;
- (b) Any room, lodgings or accommodations furnished for a period of one or more days for use by Georgia state or local government employees or officials when

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travelling on official business. Notwithstanding the availability of any other means of identifying the person as a Georgia state or local governmental official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a Georgia state or local government credit card or debit card, such rooms, lodgings or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee for purposes of the exemption provided under this paragraph. Further, for purposes of the exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts located within the state of Georgia;

(c) For rental over ten (10) consecutive days; or

(d) Upon any persons who certify that they are staying in such room, lodging, or accommodations as a result of the destruction of their home or residence by fire or other casualty or natural disaster.”

(Ord. of 1-11-16)

Section 18-120 Due date, filing and payment of taxes.

(a) All amounts of such taxes shall be due and payable to the city, remitted to the city clerk monthly on or before the twentieth day of every month next succeeding each respective monthly period.

(b) On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the city clerk showing the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the related period, and such other information as may be required by the city clerk.

(c) Operators collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and payment of the amount due, if said amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the Georgia Retailers' and Consumers' Sales and Use Tax Act, approved February 20, 1951.

(Code 1958, § 14-67)

Section 18-121 Persons liable for tax.

(a) The taxes imposed by this article are upon the operator and shall be collected by the operator from the occupant. Therefore, the operator shall collect the tax imposed by this article from the occupant and shall pay the same over to the city as provided in this article.

(b) Operator shall add the amount of the tax imposed by this article to the room rental charge, which shall be a debt from the occupant to the operator until paid, and shall be recoverable at law in the same manner as other debts. Any operator who shall neglect, fail, or refuse to collect the tax provided by this article, upon any, every and all room rentals made by him, shall be liable for and pay the tax himself.

(c) Any operator shall not advertise or holdout to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that he will relieve the occupant of the payment of all of the tax.

(d) If any operator liable for any tax levied hereunder shall sell out his business or shall quit the business, he shall make a final return and payment within fifteen (15) days after the date of selling or quitting the business.

(Code 1958, § 14-68)

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Section 18-122 Enforcement of delinquencies.

(a) The tax imposed by this article shall for each month become delinquent on the twenty-first day of each succeeding month. The city clerk is empowered and it shall be his duty when any tax becomes delinquent under this article to pursue any remedy or right allowed by law for enforcement of the collection and payment of taxes lawfully levied by the city as may be allowed under the laws of the state and this Code.

(b) Any operator who fails to pay the tax imposed by this article to the city, or fails to pay any amount of such tax required to be collected and paid to the city, within the time required, shall pay a penalty of ten (10) percent of the tax, or amount of the tax, in addition to the tax or amount of tax, plus interest on the unpaid tax or any portion thereof at a rate of one (1) percent per month from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until date of payment.

(Code 1958, § 14-69)

Section 18-123 Retention of records.

It shall be the duty of every operator required to make a report and pay any tax levied by this article, to keep and preserve suitable records of the sales taxable by this article, and such other books of accounts as may be necessary to determine the amount of tax due, and any other information as may be required by the city clerk. It shall be the duty of every such operator, moreover, to keep and preserve, for a period of three (3) years, all invoices and other records of such room rentals which are taxable under this article. All such books, invoices, and other records shall be open to examination by the city clerk at all reasonable hours.

(Code 1958, § 14-70)

Section 18-124 Enabling Section.

This article is adopted pursuant to the provisions of O.C.G.A. §48-13-51(b)(1) and the proceeds of the tax shall be used as provided therein. (Ord or 1-11-16)

18-125--18-140. Reserved.

Section 18-140A ARTICLE VI. INSURANCE LICENSE AND PREMIUMS TAXES

Section 18-141 Insurer license fees.

There is hereby levied for the year 1984 and for each year thereafter an annual license fee upon each insurer doing business within the city in the amount of seventy-five dollars (\$75.00). For each separate business location in excess of one (1) not covered by section 18-142, which is operating on behalf of insurers within the city, there is hereby levied a license fee in the amount of seventy-five dollars (\$75.00). For the purposes of this article, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. § 33-3-5.

(Code 1958, § 14-51)

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Section 18-142 License fee for insurers insuring certain risks at additional business locations.

For each separate business location, not otherwise subject to a license fee, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing, and in connection with such loans or sales, offers, solicits, or takes application for insurance through a licensed agent of an insurer for insurance, such insurer shall pay an additional license fee of twenty-six dollars and twenty-five cents (\$26.25) per location for the year 1984 and for each year thereafter.

(Code 1958, § 14-52)

Section 18-143 Gross premiums tax imposed on life insurers.

There is hereby levied for the year 1984 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurance company writing life, accident and sickness insurance within the city in an amount equal to one (1) percent of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.1 as amended. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section 18-141.

(Code 1958, § 14-53)

Section 18-144 Gross premiums tax, all other insurers.

There is hereby levied for the year 1984 and for each year thereafter an annual tax upon each insurer other than an insurer transacting business in a class of insurance designated in subsection 1 of O.C.G.A. § 33-3-5 as amended, doing business within the city in an amount equal to two and one-half (2.5) percent of the gross direct premiums received during the preceding calendar year, in accordance with O.C.G.A. § 33-8-8.2 as amended.

(Code 1958, § 14-54)

Section 18-145 Due date for license fees.

License fees imposed in sections 18-141 and 18-142 shall be due and payable on April 15, 1984, and on April fifteenth of each subsequent year.

(Code 1958, § 14-55)

Section 18-146 Administrative provisions.

The city clerk is hereby directed to forward a duly certified copy of this article to the insurance commissioner of the state.

(Code 1958 § 14-56)

Section 18-147 Business license occupational tax ordinance preserved.

Those provisions of the business license occupational tax article of the city which are in direct conflict with this article are repealed, provided that such business license occupational tax article to the extent not inconsistent with this article, shall remain in full force and effect provided specifically that those provisions of the business license occupational tax article authorizing and providing for the collection of insurance premium taxes in the amount as stipulated in such article on gross premiums collected during the year 1983 shall remain in full force and effect, notwithstanding that such taxes shall be collected during the year 1984. (Code 1958, § 14-57)

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Section 18-148 18-148--18-165. Reserved.

Section 18-165A ARTICLE VII. REGULATION OF PEDDLERS; REGULATION OF CANVASSERS, SOLICITORS OF FUNDS FOR CHARITABLE ORGANIZATIONS AND CAUSES AND RELATED ACTIVITIES; PROHIBITION AGAINST PANHANDLING; TEMPORARY VENDING PROVISIONS FOR LICENSED BUSINESSES.

***State law reference**--Georgia Charitable Solicitations Act of 1988, O.C.G.A. § 43-17-1 et seq. (ARTICLE VII, Amended, 12/08/2003, charitable solicitors permit provisions repealed; provisions to permit and regulate peddlers added; no-call list added)

Section 18-165B Purpose

The purpose of the Article is to promote the health, safety and welfare of residents of the City of Thomasville; to protect the privacy of residents of the City of Thomasville; and to prevent fraud and crime against residents of the City of Thomasville.
(18-165B, Added, 12/16/2003)

Section 18-166 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive begging shall mean begging with the intent to intimidate another person into giving money or goods.

Applicant means any person who or which applies for a certificate of registration under this article.

Begging shall mean asking for money or goods as a gift, whether by words, bodily gestures, signs or other means.

Canvass or canvassing means such activities as are directed at dissemination of religious, political or public interest information, taking polls, seeking opinions and determining attitudes of individuals or groups of individuals including uninvited contact at any residence by any institution, organization or cause having a charitable purpose as defined in this section for purposes of making the message, aim or purpose of such institution, organization or cause known to the occupant of such residence, but shall not include the solicitation of funds as defined in this section.

Charitable purpose means philanthropic, benevolent, religious, public interest or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group, order or cause; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization; or the benefit of any educational, environmental, civic or public interest institution, organization, or cause. The term "charitable purpose" shall not be construed to include the direct benefit of the individual making the solicitation.

City means the City of Thomasville, Georgia.

Code means the Code of the City of Thomasville, Georgia.

Individual means only a natural person.

Intimidation shall mean the coercion, threat, or frightening into submission or obedience of one person unto another whether by words, bodily gestures, or other means.

Local nonprofit organization shall mean any bona fide charitable or nonprofit organization

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having an office, place of business, chapter or the like located in the corporate limits of the City or in Thomas County.

Panhandling shall mean to detain or distract a person or persons in a public place for the purpose of soliciting money or goods.

Peddler means any person who goes to any residence or place of business, without prior invitation of the resident or occupier thereof, for the purpose of selling, offering for sale or exposing for sale any goods, merchandise, wares or services; or for the purpose of taking orders for the purchase of goods, merchandise, wares or services, whether by samples, catalogs or the like; or for the purpose of selling subscriptions to periodicals or magazines. The term "peddler" does not include the sale or offering for sale of goods or services by representatives of local nonprofit organizations.

Peddling means any of the activities described in the definition of "Peddler," immediately above.

Person means any natural person, corporation, partnership or other entity which has legal existence under Georgia law.

Public Place shall mean any road, alley, lane, parking area, sidewalk, building, or any place, private or otherwise, adopted or fitted for vehicular or pedestrian travel, that is in common use by the public with the consent, expressed or implied, of the owner or owners, and further, any public playground, school grounds, recreational facility, parks, parkways, park drives, park paths, and rights-of-way open to the use of the public.

Residence means and includes every separate living unit occupied for residential purposes by one (1) or more persons contained within any type of building or structure.

Resident means any individual residing, temporarily or permanently, within the corporate limits of the City.

Solicit funds, solicitation of funds or soliciting funds means any request for the donation of money, property, or anything of value, or the pledge of a future donation of money, property, or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, publications or subscriptions to publications or brochures, upon the representation, express or implied, that the proceeds of such sale will be used for a charitable purpose as such term is defined in this section. A "solicitor of funds" is also included in this definition. A solicitation of funds is complete when the solicitation is communicated to any individual when located within the corporate limits of the city.

