
Sec. 4-2-78. Definitions.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- A. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. "E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other legal substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or under any other product name or description.
- D. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- E. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- F. "Enclosed Area" Enclosed area means all space between a floor and ceiling that is bounded on all sides by walls, doorways or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
- G. "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

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- H. "Hookah" means a water pipe and any associated products and devices, which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.
- I. "Hookah Bar" or "Hookah Lounge" means an establishment that derives more than eighty (80) percent of its quarterly gross revenue from the sale of shisha for consumption on the premises by customers and the sale of accessories used for smoking shisha. A hookah lounge does not allow individuals under the age of eighteen (18) to enter the premises, and does not have a permit or license to sell alcoholic beverages, but may serve food and nonalcoholic beverages for consumption on the premises by customers.
- I.a. "Hookah License" is an optional license separate from business and alcohol licenses that allows for the consumption of shisha by guests on the premises of a bar and/or restaurant, provided that all shisha is purchased on the premises and that the bar or restaurant does not allow individuals under the age of twenty-one (21) to enter the premises at any time that hookah is smoked. The holder of a Hookah License shall pay a regulatory fee as provided for in Augusta, Georgia Code Section 2-1-3(c), at the time of the issuance of the initial hookah license, and thereafter at the time of the issuance of any alcohol license upon renewal thereof. The regulatory fee shall be an annual fee paid at the time the establishment begins selling hookah products, and each year thereafter when the alcohol license is renewed.
- J. "Place of Employment" means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
- K. "Playground" means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on Augusta, Georgia owned grounds.
- L. "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.
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- M. "Public Event" means an event which is open to and may be attended by the general public, including but not limited to, such events as concerts, fairs, farmers' markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.
- N. "Public building" Any enclosed building, structure or indoor facility owned, operated, leased or managed by Augusta, Georgia which is used by or open to the public, including without limitation, public transportation, enclosed areas occupied by Augusta, Georgia staff, open office areas, shared offices, private offices, hallways, restrooms, escalators, elevators, stairways, lobbies, reception and waiting rooms, classrooms, meeting or conference rooms and auditoriums, on-site cafeterias, lunchrooms and lounges.
- O. "Public Place" means an area to which the public is invited or in which the public is permitted, including but not limited to, all public buildings, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- P. "Recreational Area" means any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses open to the public, parks, plazas, skate parks, swimming pools, trails, and zoos.
- Q. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
- R. "Service Line" means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- S. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- T. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
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- U. "Sports Arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.
 - V. "Reasonable distance" means a distance that is sufficient to ensure indoor areas remain smoke-free by preventing smoke from infiltrating enclosed public places via any entrance, exit, window, vent, or air intake system of a building where smoking is prohibited, and to protect persons entering or exiting enclosed areas from involuntarily inhaling second-hand smoke.
 - W. "Cigar Bar/Lounge" means a stand-alone retail establishment authorized to sell or serve alcohol for consumption on premises, as provided for in Augusta, Georgia Code, Alcoholic Beverages, Sections 6-2-1 through 6-2-145, and which certifies that 20 percent of more of their annual gross sales revenue is from the sale of cigars.

Sec. 4-2-84. Where smoking not regulated.

