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STATE OF GEORGIA

CITY OF HAMPTON

ORDINANCE NO. 2024-23

AN ORDINANCE TO AMEND HAMPTON CODE OF ORDINANCES, CHAPTER 22, BUSINESS REGULATIONS. ARTICLE II – OCCUPATION TAXES, BE REPEALED AND REPLACED; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:

**Section 1.** That Section – CHAPTER 22, BUSINESS REGULATIONS. ARTICLE II – OCCUPATION TAXES be repealed and replaced.

**Section 2.** That Section CHAPTER 22, BUSINESS REGULATIONS. ARTICLE II – OCCUPATION TAXES as replaced shall read:

## ARTICLE II. - OCCUPATION TAXES <sup>[2]</sup>

### Sec. 22-31. 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:

*Administrative fee* is the component of the occupation tax which approximates the reasonable cost of handling and processing the occupation tax application.

*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 IRS W-2 but not a form IRS 1099.

*Location or office* includes any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction 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.

*Occupation tax* means a tax levied for revenue purposes on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business in the city.

*Occupation tax certificate* means a document issued by the city acknowledging payment of the occupation tax and administrative fee.

*Practitioners of professions and occupations* are those individuals listed in O.C.G.A. § 48-13-9(c)(1)(18) but does not include a practitioner who is an employee of a business if such business pays an occupation tax.

*Regulatory fee* means a fee which approximates the cost of regulatory activity by the city.

*Regulatory fee certificate* means a document issued by the city acknowledging payment of a regulatory fee. (Ord.

No. 83, § 1, 12-21-94; Ord. No. 83-A, § 1, 12-12-95)

Cross reference(s)—Definitions generally, § 1-2.

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**Sec. 22-32. Administrative fee.**

A non-prorated, nonrefundable administrative fee as provided in the schedule of fees and charges on file in the office of the community development department is required on all occupation tax accounts for the initial registration, annual renewal or reopening of such accounts.

(Ord. No. 83, § 2, 12-21-94)

**Sec. 22-33. Regulatory fee.**

Businesses and individuals engaging in any occupation or business in the city shall pay a nonrefundable regulatory fee as provided in the schedule of fees and charges on file in the office of the city clerk and community development department.

(Ord. No. 83, § 3(A), 12-21-94)

**Sec. 22-34. Proration.**

If a business or individual initially engages in an activity regulated by the city on or after July 1 in any year, the regulatory fee for the remaining portion of the year shall be 50 percent of the regulatory fee for the entire year.

(Ord. No. 83, § 3(B), 12-21-94)

**Sec. 22-35. Display of certificate.**

Every business, individual and location subject to payment of a regulatory fee levied by this article shall display a current regulatory fee certificate in a conspicuous place at the location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the regulatory fee certificate or an unaltered duplicate of such certificate shall be shown to any police officer, code enforcement officer, fire marshal or building official upon request.

(Ord. No. 83, § 3(C), 12-21-94)

**Sec. 22-36. Occupation tax levied.**

An occupation tax based upon number of employees in the state is levied upon businesses and practitioners of professions and occupations with one or more locations or offices within the corporate limits of the city and, pursuant to O.C.G.A. § 48-13-7, upon out-of-state businesses with no location or office in the city but with employees or agents engaging in substantial efforts to solicit business or serve customers or clients in the state in accordance with the schedule of fees and charges on file in the office of the community development department.

**Sec. 22-37. Inspections and Certificate of Occupancy Requirements.**

- (1) Permits must be obtained prior to construction, demolition, change of use or occupancy classification, tenant name change, or ownership change in buildings, tenant spaces, or commercial sites and prior to addition, removal, or changes of any fire protection system(s) therein.

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(2) A final inspection and Certificate of Occupancy for each commercial business establishment must be obtained from the Fire Marshal's Office before occupying any building covered by this article or conducting business.

All commercial businesses operating within the city are required to undergo an annual inspection by the Fire Marshal's Office. Failure to comply with this annual inspection requirement may result in penalties or the suspension of the business license.

(Ord. No. 83, § 4(A), 12-21-94)

**Sec. 22-38. Multiple locations of taxpayer.**

The city shall not require the payment of more than one occupation tax for each location of a business or practitioner.