Cross reference--Definitions and rules of construction generally, § 1-2.
(18-166, Amended, 12/08/2003)

Section 18-167 Registration statement required for peddlers

Any person desiring to engage in peddling within the corporate limits within the City shall pay a non-refundable application fee of \$50.00 and shall provide, on an application form to be supplied by the City Clerk, the following information:

- (1) The name of the applicant registering and desiring to engage in peddling;
- (2) Whether the applicant is a natural person, partnership, corporation or other legal entity; and:
 - a. If a natural person, the person's business or residence address and telephone number;
 - b. If a partnership, the names of all partners and the principal business address and telephone number of each partner;
 - c. If a corporation, information shall be given as to whether the corporation is organized under the laws of the state or is a foreign corporation and the mailing address, telephone number and business location of any local or regional office making the application and mailing address of home office of the corporation and telephone number of the home office shall be given;

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- d. If an association or other legal entity, the registration statement shall show the names and principal business or residence addresses and telephone numbers of the officers and directors or trustees; if the association is part of a multi-state organization or association, the mailing address and business location of its home office shall be given, in addition to the mailing address and business location of any local office the association may operate;
- (3) The time period within which the peddling effort is to be made, giving the date of beginning of the effort and the projected date of conclusion;
 - (4) A description of the methods and means by which the peddling is to be accomplished;
 - (5) The names of any other cities in which the person registering has engaged in peddling within the past five (5) years but if the person has engaged in peddling in more than ten (10) other cities, the person registering may list the five (5) cities in which the most peddling activities occurred, along with the dates of solicitation and a list of licenses/permits obtained during such solicitations.
 - (6) Whether the person registering or any officer, director, trustee, partner, or any current agent or employee thereof who has been convicted of a felony or misdemeanor involving moral turpitude within the past five (5) years, and, if so, the nature of the offense, the City and state where the conviction occurred, and the year of such conviction;
 - (7) A list of the persons, including their home addresses and telephone numbers, dates of birth and social security numbers, who will actually be participating in the peddling effort;
 - (8) If the person registering is unable to provide any of the foregoing information, an explanation of the reasons why such information is not available;
 - (9) A statement to the effect that when a certificate of registration is granted, such certificate will not be used as or represented to be an endorsement by the City or any of its elected officials or employees;
 - (10) The registration statement must be signed by the person registering if that person is an individual; if the person registering is a partnership, by a partner thereof; if the person registering is a corporation or an association, by an officer thereof; the individual making the registration statement shall sign the statement and swear or affirm before an officer authorized to administer oaths that he or she has carefully read the registration statement and that all the information contained therein is true and correct. If an individual has been authorized to apply for the permit on behalf of a corporation or association a letter of authorization from an officer of the company or association must be presented at the time of the initial application.
 - (11) The City Clerk shall maintain on file in the clerk's office the registration statement provided for in this section for the period of time the certificate of registration, referred to in section 18-168, is in effect, or for ninety (90) days, whichever period of time is shorter, and the City Clerk shall make such registration statement available for review by any member of the public, upon request.
 - (12) The provisions of this section shall not apply to businesses which are registered with the City and which pay an occupation tax to the city.
- (18-167, Amended, 12/08/2003; Amended 8-11-08)

Section 18-168 Issuance of certificate of registration.

After a review of the registration statement to determine its compliance with section 18-167 and within ten (10) working days of the receipt of the registration statement, the City Clerk shall either issue a certificate of registration as provided in section 18-169 or notify the person registering that the registration statement does not comply with the requirements of section 18-167 and shall specifically designate what information or explanation has not been furnished that is required before a certificate of registration can be issued. If the required information has not been furnished within 5 business days of the applicant being notified by the City Clerk that the application does not supply complete information

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as outlined in section 18-167, the permit shall not be granted.
(18-168, Amended, 12/08/2003; Amended 8-11-08)

Section 18-169 Form of certificate of registration.

(a) The City Clerk shall prescribe the form of and issue a certificate of registration to each applicant who complies with the provisions of section 18-167 upon payment of a non-refundable license fee of \$200.00. However, each such certificate of registration shall contain the following language:

The issuance of this certificate of registration is not an endorsement by the City of Thomasville or any of its elected officials or employees.

(b) Each certificate of registration shall bear a registration number which is the same as the file containing the registration statement filed by the applicant.

(c) No more than three certificates of registration shall be issued to any one applicant in any calendar year.

(18-169, Amended, 12/08/2003)

Section 18-170 Peddler's identification cards.

(a) The City Clerk shall prescribe the form for and issue identification cards for peddlers. However, each such identification card shall bear the name of the person registering, the registration number, the name of the peddling organization or entity, as may be applicable, and the expiration date of the certificate of registration. Each identification card shall have printed prominently thereon and shall read:

This identification card is not an endorsement by the City of Thomasville or any of its elected officials or employees of any product or service sold by the bearer hereof.

(b) The City Clerk shall issue each person who has complied with the provisions of section 18-167 a number of identification cards which corresponds with the number of individuals listed as peddlers on the registration statement referred to in section 18-167, up to a maximum of five (5) cards per permit.

(18-170, Amended, 12/08/2003; Amended 8-11-08)

Section 18-171 Expiration of certificate of registration.

Every certificate of registration and identification card issued by the City Clerk shall expire at the termination of the period specified in the registration statement or ninety (90) days from the date of issuance, whichever is less. If further peddling an extension of the peddling effort is desired at the end of the shorter period of time referred to in this section, a new registration statement shall be completed and signed by the applicant with all other provisions of this article to be in full force and effect therewith, but in no circumstances shall the period of extension exceed the ninety day period for which the certificate of registration would have been issued. If an extension is made for time for a peddling effort is pursuant to this section, no additional application fee or license fee shall be charged.

(18-171, Amended, 12/08/2003)

Section 18-172 Unlawful peddling, canvassing or soliciting funds.

(a) It shall be unlawful for any person, directly or through an agent or employee, to engage in peddling within the corporate limits of the city unless such person shall have first obtained a certificate of registration from the City Clerk, as provided in this Article.

(b) It shall be unlawful for any individual, as the agent or employee of another, to engage in peddling within the corporate limits of the city unless the individual's principal or employer has received a certificate of registration as provided in this article.

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(c) It shall be unlawful for any individual to engage in peddling without visibly displaying an identification card issued that individual by the City Clerk as provided in this article.

(d) It shall be unlawful for any individual to alter an identification card issued by the City Clerk. Any card issued by the City Clerk which is in error may be exchanged for a corrected card.

(e) It shall be unlawful for an individual to engage in peddling while displaying an identification card issued by the City Clerk in the name of another individual.

(f) It shall be unlawful to peddle, canvass or to solicit funds between the hours of 8:00pm and 9:00 am.

(g) It shall be unlawful for any person, directly or through an agent or employee, to engage in peddling within the corporate limits of the city after the expiration of any certificate of registration issued as provided in this article.

(h) It shall be unlawful for the person registering or the agents or employees thereof to engage in any peddling activity other than that set out in the registration statement from which the certificate of registration was issued.

(i) Any peddler, canvasser, solicitor of funds, or person selling goods or services on behalf of a local nonprofit organization who enters on private property under a certificate of registration issued pursuant to section 18-168 and section 18-169 shall immediately and peacefully depart such private premises, when requested by the resident of such private premises, and the failure of such peddler, canvasser, solicitor of funds or person selling goods or services on behalf of a local nonprofit organization to depart the private premises after being so requested shall be unlawful.

(j) It shall be unlawful for any person who engages in peddling within the corporate limits of the city to represent in connection with such peddling that the issuance of a certificate of registration or an identification card by the City constitutes an endorsement or approval of the purposes of such peddling effort by the City or any elected official or employee thereof.

(k) The penalty for violations under this section shall be assessed under the provisions of section 1-6 of this Code.

(18-172, Amended, 12/08/2003)

Section 18-173 Posted notice that peddlers, canvassers, or solicitors of funds are not invited.

(a) Any occupant of a residence or business who does not wish to receive peddlers, canvassers, solicitors of funds or persons selling goods or services on behalf of a local nonprofit organization at that residence or place of business shall give notice of that determination in the following manner: A weatherproof card at least three (3) inches by four (4) inches in size, shall be posted or exhibited at or near the main entrance door to the residence indicating that determination by the occupant in substantially the same language as follows:

"No peddlers, canvassers or solicitors invited."

The letters on such notice shall be at least one-third inch in height. For purposes of uniformity, cards giving such notice shall be provided by the chief of police to persons requesting at the cost thereof, although the occupant who wishes to give such notice shall have the option of providing a card which substantially complies with the requirements set out above. Such card so exhibited shall constitute notice to any peddler, canvasser, solicitor of funds, or person selling goods or services on behalf of a local nonprofit organization of the determination by the occupant of the residence or place of business that such persons are not invited at that residence or place of business.

(b) It shall be unlawful for any person to go upon any residential or business premises and ring the door bell upon or near any door or create any sound in any manner calculated to attract the attention of the occupant of such residence or place of business for the purpose of securing an audience with the owner or occupant thereof and engage in peddling, canvassing, soliciting funds or selling goods or services on behalf of a local nonprofit organization as in this article and defined in defiance of the notice posted or exhibited at the residence in accordance with the provisions of this article.

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The penalty for violations under this section shall be assessed under the provisions of Section 1-6 of this Code.

(18-173, Amended, 12/08/2003)

Section 18-174 "No-call" list to be established by the City Clerk

The City Clerk shall maintain a "no-call" list which shall comprise the names and addresses of all residents of the City, to include the owners or occupiers of business premises, who do not wish to have their places of residence or business visited by peddlers, canvassers, solicitors of funds or persons selling goods or services on behalf of a local nonprofit organization. No peddler, canvasser, solicitor of funds or person selling goods or services on behalf of a local nonprofit organization shall call on any resident or owner or occupier of a business premises whose name and address appear on the "no-call" list maintained by the City Clerk. Every peddler who or which obtains a certificate of registration pursuant to this article, and every canvasser, solicitor of funds or person selling goods or services on behalf of a local nonprofit organization is charged with the responsibility of obtaining from the City Clerk a copy of the "no-call" list established pursuant to this section before beginning any peddling effort, canvassing effort or solicitation of funds. Any person engaged in any peddling effort, canvassing effort, solicitation of funds, sale of goods or services on behalf of a local nonprofit organization who or which calls on a residence or place of business which appears on the "no-call" list established pursuant to this section shall be subject to penalty under the provisions of Section 1-6 of this Code.

(Ord. of 12-08-03)

(18-174, Amended, 12/08/2003, added "no-call" list)

Section 18-175 Panhandling, begging prohibited

It shall be unlawful for any person to engage in aggressive begging, begging, panhandling, solicitation for a non-charitable purpose, or intimidation in any public place within the corporate limits of the City. The penalty for violation under this section shall be assessed under the provisions of Section 1-6 of this Code.

(18-175, Added, 12/08/2003)

Section 18-176 Display or sale of merchandise on streets or sidewalks prohibited; exceptions

No person shall be allowed to use any part of the streets or sidewalks of the city for the display or sale of merchandise, except that the City Council may allow a display or sale in commercial areas for community events. Violations shall be subject to the penalties provided in section 1-6; provided, however, that this prohibition shall not apply to, and there shall be allowed, in commercial areas only and subject to rules established by the city manager, casual and isolated sales or requests for contributions by authentic, bona fide nonprofit religious, charitable or civic organizations.

(Code 1958, § 20-5)(moved from Section 11-5 on 12-8-03)

(18-176, Added, 12/08/2003, removed from 11-5)

Section 18-177 Temporary vending provisions for licensed businesses

Parking lots or vacant areas located on a licensed business' property shall be deemed public areas and may be utilized as temporary, limited or seasonal promotional space for that licensed business' use only. Temporary, separate, or other businesses located upon the operational premises of a licensed business, including parking areas, loading & unloading zones, buffer, landscaped, or green space areas, shall be deemed in violation of the zoning code Sections 22-10, 22-12, and 22-18. This prohibition shall not apply to casual and isolated sales or requests for contributions by authentic bona-fide nonprofit religious, charitable or civic groups, subject to rules established by the City Manager.

