

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2010-16, 2010

**AN ORDINANCE AMENDING CHAPTER 22 "BUSINESSES," ARTICLE II
"OCCUPATION TAXES AND REGULATORY FEES," DIVISION II
"ADMINISTRATION AND ENFORCEMENT," SECTION 22-39 OF THE CODE OF
ORDINANCES OF THE CITY OF KENNESAW REGULATING THE REVOCATION
AND APPEAL OF BUSINESS LICENSES**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, the Mayor and City Council of the City of Kennesaw are charged with the protection of the public health, safety, and welfare of the citizens of Kennesaw; and

WHEREAS, the State of Georgia authorizes the City of Kennesaw to exercise its regulations where it sees fit to maintain the safety and welfare of the citizens; and

NOW THEREFORE, to accomplish the foregoing, the Mayor and the City Council of the City of Kennesaw while in regular session on July 6, 2010 at 6:30 p.m., pursuant to their authority, do hereby ordain that Chapter 22 "Businesses," Article II "Occupation Taxes and Regulatory Fees," Division II "Administration and Enforcement," Section 22-39 "Revocation and Appeal" of the Code of Ordinances of the City of Kennesaw is hereby amended to read as follows:

Sec. 22-39. Revocation and appeal.

- (a) The supervisor of the business license office shall be authorized to suspend or revoke a business registration certificate in accordance with the procedures set forth below. In the event the supervisor of the business license office seeks to suspend or revoke an occupation tax certificate, the supervisor of the business license office shall give written notification to the applicant of such action and such notice shall contain a specification of the violation or violations and shall be served upon the licensee at least five days prior to the hearing. The applicant shall be given written notice of the time and place of the hearing.
- (b) The supervisor of the business license office shall be authorized to deny, suspend or revoke an occupation tax certificate in the event of any one or more of the following:
 - (1) An applicant gave false or misleading information in the original or renewal application process;
 - (2) An applicant has knowingly allowed possession, use, or sale of controlled substances on the premises and/or knowingly allowed possession, use or sale of controlled substances to a minor on the premises;
 - (3) An applicant has knowingly allowed the violation of an ordinance of the city or a violation of any criminal law of the State of Georgia (a misdemeanor or a felony) to occur on the premises; and that such violation is materially related to the operation of said business;
 - (4) An applicant (or licensee) has been convicted of any drug related, alcohol-related or sex-related crime by the State of Georgia or the city regarding an offense which was

committed on the premises or which would otherwise violate the provisions of this chapter;

- (5) An applicant fails to pay any fee, occupation tax, fine or other amount of money due to the city under this chapter or any other taxing ordinance of the city; and
 - (6) An applicant or the owner alters or allows to be altered, the business license occupation tax certificate (license document) or the applicant or the owner changes the information, defaces, destroys, misuses, abuses, or improperly alters or misrepresents the business license or occupation tax certificate.
 - (7) An applicant has knowingly allowed the violation of any provision of O.C.G.A. § 16-12-171, as amended.
- (c) The city manager shall approve any proposed action prior to proceeding toward any suspension or revocation of any occupation tax certificate and/or business license.
- (d) In the event the supervisor of the business license office shall suspend or revoke any occupation tax certificate hereunder, the suspension or revocation shall be for a period of not less than one day nor more than 365 days, within the discretion of the supervisor of the business license office. Any suspension or revocation shall be sent by the city by certified mail, return receipt requested. For the first offense, the suspension shall be for a period of one to 90 days; second offense, suspension for one to 180 days and third offense, suspension for one to 365 days. Provided, however, that the applicant shall be authorized to continue its business operations until that date of the hearing scheduled in accordance with ~~subsection (e) of this section~~ Section 22-31(d). No applicant may apply for an occupation tax certificate during any period of suspension or revocation. In any hearing conducted, the supervisor of the business license office shall consider, among other things, the severity of the allegations, the evidence submitted and the testimony presented, in making any decision on suspension or revocation and the duration of either.

(Ord. No. 2001-24, § 1, 10-1-01)

Section 2: It is the intention of the Mayor and Council, and is it hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, the City of Kennesaw, Georgia. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3: If any clause, paragraph, phrase, section, sentence, or word of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining clauses, paragraphs, phrases, sections, sentences, or words of this ordinance.

Section 4: This Ordinance is effective July 7, 2010.

ORDAINED by the Kennesaw City Council on this 6th day of July, 2010.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Mark Mathews, Mayor