(Ord. No. 83, § 4(B), 12-21-94)

**Sec. 22-39. Taxpayers subject to other local governments.**

A business or practitioner which is subject to an occupation tax by another local government and claiming an exemption from or limitation to the occupation tax imposed by this article shall submit documentation as to current payment of the occupation tax to the other local government and the basis of such tax.

- (1) If a business or practitioner with no location or office in the state provides to the city proof of payment of a local business or occupation tax in another state which purports to tax the business's or practitioner's sales or services in this state, then the business or practitioner shall be exempt from this occupation tax.
- (2) If a business or practitioner with no location or office in this state shall only be required to pay occupation tax to the local government in the state where the largest dollar volume of business is done, or service is performed by such business or practitioner. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof as to the applicability of this subsection.
- (3) A business or practitioner which has locations in the state subject to occupation tax by more than one local government in the state shall only be subject to occupation tax by the city for the number of employees who are employed within the corporate limits of the city. This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof of current payment of the occupation tax of the other local governments.
- (4) If an employee works for the same business or practitioner in more than one municipal corporation or county and the business or practitioner submits proof of this, the employee shall be counted as an employee in the city only if the city is the jurisdiction where such employee works for the longest period of time within the calendar year.

(Ord. No. 83, § 4(C), 12-21-94)

**Sec. 22-40. Proration of tax.**

If a business or practitioner commences business in the city on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year. The administrative fee shall not be reduced.

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(Ord. No. 83, § 4(D), 12-21-94)

#### **Sec. 22-41. Estimated number of employees.**

If a business or practitioner does not know how many employees which are the basis of this occupation tax will be employed by the business or practitioner during the current calendar year, then the business or practitioner shall file a return estimating the number of employees which are the basis of this occupation tax. If such estimate is not accurate, then no later than December 31 the business or practitioner shall file an amended return indicating the actual number of employees during the previous calendar year. Any overpayment of the occupation tax may be credited to the business or practitioner's account for future tax liability, offset against other amounts due and owing to the city for any reason or paid to the business or practitioner at the discretion of the community development director or city manager's designee.

(Ord. No. 83, § 4(E), 12-21-94)

#### **Sec. 22-42. Real estate brokers.**

Real estate brokers shall be subject to occupation tax pursuant to this article only if they maintain a principal or branch office in the city.

(Ord. No. 83, § 4(F), 12-21-94)

#### **Sec. 22-43. Occupation tax certificate; display, possession.**

Every business, practitioner, and location subject to payment of the occupation tax levied by this article shall display a current occupation tax certificate in a conspicuous place at the location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the occupation tax certificate shall be shown to any police officer, code enforcement officer, or building official upon request. Display of a current occupation tax certificate is not a pre-condition to the practice of the occupation.

(Ord. No. 83, § 5, 12-21-94; Ord. No. 104, § 1, 7-14-98)

#### **Sec. 22-44. Application to professionals.**

Practitioners of professions and occupations shall pay the occupation tax levied by this article or shall pay an occupation tax as provided in the schedule of fees and charges on file in the office of the community development department. On the tax return for 1995 or such later time as the practitioner first commences business in the city, the practitioner shall elect a method of taxation. Such election shall be changed for subsequent calendar years only by a written request filed by the practitioner on or before February 1 of the year in which the election is to be changed.

(Ord. No. 83, § 6, 12-21-94)

#### **Sec. 22-45. Exemptions.**

(a) No occupation tax shall be levied by this article on the following:

- (1) 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 instrumentality of the United States, the state, or a municipality or county of the state.

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- (2) Those businesses regulated by the state public service commission.
- (3) Those electrical service businesses organized under O.C.G.A. § 46-3-1 et seq.
- (4) Any farm operation for the production from or on the land of agricultural products, but not including any agribusiness.
- (5) Nonprofit, agricultural product cooperative marketing associations pursuant to O.C.G.A. § 2-10-105.
- (6) Motor common carriers pursuant to O.C.G.A. § 46-7-15.
- (7) Persons purchasing guano, meats, meal, flour, bran, cottonseed, or cottonseed meal or hulls in carload lots for distribution among the purchasers for use and not sale pursuant to O.C.G.A. § 48-5-355.
- (8) Pursuant to O.C.G.A. § 48-5-356 for persons selling or introducing into the city agricultural products or livestock, including animal products, raised in this state when the sale and introduction are made by the producer of the product and the sale is made within 90 days of the introduction of the product into the city.
- (9) Depository institutions pursuant to O.C.G.A. § 48-6-93.
- (10) Any business where the levy of such occupation tax is prohibited by the laws of the state or the United States.

