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STATE OF GEORGIA

CITY OF HAMPTON

ORDINANCE NO. **2024-24**

AN ORDINANCE TO AMEND HAMPTON CODE OF ORDINANCES CHAPTER 6 – ALCOHOLIC BEVERAGES, ARTICLE II – ALCOHOL LICENSE REQUIRED, AND ARTICLE III - TAXES, BE REPEALED AND REPLACED; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.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1.** That Section CHAPTER 6 – ALCOHOLIC BEVERAGES, ARTICLE II – ALCOHOL LICENSE REQUIRED, AND ARTICLE III - TAXES be repealed and replaced.

**Section 2.** That Section CHAPTER 6 – ALCOHOLIC BEVERAGES, ARTICLE II – ALCOHOL LICENSE REQUIRED, AND ARTICLE III - TAXES as replaced shall read:

## **ARTICLE II. ALCOHOL LICENSE REQUIRED**

### **Sec. 6-20. Definitions.**

The definitions contained in O.C.G.A. §§ 3-4-1, 3-5-1 and 3-6-1 as amended are hereby incorporated by reference.

*City* means the City of Hampton, Georgia.

*Licensee* means every seller of alcoholic beverages in the city, whether retail, wholesale or otherwise required by this article to possess a valid license.

*Managing agent* means an individual designated by resolution of a corporation, LLC or other business entity (other than a sole proprietorship) to apply for a license as provided herein and to manage the day to day operations of the premises.

(Ord. No. 321, § 1, 1-6-09)

### **Sec. 6-21. License required; application.**

- (a) *License required.* it shall be unlawful for any person or entity to engage in the manufacture, sale or distribution of alcoholic beverages in the city unless such person or entity is in possession of a valid license from both the State of Georgia and from the city authorizing the manufacture, sale or distribution of alcoholic beverages pursuant to the regulations contained in this chapter and in O.C.G.A. tit. 3, entitled Alcoholic Beverages. Licenses shall not be transferable.
- (b) *Filing.*
  - (1) Applications for both original and renewal licenses may be submitted either online or in person at the Community Development Department. The application should be completed on the form provided by the city and must include all information requested by the form, along with applicable fees. Only

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complete applications will be accepted for consideration. However, if an incomplete application is received, the City Council may still deny it due to incomplete information.

- (2) All applications for the issuance of new licenses shall be filed with the Community Development Department at least ten days prior to the next regular meeting of the mayor and council to be considered at that meeting. Failure to timely file the application may result in delayed consideration by the mayor and council.
- (3) Licenses are valid through December 31 of the year in which they are issued or the year for which they are renewed. Applications for a renewal license shall be provided to the city by November 10th for the following year. The mayor and council shall consider and act on all license renewals by December 31.
- (4) No person holding an expired license not renewed for a succeeding calendar year may sell or serve alcoholic beverages in the succeeding calendar year unless and until the application for license renewal has been tendered and a renewal license has been reissued.

- (c) Should any licensee withdraw from, sell or otherwise transfer such licensee's interest in any ongoing business licensed to sell alcoholic beverages, the community development department shall be notified in writing of such withdrawal, sale or transfer within seven days. Conduct of the licensed business may be continued for a period of no more than 60 days following the sale of a licensee's interest therein, upon application of the purchaser for a new license and with approval of the community development director, provided the initial licensee is under management contract with the purchaser of the business to supervise and remain responsible for the conduct of such business during the time investigation of the new application is underway; and further provided that no disciplinary proceedings are pending against the initial license holder or the licensed premises concerning established or alleged violations of this chapter.
- (d) *Display.* Every person, firm or corporation issued a license pursuant to this chapter shall be required to display the license in the same location as is displayed the occupational tax certificate.
- (e) Whenever a licensee is a business entity, other than a sole proprietorship, a new license application shall be required subsequent to any change in more than ten percent of the ownership of the licensed business entity. Where a licensee is a sole proprietorship, a new license application shall be required subsequent to a change in the ownership of the sole proprietorship.