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(18-177, Added, 12/08/2003, moved from Section 18-128; otherwise unchanged)

Section 18-178-189 reserved

Section 18-190 ARTICLE VIII. GOING OUT OF BUSINESS SALES*

***State law references**--Uniform Deceptive Trade Practices Act, O.C.G.A. § 10-1-370 et seq.; Fair Business Practices Act, O.C.G.A. § 10-1-390.

Section 18-191 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fire and other altered goods sale means a sale advertised and held 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.

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

Removal of business sale means a sale advertised and held in such a 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 city or will then continue business from other existing locations in the city.

(Ord. of 4-27-87, § I)

Cross reference--Definitions and rules of construction generally, § 1-9

Section 18-192 Surrender of retail license, permit from city clerk; enumerated conditions requisite to conduct sales.

Any person holding a retail license issued by the city under the business license occupational tax referred to in article III of this chapter for a period of at least six (6) months who desires to advertise and conduct any one (1) of the types of sales defined in section 18-191 may surrender his current license to the city clerk, conduct such sale at the place of business for which his current license is issued and the following conditions and requirements shall apply to the conduct of any such sale defined in section 18-191:

- (1) The right to conduct such sale or sales shall apply only to persons holding a current license under the business license occupational tax article of the city for a period of at least six (6) months and the permit granted by this article shall expire at the expiration of such current existing license.
- (2) Such sale may be extended and conducted only at the place of business licensed under the existing business license occupational tax referred to in article III of this chapter, except that any fire or other altered goods sale may be conducted at any other permitted location in the city.
- (3) Such sale may be advertised and conducted only for a period of sixty (60) days following the issuance of a permit to conduct such sales, but upon application made to the city clerk the length of time for the advertisement and conduct of such sale may be extended, at the discretion of the city manager, for one (1) period of time only, not to exceed thirty (30) days.

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- (4) Each license holder who or which conducts a sale as contemplated by this article shall obtain from the office of the city clerk-treasurer a notice of permit to conduct such sale, which notice of permit shall include a permit number and the dates during which such sale will be permitted. The notice of permit referred to shall be posted at a conspicuous place on the premises where the sale is conducted so as to be readily observable by members of the public. In addition, any advertisements, whether by newspaper, handbill, televisions, radio, or otherwise, shall make reference to the permit number under which the sale is conducted.
- (5) The right to advertise and conduct such sale shall be personal and not transferable to any other person except that upon the death of a person doing business under a license issued under the business license occupational tax article, his heirs, administrators or executors shall have the right to conduct any sale or sales provided for in section 18-91.
- (6) After the completion of such sale the current license shall be cancelled by the city clerk, except that the holder of any license conducting a fire or other altered goods sale shall have his license returned to him by the city clerk, and it shall be valid during the year for which it was originally issued.
- (7) No license fee shall be required for the issuance of the permit authorized by this article, but any person conducting such a sale shall not be relieved from the payment of any gross receipts license requirements on the merchandise disposed of through such sale.
- (8) Any person making application for permission to conduct such sale shall furnish to the city clerk, as a part of such application, a complete and detailed inventory of the goods, wares and merchandise at the sale location to be offered for sale as disclosed by applicant's records. The inventory shall be attached to and become a part of the application and shall include all merchandise on back order to be delivered at a later date. All merchandise on back order, to be delivered at a later date, must have been ordered more than ninety (90) days prior to the filing of the application. Inventory other than that itemized in the above submission to the city clerk shall not be brought to the sale location from points outside the city.
- (9) No merchandise shall be stocked for sale except such merchandise as is on hand or on back order as defined in the foregoing subsection. Each item of merchandise stocked in such places of business in violation of the terms hereof, shall be presumed to be stocked for sale and each item thus stocked for sale shall be a separate violation of this article.

(Ord. of 4-27-87, § I.)

Section 18-193 Operation of similar business in same location forbidden for one year.

Any person who has advertised and conducted such a sale as regulated by this article shall not be granted a license to conduct a similar type of business at the same location for a period of one (1) year from the date of a sale conducted pursuant to this article.

(Ord. of 4-27-87, § I)

Section 18-194 Exemptions.

The provisions of this article shall not apply to or affect the following persons:

- (1) Persons acting pursuant to an order of 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 article have not been complied with.

(Ord. of 4-27-87, § I)

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Section 18-195 Penalty.

Any person advertising or conducting any one (1) or more of the type of sales provided for in section 18-191 who does not comply with the provisions of this article shall, upon conviction of a violation hereof in the municipal court of the city, be punished as provided in section 1-6. (Ord. of 4-27-87, § I)

Section 18-196 18-196--18-200. Reserved.

Section 18-200A ARTICLE IX. PAWNBROKERS; BUYERS OF SCRAP METAL AND BATTERIES*

***Editor's note--**An ordinance adopted Sept. 23, 1991, § I, deleted provisions formerly set out as §§ 18-221 18-222 of the Code, which pertained to pawnbrokers and dealers in precious metals, gems, jewelry and coins and derived from the 1958 Code, § 16-23, and an ordinance adopted May 14, 1991, § 1(16-23). Section I(14-71--14-81) of the ordinance adopted Sept. 23, 1991, added new provisions to the Code which have been included herein as §§ 18-210--18-220 at the discretion of the editor.

Section 18-200D DIVISION 1. GENERALLY

Section 18-201 18-201--18-209. Reserved.

Section 18-209D DIVISION 2. PAWNBROKERS*

***State law references--**Pawnbrokers, O.C.G.A. § 44-12-130 et seq.; cities authorized to regulate pawnbrokers, O.C.G.A. § 44-12-136.

Section 18-210 Definitions.

The following words, terms, and phrases, when used in this division, have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

General pawnbroker means and includes any person engaged in whole or in part in the business of lending money on the security of pledged goods; or in the business of purchasing tangible personal property, not to include motor vehicles, on the condition that the property may be redeemed or repurchased by the seller for a fixed price within a fixed period of time; or in the business of purchasing tangible personal property, not to include motor vehicles, from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described herein.

Vehicle pawnbroker means and includes any person engaged in whole or in part in the business of purchasing a motor vehicle on the condition that such motor vehicle may be redeemed or repurchased by the seller for a fixed price within a fixed period of time and may be leased back to the seller during such period of time.

(Ord. of 9-23-91, § I(14-71))

Section 18-211 Purpose.

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This division is enacted to promote the general welfare of the city; to establish reasonable and ascertainable standards for the regulation and control of the licensing of establishments classified as general pawnbrokers and vehicle pawnbrokers as defined by this division; and to prevent undesirable persons from engaging in or having an interest in establishments classified as general pawnbrokers and vehicle pawnbrokers as defined by this division.
(Ord. of 9-23-91, § I(14-72))

Section 18-212 Compliance with chapter required.

It shall be unlawful for any person to operate as a pawnbroker as defined in section 18-210, which shall include general pawnbrokers and vehicle pawnbrokers, without first having complied with the provisions of this chapter, but the properly licensed operation of same is hereby declared lawful.
(Ord. of 9-23-91, § I(14-73))

Section 18-213 License required; consideration and approval; subsequent issuance; conditional approval.

Each application provided for in this division shall be considered and passed upon by the city council or its designee in regular or special session, legally assembled. No license shall be granted to any person unless it is made to appear to the city council that the applicant is a suitable and fit person to carry on such business, and that the business will be conducted in an orderly manner and in compliance with all laws, municipal, state and federal. Upon approval of the application and payment of the required license fee, the applicant shall be entitled to the issuance of the license; provided, however, the council reserves the right to approve such issuance of the license conditioned upon the full and final compliance by the licensee with all applicable city ordinances.
(Ord. of 9-23-91, § I(14-74))

Section 18-214 Disqualification provisions.

When contrary to the public interest and welfare no original application shall be considered and no license to operate as a pawnbroker shall be issued by the city council to or for:

- (1) Any person as determined by the city council by reason of such person's business experience, financial standing, moral character, mental capacity, trade associations, personal associations, record of arrest, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking license in conformity with federal, state or local laws, rules and regulations.
- (2) Any person who shall have been convicted or who shall have entered a plea of nolo contendere or forfeited a bond, to any felony within a period of ten (10) years immediately prior to the filing of any such application or to any misdemeanor within a period of five (5) years immediately prior to the filing of any such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance except a traffic violation, particularly, but not limited to, those involving force or violence, prostitution, alcoholic beverages, gambling or tax law violation, if such conviction, plea or forfeiture tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations. The term "conviction" shall include an adjudication of guilt or plea of guilty, or a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding this provision, the city council, in its sole discretion, may direct the issuance of a license to a person who has in the past been convicted of, or plead guilty to, or entered a plea of nolo contendere or forfeited a bond on any crime, and the city council after a thorough

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investigation of all the facts, including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant has determined that such action is in keeping with the public good and ends of justice or the public interest and welfare.

(Ord. of 9-23-91, § I(14-75))

Section 18-215 Application forms; license not to be issued under certain conditions.

(a) All applications for licenses shall be made on forms furnished the applicant by the city clerk and shall indicate, along with all reasonable information necessary to complete the form, which of the following is to be considered for licensing of the applicant to conduct:

- (1) Pawnbroker--General.
- (2) Pawnbroker--Vehicle pawn.

(b) Upon approval by the city council of an original or renewal application for license of one (1) or more of the above types of businesses, such business may be conducted by the applicant after a license is issued for all or the remaining part of the calendar year in which the license is issued unless the license is revoked or suspended for due cause as provided in section 18-217. An application for renewal of license to operate as a pawnbroker shall be filed with the city clerk no later than 5:00 p.m. on January fifteenth of each year. The annual fee for the license sought to be renewed shall be paid to the city at the time the application for renewal is filed. Failure of any holder of a license to operate as a pawnbroker to file the application for renewal by the date and time specified shall render the license void, effective the last legal hour on January fifteenth of that year for such business. In order to operate as a pawnbroker a license holder who has allowed the license to lapse shall file a new application for license as if a license had never been held and pursuant to the previous sections of this article. Where an application for renewal is timely filed as provided in this article, the license holder shall be permitted to continue operating as a pawnbroker under the previous year's license until the city council has acted upon the license holder's application for renewal.

(c) The city clerk of the city shall cause an inquiry to be made into the records of the City to determine if any applicant or other parties interested in an application have any outstanding taxes or special assessments that are delinquent or any other monies owing to the city. No license shall be issued nor shall a license be renewed until all such debts are paid in full.

(d) All applications required by this chapter shall be investigated by the city police department and the report of the investigation presented to the city council for consideration with the application.

(Ord. of 9-23-91, § I(14-76); Ord. of 3-12-07)

Section 18-216 Fees.