(b) The exemptions and limitations contained in this article shall not be construed to repeal or otherwise affect in any way any franchise fees, business taxes or other fees or taxes otherwise allowed by law. Without limiting the generality of the foregoing, the following ordinances are specifically not repealed or otherwise affected by this article:

- (1) Section 22-81 et seq. regarding license fees on life insurers;
- (2) Section 22-271 et seq. regarding regulations of peddlers;
- (3) Section 6-31 et seq. regarding malt beverage brewer dealers and wine retailers;
- (4) Section 22-116 et seq. regarding business license taxes on financial institutions;
- (5) Section 22-146 et seq. regulating flea markets;
- (6) Section 26-1 et seq. regulating cable television stations;
- (7) Section 10-31 et seq. regulating adult entertainment establishments.

(Ord. No. 83, § 7, 12-21-94)

#### **Sec. 22-46. Evidence of state registration.**

Each person who is licensed under O.C.G.A. § 43-1-1 et seq. by the examining boards of the secretary of state's office shall provide evidence of proper and current state licensure before any city occupation tax certificate or regulatory fee certificate may be issued.

(Ord. No. 83, § 8, 12-21-94)

#### **Sec. 22-47. Evidence of qualification.**

- (a) Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of an occupation tax certificate or a regulatory fee certificate, show evidence of such qualification.

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(b) Any business required to submit an annual application for continuance of the business shall do so before the registration is issued.

(Ord. No. 83, § 9, 12-21-94)

**Sec. 22-48. Filing returns, other information.**

(a) On or before November 1 of each year, an individual business or practitioner subject to this article shall file with the community development department, on a form approved by and available from the city, a signed return attesting to the number of employees of such business or practitioner during the calendar year.

(b) Individuals, businesses, and practitioners doing business in the city shall submit to the community development department or make available within 30 days such information as may be required or requested by the city to determine the applicability and amount of the occupation tax or regulatory fee or to facilitate levying or collection of the occupation tax and/or regulatory fees.

(Ord. No. 83, § 10, 12-21-94)

**Sec. 22-49. Confidentiality.**

Information provided by a business or practitioner to the city for the purpose of determining the applicability and amount of the occupation tax or levying or collecting the occupation tax is confidential and exempt from disclosure under O.C.G.A. § 50-18-70 et seq. Such information may be provided to the governing body of another local government for occupation tax purposes or pursuant to court order or for the purpose of collecting occupation tax or prosecution for failure or refusal to pay occupation tax.

(Ord. No. 83, § 11, 12-21-94)

**Sec. 22-50. Date due.**

Any occupation tax or regulatory fee due pursuant to this article shall be due and payable prior to issuance of a business license. Renewals of existing business licenses shall be renewed annually on or prior to December 31st. Renewals for existing business licenses or new business applications may be accepted as early as November 1<sup>st</sup> for the upcoming calendar year. -If any person commences business or initially engages in a regulated activity in the city after January 1 in any year, the tax and/or fee shall be due and payable on the date of the commencement of the business or regulated activity. Business licenses issued by the City of Hampton are for the designated business owner provided on the business license application, doing business at a specific address, and is non-transferable by owner and/or change of address.

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(Ord. No. 83, § 12(A), 12-21-94)

**Sec. 22-51. Collection of delinquent taxes, fees.**

The community development department, and code enforcement shall issue executions against individuals, businesses and practitioners for taxes and fees which are due and owing. Such executions shall bear interest at the rate of 1½ percent per month. The lien shall cover the property of the individual, business, or practitioners liable for payment of the delinquent occupation tax or regulatory fee and become fixed as of the date and time the occupation tax or regulatory fee became delinquent. The execution shall be levied by the community development department upon property of the delinquent tax or fee payer located in the city and sufficient property shall be advertised and sold to pay the amount of the execution, including penalty, interest, and costs. All other proceedings in relation thereto shall be as provided by this Code and the ordinances and Charter of the city and the laws of the state. The defendants at execution shall have the rights of defense, by affidavit of illegality of the tax or otherwise as provided by the Charter

