

**CITY OF WRENS
CODE OF ORDINANCES
TITLE 7
CHAPTER 2**

CHAPTER 2

Regulatory Fee

- § 7-2-1 Definitions.
- § 7-2-2 Regulatory fee due; display of certificate.
- § 7-2-3 Evidence of State Registration when required.
- § 7-2-4 Evidence of Qualification required if applicable.
- § 7-2-5 Regulatory fee; date due.
- § 7-2-6 Penalty for violation.
- § 7-2-7 Lien taken for delinquent regulatory fee.
- § 7-2-8 Liability for officers and agents.
- § 7-2-9 Amendment, repeal of provision.
- § 7-2-10 Applications of provisions to prior ordinance.
- § 7-2-11 Enforcement of provisions.
- § 7-2-12 Provisions to remain in full force and effect.
- § 7-2-13 Conflict between specific and general provisions.

Sec. 7-2-1 Definitions.

- a. City means the City of Wrens, Georgia.
- b. Regulatory Fee means payments, whether designated as license fees, registration fees, permit fees, or by another name, which are required by the City as an exercise of its police power and as part of or as an aid to regulation of an occupation, profession, or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the City. A regulatory fee may not include an administrative fee.
- c. Regulatory Fee Certificate means a document issued by the City acknowledging payment of a regulatory fee.

Sec. 7-2-2 Regulatory fee due; display of certificate.

- a. Businesses and individuals engaging in the occupation businesses set forth in Appendix "A" must pay non-refundable fee in accordance with the rate and schedule set forth in Appendix "A".
- b. Other businesses and individuals not specified in Appendix "A" may be required to pay a regulatory fee if the City customarily performs investigation or inspection of such businesses or practitioners as protection of the public health, safety, or welfare or in the course of enforcing a state or local building, health, or safety code. Said regulatory fees for businesses and professions not listed in Appendix "A" shall reflect the reasonable costs of the actual regulatory activity performed by the City.
- c. Every business, individual and location subject to payment of a regulatory fee levied by this chapter shall display a current regulatory fee certificate in a

**CITY OF WRENS
CODE OF ORDINANCES
TITLE 7
CHAPTER 2**

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 or City official upon request.

Sec. 7-2-3 Evidence of State Registration When Required.

Each person who is licensed under Title 43 of the Official Code of Georgia Annotated by the Examining Boards of the Secretary of State's Office shall provide evidence of proper and current State licensure before any City regulatory fee certificate may be issued.

Sec. 7-2-4 Evidence of Qualification Required If Applicable.

- 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 a regulatory fee certificate, show evidence of such qualification.
- b. Any business required to submit an annual application for continuance of the business shall do so before a certificate is issued.

Sec. 7-2-5 Regulatory fee; date due.

- a. Regulatory fees charged pursuant to this chapter shall be paid before commencing business or the practice of a profession as a condition precedent for transacting business, or practicing a profession.
- b. Regulatory fees may be paid after commencing business or the practice of a profession when:
 1. The work done or services provided are necessary for the health or safety of one or more individuals;
 2. The work done or services provided have no adverse effect on any other person; and
 3. Regulatory fees are tendered to the City within two business days after commencing business or the practice of a profession.

Sec. 7-2-6 Penalty for violation.

- a. Any business or person subject to any regulatory fee imposed by this chapter which is unpaid for 90 days after the date on which payment is due shall be subject to a penalty of ten percent (10%) of the regulatory fee due.
- b. Individuals and businesses who fail or refuse to pay any regulatory fee charged pursuant to this chapter shall, upon conviction before the municipal judge, be fined in an amount not exceeding \$500.00.

Sec. 7-2-7 Lien taken for delinquent regulatory fee.

- a. In addition to the other remedies herein provided for the collection of the regulatory

**CITY OF WRENS
CODE OF ORDINANCES
TITLE 7
CHAPTER 2**

fee charged, the City Clerk shall issue executions against individuals, business and practitioners for fees which are delinquent and remaining unpaid. Such executions shall bear interest at the rate authorized by O.C.G.A. § 48-13-21 or, if such statute should be repealed, one and one-half percent (1½ %) per month. The lien shall cover the property (in the City) of the individual, business or practitioner liable for payment of the delinquent regulatory fee. The lien shall become fixed as of the date and time the regulatory fee becomes delinquent tax. The execution shall be levied by the City Clerk upon the property of defendant located in the jurisdiction, and sufficient property shall be advertised and sold to pay the amount of the execution, including penalties, interest and costs. All other proceedings in relation thereto shall be had as is provided by the ordinances and Charter of the City and the laws of the State of Georgia, and the defendant in the execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the applicable laws in regard to tax executions.

- b. When a nulla bona entry has been entered by proper authority upon an execution issued by the City Clerk against any person defaulting on the regulatory fee, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever 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 fee in full together with all interest and costs accrued on the fee, the person may collect any fees and charged due to such person as if such person had never defaulted in the payment of the tax.

Sec. 7-2-8 Liability for officers and agents.

All businesses or persons subject to the regulatory fee imposed by this chapter shall be required to pay such fee. For failure to do so, any officers, agents and/or managers soliciting for or obtaining such individual business shall be subject to the same penalty as other persons, businesses or practitioners who fail to file a return or pay the applicable regulatory fee.

Sec. 7-2-9 Amendment, repeal of provision.

This chapter shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the City to assess and collect any of the fees or other charges prescribed. Such amendment may increase or lower the amounts of fees due. The payment of any regulatory fee provided for shall not be construed as prohibiting the levy or collection by the City of additional fees upon the same person, property, practitioner, or business.

Sec. 7-2-10 Applications of provisions to prior ordinance.

This chapter does not repeal or affect the force of any part of any ordinance heretofore passed where fees charged under such prior ordinance have not been paid in full. Any and all parts of ordinances heretofore and hereinafter passed that provided for the issuing and enforcing of execution for any fee or assessment required by such ordinances, or that impose fines or penalties for the nonpayment of such fees, provided for in such ordinance or ordinances, or for failure to comply with any other provisions hereof, shall continue and remain in force until such fee

**CITY OF WRENS
CODE OF ORDINANCES
TITLE 7
CHAPTER 2**

or assessment shall be fully paid.

Sec. 7-2-11 Enforcement of provisions.

It is hereby made the duty of the City Administrator and City police department to see that the provisions of this chapter relating to regulatory fees are observed; and to summon all violators of the same to appear before the municipal court. It is hereby made the further duty of the City Administrator, Chief of Police, members of the police department, and their assistants to inspect all certificates issued by the City, as often as in their judgment it may seem necessary to determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

Sec. 7-2-12 Provisions to remain in full force and effect.

This chapter shall remain in full force and effect until changed by amendment adopted by the City council. All provisions hereto relating to any form of fee herein levied shall remain in full force and effect until such fees have been paid in full.

Sec. 7-2-13 Conflict between specific and general provisions.

Where there is an apparent conflict in this chapter between specific and general provisions, it is the intention hereof that the specific shall control.