(a) The following annual fees shall be paid the city before any license to operate as a pawnbroker is issued:

- | | |
|-------------------------|-----------|
| (1) General pawnbrokers | \$ 150.00 |
| (2) Vehicle pawnbrokers | 2,500.00 |

(b) Upon filing an original application or reapplication (except renewals) with the city clerk of the city, the applicant shall deposit in cash or by a check a processing fee of one hundred dollars (\$100.00) total, for all licenses applied for, to cover the expense of investigation and processing the application, which fee shall not be refundable and shall not be applied against the cost of any license hereunder.

(c) On paragraph (a)(1) and (2) above, the fees shall be prorated on a monthly basis (all of any part of a month) and should the business be sold, the license fee, if previously paid, may be transferred in favor of a new applicant. If the business should close voluntarily or if the licensee ceases operating as a pawnbroker other than because the license is suspended or revoked, then an amount may be refunded, upon application by the licensee, prorated on the basis of the amount of the fee previously paid per month

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multiplied by number of full months remaining in the calendar year, which sum shall be the refunded amount.

(Ord. of 9-23-91, § I(14-77))

Section 18-217 Suspension; revocation of license; denial of renewal or transfer.

(a) *Notice, hearing.* Any license which has been issued or which may hereafter be issued by the city to any licensee may be denied, suspended or revoked or transfer refused, by the city council for due cause. Before the city council shall deny any application for a license or shall deny the transfer of any license, or shall revoke or suspend any existing license, the applicant shall be given notice in writing from the city clerk to show cause before the city council at a time and place specified therein not less than three (3) days nor more than ten (10) days from the date of service of the notice, why the application for, or renewal of, a license or for transfer of license should not be denied, or why the license should not be revoked or suspended, as the case may be, stating the grounds therefor. At the appointed time and place the applicant or licensee shall have an opportunity to show cause, if any exists, why the application should not be denied or the license revoked or suspended, after which the city council shall take such action as it, in its judgment and discretion, shall deem warranted under the facts. The hearing provided for in this section need not be at a regular meeting of the city council, but may be at such time and place as shall be fixed in the notice. All decisions denying, suspending or revoking any license or application shall be in writing, with the reasons therefor stated, and mailed or delivered to the applicant. In addition, at any hearing as provided in this section, the party afforded the hearing shall have the opportunity to present evidence, have an attorney, and have testimony recorded at his expense.

(b) *Due cause generally.*

- (1) Due cause for the suspension, revocation or denial of the renewal or transfer of any license shall consist of an act or omission found to be by the city council, after a hearing as above provided, a violation of any law or ordinance regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any city ordinances, other than traffic violations or ordinances, or failure of the licensee or his employee to promptly report to the police department any violation of the law or ordinance.
- (2) Due cause shall also consist of the business or the operation or location thereof, or the owner or any person connected therewith ceasing to meet any of the qualifications for the issuance of license as stated in this chapter.
- (3) Due cause may also be found upon the revelation of any false statement or material misrepresentation in any application hereunder. Any material omission from untrue or misleading information which is contained in an original, renewal or transfer application for license hereunder shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license.

(c) *Emergency due cause; failure or refusal to cooperate with the city police acting in the line of duty.* On evidence of failure or refusal of the licensee or any employee thereof to cooperate with any police officer on any reasonable request or action within such officer's duties, responsibilities or powers, including all police powers, rights and duties to investigate to determine any pertinent fact relating to the establishment, the licensee, any employees or corporate officers or partners, the chief of police shall immediately order all pawnbroking business suspended until after a hearing as set out in the due cause hearing provided for in paragraph (a), such hearing to be concerning such failure or refusal to cooperate.

(d) *Refund of license fee.* When a license is so revoked or suspended, the city shall not be required to refund any portion of the license fee.

(e) *Emergency situation.* The mayor is the delegated authority to suspend any license hereunder in an emergency situation, and such suspension may be made effective immediately and remain in force until the next regular or called meeting of the city council.

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(f) *Penalties for failure to comply.* Any violators of the provisions set out in this division shall be punished in accordance with the provisions of section 1-6 of this Code.
(Ord. of 9-25-91, § I(14-78))

Section 18-218 Transfer of license; changes of ownership, locations.

(a) Licenses hereunder shall not be transferable except as otherwise provided in this section.

(b) In the case of the death of any person owning a license or any interest therein, with the approval of the city council and subject to the terms of this section, the license may be transferred to the administrator, executor or personal representative of the deceased person, or to the heirs at law of the deceased person, if such administrator, executor or personal representative or heirs meet all of the other qualifications contained in this section. The license of such deceased person shall be held by the administrator, executor or personal representative of such deceased person only for the time necessary to complete execution of his estate and disposition of the license or his interest therein, but in no event to exceed six (6) months.

(c) Nothing in this section, however, shall prohibit one (1) or more of the partners in a partnership holding a license from withdrawing from the partnership and assigning his interest in such partnership to one (1) or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this section are fully complied with, and then only upon the approval of the city council.

(d) Any change in the ownership interests contained on the application shall cause the immediate cessation of pawnbroking business and no such business shall be conducted until any such change in the ownership interests are approved by the city council, provided, however, that this provision shall not apply in a situation where one (1) or more individuals who have ownership interests in the license cease to have such ownership interest, but the remaining ownership interests remain unchanged except as to the division of the remaining interests.

(e) An application for a new license for an existing licensed location shall meet the requirements of a new license to be issued hereunder, except payment of license fee shall be waived only in the case of a purchaser of a business where an existing license remains valid. The investigation fee will accompany the application and the unearned portion of the license fee may be transferred to the new license in the event the transfer or issuance of a new license on an existing licensed location is approved by the city council.
(Ord. of 9-23-91, § I(14-79))

Section 18-219 Operating regulations.

(a) General pawnbrokers and vehicle pawnbrokers shall keep the following information on forms approved by the police department.

- (1) Name and address of business, date;
- (2) Name, address and driver's license number of the customer pledging or selling;
- (3) A description of the general appearance of the customer;
- (4) Customer's age and social security number as shown on I.D. card, driver's license or other card;
- (5) Whether or not the transaction was a loan on a pledged article or was an outright purchase, and the amount loaned or paid for such article;
- (6) The number of the receipt or pawn ticket;
- (7) A complete description of the article, including where possible, any brand name, serial number, color, condition and any other identifying feature.

(b) The records required by this section shall be mailed to the police department within five (5) days of the pawn.

(c) Any article taken in pledge or purchased shall be kept in the establishment not less than fourteen (14) days and shall be pointed out to any police officer upon request, except in the case of vehicle pawn

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wherein a copy of the required lease agreement shall be produced to the police officer.

(d) No article may be taken in pledge or purchased from a customer who does not furnish a state I.D. card or driver's license with picture giving his name, age, social security number, if any, and the like information, nor may any transaction be made with any person less than eighteen (18) years of age, unless accompanied by a parent or legal guardian.

(e) Any items found by the police department to be a stolen good shall be surrendered to the police officers, and no payment for same shall be made by the city.

(f) All general pawnbrokers and all vehicle pawnbrokers are hereby required to file with the city clerk a bond binding the person to the city in the amount of twenty-five thousand dollars (\$25,000.00), executed by the person as principal and by a surety approved by the city attorney, conditioned that the business will comply fully with the code and the statutes of the state governing the conduct of such business and conditioned upon compliance with the provisions of this section, and upon the prompt report of all suspicious persons dealing with the obligor, and of stolen property or property suspected of being stolen, and for the returning to the chief of police or to the true and lawful owner of any such property or making payment therefor. The bond shall be taken in the name of the licensee and the city, and any person injured by the breach of such bond may bring an action on such bond in his own name to recover damages therefor.

(Ord. of 9-23-91, § I(14-80))

Section 18-220 Special provisions for disclosure.

All general and vehicle pawnbrokers shall be required to provide customers with a complete disclosure of the total amount of interest to be charged for the period of pawn along with the annual percentage rate (APR) thereof; of the amount of the principal on which such interest is computed; of all charges of any kind, including service charges associated with the transaction, including the total amount of interest and charges. Such disclosure shall be printed in no smaller than ten (10) point type and shall be signed by the customer at the time of the transaction. A copy of same shall be made available for review by the city clerk upon request.

(Ord. of 9-23-91, § I(14-81))

Section 18-221 18-221, 18-222. Reserved.

Section 18-222D DIVISION 3. BUYERS OF SCRAP METAL AND BATTERIES

Section 18-223 Records required.

(a) Buyers of scrap copper, lead, and other scrap metals and batteries for the purpose of salvage of such material are hereby required to obtain and keep the following information on forms furnished by the police department:

- (1) Name and address of business, date;
- (2) Name, address, and driver's license number of the person selling the business any scrap metals or batteries;
- (3) Such person's age and social security number as shown on a state I.D. card, driver's license with picture, or other card;
- (4) A complete description of the scrap metals or batteries, including weight, condition, and any identifying features.

(b) The records required in this section shall be shown to police officers on request, who shall also be

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allowed sufficient time to copy such records.

(c) No scrap metals or batteries may be purchased from a person who does not furnish an I.D. card giving his name, age, social security number, if any, and the like information.

(d) Any items found by the police department to be stolen goods shall be surrendered to the police officers, and no payment for same shall be made by the city.

(e) Any violators of the provisions set out in this section shall be punished in accordance with the provisions of section 1-6.

(Code 1958, § 16-23.1)

Section 18-223A ARTICLE X. ADULT ENTERTAINMENT ESTABLISHMENTS

Section 18-224 Findings; public purpose.

Based on the demonstrated experience of other local governments, including, but not limited to, Peach County, Georgia; Oklahoma City, Oklahoma; Garden Grove, California, and Houston, Texas, which experience the mayor and council have found to be relevant to certain problems that face the City of Thomasville, Georgia, and based on the evidence reviewed by the mayor and council prior to the consideration of the ordinance codified in this article, the mayor and council take note of the notorious and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, particularly the problems of crime, blight, and deterioration which are brought about by alcohol and live nudity which do not vary greatly among the various communities within our country.

Based on a review of the evidentiary materials from other communities referred to above, it is the finding of the mayor and council that public nudity (either partial or total) under circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment" in conjunction with the sale of alcoholic beverages begets criminal behavior and tends to create undesirable community conditions.

Among the acts of criminal behavior reported to be associated with nudity and alcohol are disorderly conduct, prostitution, public indecency and drug trafficking. Among the undesirable community conditions identified with the concentration of adult entertainment establishments are depreciation of property values in neighborhoods surrounding nude bars or adult entertainment establishments where alcoholic beverages are sold, increased expenditures for and allocation of law enforcement personnel to preserve law and order, increased burdens on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of adult establishments in particular areas.

Other negative effects learned about by the mayor and council are the apparent connection of these establishments to organized crime and illegal drug sales, the potential spread of communicable diseases to law enforcement personnel who answer calls at adult establishments and to patrons of such establishments, and the potential proliferation of adult entertainment establishments after the initial siting of an adult entertainment establishment in a particular neighborhood.