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of the city and the laws of the state in regard to tax executions  
(Ord. No. 83, § 12(B), 12-21-94; Ord. No. 83-1A, § 1, 4-9-96)

**Sec. 22-52. Enforcement; violations.**

- (a) It is the duty of the community development department, and code enforcement to administer and enforce the provisions of this article, to perform all functions necessary to administer and enforce this article and to summon violators of this article to appear before the municipal court. The city manager and/or designee may issue executions against individuals, businesses, and practitioners for taxes and fees which are due and owing.
- (b) The community development department, and code enforcement shall issue executions against individuals, businesses and practitioners for taxes and fees which are due and owing. Such executions shall bear interest at the rate authorized by O.C.G.A. § 48-2-40 or, if such statute should be repealed, one percent per month. The lien shall cover the property of the individual, business, or practitioner liable for payment of the delinquent occupation tax or regulatory fee and become fixed as of the date and time the occupation tax or regulatory fee became delinquent. The execution shall be levied by the office of the city manager and/or designee upon property of the delinquent tax or fee payer located in the city and sufficient property shall be advertised and sold to pay the amount of the execution, including penalty, interest, and costs. All other proceedings in relation thereto shall be as provided by this Code and Charter of the city and the laws of the state. The defendants at execution shall have the rights of defense, by affidavit of illegality of the tax or otherwise as provided by the Charter of the city and the laws of the state in regard to tax executions.
- (c) When a nulla bona entry has been entered upon an execution, the person against whom the entry is made shall not be allowed or entitled to have or collect any fees or charges whatever for services rendered after the entry of the nulla bona. If, at any time after the nulla bona entry has been made, the person against whom the execution issues pays the tax in full together with all interest and costs accrued on the tax, the person may collect any fees and charges due to such person as if such person had never defaulted in the payment of the tax.
- (d) Individuals, businesses, and practitioners who fail or refuse to pay any occupation tax or regulatory fee charged pursuant to this article shall be subject to civil fine not to exceed the limitations of the City Charter.

(Ord. No. 83, § 13, 12-21-94; Ord. No. 104, § 1, 7-14-98)

**Sec. 22-53. Public hearing prior to increase in taxes.**

After January 1, 1996, the city shall conduct at least one public hearing before adopting any ordinance or resolution which will increase the occupation tax rate specified in this article.

(Ord. No. 83, § 14, 12-21-94)

**Sec. 22-54. Prior ordinance.**

To the extent that any occupation taxes or regulatory fees are owed pursuant to an ordinance passed prior to this one, such amounts remain due and owing and the provisions of that prior ordinance will remain in effect with respect to such unpaid occupation taxes or regulatory fees until such time as they are paid in full.

(Ord. No. 83, § 15, 12-21-94)

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**Sec. 22-55. Application for placement of lines and facilities in the right-of-way.**

(a) Any telegraph or telephone company that places or seeks to place lines and facilities in the public roads, highways or rights-of-way shall provide to the city the following information, in accordance with O.C.G.A. § 46-5-1(b)(1):

- (1) The name, address and telephone number of a principal office and local agent of such telegraph or telephone company;
- (2) Proof of certification from the Georgia Public Service Commission of such telegraph or telephone company to provide telecommunications services in this state;
- (3) Proof of insurance or self-insurance of such telegraph or telephone company adequate to defend and cover claims of third parties and of municipal authorities;
- (4) A description of the telegraph or telephone company's service area, which description shall be sufficiently detailed so as to allow the city to respond to subscriber inquiries. For the purposes of this section, a telegraph or telephone company may, in lieu of or as supplement to a written description, provide a map on 8½ by 11-inch paper that is clear and legible and that fairly depicts the service area within the boundaries of the city. If such service area is less than the boundaries of an entire municipal authority, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;
- (5) A description of the services to be provided;
- (6) An affirmative declaration that the telegraph or telephone company shall comply with all applicable federal, state and local laws and regulations, including municipal ordinances and regulations, regarding the placement and maintenance of facilities in the public rights-of-way that are reasonable, nondiscriminatory, and applicable to all users of the public rights-of-way, including the requirements of Chapter 9 of Title 25 the "Georgia Utility Facility Protection Act"; and
- (7) A statement in bold type at the top of the application as follows: "Pursuant to O.C.G.A. § 46-5-1(2)(b), the city shall notify the applicant of any deficiencies in this application within 15 business days of receipt of this application".

