

AN ORDINANCE TO AMEND CHAPTER 14 OF THE MUNICIPAL CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO ADJUST OCCUPATION TAX CERTIFICATE PROCESSING PROCEDURES; TO ADD A NEW ARTICLE XVIII TO ADOPT DEFINITIONS AND BUSINESS LICENSE REGULATIONS FOR VAPE SHOPS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, electronic cigarettes are battery-operated devices that vaporize flavored liquid which typically, but not always, contains nicotine; and

WHEREAS, stores specializing in the sale of e-cigarettes and related products are commonly referred to as vape shops; and

WHEREAS, state law bans e-cigarette sales to anyone under age 18, yet vaping has nonetheless become popular among teenagers, including those under 18; and

WHEREAS, vape shops have proliferated in and about the City of Peachtree Corners despite the threat that vape shops pose to public health, safety, and welfare; and

WHEREAS, the City Council desires to protect the health, safety, and welfare of the citizens of the City, to preserve the quality of life, and to preserve the character of surrounding neighborhoods; and

WHEREAS, the City Council has determined that it is in the best interests of the residents and property owners in the City to update its code and to regulate the licensing and placement of vape shops within the City, so as to prevent and reduce negative secondary effects.

WHEREAS, the City Council also desires to update the ordinances that govern occupation tax certificates and the procedures that govern denials, suspensions, revocations, and appeals concerning occupation tax certificates and business permits;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia as follows:

Section 1: The City of Peachtree Corners Code shall be amended by adding (underlined words) and deleting (~~struck-through words~~) to Chapter 14, Article I, Sections 14-1, 14-2, 14-19, 14-37, 14-41, and 14-42, as follows:

CHAPTER 14 – BUSINESSES

ARTICLE I. – IN GENERAL

Sec. 14-1. – Occupation tax imposed on businesses in the city subject to applicable regulations and requirements.

Each person engaged in any business, trade, profession, or occupation in the city, whether with a location in the city or, in the case of an out-of-state business with no location in the state, and falling within the criteria of O.C.G.A. § 48-13-7, shall pay an occupation tax for such

VOTE: Y N A Sadd / Y N A Christ / Y N A Wright / Y N A Mason / Y N A Sawyer / Y N A Douglass / Y N A Gratwick

business, trade, profession or occupation. Moreover, each person engaged in any business, trade, profession or occupation in the city, who is subject to any applicable regulations and requirements that the ~~county~~ city under its police powers has set forth in the articles of this chapter, shall, prior to and during the operation of the business, trade, profession or occupation, comply with all applicable regulations and requirements.

Sec. 14-2. – Construction of terms; definitions.

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Gross receipts.

(1) The term “gross receipts” means the total revenue of the business or practitioner for the period, including without limitation:

...

(2) The term “gross receipts” does not include the following:

...

f. Proceeds from sales of goods or services which are delivered to or received by customers who are outside the state at the time of delivery or receipt.

Hearing officer means an attorney, not an employee of the city, who is licensed to practice law in Georgia, and retained to serve as an independent tribunal to conduct hearings under this chapter.

Location or office includes ...

...

Sec. 14-19. – Change of location.

Any person moving from one location to another shall notify the city or its designee in writing in the format specified of the move and the new address no later than the day of moving. Upon surrender of the original occupation tax certificate to the city, and upon submission of the required information, a new certificate will be issued for the new location as long as the new location conforms to the zoning or fire codes and other applicable regulations ~~of the city and county.~~

...

Sec. 14-37. – Inspections of books and records; penalty for understating financial information.

At any time during the taxable year, or for up to two years thereafter, the city or its designee may inspect the books of the business for which the returns are made. Such officer shall have the right to inspect the books or records for the business of which the return was made ~~in the county~~ and upon demand of the city or its designee such books or records shall be submitted for

inspection by a representative of the city within ten business days. Failure of submission of such books or records within the time required shall be grounds for revocation of the tax certificate currently existing. Adequate records shall be kept in the city for examination by the city or its designee at its discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of under reporting, a penalty of not more than 125 percent of the difference between the tax initially paid and the tax finally determined to be due may be imposed.

