

REFERENCE NO. 20240254

ORDINANCE NO. 8376

AN ORDINANCE

AMENDING Marietta City Code Part 8 (Business Licenses, Occupational Taxes, and Regulations).

WHEREAS, Chapter 8-4 of the Code of Ordinances of the City of Marietta regulates businesses and provides for the issuance, denial, suspension, revocation of occupation tax certificates and other licenses to operate businesses in the city in order to protect the health, safety, and general welfare of the community; and

WHEREAS, the City Council Commissioners finds it is in the best interest of the City of Marietta to adopt the recommended amendments to Chapter 8-4 as set forth herein.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Section 8-4-020(B) of the Code of Ordinances of the City of Marietta, Georgia is amended to add new subsections (20), (21), and (22) to read as follows:

20. "Applicant" means any person seeking an occupation tax certificate for a business, as well as all persons who have an influential interest in the business.
21. "Influential interest" means the actual power to control or influence the operation, management, or policies of a business or legal entity operating a business. For example, a person shall be deemed to have an "influential interest" if the person: (1) is a manager of the business, (2) owns a financial interest of ten percent or more in a legal entity operating the business, or (3) holds an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity operating the business.
22. "Hearing officer" means an attorney, not otherwise employed by the city, who is licensed to practice law in Georgia, and retained to serve as an independent tribunal to conduct hearings under this chapter.

Section 2: Section 8-4-080 of the Code of Ordinances of the City of Marietta, Georgia is amended to add new subsections (F) and (G) to read as follows:

- F. The business license manager, or the city manager or his designee, shall deny a business license or occupation tax certificate upon one or more of the following grounds known to the decisionmaker:
1. The business is not authorized to operate at the subject location;

2. Any ground for suspension or revocation listed under section 8-4-405(B);
 3. The business or an applicant has, in the 24 months preceding the application, been enjoined by a court from operating a business contrary to law; or
 4. The business is a threat or nuisance to public health, safety, or welfare.
- G. The mayor and city council may designate a hearing officer to hear and decide any appeal filed pursuant to this chapter.

Section 3: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 4: All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 5: This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

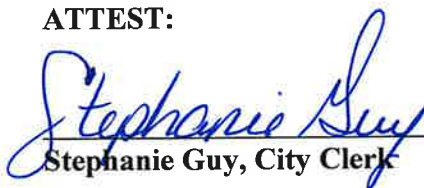
Approved by City Council:

APPROVED:

DATE: March 7, 2024


R. Steve Tumlin, Jr., Mayor

ATTEST:


Stephanie Guy, City Clerk

Approved as to Form:


Doug Haynie, City Attorney