- A. Notwithstanding any other provision of this Article to the contrary, smoking and e-cigarettes shall not be prohibited in private residences, unless used as a childcare, adult day care, or health care facility.
 - B. Except as otherwise provided in this article, smoking and e-cigarettes shall not be prohibited in private vehicles.
 - C. Areas within the geographical confines of Augusta, Georgia wherein the Board of Commissioners of Augusta, Georgia does not have jurisdiction, including property belonging to the City of Hephzibah, the City of Blythe, the State of Georgia and the federal government.
 - D. Hookah Bars and Lounges in existence as of the date of adoption of this section and which permit waterpipe smoking on the premises as of the date of the adoption of this section.
 - E. Retail Electronic Smoking device stores in existence as of the date of the adoption of this section and which permit electronic device usage as of the date of the adoption of this section.
 - F. Bars, Cigar Bars/Lounges, Private Clubs and Restaurants that have a valid Hookah License and permit waterpipe smoking on the premises and do not allow individuals under the age of twenty-one (21) to enter the premises at any time that hookah is smoked and obtain an indoor air certificate of exemption.
 - G. Indoor Air (Outdoor Use) Certificate of Exemption. Certain establishments authorized for sale or service of alcohol for consumption on the premises are exempt from the prohibition of smoking contained therein as follows:
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1. *Cigar bar/lounge.* A stand-alone establishment authorized to sell or serve alcohol for consumption on the premises, which certifies that 20 percent or more of their annual gross sales revenue is from the sale of cigars, shall be exempt provided that:
 - a. Cigars and hookah are the only tobacco products consumed in the premises;
 - b. Access to the establishment is denied to any person under the age of 21,
 - c. Establishment does not employ any individual under the age of 21.
 - d. Establishment pays a regulatory fee as provided for in Augusta, Georgia Code Section 2-1-3(c), at the time of the issuance of the initial alcohol license, and thereafter at the time of the issuance of the alcohol license upon renewal thereof. (The regulatory fee is an annual fee paid at the time the establishment begins selling tobacco products, and each year thereafter when the alcohol license is renewed.)
 - e. The certificate of exemption shall be displayed conspicuously in the manner of the alcohol license.
 - f. Establishment shall install exterior sign indicating "cigar bar/lounge".
 - g. Such establishment shall not sell or permit the use of:
 1. Vape products, including electronic smoking devices, component parts or e-liquids.
 2. Cigarettes (tobacco rolled in paper).
 - h. Cigar Bar/Lounge shall not be located within 100 yards of another Cigar Bar/Lounge.
 - i. Cigar Bar/Lounge must have a filtration system exceeding ninety-eight percent efficiency with all air within the lounge exhausted directly to the outside by an exhaust fan of sufficient size.
 2. Bar. A stand-alone establishment authorized to sell or serve alcohol for consumption on the premises shall be exempt provided that:
 - a. Hookah is the only tobacco product consumed in the premises.
 - b. Access to the establishment is denied to any person under the age of 21.
 - c. Establishment does not employ any individual under the age of 21.
 - d. Establishment pays a regulatory fee as provided for in Augusta, Georgia Code Section 2-1-3(c), at the time of the issuance of the initial alcohol license, and thereafter at the time of the issuance of the alcohol license upon renewal thereof. (The regulatory fee is an annual fee paid at the time the establishment begins selling tobacco products, and each year thereafter when the alcohol license is renewed.)
 - e. The certificate of exemption shall be displayed conspicuously in the manner of the alcohol license.
 - f. Such establishment shall not sell or permit the use of:
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1. Vape products, including electronic smoking devices, component parts or e-liquids.
 2. Cigarettes (tobacco rolled in paper).
 3. Unrolled tobacco.
 4. Cigars.
 - h. The bar must have a filtration system exceeding ninety-eight percent efficiency with all air within the lounge exhausted directly to the outside by an exhaust fan of sufficient size.
 - i. The bar must prominently advertise at the entrance that hookah is allowed on premises and that access to the premises is limited to those twenty-one (21) years or older.
3. Restaurant. A stand-alone establishment authorized to sell or serve alcohol and food for consumption on the premises shall be exempt provided that:
- a. Hookah is the only tobacco product consumed in the premises and then only outside and/or on an open-air patio.
 - b. Access to the establishment is denied to any person under the age of 21 at all times when hookah is smoked.
 - c. Establishment does not employ any individual under the age of 21.
 - d. Establishment pays a regulatory fee as provided for in Augusta, Georgia Code Section 2-1-3(c), at the time of the issuance of the initial alcohol license, and thereafter at the time of the issuance of the alcohol license upon renewal thereof. (The regulatory fee is an annual fee paid at the time the establishment begins selling tobacco products, and each year thereafter when the alcohol license is renewed.)
 - e. The certificate of exemption shall be displayed conspicuously in the manner of the alcohol license.
 - f. Such establishment shall not sell or permit the use of:
 1. Vape products, including electronic smoking devices, component parts or e-liquids.
 2. Cigarettes (tobacco rolled in paper).
 3. Unrolled tobacco.
 4. Cigars.
 - g. The restaurant must prominently advertise at the entrance that hookah is allowed on premises and that access to the premises is limited to those twenty-one (21) years or older when hookah is smoked.

Sec. 2-1-3. - Administrative and regulatory fee structure; occupation tax structure.

- c. The regulatory fee schedule for persons in occupations and professions shall be as set below, and may be amended from time to time:

Adult Entertainment Establishments	\$3,830.00 per year
Adult Entertainment (live)	\$155.00 per day
Amusement Parks	\$770.00 per year
Arcades	\$385.00 per year
Cigar Bar/Lounge	\$125.00 per year
Craft Show Promoters	\$460.00 per year
Dance Hall License incidental to Alcohol License	\$155.00 per year
Entertainment Venue	\$385.00 per year
Flea Markets	
1 through 10 rental spaces	\$460.00 per year
11 or more rental spaces	\$770.00 per year
Fortune Tellers	\$770.00 per year
Going Out of Business Sales	\$155.00 per 90 days
(May be renewed for 60 days)	\$155.00
Hookah Bar/Lounge	\$125.00 per year
<u>Hookah License</u>	\$_____ per year
Hybrid Restaurant	\$550.00 per year
Incidental Alcohol License	\$250.00 per year
Second Hand Goods	\$155.00 per year
Special Entertainment Permit	\$50.00

Street Vendors	\$55.00 per day
Temporary and Transient Vendors	\$195.00 per day
Wreckers	\$40.00 per year
Taxicabs	\$40.00 per year
Limousines	\$40.00 per year
Vending Machines (per machine)	\$10.00 per year
Salvage Yards	\$350.00