(Ord. No. 321, § 1, 1-6-09; Ord. No. 439, § 3, 8-8-17)

### **Sec. 6-22. Misstatement or concealment of fact in application.**

All applications for original or renewal licenses shall be tendered under oath, and it shall be unlawful to knowingly make any misstatement or concealment of fact in the application for a license. Any such act shall be cause for revocation, suspension or denial of a renewal license and shall make the applicant subject to prosecution for perjury under the laws of this state.

(Ord. No. 321, § 1, 1-6-09)

### **Sec. 6-23. Grant or denial of license.**

- (a) *Supporting information.* The following information shall be furnished with the application for a license under this chapter for consideration by the mayor and council:
  - (1) If the applicant is a partnership, LLC, or other business entity, other than a sole proprietorship or corporation, applicant must submit a copy of its partnership agreement, operating agreement, articles of organization, certificate of organization, and other organizational documents, and all members of the

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business entity must meet the conditions precedent to becoming a licensee and must make sworn statements of these qualifications.

- (2) If the applicant is a corporation, applicant must submit a copy of the articles of incorporation, certificate of incorporation, by-laws, and other organizational documents, and the president and secretary of the corporation must meet the conditions precedent to becoming a licensee and must make sworn statements of these qualifications.
- (3) A survey of the premises certified by a registered surveyor showing a scale drawing of the location of the proposed premises and the distance from the proposed premises to the nearest school building, educational building, school grounds, college campus, alcoholic treatment center, housing authority property, church or other place of worship, residence and the nearest five occupied commercial establishments.
- (4) Where applicant is not the owner of the premises, a copy of applicant's lease with the premises owner must be submitted.

(b) *Qualifications for original and renewal license.*

- (1) No original or renewal license shall be granted under this chapter to any applicant who is not a citizen or resident legal alien of the United States.
- (2) Corporations, limited liability companies and other similar business entities shall apply for a license in the name of the business entity in care of a managing agent, and the license shall be issued to the business entity in care of a managing agent who shall in all respects meet the minimum requirements to qualify for the issuance of a license. In the case of business entity applicants whose primary business is the operation of an alcoholic beverage establishment, the majority stockholder must meet the requirements of an applicant under this subsection at the time application is made and at all times during which the license is in effect. Where the applicant is a business entity whose primary business is other than the operation of an alcoholic beverage establishment, a managing agent of such business entity involved or to be involved in the active management of the business to be licensed, must apply for the license and meet the requirements of an applicant under this subsection at the time application is made and at all times during which the license is in effect. Partnerships shall apply for a license in the name of one of the partners, and the license shall be issued in the name of the applicant partner. If the applicant is a partner in a partnership, the requirements of this chapter shall apply to all partners at the time of the application and at all times during which the license is in effect.
- (3) Tender of an **original** or renewal application for an alcohol license shall serve as an express authorization to the city to conduct an investigation into the background of the applicant and all others authorized in this article.
- (4) No original or renewal license shall be issued to any person, partnership or business entity organized for pecuniary gain where any individual having an interest either as owner, partner, manager, managing agent, or stockholder, directly or indirectly, beneficial or absolute, shall have been convicted of or shall have entered a plea of guilty or nolo contendere to, within five years immediately prior to the filing of said application, any felony, or any violation of this chapter, or any crime involving moral turpitude, or any federal or state law related to liquor, malt beverages or wine, or driving under the influence (DUI) of alcohol or drugs.
- (5) No original or renewal license shall be issued to any person, partnership or business entity where any such entity, individual having an interest as owner, partner, manager, managing agent, or stockholder, directly or indirectly, beneficial or absolute, shall have had an alcoholic beverage license denied, revoked or suspended due to due cause by any governmental entity. The restrictions of this subsection as to stockholders shall apply only to stockholders of privately owned corporations and to stockholders of publicly owned corporations who hold in excess of five percent of outstanding stock.