The mayor and council therefore find that it is in the best interest of the health, welfare, safety and morals and preservation of Thomasville's businesses, neighborhoods, churches, schools, and parks to prevent the adverse impact of adult entertainment establishments. Therefore, the mayor and council find that the prohibition of live nude conduct in establishments licensed to serve alcohol for consumption on the premises is in the public welfare by furthering legitimate government interests, such as reducing criminal activity, protection against property devaluation and deterioration, and eliminating undesirable community conditions normally associated with establishments which serve alcohol and allow and/or encourage nudity, and that such prohibition will not infringe upon the protected constitutional rights of freedom of speech. To that end, this article is hereby adopted.

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As used in this article, the following words shall have meanings as set forth below unless otherwise required by context:

Adult entertainer means any person employed by an adult entertainment establishment who appears on the premises totally nude or in such attire to expose his or her specified anatomical areas. For the purposes of this section, adult entertainers include employees as well as independent contractors.

Adult entertainment means live entertainment that is characterized by an emphasis on the depiction, display or the featuring of specified anatomical areas.

Adult entertainment establishment means any of the following:

- (1) Any commercial establishment, including, but not limited to, any so-called modeling studio, adult book store, adult theater, or adult video store, that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her specified anatomical areas. An establishment meets this definition even if such activity is allowed on only one (1) occasion.
- (2) Any commercial establishment, including, but not limited to any so-called modeling studio, adult book store, adult theater, or adult video store, which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas as defined herein. An establishment meets this definition even if such activity is allowed on only one (1) occasion.
- (3) Any commercial establishment, including, but not limited to, any so-called modeling studio, adult book store, adult theater, or adult video store, which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in items (1) and (2) above. An establishment meets this definition even if such activity is allowed on only one (1) occasion.
- (4) However, traditional or live theater as defined herein shall not be included in this definition.

Alcoholic beverages means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as more specifically defined in section 3-1 of this Code.

Business establishment means any business within the city which conducts any trade, occupation, vocation or calling of any kind for gain or profit, directly or indirectly, provided that this shall not include any business, trade and the like licensed by the state unless city licensing is also allowed by state law, nor shall it include any business operated solely under a franchise granted by the city.

Dressing room means an area within an adult entertainment facility which is used by employees for the purpose of changing clothes or using the restroom.

Live means any activity or entertainment which is carried on by an actual living person in the physical presence of patrons.

Minor means any person under eighteen (18) years of age.

Operator means the manager or other person principally in charge of an adult entertainment establishment.

Owner means, if a sole proprietorship, the proprietor; if a partnership, all partners (excluding limited partners); if a corporation, all officers and persons holding more than fifty (50) percent of the outstanding share of stock.

Person means a human being.

Premises means the definite closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

Private performance means adult entertainment being offered or performed in a private room.

Private room means any area within an adult entertainment facility not open to the public and/or not fully visible from an area within the facility open to the public. For purposes of this definition, "fully visible" means that no less than twenty-five (25) percent of the perimeter or circumference of the area can be viewed, without obstruction, from the common area of the facility which is open to the public.

Specified anatomical areas means any of the following:

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- (1) Less than completely and opaquely covered human genitals or pubic regions; cleft of the buttocks; or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation thereof. This definition shall include the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed;
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specific sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated;
- (4) The displaying of the male or female pubic hair, anus, vulva or genitalia; or
- (5) Excretory functions as part of or in connection with any of the activities set forth in items (1) through (4) above.

Traditional or live theater (mainstream theater) means theater, concert hall, auditorium or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of specific anatomical areas or specified sexual activity in that the depiction, display, description or featuring is incidental to the primary purpose of any performance.

(Ord. of 3-24-97(2), § I)

Section 18-225 Permitted locations.

Adult entertainment facilities shall be permitted only in the following zones: C-2 (CU) and M (CU). No license hereunder shall be granted to any proposed location which is within fifty (50) feet of any private residence. The distance for the purpose of this section shall be measured in all directions from the nearest wall enclosing the proposed adult entertainment facility to the nearest point of any residential property line, except that the provisions of this section shall not apply on residences located in areas of the city zoned C-2(CU) or M(CU).

(Ord. of 3-24-97(2), § I)

Section 18-226 License required.

It shall be unlawful for any person, association, firm, partnership or corporation to engage in conduct or carry on, in or upon any premises within the city, an adult entertainment establishment without a valid adult entertainment establishment license to do so. The issuance of such license shall not be deemed to authorize, condone, or make legal any activity or conduct that is illegal or unlawful under any other section of this Code or the laws of the state or the United States. No license for an adult entertainment establishment shall be issued by the city if the premises to be used also holds a license to sell alcoholic beverages for consumption on the premises. Any premises licensed as an adult entertainment establishment shall not be eligible to apply at any time for a license to sell alcoholic beverages for consumption on the premises. The annual license fee for an adult entertainment establishment shall be five thousand dollars (\$5,000.00).

(Ord. of 3-24-97(2), § I)

Section 18-227 On-premise operator required.

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An adult entertainment establishment shall have a designated person(s) to serve as an on-premise operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.

(Ord. of 3-24-97(2), § I)

Section 18-228 Employee permit required.

It shall be unlawful for any adult entertainer to be employed by an adult entertainment establishment without first obtaining a permit issued under the terms of this article. The annual permit fee for an adult entertainer permit shall be fifty dollars (\$50.00).

(Ord. of 3-24-97(2), § I)

Section 18-229 Admission of minors unlawful.

(a) It shall be unlawful to allow a person younger than eighteen (18) years of age to enter an adult entertainment establishment.

(b) It shall be the duty of the operator to ensure that an attendant is stationed at each public entrance to the establishment at all times during the establishment's operating hours. It shall be the duty of the attendant not to allow any person under the age of eighteen (18) years to enter the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

(1) A valid operator's, commercial operator's or chauffeur's driver's license; or

(2) A valid personal identification certificate issued by a state department of public safety or similar agency reflecting that such person is eighteen (18) years of age or older.

(Ord. of 3-24-97(2), § I)

Section 18-230 Adult entertainment establishment employees.

(a) An adult entertainment establishment shall not employ any minor in any capacity. No adult entertainer permit shall be issued or renewed for any person who is convicted of a sex-related crime, or drug-related or alcohol-related felony. Any adult entertainer so convicted shall not therefore be employed by an adult entertainment establishment licensed under this article for a period of five (5) years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include any adjudication of guilt or plea of guilty or plea of nolo contendere.

(b) Before any person may be employed as an adult entertainer, he or she shall file an application for an adult entertainer permit with the city clerk and receive approval by the chief of police or his expressly authorized designee. Each applicant shall provide a signed and notarized consent, on forms prescribed by the State Crime Information Center, authorizing the release of the applicant's criminal records to the city police department. The city shall have fifteen (15) days to investigate the applicant. If the prospective adult entertainer is found to meet the requirement of this section, upon receipt of the certification by the chief of police, the city clerk shall approve the permit and the prospective adult entertainer may begin working on the licensed premises. If the chief of police or his designee does not submit a report within fifteen (15) days of the application, it shall be concluded that the chief of police has no objection to the permit's being granted. If approval is denied, the city clerk shall provide the applicant with the reason for the denial.

(c) No patron, adult entertainer or any other employee of an adult entertainment establishment shall, while on the premises of an adult entertainment establishment, commit the offense of public indecency as defined in O.C.G.A. §16-6-8.

(d) The adult entertainer permit of any employee who violates the laws and regulations of the state or

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any provision of this article shall be subject to suspension or revocation.
(Ord. of 3-24-97(2), § I)

Section 18-231 Application for license.

(a) Any person, association, firm, partnership or corporation desiring to obtain a license to operate an adult entertainment establishment within the city limits of Thomasville shall make an application to the city clerk. The application must be made in the name of the adult entertainment establishment and include the names of the operator and each owner as defined in this article.

(b) The provisions of this Code on general business licensing shall apply in addition to the provisions of this section:

- (1) All approved applications for new licenses under this chapter shall be accompanied by a payment in cash or by certified check for a nonrefundable fee, established from time to time by ordinance of the city, to defray, in part, the cost of investigation and report required by this article;
- (2) The city application shall be accompanied by the following:
 - a. Proof of planning and zoning compliance,
 - b. Proof of building code compliance,
 - c. Proof of fire code compliance,
 - d. A legal description of the property upon which the premises are located,
 - e. A current photograph of the operator(s),
 - f. Fingerprints of the operator(s) to be taken by the police department,
 - g. A letter of clearance from the clerk of federal District Court, and a letter of clearance from the clerk of Thomas Superior Court, indicating that the operator as well as all owners do not have any criminal charges currently pending, and that each such individual has no conviction from the respective court in the past ten (10) years,
 - h. A letter of clearance from the clerk of the State Court of Thomas County showing that the applicant has no criminal charges pending and no convictions in the past two (2) years,
 - i. A personal performance bond payable to the city conditioned upon the applicant's and the applicant's employees' of the licensed establishment complying with all laws, ordinances, rules and regulations of the city governing the issuance and control of adult entertainment establishments and the bond shall remain in force as long as the license and its renewals are valid and subsisting and shall be in the amount of one thousand dollars (\$1,000.00),
 - j. An affidavit from the publisher of the Thomasville Times-Enterprise showing that the applicant has caused to be published in the Thomasville Times-Enterprise, once a week for two (2) consecutive weeks, a notice showing the name and address of the applicant, the location for which the license is sought, and that application seeks a license for an adult entertainment establishment,
 - k. The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his or her business according to the rules and regulations prescribed by the city for adult entertainment establishments. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant;
- (3) Any false statement or material misrepresentation in any application hereunder shall be grounds for revocation of any license granted hereunder;
- (4) A general description of the services and entertainment to be provided;
- (5) The business, occupation and employment history of each agent or operator for five (5) years immediately preceding the date of application;
- (6) If any agent or operator has had an adult entertainment establishment license or similar type of license denied, revoked or suspended by any other governing authority, then the violations that led to the denial, suspension or revocation as well as the date and dispositions of such, including

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any fine or sentence imposed, and whether or not the terms of the disposition have been completed;

- (7) If the establishment does or proposes to do business under a trade name, then a copy of the trade name as properly recorded shall be provided;
- (8) The application shall be signed by the operator or agent. If the owner is a corporation, it shall be signed in addition by the president and attested by the corporate secretary;
- (9) The operator, agent or owner shall provide a signed and notarized consent, on forms prescribed by the State Crime Information Center, authorizing the release of their criminal records to the city police department;
- (10) The written consent of a registered agent as provided by subsection (a) of this section, above, shall be provided.

(Ord. of 3-24-97(2), § I)

Section 18-232 Issuance of license to persons with prior convictions prohibited.

No license under this article shall be issued, renewed or transferred to any individual having any interest in the adult entertainment establishment in question, either as owned, partner, operator, principal stock holder, directly or indirectly, beneficial or absolute, who (within the ten (10) year period immediately prior to the filing of the application) has been convicted or who has entered a plea of guilty or nolo contendere to any felony offense. No license under this article shall be issued, renewed or transferred to any individual who, within the two (2) year period immediately prior to the filing of the application, has been convicted of or who has entered a plea of guilty or nolo contendere to a total of three (3) misdemeanors in any state or municipal court (or in combination), traffic violations excepted, other than D.U.I.