(b) The city shall notify the telegraph or telephone company within 15 business days of the receipt of any application deemed incomplete; such notice shall specifically identify all application deficiencies. If no such notification is given within 15 business days of the receipt of an application, such application shall be deemed complete.

(c) Within 60 calendar days of the receipt of a completed application, the city may adopt such application by adoption of a resolution or ordinance or by notification to the telegraph or telephone company. The failure of the city to adopt an application within 60 calendar days of the receipt of a completed application shall constitute final adoption of such application.

(d) If it modifies its service area or provisioned services identified in the original application, the telegraph or telephone company shall notify the city of changes to the service area, or the services provided. Such notice shall be given at least 20 days prior to the effective date of such change. Such notification shall contain a geographic description of the new service area or areas and new services to be provided within the jurisdiction of the affected municipal authority, if any. The municipal authority shall provide to all telegraph and telephone companies located in its rights-of-way written notice of annexations and changes in municipal corporate boundaries which, for the purposes of this Code section, shall become effective 30 days following receipt.

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- (e) An application adopted pursuant to this section may be terminated by a telegraph or telephone company by submitting a notice of termination to the affected municipal authority. For purposes of this section, such notice shall identify the telegraph or telephone company, the affected service area, and the effective date of such termination, which shall not be less than 60 calendar days from the date of filing the notice of termination.
- (f) Any telegraph or telephone company that has previously obtained permits for the placement of its facilities, has specified the name of such telegraph or telephone company in such permit application, has previously placed its facilities in any public right-of-way, and has paid and continues to pay any applicable city occupational license taxes, permit fees, franchise fees, except as set forth in subsection (h) or, if applicable, county permit fees shall be deemed to have complied with this section without any further action on the part of such telegraph or telephone company except as set forth in paragraphs (8), (9), (11), and (17) of O.C.G.A. § 46-5-1(b).
- (g) *Noncompliance.*
  - (1) Any telegraph or telephone company that has placed lines and facilities in the public roads and highways or rights-of-way of the city without first obtaining permits or otherwise notifying the appropriate municipal authority of its presence in the public roads and highways or rights-of-way shall provide the information required by subsection (a) of this section, if applicable, to the city on or before October 1, 2008.
  - (2) As of October 1, 2008, if any telegraph or telephone company, other than those who meet the requirements of subsection (f) of this section, has failed or fails to provide the information required by subsection (a) of this section to the city, the city shall provide written notice to such telegraph or telephone company giving that company 15 calendar days from the date of receipt of such notice to comply with this section.
  - (3) In the event the 15-calendar day cure period expires without compliance, the city may petition the Georgia Public Service Commission which shall, after an opportunity for a hearing, order the appropriate relief.
- (h) *Existing franchise agreement.*
  - (1) In the event any telegraph or telephone company has an existing, valid municipal franchise agreement as of January 1, 2008, the terms and conditions of such existing franchise agreement shall only remain effective and enforceable until the expiration of the existing agreement or December 31, 2012, whichever shall first occur.
  - (2) In the event any telegraph or telephone company is paying an existing occupational license tax or fee, based on actual recurring local services revenues, as of January 1, 2008, such payment shall be considered the payment of due compensation without further action on the part of the city.
  - (3) In the event that the rate of such existing tax or fee exceeds three percent of actual recurring local service revenues, that rate shall remain effective until December 31, 2012; thereafter, the payment by such telegraph or telephone company at the rate of three percent shall be considered the payment of due compensation without further action on the part of the municipal authority.

(Ord. No. 20, 9-5-72; Ord. No. 317, § 1, 12-2-08)

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**Sec. 22-56. Due compensation for telephone companies with end user retail customers within the city.**

- (a) The city hereby requires due compensation of three percent of actual recurring local service revenues, as defined in O.C.G.A. § 46-5-1(b)(8) and (9); provided, however, that any company which pays in excess of

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three percent of actual recurring local service revenues pursuant to an existing franchise agreement shall continue to pay in accordance with the agreement until the expiration of the franchise agreement or December 31, 2012, whichever occurs first, and any company which pays in excess of three percent of actual recurring local service revenues in accordance with an occupational license tax arrangement shall continue to pay in accordance with such payment schedule until December 31, 2012.