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- (6) Any person, firm or business entity who or which owns property leased to an applicant, which lease provides for payment based upon the level of alcoholic beverage derived income, shall be considered a co-applicant and must meet all qualifications contained herein.
- (7) At the time of filing an original or renewal application for a license under this chapter, all applicants shall be given a copy of this chapter and shall sign a statement acknowledging receipt hereof. Nothing in this section shall be interpreted to make specific knowledge of this or any other chapter of the city Code a condition precedent to enforcement or amendment.
- (c) At the time of license renewal, applicants must meet all qualifications of applicants for original licenses. In addition, suspension, revocation or other loss of qualifications during the term of a license shall be grounds for denial of renewal.
- (d) *Qualification of premises.* All licenses are limited to the site identified in the license application, and no application will be approved unless the premises used in conjunction with a license issued under this chapter shall meet the following qualifications, evidence of which qualifications shall be provided with the application:
  - (1) The premises upon which sale of alcoholic beverages will be conducted must be located in an area zoned to a commercial classification.
  - (2) The premises cannot, at the time of application, be the subject of an ordinance violation enforcement investigation.
  - (3) The front entrance of the premises must be clearly visible from a public street.
- (e) *Council action.* At the time of consideration of the application for the issuance or renewal of a license provided herein, the mayor and council shall determine whether or not the applicant and applicant's premises meet all of the qualifications of this chapter. If the applicant or applicant's premises do not meet all of the qualifications stated in this chapter, the application shall be denied by the mayor and council.
- (f) *Representation at meeting.* At the time that a new or renewal license is considered by the mayor and council at a council meeting, the applicant, or at least one general partner of the partnership, member or manager of the LLC, or officer of the corporation, or the managing agent may appear, but is not required to be present at the council meeting. Failure to attend the meeting shall not be grounds for denial of the application.
- (g) *Reason for denial.* If the application for a license is denied, the mayor shall issue a written statement to the applicant within ten days of the decision, which statement shall set forth the reason or reasons for denial.
- (h) *Appeal.* If the applicant desires a hearing on the matter of denial of an original or renewal license, the applicant shall notify the mayor and council in writing within ten days of receipt of the notice of denial. The mayor and council shall set a date for a hearing on the matter within 60 days of receipt of a proper notice of appeal from the applicant and notify the applicant of the date in writing at least ten days prior to the date of the hearing. At the hearing, applicant will have the right to present evidence and cross-examine opposing witnesses. After the hearing, the mayor and council shall either uphold, modify or reverse the denial.

(Ord. No. 321, § 1, 1-6-09; Ord. No. 415, § 1, 2-9-16; Ord. No. 526, § 1, 11-10-20)

#### **Sec. 6-24. Grounds for license revocation or suspension.**

- (a) *Grounds.* Any violations of the provisions of this chapter or O.C.G.A. tit. 3, shall be grounds for revocation or suspension for a definite period of the right to sell alcoholic beverages.
- (b) *Reason for revocation or suspension.* If the chief of police determines that grounds for revocation or suspension exist, he shall immediately notify the city manager and the community development director, together with his recommendation regarding the terms of revocation or suspension. The community development director

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shall issue a written statement to the licensee within ten days of the city's intent to revoke or suspend and shall set forth the reason(s) for revocation or suspension.

(c) *Appeal.* If the licensee desires a hearing on the matter of revocation or suspension, he shall notify the mayor and council in writing within ten days of receipt of the notice of intent to revoke or suspend. A notice of appeal shall stay the revocation or suspension until the hearing is held. If the licensee fails to appeal within ten days, then the memorandum of the chief of police shall take effect. The mayor and council shall set a date for a hearing on the matter within 30 days of receipt of a proper notice of appeal from the licensee and notify the licensee of the date in writing at least ten days prior to the date of hearing. At the hearing, licensee will have the right to present evidence and cross examine opposing witnesses. After the hearing, the mayor and council shall either uphold, reverse or modify the revocation or suspension.