...

Sec. 14-41. – Effect of failure to comply with chapter provisions; continuing in business after tax certificate revocation.

Any person, their managers, agents or employees, who fail to surrender a tax certificate after its revocation or suspension, who conduct business in such the city after the certificate for such business has been denied or revoked as above; any persons, their managers, agents or employees hereby required to make returns, showing the amount of gross receipts and who fail to make such returns within the time and in the manner herein provided, or refuse to amend such returns so as to set forth the truth, or who shall make false returns; and any persons, their managers, agents or employees who refuse to permit an inspection of books in their charge when the officers, agents, employees or representatives of the ~~county~~ city request such inspection, during the business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to penalties provided herein.

Sec. 14-42. – Execution for delinquent tax.

In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the city or its designee, upon any tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of such tax against the persons, partnership or corporation liable for such tax, which such execution shall bear interest at the rate specified in O.C.G.A. § 48-13-21 from the date when such tax becomes delinquent, and the lien shall cover the property in the city of the person, partnership or corporation liable for such tax, all as provided by the ordinances of the ~~county~~ city and the laws of the state. The lien of such occupation tax shall become fixed on and date from the time when such tax becomes delinquent. The execution shall be levied by the sheriff or tax commissioner of the county upon the property of defendant located in such county or in any other location if no property remains in the city and sufficient property shall be advertised and sold to pay the amount of such execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by ordinances and the Charter of ~~such county~~ the city and the laws of the state, and the defendant in such execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by ordinance or the laws of the state in regard to tax executions. When a nulla bona entry has been entered by proper authority upon an execution issued by the city or its designee against any person defaulting on the occupation tax, 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 entry of nulla bona 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 him as though he had never defaulted in the payment of the taxes.

...

Section 2: The City of Peachtree Corners Code shall be amended by adding (underlined words) and deleting (~~struck through words~~) to Chapter 14, Article XI, Sections 14-349, 14-350 14-351, and 14-352, as follows:

ARTICLE XI. – SUSPENSION, REVOCATION, AND DENIAL OF OCCUPATION TAX CERTIFICATE, ~~MESSAGE ESTABLISHMENT LICENSE, BUSINESS PERMIT, OR EMPLOYEE WORK PERMIT~~; PROCEDURE FOR APPEAL

Sec. 14-349. – ~~Suspension or revocation of business permit.~~ Reserved.

~~A business permit may be suspended, or revoked by the city or its designee or the county chief of police or his designee where a business or employee of a business furnished fraudulent or untruthful information in the application for a permit, fails to meet all qualifications set forth under the provisions of this chapter, or fails to comply with any requirements of this chapter or any other applicable law or regulation.~~

Sec. 14-350. – ~~Hearings for suspension or revocation of a business permit.~~ Reserved.

~~Unless otherwise stated elsewhere in this chapter, no permit shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.~~

- ~~(1) The city or its designee or the county chief of police or his designee shall provide written notice to the business of his order to suspend or revoke the permit. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the business of the right to appeal under the provisions of this chapter. Any business that is aggrieved or adversely affected by a final action of the city manager or his designee or the county chief of police or his designee may have a review thereof by appeal to the city mayor and council established pursuant to the city alcoholic beverage ordinance. Such appeal shall be by written petition, filed in the office of the city within 15 days after the final order or action of the city manager or the county chief of police and, in order to defray administrative costs, must be accompanied by a filing fee of \$50.00. The city mayor and council or the county chief of police, at their discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the business filing such appeal.~~
- ~~(2) A hearing shall be conducted on each appeal within 30 days of the date of filing with the city or the county chief of police or his designee unless a continuance of such date is agreed to by the appellant and the city manager or his designee or the county chief of police or his designee. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. Should the applicant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, the city~~