(Ord. of 3-24-97(2), § I)

Section 18-233 Application; investigation.

(a) Within five (5) days of receipt of the application, the city clerk or the clerk's designee shall review the application and send a copy to the chief of police or his designee to investigate the character and reputation of each owner and operator. The chief of police shall submit a report within sixty (60) days to the city clerk. If no report is received, it shall be concluded that there is no objection.

(b) The city clerk may deny a city license under this article on any of the following grounds:

- (1) Failure to pay the required fees and taxes;
- (2) Failure to provide required valid information, documents and the like;
- (3) False information in the application or attached documents;
- (4) Failure to pass review by the chief of police;
- (5) Prior convictions as provided in this article; or
- (6) Failure to meet any other requirements in this article for a license of the type applied for;

(c) Otherwise, the city clerk shall issue any adult entertainment establishment license provided for in this article.

(Ord. of 3-24-97(2), § I)

Section 18-234 License renewal.

Licenses for adult entertainment establishments may be renewed on a calendar year basis provided that the licensee(s) continue to meet the requirements set out in this article. All applications for renewal of licenses to operate an adult entertainment facility shall be filed with the city clerk no later than 5:00 p.m. on December 31st of the year preceding the year for which the application renewal is made. The annual

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fee for the license sought to be renewed shall be paid the city at the time the application for renewal is filed. Failure of any holder of a license to operate an adult entertainment establishment to file the application for renewal by the date and time specified shall render the license void, effective the last legal hour on December 31st of that year. In order to operate an adult entertainment establishment a license holder who has allowed the license to lapse shall file a new application for license as if a license had never been held and pursuant to the provisions of this article. Where an application for renewal is timely filed as provided in this article, the license holder shall be permitted to continue operating the adult entertainment establishment.

(Ord. of 3-24-97(2), § I)

Section 18-235 Open to inspection.

Any establishment holding a license issued under this article shall at any time that the premises is open to the public for business be open also to inspection by any officer of the police department, any building inspector of the city or fire department inspector of the city.

(Ord. of 3-24-97(2), § I)

Section 18-236 Consumption; open containers prohibited.

It shall be unlawful for any person owning or operating a place of business licensed under this article to permit any person to drink at any time any whiskey, wine, beer or any other alcoholic beverage of any kind or description upon the premises. It shall be unlawful for any person owning or operating a place of business licensed under this article to permit at any time any glass containing any alcoholic beverage, or any opened or unemptied bottle or other open container of any alcoholic beverage to remain in or on the premises of the place of business.

(Ord. of 3-24-97(2), § I)

Section 18-237 Transfer of licenses.

(a) Licenses under this article may be transferred to another person, partnership, firm or corporation; provided, that such person, partnership or corporation makes application to the city as for a new license and pays any appropriate fees and business or transfer taxes and that person, firm, partnership or corporation otherwise meets the requirements of this article for a new license.

(b) A transfer of location shall be allowed for any license under this chapter, provided the licensee files with the city clerk the following on the new location:

- (1) Proof of planning and zoning compliance;
- (2) Proof of building compliance;
- (3) Proof of fire code compliance;
- (4) A legal description of the property upon which the premises are located;
- (5) Any appropriate location transfer fee or tax; and
- (6) An affidavit from the publisher of the Thomasville Times-Enterprise showing that the applicant has caused to be published in such legal organ, once a week for two (2) consecutive weeks, a notice showing the name and address of the transferror, and the location for which the license is sought, the type of license held.

(c) Any transfer allowed under this section may be denied or revoked on the same basis as for an application for license under this article.

(Ord. of 3-24-97(2), § I)

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Section 18-238 Unlawful operation; declared nuisance.

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this Code shall be and the same is hereby declared to be unlawful and a public nuisance. The city may, in addition to, or in lieu of prosecuting a criminal action hereunder, seek the commencement of action(s) or proceedings(s) for the abatement, removal or enjoinder thereof, in a manner provided in Title 41 of the Code of the State of Georgia.

(Ord. of 3-24-97(2), § I)

Section 18-239 Notices; registered agent; jurisdiction.

(a) All licensed adult entertainment establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this article to be served upon the licensee, may be served. This person shall act as registered agent collectively for the operator and each owner. The registered agent must be a resident of the county. The operator may be appointed as the registered agent if he or she is a resident of the county. The licensee shall file the name of such agent, along with the written consent of such agent, with the city clerk as part of the license application. By appointing such registered agent, and as a condition of the issuance of a license pursuant to the terms of this article, the licensee agrees that any legal action brought by the city against the adult entertainment establishment or the licensee (which includes the operator or any owner) to enforce the provisions of this article, may be filed in any court of competent jurisdiction in Thomas County, Georgia.

(b) Any notice required or permitted to be given by the city clerk or any office, division, department or other agency under this article to any licensee, operator or owner of an adult entertainment establishment, may be given by either: (1) personal delivery or; (2) by certified United States mail addressed to licensee's registered agent at the most recent address specified in the agent's written consent form received by the city clerk. If personally delivered, the notice's effective date shall be the date of delivery. If mailed, the notice's effective date shall be two (2) days after the notice is postmarked.

(Ord. of 3-24-97(2), § I)

Section 18-240 Conditions of adult entertainment establishment approval.

(a) Every adult entertainment establishment shall be kept in a clean, sanitary condition and shall be in full compliance with all applicable ordinances and regulations of the city, the county and state.

(b) The Thomasville fire department shall have the authority to regularly inspect any adult entertainment establishment to determine compliance with and enforce all applicable fire regulations.

(c) Thomasville's chief building official or his designee shall have the authority to regularly inspect any adult entertainment establishment to determine compliance with and enforce all applicable building and other technical codes of the city.

(d) The Thomasville police department shall have the authority to periodically inspect any adult entertainment establishment to determine compliance with and enforce all provisions of this article or other applicable laws.

(Ord. of 3-24-97(2), § I)

Section 18-241 Prohibited conduct.

(a) No owner or operator shall permit any patron, customer, or guest to touch, caress or fondle any specified anatomical area of or any part of the body of clothing of any adult entertainer. No owner or operator shall permit any adult entertainer to bring into contact with any patron, customer or guest, any part of the body or clothing of the adult entertainer.

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(b) No operator shall permit any patron, customer or guest to touch, caress or fondle any specified anatomical area of any waiter, waitress or any other person who appears on the licensed premises while exposing their specified anatomical areas.

(c) All adult entertainers who expose their specified anatomical areas shall conduct their performances in an open area and shall not be permitted to perform in any closed stalls or rooms.

(d) All adult entertainers shall remain at least ten (10) feet from any customer or patron at all times except for those who serve beverages or food to the patrons.

(e) All adult entertainment which is licensed and permitted by this article shall be carried on inside a closed building with all windows and doors covered so that the activities carried on inside cannot be viewed from the immediate areas surrounding the outside of the building.

(f) No adult entertainer, patron or any other person shall be allowed to engage in any specified sexual activity on the premises of the adult entertainment establishment as defined in this article.

(g) No tips for performing shall be placed by a patron on the person of the employee.

(h) All live performers of adult entertainment shall be restricted to fixed stages and no patrons shall be permitted on such stages for any purpose. "Fixed stage" shall be defined as a raised-floor area or stage at least four (4) feet high and designed exclusively for, and used only by, performers. Tables used for seating and service to customers do not meet these standards and shall not be used for performing purposes.

(i) No licensee shall offer adult entertainment between the hours of 2:00 a.m. and 12:00 noon.

(j) In all areas where permitted adult entertainment occurs, lighting equivalent to three and five-tenths (3.5) foot candles per square feet shall be maintained.

(k) No private performances shall occur within an adult entertainment facility.

(l) No adult entertainment shall occur in a private room or dressing room within an adult entertainment facility.

(m) No patron shall be allowed in any dressing area or private room nor shall any employee and patron jointly occupy any private room or dressing area.

(Ord. of 3-24-97(2), § I)

Section 18-242 Miscellaneous.

Nothing contained in this article shall be deemed to permit or condone any activity whatsoever which is otherwise found to be obscene, lewd or illegal under an applicable code, regulation or statute which provides any prohibition upon nudity or sexual activity. Further, the activities and uses which are regulated and permitted by this article shall only be allowed if they are not obscene or lewd and not in violation of any other such prohibitions on nudity or sexual activity. This section shall supersede and limit all other provisions of this article.

(Ord. of 3-24-97(2), § I)

Section 18-243 Penalties.

(a) It shall be unlawful for any person to violate the terms of this article and any such violation shall be punishable in the municipal court of the city as provided in section 4.13 of the charter of the city.

(b) It shall be unlawful for a licensee to permit any conduct prohibited in this article which the licensee knows or has reasonable cause to know is taking place on the premises. Any such conduct by a licensee shall be a violation of this Code and shall be punishable in the municipal court of the city as provided. Also, upon conviction or plea of guilty or nolo contendere, the establishment's license may be revoked or suspended as provided in section 18-244 of this Code.

(Ord. of 3-24-97(2), § I)

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Section 18-244 Suspension or revocation of license: appeal.

(a) The following shall constitute grounds for the suspension or revocation of any adult entertainment facility license:

- (1) Any violation of this article regulating adult entertainment facilities or other ordinances of the city relating to conduct of the business;
- (2) Violation of any federal or state law applicable to the licensed premises;
- (3) Maintaining the premises or permitting conduct on the premises in such manner as to constitute a nuisance.

(b) Any violation by an agent or employee of a license holder which would subject the licensee to suspension or revocation under subsection (a) shall be considered a violation by the licensee for the purposes of the suspension and revocation provisions of this section.

(c) Should the city clerk determine that grounds for the suspension or revocation exist under subsection (a) of this section, the city clerk shall send notice by first-class mail to the license holder of the license suspension or revocation with a statement of the grounds supporting such action. Any license holder may request a hearing within ten (10) days of the date of such notice before the city manager for the purpose of presenting evidence and asking for reconsideration of such action. Failure to request such reconsideration in writing within ten (10) days of the date of the notice shall result in a waiver of any appeal rights hereunder. If a hearing for reconsideration before the city manager is requested, a hearing shall be held not more than thirty (30) days from the date the written notice requesting such hearing is received by the city manager. The city manager may sustain, overrule, or modify the decision of the city clerk. The decision of the city manager following the hearing on the matter shall be issued within fifteen (15) days of the date of the hearing and shall be final.

(Ord. of 3-24-97(2), § I)

Section 18-245 Severability.

Should any phrase, clause, or section of this article be deemed unconstitutional by a court of competent jurisdiction, such determination shall not affect the remaining provisions of this article, which provisions shall remain in full force and effect.

(Ord. of 3-24-97(2), § I)

Section 18-246 18-246--18-249. Reserved.

Section 18-249A ARTICLE XI. ELECTRIC POWER DISTRIBUTORS AND SUPPLIERS

Section 18-250 Gross receipts business tax established; verified statement of revenues to be filed.