(Ord. No. 321, § 1, 1-6-09)

### **Sec. 6-25. Annual license fees.**

- (a) Separate licenses are required for package sale of wine and for package sale of malt beverages. The annual license fee for package sale of wine shall be \$250.00. The annual license fee for package sale of malt beverages shall be \$1,000.00.
- (b) Separate licenses are required for sale by the drink of wine, sale by the drink of malt beverages, and sale by the drink of distilled spirits. The annual license fee for sale by the drink of distilled spirits shall be \$1,000.00. The annual license fee for sale by the drink of beer and wine shall be \$500.00.
- (c) A separate license is required for package sales of distilled spirits. The annual license fee for package sales of distilled spirits shall be \$5,000.00.
- (d) A license is required for manufacture of alcoholic beverages (distillery, brewery, or winery). The annual license fee for the manufacture of alcoholic beverages is \$1,750.00.
- (e) A license is required for the operation of a brewpub (beer only). The annual license fee for the operation of a brewpub (beer only) is \$1,750.00.

(Ord. No. 321, § 1, 1-6-09; Ord. No. 352, § 1, 1-4-11; Ord. No. 415, § 2, 2-9-16; Ord. No. 439, § 4, 8-8-17)

### **Sec. 6-26. Payment of license fees.**

License fees required under this chapter shall be paid as follows:

- (1) *New license:* For applications received on or after September 1, 50 percent of the applicable fee shall be required.
- (2) *License renewals:* Fees shall be tendered to the community development department by November 10<sup>th</sup> of the year prior to the renewal year, along with the application for renewal.

(Ord. No. 321, § 1, 1-6-09)

### **Sec. 6-27. License fee charged to wholesale dealer of malt beverages with principal place of business outside the city.**

The license fee for wholesale dealers of malt beverages with their principal place of business located outside the City of Hampton shall be the maximum fee allowed by O.C.G.A. § 3-5-43.

(Ord. No. 321, § 1, 1-6-09)

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### **Sec. 6-28. Maximum number of distilled spirits package sales licenses permitted.**

- (a) This chapter anticipates the issuance of a maximum of one license for the sale of distilled spirits by the package. No additional licenses shall be authorized unless and until the population of Hampton reaches 10,000, at which time one additional license may be permitted. Afterwards, one additional license may be permitted for each 5,000 population increase over the initial 10,000 threshold.
- (b) In determining population, the city shall utilize the most recent population figures published by the Atlanta Regional Commission. In the absence of such figures, the city shall utilize the U.S. Census of 2000 or any future decennial census. This provision alone shall not bar the issuance of a license for applications submitted in accordance with this chapter as of the enactment date of this provision or renewals of licenses lawfully held as of the enactment date of this provision. Should an application submitted prior to the enactment of this section be denied, then this provision shall apply to any subsequent application for the same location.

(Ord. No. 352, § 2, 1-4-11)

### **Sec. 6-29. Additional requirements for distilled spirits package sales licenses.**

In addition to all other requirements of this chapter, the Hampton City Code, the Hampton Zoning Ordinance, and applicable state laws and regulations, applicants for a distilled spirits package sales license must satisfy the following requirements:

- (1) The front entrance of all premises licensed to sell distilled spirits by the package shall be clearly visible from a public street; provided, however, that this restriction shall not apply where the premises are located in a shopping center or multiple-story business building.
- (2) No license for the sale of distilled spirits by the package shall be issued to any applicant whose building where the business will be conducted contains less than 6,500 square feet of combined showroom and storage space.
- (3) In addition to the minimum square footage, retail dealers for the sale of distilled spirits by the package shall maintain a minimum inventory of at least \$450,000.00 in distilled spirits, beer, wine or a combination thereof available for sale.
- (4) Where applicant for a license to sell distilled spirits by the package is not the owner of the premises, a copy of applicant's lease with the premises owner must be submitted.

(Ord. No. 352, § 3, 1-4-11; Ord. No. 423, § 1, 5-10-16)

## **ARTICLE III. TAXES**

### **Sec. 6-30. Payment of taxes.**

- (a) Licensees are hereby required to collect and remit the taxes imposed in this chapter. Licensees shall make reports to the community development department on or before the tenth day of the month next succeeding the calendar month of the total amount of such products sold or distributed within the city during the previous month, and shall accompany the report with payment of the tax due at the appropriate rate or rates based

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upon the quantities of such product so sold the previous month. Each monthly report shall be accompanied by a sworn statement that the report is a true and correct report of all sales and shipments made within the city.