- mayor and council shall sign an affidavit to be part of the record that they are not related to or personal friends with any owner of the establishment in question in the appeal. Should any member be unable to sign such an affidavit, that member of city council shall not serve on that appeal and the case shall be heard by the other members of city council.
- (3) ~~The findings of the city mayor and council shall be forwarded to the county chief of police within 15 days after the conclusion of the hearing, and it shall be the duty of the county chief of police or his designee to notify the appellant of the action of the city mayor and council.~~
- (4) ~~The findings of the city mayor and council shall not be set aside unless found to be:~~
- ~~a. — Contrary to law or ordinances;~~
 - ~~b. — Unsupported by substantial evidence on the record as a whole; or~~
 - ~~c. — Unreasonable.~~
- (5) ~~The findings of the city mayor and council shall be final unless appealed within 30 days of the date of mailing of decision to appellant of such finding by certiorari to the superior court of the county.~~

Sec. 14-351. – Denial, suspension, Suspension or revocation of occupation tax certificate or business permit massage establishment license, procedure.

- (a) ~~Unless otherwise stated elsewhere in this chapter, an occupation tax certificate or massage establishment license may be suspended or revoked by the city manager or his designee where the applicant furnished fraudulent or untruthful information in the application for a certificate or omits information required in the application for a certificate; for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter; for conviction of any of the applicable crimes set forth in each article; or for violation of any of the provisions of this chapter.~~
- (b) ~~Suspension or revocation of occupation tax certificate.~~
- (1) ~~If any holder of a city occupation tax certificate or massage establishment license issued by the city is engaged in unlawful activities which violate laws of the state, appropriate county ordinances, applicable zoning regulations, applicable city ordinances or applicable heating, electrical, health or building codes, the occupation tax certificate shall be revoked in the manner provided herein.~~
- (2) ~~Where it is reported to the city manager or his designee that the holder of a city occupation tax certificate or massage establishment license is engaged in unlawful activities as set forth in the applicable articles of this chapter, a preliminary hearing shall be conducted in order to determine whether there is a basis for revocation or suspension of the occupation tax certificate.~~
- ~~a. — The occupation tax certificate or massage establishment license holder will be notified to appear before the city manager and show cause on a date certain why his occupation tax certificate or massage establishment license should not be revoked or suspended. The certificate holder may appear in person at the hearing or be represented by counsel.~~
 - ~~b. — At the conclusion of the hearing, the city manager or his designee, based upon evidence submitted at the hearing, shall enter a decision making a finding of fact and then:~~
 - ~~1. — Find that the evidence does not authorize revocation or suspension;~~

- ~~2.— Issue a warning to the certificate or license holder;~~
- ~~3.— Suspend the certificate or license and probate suspension;~~
- ~~4.— Revoke the certificate or license and probate revocation;~~
- ~~5.— Suspend the certificate or license; or~~
- ~~6.— Revoke the certificate or license.~~

- (a) An occupation tax certificate or a business permit may be denied, suspended, or revoked by the city manager or designee upon one or more of the following grounds:
- (1) The applicant, certificate holder, or permit holder has failed to provide information required by this chapter for issuance of an occupation tax certificate or for a business permit;
 - (2) The applicant, certificate holder, or permit holder has recklessly given false information in the original application or renewal application for the certificate or permit;
 - (3) The applicant, certificate holder, or permit holder has failed to meet or maintain the qualifications for holding a certificate or permit;
 - (4) The applicant, certificate holder, or permit holder is engaged in the business or occupation under a false or unauthorized assumed name, or is impersonating another practitioner of a like or different name;
 - (5) The business or establishment is not authorized to operate within the city, or within the zoning district within which it is located, or is otherwise not in conformity with location requirements of any of the city's ordinances;
 - (6) The business or establishment is a threat or nuisance to public health, safety, or welfare;
 - (7) The business or establishment has been found by a court of law to have been operating unlawfully;
 - (8) Violation of any statute, ordinance, rule, or regulation that governs the operation of the business in question.
- (b) An applicant or certificate holder may appeal the denial, suspension, or revocation in accordance with the procedure set out in section 14-352.
- (c) When a notice of decision to deny or revoke an occupation tax certificate or a business permit has been issued, the certificate holder or permit holder shall not apply for or be issued any new certificate, permit, or license under Peachtree Corners City Code chapter 6 or chapter 14, articles I or V, until such notice has been withdrawn or, if denial or revocation has become effective, until two years after the effective date of decision.

