



# City of Lilburn

in Gwinnett County

State of Georgia

**Ordinance**

**Number:**

**2020-547**

Date of Reading and Adoption: January 13, 2020

At the meeting of the Lilburn City Council held at 340 Main Street, Lilburn, Georgia.

**AN ORDINANCE TO AMEND CHAPTER 14 (BUSINESSES) OF THE LILBURN CODE OF ORDINANCES TO ADD A NEW ARTICLE XIII - ENTITLED “HOOKAH/VAPOR BAR OR LOUNGE”; TO PROVIDE A DEFINITION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE CITY OF LILBURN, GEORGIA, AS FOLLOWS:**

**ARTICLE XIII. – HOOKAH/VAPOR BAR OR LOUNGE**

**Sec. 14-450. Definitions.**

The following words and phrases shall have the meanings respectively ascribed to them herein unless the context clearly indicates a contrary meaning:

*Hookah* means a single or multi-stemmed water pipe and any associated products and devices which are used to produce fumes, smoke and/or vapor from the burning of material including, but not limited to, tobacco products, shisha or other plant materials.

*Hookah/Vapor Bar or Lounge.* Hookah/Vapor Bars or Lounges shall be subject to the following restrictions:

1. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
2. Hours of operation shall not extend past 11:00 p.m.
3. Hookah bars and lounges shall not serve patrons under the age of 18 or as restricted by Georgia statute.

*Shisha* means a flavored or syrupy mixture of tobacco or herbal products which is intended to be smoked/consumed by a user through a hookah.

**Sec. 14-451. Occupational tax certificate required; application.**

- (a) *Required.* All persons, firms or corporations desiring to operate a Hookah/Vapor Bar or Lounge shall, prior to commencing such business, trade or profession, comply with all rules and regulations adopted by the governing authority regulating the operation of Hookah/Vapor Bar or Lounge.
- (b) *Application.* The application shall include, but shall not be limited to, the information required on all occupational tax returns, along with the following:

- (1) Name and residence address of the owner-applicant;
  - (2) If the owner-applicant is a corporation, the names of the officers, along with the name and address of the agent for service of process;
  - (3) The name of the manager, and the name of all shareholders holding 20 or more percent of any class of corporate stock;
  - (4) Failure to furnish required information, and in the form designated, shall automatically serve to dismiss the application;
  - (5) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths; and
  - (6) In all instances in which an application is denied under the provision of the article, and after lapse of the time for appeal, or upon the adjudication of the appeal with decision rendered in favor of the City, the applicant may not reapply for an occupational tax certificate for at least 120 days from the final date of denial.
- (c) Applicant disqualifications.
- (1) No occupational tax certificate shall be granted to any person who has had any occupational tax certificate revoked within two years prior to filing the current application.
  - (2) The City Clerk or his/her designee may decline to issue a certificate when any person having an ownership or management interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the certificate holder.

**Sec. 14-452. General operating provisions.**

Hookah/Vapor Bar or Lounge shall:

- (a) Not hold an alcohol license;
- (b) Not serve food, sell prepared package food, or allow any outside food or beverage to be consumed on the premises;
- (c) Prohibit gambling or other games of chance;
- (d) Prohibit entry to a person under age of 18 years of age, or as restricted by Georgia statute, during the time when the establishment is open for business;
- (e) Maintain a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the city where the establishment is located;
- (f) Maintain a valid permit to operate a Hookah/Vapor Bar or Lounge issued by the state department of revenue;
- (g) Post signs at each entrance and exit clearly stating that anyone under the age of 18, or as restricted by Georgia statute, is prohibited from entering the premises;
- (h) Abide by the following air ventilation requirements:

- a. Hookah/Vapor Bar or Lounge must have and maintain a ventilation system that exhausts smoke from the business and is designed in accordance with the state building code standards for the occupancy classification in use. The air handling systems from the smoking area shall be independent from the main air handling system that serves all other areas of the building and all air within the smoking area shall be exhausted directly to the outside by an exhaust fan. No air from the smoking area shall be recirculated to other parts of the building.
- b. During the hours of operation, the interior of the premises of a smoking bar shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to a person with normal vision.

**Sec. 14-453. Inspection of registered establishments.**

Sworn officers of the Police Department or Code Enforcement shall have the authority to inspect establishments registered under this division during hours in which the premises are open for business. Such inspection shall be made for the purpose of verifying compliance with the requirements of this division.

**Sec. 14-554. Unlawful or prohibited activities.**

No occupational tax certificate shall be granted to any person under the age of 18 years or who has been convicted, pled guilty or entered a plea nolo contendere under any federal, state, or local law of any crime involving moral turpitude, illegal gambling, any felony, criminal trespass, public indecency, misdemeanor involving any type of sexual-related crime, any theft or violence against person or property, any crime of possession, sale, or distribution of illegal drugs, distribution of material depicting nudity or sexual conduct as defined under State law, criminal solicitation to commit any of these listed offenses, attempts to commit any of these listed offenses, for a period of five (5) years prior to the date of application for such certificate and has been released from parole or probation.

**Sec. 14-455. Hours of operation.**

No Hookah/Vapor Bar or Lounge shall be open or operated during the hours of 11:00 p.m. to 7:00 a.m.

**Sec. 14-456. Penalties.**

Any person who shall conduct a business or occupation without having obtained a license thereof, or who shall violate any other provision of this division, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 and costs or by imprisonment not to exceed six months, or both, any and all such penalties to be imposed in the discretion of the judge of the municipal court.

**Sec. 14-457. Conflicting provisions.**

All ordinances, parts of ordinances or regulations in conflict herewith are repealed.

**Sec. 14-458. Effective date.**

That this ordinance shall become effective upon its adoption.

**SO ORDAINED** this the 13<sup>th</sup> day of January, 2020.

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Johnny D. Crist, Mayor  
City of Lilburn

ATTEST:

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Melissa L. Penate, City Clerk  
(Seal)

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Richard A. Carothers, City Attorney  
Carothers & Mitchell, LLC