(b) Licensees licensed for sales by the drink shall, at the time of collecting for food and drinks served, give to the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit or deferred payment, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefor at the time and to the extent that such credits are incurred. Monthly reports for sales by the drink shall show the gross receipts from the sale of alcoholic beverages by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the city.

(Ord. No. 175, § 1, 3-26-03)

### **Sec. 6-31. Same—Deficiency determinations.**

(a) *Recomputation; authority to make, basis.* If the community development director is not satisfied with any return of the tax or the amount of the tax required to be paid to the city by any person, the community development director may compute and determine the amount required to be paid upon the basis of any reasonable information within the community development director's possession or that may come into the community development director's possession. One or more deficiency determinations may be made of the amount due for one or more monthly periods.

(b) *Interest on deficiency.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the 20<sup>th</sup> day after the close of the monthly period for which the amount or any portion thereof should have been returned, until the date of payment.

(c) *Offsetting of overpayments.* In making a determination, the city manager's designated representative may offset overpayments for a period or periods, against underpayments for another period or periods, against penalties, and against the interest on underpayments. The interest on underpayments shall be computed in the manner set forth in section 6-11.

(d) *Penalty for negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, a penalty of 15 percent of the amount of such deficiency shall be added thereto.

(e) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade any provision of this chapter or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added thereto.

(f) *Notice of city clerk's determination; service of.* The city clerk, or the city manager's designated representative, shall give to the licensee written notice of the clerk's determination. The notice may be served personally or by certified mail; if by mail such service shall be addressed to the licensee at licensee's address as it appears in the records of the community development department. In the case of service by mail of any notice required by this chapter, the service is complete at the time of deposit in the United States Post Office.

(g) *Time within such notice of deficiency determination to be mailed.* Except in the case of fraud, intent to evade this chapter or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be mailed by certified mail within three years after the 20<sup>th</sup> day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

(Ord. No. 175, § 1, 3-26-03)

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### **Sec. 6-32. Same—Determination if no return made.**

- (a) *Estimate of gross receipts.* If any licensee fails to make a return, the city manager's designated representative shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in the city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any reasonable information which is or may come into the possession of the community development department. Upon the basis of this estimate, the city manager's designated representative shall compute and determine the amount required to be paid to the city, adding to the sum thus determined a penalty equal to 15 percent thereof. One or more determinations may be made for one or for more than one period.
- (b) *Manner of computation; offsets; interest.* In making a determination, the city manager's designated representative may offset overpayments for period or periods, against penalties and the interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) hereof.
- (c) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the tenth day of the month following the monthly period, for which the amount or portion thereof should have been returned, until the date of payment.
- (d) *Payment for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this chapter or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 15 percent penalty provided in section 6-12.
- (e) *Giving of notice; manner of service.* Promptly after making the determination, the city manager's designated representative shall give the person written notice to be served personally or by certified mail in the manner prescribed for service of notice of a deficiency determination.

(Ord. No. 175, § 1, 3-26-03)

### **Sec. 6-33. Same—Penalties and interest.**

Any person who fails to pay the tax herein imposed to the city, within the time required shall pay a penalty of 15 percent of the tax in addition to the tax, plus interest on the unpaid tax or any portion thereof as set forth in section 6-11.

(Ord. No. 175, § 1, 3-26-03)

### **Sec. 6-34. Same—Collection of delinquent tax.**

- (a) *Action for tax; time for.* At any time within three years after any tax becomes due and payable, and at any time within three years after the delinquency of any tax, the city may bring an action in the courts of this state, or any other state, or of the United States, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney fees, and other legal fees incident thereto.
- (b) *Duty of successors or assignees of operator to withhold tax from purchase money.* If any licensee liable for any amount under this chapter sells out such business or quits the business, such licensee's successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the city clerk showing that such licensee has paid the tax, or a certificate stating that no amount is due.
- (c) *Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability.* If the purchaser of a business fails to withhold the necessary amount from the purchase price as heretofore required,

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such purchaser becomes personally liable for the payment of the amount required to be withheld to the extent of the purchase price, valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the city manager's designated representative shall either issue the certificate, or mail notice by certified mail to the purchaser at the purchaser's address as it appears on the records of the city of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall begin at the time the licensee sells the business or at the time that the determination against the licensee becomes final, whichever event occurs later.