Sec. 14-352. – Hearings for denial, suspension, or revocation of occupation tax certificate and massage establishment license or business permit, procedure.

- ~~(a) Unless otherwise stated elsewhere in this chapter, no occupation tax certificate or massage establishment license shall be denied, suspended or revoked without the opportunity for hearing as hereinafter provided. This provision does apply to work permits for owners, managers, and employees.~~
- ~~(b) It shall be the duty of the city manager or his designee to provide written notification to the individual of the decision to deny, suspend or revoke an occupation tax certificate. Such written notification shall set forth in reasonable detail the reasons for such actions~~

~~and shall notify the individual of the right to appeal under the provision of this article. Any individual, who is aggrieved or adversely affected by the final actions of the city manager or his designee, may have a review thereof by appeal to the city mayor and council or its designee. Such appeal shall be by written petition, filed in the office of the city, within 15 days after the final decision or actions of the city hearing officer, and in order to defray administrative costs, must be accompanied by a filing fee for tax certificate appeals or \$50.00 for work permit appeals. The city mayor or council, at its discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing said appeal.~~

- ~~(c) If any individual, firm or corporation subject to the payment of an occupation tax deems the tax to be unlawful, discriminatory or inequitable, it may pay the occupation tax imposed by the mayor and council under protest and then file a written request for review with the city. The request for review must be filed within 45 days from the date the tax is paid. The city manager shall, within 30 days from the date of receipt of the request for review from the occupation tax certificate holder, schedule a conference with the occupation tax certificate holder to review those matters set forth in the certificate holder's request for review. Within ten days from the date of the conference, a determination shall be made by the manager in writing and a copy of the determination shall be sent to the certificate holder by certified mail. In the event the certificate holder is dissatisfied with the determination made by the city manager it may, within 15 days from the date of receipt of the determination of the city manager, file its appeal to the city mayor and council in the manner outlined in subsection (b) of this section.~~
- ~~(d) A hearing shall be conducted on each certificate or work permit appeal within 30 days of the date of filing with the city, unless a continuance of such date is agreed to by the appellant and the city manager or his designee. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. The appellant shall have the burden of proof on any such appeal. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing.~~
- ~~(e) Before hearing an appeal, the city hearing officer shall sign an affidavit to be part of the record that they are not related to or personal friends with any member, owner, officer or stockholder of the appellant or the appellant's representative. No hearing officer hearing the appeal shall have a financial interest in the outcome of the appeal. Should the hearing officer be unable to sign such an affidavit, that hearing officer shall not serve on the appeal and the case shall be heard by another hearing officer.~~
- ~~(f) The findings of the city hearing officer shall be forwarded to the city or its designee, within 15 days after the conclusion of the hearing, and it shall be the duty of the city or its designee to notify the certificate or permit holder of the action of the hearing officer.~~
- ~~(g) The findings of the city hearing officer shall not be set aside unless found to be:
 - ~~(1) Contrary to law or ordinances;~~
 - ~~(2) Unsupported by substantial evidence on the records as a whole; or~~
 - ~~(3) Unreasonable.~~~~
- ~~(h) The findings of the city hearing officer shall be final unless appealed within 30 days of the date of said finding by certiorari to the superior court of the county. An aggrieved party shall have all other remedies provided by law or at equity to all ordinances.~~