- (b) Regarding any telephone company that does not have retail, end user customers located within the city's municipal boundaries, the payment by such company to municipal authority in accordance with the rates set by regulations promulgated by the department of transportation for the use of its rights-of-way shall be considered the payment of due compensation.
- (c) Any due compensation paid in accordance with this section shall be in lieu of any other permit fee, in accordance with O.C.G.A. § 46-5-1(b)(10).
- (d) The city hereby incorporates the calculation of "due compensation", assessment upon retail, end user customers and notice of nonpayment provisions codified in O.C.G.A. § 46-5-1.

(Ord. No. 317, § 1, 12-2-08)

#### **Sec. 22-57. Actual recurring local service revenues.**

"Recurring local service revenues", as defined by O.C.G.A. § 46-5-1 means those revenues customarily included in the uniform system of accounts as prescribed by the Federal Communications Commission for Class "A" and "B" companies; provided, however, that only the local service portion of the following accounts shall be included, for example:

- (1) Basic local service revenue, as defined in 47 C.F.R. 32.5000;
- (2) Basic area revenue, as defined in 47 C.F.R. 32.5001;
- (3) Optional extended area revenue, as defined in 47 C.F.R. 32.5002;
- (4) Public telephone revenue, as defined in 47 C.F.R. 32.5010;
- (5) Local private line revenue, as defined in 47 C.F.R. 35.5040; provided, however, that the portion of such accounts attributable to audio and video program transmission service where both terminals of the private line are within the corporate limits of the municipal authority shall not be included;
- (6) Other local exchange revenue, as defined in 47 C.F.R. 32.5060;
- (7) Local exchange service, as defined in 47 C.F.R. 32.5069;
- (8) Network access revenue, as defined in 47 C.F.R. 32.5080;
- (9) Directory revenue, as defined in 47 C.F.R. 32.5320; provided, however, that the portion of such accounts attributable to revenue derived from listings in portion of directories not considered white pages shall not be included;
- (10) Nonregulated operating revenue, as defined in 47 C.F.R. 32.5280; provided, however, that the portion of such accounts attributable to revenues derived from private lines shall not be included; and
- (11) Uncollectible revenue, as defined in 47 C.F.R. 32.5300.

(Ord. No. 317, § 1, 12-2-08)

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**Sec. 22-58. Authorized designee.**

The community development department shall, on behalf of the city, exercise day-to-day administrative duties necessary to fulfill the regulatory authority of the city under O.C.G.A. § 46-5-1 et seq. and shall perform the following duties:

- (1) Review application information submitted by a telephone company to the city and, if an application is incomplete, notify the telegraph or telephone company within 15 business days of the receipt of such application, identifying in such notice all application deficiencies.
- (2) Report the receipt of a completed application to the council within 60 calendar days of the receipt of such completed application.
- (3) Review payments of due compensation submitted by the company to ensure compliance with the provisions of the amended law and this section.
- (4) Provide a coordination function between a telephone company and all city departments on any matter relating to the amended law and this section.
- (5) Arrange and evaluate, no more than once a year, a comprehensive review of the records of a company which is reasonably related to the calculation and payment of due compensation.
- (6) Provide to all telegraph and telephone companies located in its rights-of-way written notice of annexations and changes in municipal corporate boundaries.

(Ord. No. 317, § 1, 12-2-08)

**Secs. 22-59—22-80. Reserved.**

**Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

**Section 4.** This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

**Section 5.**

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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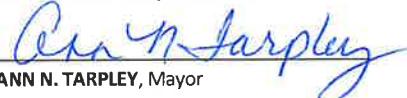
c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

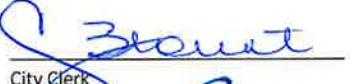
**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 10<sup>th</sup> day of December, 2024.

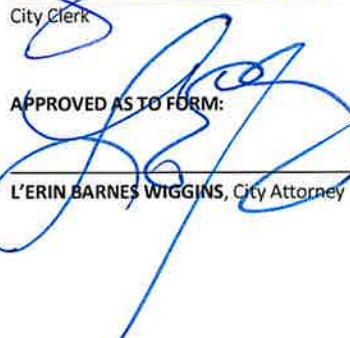
CITY OF HAMPTON, GEORGIA

  
ANN N. TARPLEY, Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
L'ERIN BARNES WIGGINS, City Attorney

First Reading: 11/12/2024  
Second Reading/Adoption: 12/10/2024