- (d) *Tax credit, penalty or interest paid more than once or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city under this chapter, it may be offset as provided in section 6-10. If the licensee determines that such licensee has overpaid or paid more than once, which fact has not been determined by the city manager's designated representative, such licensee will have three years from the date of payment to file a claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved by the city, the excess amount paid to the city may be credited on any amounts then due and payable from the licensee by whom it was paid, or such licensee's administrators or executors.

(Ord. No. 175, § 1, 3-26-03)

### **Sec. 6-35. Same—Administration.**

- (a) *Authority of community development department.* The community development department and or city manager's designated representative shall administer and enforce the provisions of this chapter for the levy and collection of the taxes imposed by this chapter.
- (b) *Rules and regulations.* The community development director shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws of the city and the state, or the Constitution of this state or the United States for the administration and enforcement of the provisions of this chapter and the collection of the taxes hereunder.
- (c) *Records required from licensee; form.* Every licensee for the sale of alcoholic beverages by the drink in the city shall keep such records, receipts, invoices and other pertinent papers in such form as the community development department may require.
- (d) *Examination of records; audits.* The city manager's designated representative, or any person authorized in writing by the city may examine the books, papers, records financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (e) *Authority to require reports; contents.* In the administration of the provisions of this chapter, the community development director may require the filing of reports by any person or class of persons having in any of such person's possession or custody, information relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the community development department and shall set forth the price charged for each sale, the dates of sales, and such other information as the community development department may require.
- (f) *Disclosure of business of operators, etc.; limitation on rule.* The community development director, or any person having an administrative duty under this chapter, shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment or other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this chapter, except in the

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case of judicial or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, upon satisfactory proof of interest, shall be given information as to the items included in the measure and amounts of unpaid tax, interest penalties.

(Ord. No. 175, § 1, 3-26-03)

**Sec. 6-36. Additional to other taxes.**

Excise taxes imposed by this chapter shall be in addition to any other taxes on licenses now imposed against such licensees.

(Ord. No. 175, § 1, 3-26-03)

**Sec. 6-37. Failure to make reports or collect taxes.**

If any licensee fails or refuses to make the reports required in this chapter and collect and transmit taxes to the city, the city shall notify the party in writing, and if the report is not made within five days after the date of the notice, or the taxes not remitted, the city may withdraw from the licensee the privilege of doing business in the city.

(Ord. No. 175, § 1, 3-26-03)

**Secs. 6-38, 6-39. 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.
- 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

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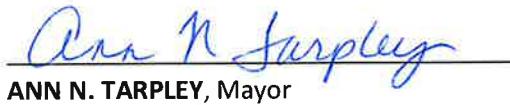
valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining 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.

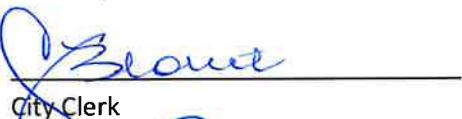
**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

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

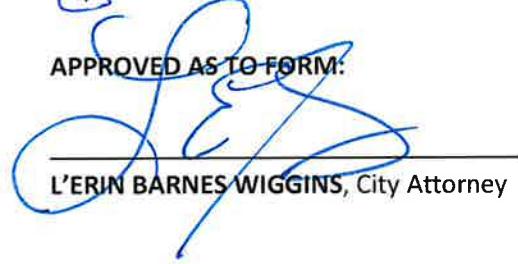
CITY OF HAMPTON, GEORGIA

  
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ANN N. TARPLEY, Mayor

ATTEST:

  
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[Redacted]  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
L'ERIN BARNES WIGGINS, City Attorney

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