- (a) When the city manager or designee (hereafter, “city manager”) issues a written notice of decision to deny, suspend, or revoke an occupation tax certificate or a business permit, the city manager shall send such notice, which shall include the specific grounds under this chapter for such action, to the applicant, certificate holder, or permit holder, by personal delivery, by posting at the public entrance of the recipient’s business location, by transmitting to the recipient’s most-recent email address on file with the city manager, by depositing in the United States mail with adequate postage addressed to the recipient’s most-recent mailing address on file with the city manager, or by providing the written notice to the recipient’s registered agent by any of the foregoing means. The notice shall also state that the applicant, certificate holder, or permit holder shall have 14 days after the written notice was sent to submit, at the office of the city manager, a written request for a hearing that identifies and explains the grounds for appeal and all alleged defects in the city manager’s decision. The hearing request must be accompanied by a filing fee of \$50.00 (to defray administrative costs). The city manager may waive, reduce, or refund the filing fee if the city manager determines that the fee would create an undue hardship on the applicant, certificate holder, or permit holder. If the applicant, certificate holder, or permit holder does not request a hearing within said 14 days, the city manager’s written notice shall become a final denial, suspension, or revocation, as the case may be, on the 15th day after it is transmitted.
- (b) If the applicant, certificate holder, or permit holder (hereafter, “petitioner”) does make a written request for a hearing within said 14 days, then the city manager shall, within ten business days after the submission of the request, send a notice to the petitioner indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten days nor more than 60 days after the date that the hearing notice is issued. The hearing may be transcribed by either party.
- (c) Before hearing an appeal, the city hearing officer shall sign an affidavit to be part of the record that the hearing officer is not related to or personal friends with: the petitioner, the petitioner’s representative, any member, owner, officer, or stockholder of the petitioner, the city manager, or the city manager’s representative. No hearing officer hearing the appeal shall have a financial interest in the outcome of the appeal. Should the hearing officer be unable to sign such an affidavit, that hearing officer shall not hear the appeal; the appeal shall be heard by another hearing officer.
- (d) At the hearing, the petitioner shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the city manager’s witnesses. The city manager may also be represented by counsel, present evidence and witnesses, and cross-examine any of the petitioner’s witnesses. The petitioner shall bear the burden of proving entitlement to the occupation tax certificate or business permit. The hearing shall take no longer than one day, unless extended at the request of the petitioner to meet the requirements of due process and proper administration of justice. The hearing officer shall affirm the city manager’s licensing decision if any substantial evidence in the record at the hearing supports any of the grounds set forth in the notice of decision. The hearing officer may receive, consider, and adopt proposed written decisions tendered by the city manager and/or the petitioner within five business days after the hearing. The hearing officer shall

issue a final written decision, including specific reasons for the decision pursuant to this article, to the city manager and the petitioner within 15 business days after the hearing.

- (e) The hearing officer’s decision shall be final. The decision shall advise the losing party of the right to seek review of the hearing officer’s decision in a court of competent jurisdiction by petition for review.

Section 3: The City of Peachtree Corners Code, Chapter 14, shall be amended by adding a new Article “XVIII – Vape Shops” as follows:

ARTICLE XVIII. – VAPE SHOPS

Sec. 14-551. – Definitions.

For purposes of this article, the following terms, phrases, words, and their derivatives shall have the meaning set forth in this section.

Alternative nicotine product means any material that contains nicotine, but does not contain tobacco leaf, and is intended for human consumption, whether such material is chewed, absorbed, dissolved, or ingested by any other means. Such term shall include, but shall not be limited to, nicotine gel, pouches, or gum or dissolvable nicotine strips, sticks, lozenges, or pellets. Such term shall not include little cigars, cigars, cigarettes, loose or smokeless tobacco, consumable vapor products, or any product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

Consumable vapor product means any liquid solution, whether it contains nicotine or not, that is intended to be heated into an aerosol state and inhaled by an individual. Such term shall include, but shall not be limited to, e-liquid, e-juice, vape juice, and cartridges that are prefilled with such a solution. Such term shall not include any alternative nicotine product, cigar, cigarette, loose or smokeless tobacco, perfume, potpourri, essential oil, or product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Floor space means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Vape shop means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any alternative nicotine product and/or vapor product items. A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:

- (a) The establishment regularly offers for sale or rental at least 1,000 of said items; or
- (b) At least 25 percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
- (c) The establishment maintains at least 25 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as

cashier stations where said items are rented or sold, shall be included in “floor space” maintained for the display, sale, or rental of said items); or

- (d) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space” maintained for the display, sale, or rental of said items); or
- (e) The establishment regularly makes said items available for sale or rental and holds itself out, in any medium, as an establishment that caters to customer interest in alternative nicotine products or vapor products.

