

**AN ORDINANCE TO AMEND
THE CITY OF DACULA CODE OF ORDINANCES
CHAPTER 12
BUSINESS LICENSES AND REGULATIONS**

WHEREAS, the City has adopted a comprehensive Ordinance governing Business Licensing and Regulations as permitted by State law; and

WHEREAS, the procedures for administering licensing, renewal, and citations for violations should be updated; and

WHEREAS, City staff has recommended the adoption of this Ordinance to update and clarify certain policies and procedures related to the administration of business licenses and enforcement actions where violations of the City Code exist; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the City Code, update and revise the procedures as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that Chapter 12 be amended as follows:

SECTION 1

The existing Section 12-9(a)(1) is amended to require the applicant to provide the following information:

(1) Name of the person, firm, company, or corporation; including the complete mailing address and a valid e-mail address of the resident agent or other responsible official of the business.

SECTION 2

The existing Section 12-30 is amended to add the following sentence at the end of Subsection (b):

“Any failure to renew in compliance with this Ordinance shall not relieve a certificate holder of liability for fees and taxes owed for prior years where it can be demonstrated that the applicant was engaged in the business, professional or occupation and required to have an occupation tax certificate or business license.”

SECTION 3

The existing Section 12-31 – “Penalty of Violation” is deleted and the following is substituted in its place:

Sec. 12-31– Penalty for Violation

- (a) To ensure compliance with the provisions of the Code and the Ordinances of the City that required the payment of special taxes, occupational taxes, and license fees, the City Marshals and/or the City Administrator and/or a duly authorized agent or designee of the City Administrator are hereby empowered to cite violators for the various Ordinances of the City providing for license fees, occupation taxes and special taxes related to certain businesses to the municipal court. Such citations shall state the provision of the specific ordinance allegedly violated by the individual cited.
- (b) The Municipal Court of the City is empowered to prosecute persons violating the provisions of this Code and Ordinances of the City by failing to pay the special taxes, occupation taxes or license fees or in any other way violating the license, occupation tax, or business regulation Ordinances of the City. This remedy shall be in addition to any other remedies provided for by local law or by state law.
- (c) Any person who violates any provisions of the license, occupation tax, or business regulation Ordinances of the City may, upon conviction, be punished as provided in such Ordinance or in the absence of such provision, by a fine not to exceed one thousand dollars (\$1,000.00) for each offense and/or imprisonment for a period not to exceed sixty (60) days.

SECTION 4

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 5

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 6

All laws and parts of laws in conflict with this Ordinance are hereby repealed. All of the rest and remainder of Chapter 12 not specifically amended herein shall continue in full force and effect.

SECTION 7

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this ____ day of April, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX, CITY ADMINISTRATOR