Each electric supplier (including specifically electric membership corporations whether or not operated for profit) within the meaning of O.C.G.A. 46-3-1, et seq. distributing and selling electric power within Thomasville shall pay a gross receipts tax at the rate of four (4) percent on any and all gross revenue derived from distribution and sale of electric power to their customers, members, or purchasers within Thomasville, according to the verified statement of said gross revenues which shall be submitted by said electric supplier at the time said taxes are paid. This gross receipts business tax is levied pursuant to authority granted Thomasville.

(Ord. of 6-24-96, § I)

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Section 18-251 Taxes payable yearly; taxes to be in lieu of certain other taxes.

The taxes hereinbefore set out in this article, shall be due and payable to the City of Thomasville on the first day of January and delinquent after April 15th, calculated on gross revenues billed for the immediately preceding year; also, the percentage of said gross revenues hereinbefore prescribed to be collected shall be in lieu of all other license and business or occupation taxes, but shall not at any time be considered to interfere with, or in any way prevent the collection of ad valorem taxes upon the property of said electric supplier in the same manner as all other property, real and personal, in Thomasville is taxed. (Ord. of 6-24-96, § I)

Section 18-252 Electric service within Thomasville.

Electric suppliers distributing and selling electric power within Thomasville, and which do not have a franchise agreement with Thomasville, do not acquire any additional rights by the payment of the tax herein levied under this article other than those rights granted under the Georgia Electric Territorial Service Act. (Ord. of 6-24-96, § I)

Section 18-253 Enforcement and administration.

(a) The city clerk shall be responsible for the administration and enforcement of this article, and shall have the power to prepare and provide the necessary forms and for the collection of the tax herein levied.

(b) The city clerk shall issue executions for the collection of all outstanding and unpaid taxes imposed and assessed by this article. The unpaid taxes and executions shall be collected in the manner provided by law for the collection of other taxes due the city. (Ord. of 6-24-96, § I)

Section 18-254 Reserved.

Section 18-254A ARTICLE XII. TEMPORARY VENDING AT SPECIAL EVENTS

Section 18-255 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business License means an occupational tax poster issued by the City according to the provisions set forth in Article III of this Chapter.

Special event means a festival, parade or program of entertainment which is sponsored, sanctioned, or endorsed by the city and to which the entire community, both local and extended, is invited or included. "Special events" sanctioned by the city include, but are not limited to, Rose Show, Victorian Christmas, Harvest Festival, Fly-In Frolic, Christmas parade or their successor programs.

Structures means mobile homes, trailers, tents, carts, vehicles, or stands, constructed or assembled with the intention of displaying, storing, or protecting goods or merchandise for sale.

Temporary means lasting for a limited time only, mobile, impermanent, or portable (whether on wheels or with wheels removed), meant to be discarded, disassembled, moved, relocated, driven or transported from one (1) location to another following a specified period of time or specific event.

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Temporary Business means to sell or offer for sale, to hawk or to peddle any goods, merchandise, agricultural product, or service on the premises not owned, leased or rented by the intended temporary business proprietor and which is intended to last for a limited time only, and specifically those which are intended to be mobile, impermanent, portable or meant to be discarded, disassembled, moved, relocated, driven (whether on or with wheels removed) or transported from one location to another.

Vending means to sell or offer for sale, to hawk or to peddle any goods, merchandise, or services. (Ord. of 3-9-98(1), § I; Ord. of 5-28-01) (2001-18-255, Amended, 05/28/2001)

Section 18-256 Exemption from zoning regulation.

Any temporary vending structure which is issued a permit in conjunction with a special event sanctioned by the city will not be considered in violation of section 22-18 (Portable structures) of this Code.

(Ord. of 3-9-98(1), § I)

Section 18-257 Application forms for temporary vending permit at special event sanctioned by the city.

(a) Any application for a temporary vending permit during a special event sanctioned by the city shall be made on a form(s) furnished the applicant by the city, along with all reasonable information necessary to complete the form.

(b) Upon filing an original application or reapplication, the applicant shall then deposit with the city clerk or his designee, in cash or by check the registration fee which shall be reasonable as related to processing the application and permit, and shall not be refundable, the exact amount to be set by the city manager.

(c) The special event committee, in its sole discretion, has the right to limit the number of vendors of same or similar goods, merchandise, or services per event, with the permits being issued on a first-come, first-served basis.

(d) In the event of wide-area encompassing functions (e.g., Rose Show), where specific vending locations are not designated by the committee chairman, the specific location of the vendor/vending activity must be provided on the application form. In addition, for vending on private property, written permission for vending on the premises signed by the property owner shall be presented at the time of application and maintained by the licensing committee as a permanent part of the application.

(e) Upon approval of the application and payment of the required registration fee, the applicant shall be entitled to the issuance of an event permit; provided, however, the event committee or committee chair reserves the right to approve such issuance of the permit conditioned upon full and final compliance by the applicant with all applicable city ordinances. Reapplication and permits for subsequent event(s) or year(s) are subject to the above compliance.

(f) Upon issuance of the event permit, the permit must be continuously and conspicuously posted, displayed, and affixed to the temporary vending structure during the operating hours of that vendor for each event, day or hour thereof.

(g) All vendors of any type of merchandise, goods or services, whether for- or not-for-profit shall be bound by the provisions of this article, without exception.

(Ord. of 3-9-98(1), § I)

Section 18-258 Other temporary vending provisions - transferred to 18-177

(18-258, Repealed, 12/08/2003, moved to Section 18-177; otherwise unchanged; Ord. 2001 (18-258), Add, 05/28/2001)

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Section 18-259 18-259 -- 18-269 reserved

Section 18-270-A ARTICLE XIII TATTOO PARLORS OR STUDIOS
(ARTICLE XIII, Added, 02/13/2006)

Section 18-270-D Definitions

As used in this article, the term:

Tattoo means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin.

Tattoo artist means any person who performs tattooing, except that the term tattoo artist shall not include in its meaning any physician or osteopath licensed under O.C.G.A. Title 43, Chapter 34, nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath pursuant to O.C.G.A. § 16-5-71(2).

Tattoo parlor shall have the same meaning as “tattoo studio.”

Tattoo studio means any facility or building on a fixed foundation wherein a tattoo artist performs tattooing.

(18-270 D, Added, 02/13/2006)

Section 18-271 Application for permit; annual permit renewal.

Any person desiring to operate a tattoo parlor or studio or desiring to operate as a tattoo artist shall make application for a permit at the office of the City Clerk. The applicant, in addition to the payment of the regulatory fee as required by Section 18-48 of this code, shall also be charged a one time application and background investigation fee of \$60.00 or such fee as shall be set from time to time by the City Manager, to defray the cost of processing the application. The minimum age of each applicant shall be 18 years of age. Applications shall furnish two photographs showing a front and side picture of the full face of the applicant, size 2½ inches by 2¾ inches. The applicant shall present a medical certificate from a medical doctor licensed to practice in Georgia 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 an approved permit as issued by the Thomas County Health Department pursuant to the provisions of Section 18-272, below, and shall comply with all other requirements of this article.

Applicants who are issued a permit under the provisions of this ordinance shall apply for renewal of the permit to the office of the City Clerk, and pay the regulatory fee by December 31st of each year preceding the year for which the license is issued, or shall cease to operate a tattoo parlor or studio or engage in the practice or business of tattooing until such permit is renewed.

(2006 (18-271), Added, 02/13/2006)

Section 18-272 Permit from Thomas County Health Department required

(a) A condition precedent to making an application for a permit or for the renewal of a permit under Section 18-271 shall be satisfactory proof that the owner or operator of the tattoo parlor or studio has secured from the Thomas County Health Department a permit to operate the establishment.

(b) The Thomas County Health Department, through its designated representatives, may conduct periodic unannounced inspections of any tattoo parlor or studio for the purpose of determining whether or not the

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establishment and the person performing the art of tattooing therein are in compliance with all applicable rules and regulations of the Thomas County Health Department.

(c) Any tattoo parlor or studio operated pursuant to this article shall have an inspection performed by the Thomas County Health Department during each calendar year that a permit issued pursuant to this article is in effect. A copy of the report issued by the Thomas County Health Department shall be maintained at all times on the premises of the tattoo parlor or studio and shall be produced upon request of any City code enforcement officer.

(2006 (18-272), Added, 02/13/2006)

Section 18-273 Prohibited practices

(a) No person shall operate a tattoo parlor or studio or engage in the practice or business of tattooing human skin as a tattoo artist unless the person has first secured a permit to do so from the Thomas County Health Department; has complied with all ordinances of the city, including but not limited to its zoning ordinance; has obtained the permit required by Section 18-271; and has paid the regulatory fee set forth in Section 18-48.

(b) No tattoo artist shall tattoo any person while the tattoo artist is under the influence of alcohol, drugs or other stimulants or depressants; nor shall the tattoo artist tattoo any person who is a minor (under the age of 18); who is under the influence of either alcohol, drugs or other stimulants or depressants; or who is of unsound mind.

(2006 (18-273), Added, 02/13/2006)

Section 18-274 Enforcement; right of entry

Any designated representative of the Thomas County Health Department or any City code enforcement officer, in order to enforce compliance with this article, shall be permitted to enter upon and inspect the premises of a tattoo parlor or studio at any reasonable time and in a reasonable manner.

(2006 (18-274), added, 02/13/2006)

Section 18-275 Authority of Thomas County Health Department to suspend, revoke, or deny permit

The Thomas County Health Department may suspend or revoke a permit issued pursuant to this article where the health and safety of the public require such action. When, in the judgment of such a duly authorized agent of the Thomas County Health Department, it is necessary and proper that a permit previously granted be suspended or revoked, the holder of the permit shall be so notified in writing and shall be afforded an opportunity for hearing pursuant to O.C.G.A. § 31-5-2. In the event that such permit is finally suspended or revoked, the holder of such permit shall be given notice in writing, which notice shall specifically state the reasons why the permit has been suspended or revoked.

(2006 (18-275), Added, 02/13/2006)

Section 18-276 Appeal of suspension or revocation of permit

Any person substantially affected by any final order of the Thomas County Health Department, suspending, revoking or refusing to renew any permit provided under this article may secure review thereof by appeal to the State Department of Human Resources as provided at O.C.G.A. § 31-5-3.