Vapor device means any system or device developed or intended to deliver a consumable vapor product to an individual who inhales from the device. Such term shall include, but not be limited to, an electronic nicotine delivery system, an electronic cigarette, electronic cigar, electronic pipe, vape pen, vape tool, or electronic hookah. Such term shall not include a fragrance or essential oil diffuser, an air freshener, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

Vapor product means any consumable vapor product or vapor device.

Sec. 14-552. – Business registration requirements.

- (a) Every person, firm, company, or corporation shall disclose on its occupation tax certificate application whether the business offers or will offer any alternative nicotine products or vapor products for sale and/or rental in the city.
- (b) Every business that offers or will offer any alternative nicotine products or vapor products for sale and/or rental in the city shall list the sale or rental of alternative nicotine products and/or vapor products as one of its lines of business on its occupation tax certificate application.
- (c) Every applicant for an occupation tax certificate shall state on its occupation tax certificate application whether the business it operates in the city is a vape shop.
- (d) *Supplemental application.* A vape shop shall file a vape shop supplemental application, signed under oath by the owner or operator of the vape shop, with its application for an occupation tax certificate. The supplemental application shall be considered complete when it contains the following:
 - (1) A site plan for the premises where the vape shop is located. The city manager or designee may waive the requirements of this subsection for a renewal application if the applicant adopts a site plan it previously submitted and certifies that the actual layout of the premises has not been altered since it was prepared.
 - (2) A sketch or diagram showing the interior configuration of the vape shop, including a statement of total floor area occupied by the vape shop and a statement of floor area visible or accessible to patrons for any reason, excluding restrooms. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale

or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The city manager or designee may waive the requirements of this subsection for a renewal application if the applicant adopts an interior sketch or diagram it previously submitted and certifies that the interior configuration has not been altered since it was prepared.

- (3) A map stating the zoning district where the vape shop is located and showing whether the vape shop location complies with the city's location regulations for vape shops.
 - (4) A copy of the vape shop's state license to sell alternative nicotine products and/or vapor products.
 - (5) A statement whether the applicant is the owner of the premises wherein the vape shop will be operated or the holder of a lease thereon for the period to be covered by the occupation tax certificate. If the applicant is a lease holder, a complete copy of the lease shall be submitted with the supplemental application.
- (e) The city manager or designee may deny or revoke an occupation tax certificate for a vape shop if:
- (1) The occupation tax certificate application or the supplemental application is not complete.
 - (2) The applicant has failed to provide information required by this chapter for issuance of an occupation tax certificate or has falsely answered a question or request for information on an application form.
 - (3) The vape shop does not comply with the city's location regulations.
 - (4) The vape shop does not hold a state license to engage in the sale of alternative nicotine products or vapor products.
 - (5) The applicant is neither the owner of the premises wherein the establishment will be operated, nor the holder of a lease thereon for the period to be covered by the occupation tax certificate.
 - (6) The city has denied or revoked a vape shop occupation tax certificate at the premises within the previous 12 months.
 - (7) There are grounds to deny the occupation tax certificate as set forth in other provisions of this chapter.

Sec. 14-553. – Location of vape shops.

- (a) It shall be unlawful to establish or add a vape shop to an existing business, that is:
- (1) Within 1,000 feet of any parcel upon which a religious facility, public or private elementary or secondary school, college campus, day care facility, library, public building, fitness facility, public park, or any residence is located; or
 - (2) Within 3,000 feet of any parcel upon which another vape shop is located; or
 - (3) Within 200 feet of the right-of-way of Peachtree Industrial Boulevard.

- (b) For the purpose of this section, measurements shall be made in a straight line from the closest part of any structure occupied by the vape shop to the closest property line of a parcel containing a use listed in subsection (a), above. Where a use listed in subsection (a) is located in a multi-tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development. The use of land in adjacent jurisdictions shall not disqualify a location within the City of Peachtree Corners from being available to a vape shop.

Section 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED AND EFFECTIVE, this 27 day of February, 2024.

ATTEST:



(SEAL)

Kym Chereck, City Clerk

APPROVED:



Mike Mason, Mayor



VOTE: Y N A Sadd / Y N A Christ / Y N A Wright / Y N A Mason / Y N A Sawyer / Y N A Douglass / Y N A Gratwick