(2006 (18-276), added, 02/13/2006)

Section 18-277 Permit issued by the Board of Health not in lieu of City Permit

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Any permit issued for the operation of a tattoo parlor or studio by the Thomas County Health Department shall be cumulative and are not in lieu of any permit issued by the City.
(2006 (18-277), added, 02/13/2006)

Section 18-278 Penalty

Any person violating any provisions of this article shall, upon conviction, be subject to the penalty set by the Municipal Court of the City of Thomasville, under the provisions of section 4-13 of the Charter of the City of Thomasville, Georgia.
(2006 (18-278), added, 02/13/2006)

Section 18-279 Zoning restriction

Any tattoo parlor or studio operated pursuant to this article shall be permitted only in a district zoned C-1 or lower, except as hereafter provided. No tattoo parlor or studio shall be allowed in districts zoned as A, R1A, R1B, R1, R2A, R2B, C1A, MH, RTH, RCD, or the Thomasville Historic Districts.
(2006 (18-279), added, 02/13/2006)

Section 18-280 Incorporation of state law

The provisions of this article are adopted pursuant to O.C.G.A. § 31-40-9. All provisions of O.C.G.A. § 31-40-1 *et seq.* not inconsistent with the provisions of this article are hereby incorporated by reference.
(2006 (18-280), added, 02/13/2006)

Section 18- 281 through 18-284 RESERVED

ARTICLE XIV. SWEEPSTAKES PARLORS, INTERNET CAFES, AND SIMILAR ESTABLISHMENTS

Sec. 18.285. Findings of the City Council.

The “Whereas” clauses set forth above are incorporated by reference into this ordinance and represent the legislative findings of the Council of the City of Thomasville.

Sec. 18-286. Definitions.

As used within this Ordinance, the following terms, when capitalized, shall have the meanings set forth below:

(1) Business Entity. The term "Business Entity" means one or more persons engaging in activities for a profitable or charitable purpose either individually or through the use of any of the following:

- * Company or corporation;
- * General partnership;
- * Joint venture;
- * Limited liability company;
- * Limited liability partnership;
- * Limited partnership;
- * Sole proprietorship;
- * A trust; or,
- * Any other corporate entity similar in nature or function to any of those listed in Subsections 2.1.1 through and including 2.1.8.

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- (2) Effective Date. The term "Effective Date" means August 22, 2011.
- (3) Electronic Machine or Device. The term "Electronic Machine or Device" means a mechanically, electrically, or electronically operated machine or device, including but not limited to a computer, that is owned, leased, possessed by, or under the control of a Sweepstakes sponsor or promoter, or any of the Sweepstakes sponsor's or promoter's partners, affiliates, parent corporation, brother or sister corporations, subsidiaries, or contractors, that is intended to be used by a Sweepstakes entrant that uses energy and that is capable of displaying information on a screen or other type of display. This Section is applicable to any Electronic Machine or Device whether or not:
- (a) It is server based;
 - (b) It uses a simulated game terminal as a representation of the Prize or Prizes associated with results of the sweepstakes entries;
 - (c) It utilizes software such that the simulated game influences or determines the winning or value of the Prize to be won or awarded;
 - (d) It selects Prizes from a predetermined, finite pool of entries;
 - (e) It utilizes a mechanism that reveals the content of a pre-determined Sweepstakes entry;
 - (f) It pre-determines the Prize results and stores those results for delivery at the time the sweepstakes entry results are revealed;
 - (g) It utilizes software to create a game result;
 - (h) It requires the deposit of any money, or token, or the use of a credit card, debit card, prepaid card, or any other method of payment to activate the machine or device;
 - (i) It requires purchase of a related product or service, which has legitimate value;
 - (j) It reveals a Prize incrementally, even though it may not influence if a Prize is awarded or the value of any Prize awarded;
 - (k) It determines and associates the Prize with an entry or entries at the time the sweepstakes is entered; and/or
 - (l) It is a slot machine or other form of electrical, mechanical, or computer game.
- (4) Enter or Entry. The terms "Enter" or "Entry" mean the act or process by which a person becomes eligible to receive a Prize in a Sweepstakes.
- (5) Entertaining Display. The term "Entertaining Display" means visual information, capable of being seen by a Sweepstakes entrant, that takes the form of actual game play, or simulated play, such as the following electronic games:
- (a) A video poker game or any other kind of video playing card game;

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- (b) A video bingo game;
 - (c) A video craps game;
 - (d) A video keno game;
 - (e) A video lotto game;
 - (f) Eight-liner or any other electronic game that is identical in its operational display or operation to Eight-liner regardless of the name of the game or machine on which it is operated;
 - (g) "Pot-of-Gold" or any other electronic game that is identical in its operational display or operation to "Pot-of-Gold" regardless of the name of the game or the machine on which it is operated;
 - (h) A video or electronic game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player of the game; or,
 - (i) A Gambling Device.
- (6) Gambling Device. The term "Gambling Device" shall have the same definition as O.C.G.A. 16-12-20(2);
- (7) Internet Cafe. The term "Internet Cafe" means a place:
- (a) Where one or more persons can:
 - * Connect to the Internet using a publicly accessible computer for free or for the payment of a fee or any other consideration; or,
 - * Connect to the Internet using their own computers by using a wireless connection in their local area networking provided by the owner or operator of the cafe; and,
 - (b) Where any food or drinks are served either for free or for a fee for consumption on-site; and,
 - (c) Where the principal activities conducted via the Internet include, but are not limited to:
 - * Reading or composing email; or,
 - * Reading or posting to newsgroups; or,
 - * Website surfing; or,
 - * Viewing social networking web sites; or,
 - * Composing or editing documents or spreadsheets; or,
 - * Scanning or printing digital services; or,
 - * Playing online games for which no payment or consideration is paid to the Internet Cafe owner or operator; and
 - (d) Which does not run or operate any illegal Sweepstakes; and
 - (e) Which does not, in addition to providing access to the Internet for a fee or other consideration, also provide the user with a credit or credits to enter or play a game on any of the computers within the Internet Café and which game does not constitute gambling as defined at O.C.G.A. § 16-12-21.

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(8) Prize. The term "Prize" means any gift, award, good, service, credit, or anything else of value, which may be transferred to a person, whether possession of the gift, award, good, service, credit or other item of value is actually transferred to that person, or placed on an account or other record as evidence of the intent to transfer the gift, award, good, service, credit or other item of value.

(9) Sweepstakes. The term "Sweepstakes" means any game, advertising scheme or plan, other promotion which, with or without payment of any consideration, a person may Enter to win or become eligible to receive a Prize, when the determination of the receipt of such Prize is based, in whole or in part, on chance.

(10) Sweepstakes Parlor. The term "Sweepstakes Parlor" means an establishment that operates or places into operation one or more Electronic Machines or Devices that, upon payment of consideration to the operator of the establishment, and in contravention of Article 2, Gambling and Related Offenses, of Chapter 12, Offenses Against Public Health And Morals, of the Official Code of Georgia Annotated:

(a) Conducts a Sweepstakes through the use of an Entertaining Display, including the Entry process or the reveal of a Prize;

(b) Promotes a Sweepstakes that is conducted through the use of an Entertaining Display, including the Entry process or reveal of a Prize;

(c) Utilizes any devices as defined in paragraphs 2.5 and 2.6, above; or

(d) Is otherwise in contravention of Georgia law.

Sec.18-287. Ban On Certain Activities Associated With Sweepstakes Parlors.

Any business establishment, regardless of the name, characterization, title or other identifying element, which conducts or permits gambling as defined at O.C.G.A. § 16-12-21 or is otherwise in contravention of Georgia law, is hereby banned and prohibited. Provided further, however, that the ban on the activities set forth in this Article shall not preclude the issuance of a certificate of occupancy and a occupation tax certificate to an Internet Cafe as defined herein. Any person or Business Entity who or which wishes to open a business as an Internet Cafe must provide a signed, notarized statement and submit it to the office of the City Planner of the City of Thomasville which certifies that the business activities of the establishment will not constitute gambling as defined at O.C.G.A. § 16-21-21 and will not otherwise contravene Georgia Law. No occupational tax certificate or certificate of occupancy shall be issued or renewed unless and until this signed, notarized statement is submitted to the office of the City Planner of the City of Thomasville. Should the signed, notarized statement prove to be false, the occupational tax certificate and certificate of occupancy shall be revoked.

Sec. 18-288. Permitted locations.

Internet Cafes shall be permitted only in the following zones: C-2 (CU).

Sec. 18-289. Unlawful operation; declared nuisance.

In addition to the provisions of paragraph 3, above, the City Council for the City of Thomasville declares that any establishment operated, conducted, or maintained contrary to the provisions of this Ordinance is unlawful and constitutes a public nuisance. In addition to or in lieu of prosecuting a criminal action hereunder, the city may seek the commencement of an action or proceeding for the abatement, removal of enjoinder thereof, all in a manner contemplated by and provided for Title 41 of the Code of the State of Georgia.

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Sec. 18-290. Penalties.

(a) It shall be unlawful for any person to violate the terms of this article and any such violation shall be punishable in the Municipal Court of the City as provided in section 4.13 of the Charter of the City.

(b) It shall be unlawful for an operator of an Internet Café to permit any conduct prohibited in this article which the licensee knows or has reasonable cause to know is taking place on the premises. Any such conduct by an operator of an Internet Cafe shall be a violation of this code and shall be punishable in the Municipal Court of the City as provided.

(c) For purposes of interpretation and enforcement of the provisions of this section, this ordinance specifically adopts by reference and incorporates herein the provisions of O.C.G.A. § 16-12-20 through § 16-12-36 and the definitions contained therein, as well as the provisions of the Fair Business Practice Act of 1975, O.C.G.A. § 10-1-390 et seq. In the event of any conflict between a provision or definition contained in the sections of the official code of Georgia adopted herein, the Official Code of Georgia shall control.

Sec. 18.291. On-premise operator required.

An Internet Café shall have a designated person to serve as an on-premises operator. The operator shall be principally in charge of the establishment and shall be located on the premises during all operating hours.

Sec. 18.292. Issuance of occupation tax certificate and certificate of occupancy to persons with prior convictions prohibited.

No occupation tax certificate and certificate of occupancy under this article shall be issued, renewed or transferred to any individual having any interest in the establishment in question, either as owned, partner, operator, principal stock holder, directly or indirectly, beneficial or absolute, who, within the ten (10) year period immediately prior to the filing of the application, has been convicted or who has entered a plea of guilty or nolo contendere to any felony offense. No occupation tax certificate and certificate of occupancy under this article shall be issued, renewed or transferred to any individual who, within the two (2) year period immediately prior to the filing of the application, has been convicted of or who has entered a plea of guilty or nolo contendere to a total of three (3) misdemeanors in any state or municipal court (or in combination), traffic violations excepted, other than D.U.I.

Sec. 18-293. Open to inspection.

Any establishment operating under this article shall at any time that the premises is open to the public for business be open also to inspection by any officer of the police department, any building inspector of the city or fire department inspector of the City.

Sec. 18-294. Consumption; open containers prohibited.

It shall be unlawful for any person owning or operating a place of business operating under this article to permit any person to drink at any time any whiskey, wine, beer or any other alcoholic beverage of any kind or description upon the premises. It shall be unlawful for any person owning or operating a place of business licensed under this article to permit at any time any glass containing any alcoholic beverage, or any opened or unemptied bottle or other open container of any alcoholic beverage to remain in or on the premises of the place of business.

Sec. 18-295. Severability.

Should any phrase, clause, or section of this ordinance be deemed unconstitutional by a court of competent jurisdiction, such determination shall not affect the remaining provisions of this ordinance, which provisions shall remain in full force and effect.

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(Article XIV - Ord. of 8-22-11)