

GWINNETT COUNTY BOARD OF COMMISSIONERS

GWINNETT COUNTY TEMPORARY OUTDOOR ACTIVITY ORDINANCE

WHEREAS, the Board of Commissioners of Gwinnett County is authorized to adopt Ordinances or regulations for the governing and policing of the County for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens of the County; and

WHEREAS, the Board of Commissioners has determined that temporary outdoor activities, such as sales by peddlers and mobile food service providers, present issues which are best addressed by separate and distinct regulations concerning such activities; and

WHEREAS, the Board of Commissioners seeks to protect the health and safety of pedestrians accessing temporary outdoor activities while preserving community aesthetics and maintaining traffic flow in the area of temporary outdoor activities;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF GWINNETT COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY THE AUTHORITY THE SAME, that Chapter 18, Article II, Section 18-71 of the Code of Ordinances of Gwinnett County, Georgia is hereby deleted in its entirety and the following is inserted in lieu thereof:

Section 18-71. DEFINITIONS.

As used in this Article, the phrases used herein shall be defined as follows:

"Goods and merchandise" shall mean tangible or movable personal property, other than money.

"Holiday activities" shall mean seasonal activities associated with Federally-recognized holidays and Halloween.

"Temporary" shall mean for a period not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity.

"Temporary outdoor activity" shall mean for-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises as the principal use of the premises. The term shall include the sale of farm produce, carnivals, or the sale of Christmas trees from property which is vacant or which contains a separate and distinct primary use, such activities continuing for a period not exceeding 20 consecutive days. Temporary outdoor activities shall occur in

non-enclosed areas.

"Temporary Outdoor Activity Permit" shall mean written authorization by the Director of the Department of Planning and Development, or his designee, for the Applicant to engage in temporary outdoor activities at a specified, fixed location meeting all requirements of this Article.

The following Sections are added to Chapter 18, Article II of the Code of Ordinances of Gwinnett County, Georgia:

**Section 18-72 TEMPORARY OUTDOOR ACTIVITIES;
PEDDLING PROHIBITED.**

Temporary outdoor activities shall be governed by the following regulations:

1. Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.
2. Mobile food services and the preparation of food onsite shall not be permitted as temporary outdoor activities.
3. No display shall be erected or installed, nor shall any temporary outdoor activities take place, within 50 feet of a County or State right-of-way.
4. Temporary outdoor activities shall be permitted only within the County's C-2 and C-3 Zoning Districts. The Department of Planning and Development shall collect a fee for the issuance of such permit in the initial amount of \$50.00.
5. Temporary outdoor activities shall not be permitted on parcels of property which are less than two acres in size.
6. No temporary structure or covering shall be erected as a part of a temporary outdoor activity with the exception that temporary structures shall be permitted as a part of holiday activities.
7. Display tables may be used as a part of a temporary outdoor activity.
8. No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
9. Temporary outdoor activities shall be permitted

only on property where such activities shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.

10. Occupation Tax Certificates for temporary outdoor activities shall be issued for a period of not more than 20 days from the date of initiation of the temporary outdoor activity. All temporary outdoor activities shall require an Occupation Tax Certificate, which is issued by the Licensing and Revenue Manager of the Gwinnett County Finance Department.
11. Written permission from the property owner shall be obtained and submitted by the Applicant to the Gwinnett County Department of Planning and Development prior to the issuance of a Temporary Outdoor Activity Permit.
12. No more than one temporary outdoor activity shall be permitted simultaneously on a parcel of less than five acres.
13. Temporary outdoor activities, other than holiday activities, shall be conducted on a paved surface and not on grassed or landscaped areas.
14. No evidence of the temporary outdoor activity, other than holiday activities, shall remain on a parcel of property for more than 12 consecutive hours of any calendar day.
15. Christmas tree sales shall be permitted between November 1st and December 31st due to the seasonal nature of such sales.
16. Pumpkin sales shall be permitted from September 15th through October 31st due to the seasonal nature of such sales.
17. Carnivals shall be permitted as temporary outdoor activities so long as no structure or equipment is located within 500 feet of any residential property line.
18. Charitable or nonprofit events for which sale proceeds benefit charitable organizations are not regulated by this Article.

The Director of the Department of Planning and Development, or his designee, is hereby authorized to inspect the temporary outdoor activity for compliance with the provisions of this Article.

All County Ordinance provisions in conflict with this Ordinance, including temporary use provisions contained in Sections 1307(D), 1308(E), and 1308A(E) of the 1985 Zoning Resolution of Gwinnett County, Georgia, are hereby repealed.

THIS ORDINANCE IS ADOPTED by the Board of Commissioners of Gwinnett County, Georgia this the _____ day of _____, 2005.

**BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA**

ATTEST:

By:

BRENDA MADDOX
County Clerk (SEAL)

CHARLES E. BANNISTER, Chairman

APPROVED AS TO FORM:

VAN STEPHENS
Chief Assistant County Attorney

GWINNETT COUNTY BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED:

GWINNETT COUNTY TEMPORARY OUTDOOR ACTIVITY ORDINANCE

READING AND ADOPTION: _____

At the regular meeting of the Gwinnett County Board of Commissioners held in the Commission Meeting Room, 75 Langley Drive, Lawrenceville, Georgia.

Present	Vote
Charles E. Bannister, Chairman	
Lorraine A. Green, District 1	
Bert Nasuti, District 2	
Michael A. Beaudreau, District 3	
Kevin Kenerly, District 4	

On motion of _____, which carried _____, the following Ordinance was adopted:

GWINNETT COUNTY TEMPORARY OUTDOOR ACTIVITY ORDINANCE

BE IT RESOLVED this _____ day of _____, 2005.

**BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA**

By: _____
CHARLES E. BANNISTER
Chairman

ATTEST:

BRENDA MADDOX, County Clerk (SEAL)

APPROVED AS TO FORM:

VAN STEPHENS
Chief Assistant County Attorney

GWINNETT COUNTY BOARD OF COMMISSIONERS

**AN ORDINANCE TO AMEND SECTION 18-29
OF THE CODE OF ORDINANCES OF GWINNETT COUNTY**

BE IT HEREBY ORDAINED that Subsection 18-29(a) of the Code of Ordinances of Gwinnett County is hereby amended by striking Subsection 18-29(a) in its entirety and inserting in lieu thereof the following:

**Section 18-29. WHEN REGISTRATION AND RETURNS DUE;
PENALTIES.**

- (a) Each registration and Tax Certificate shall be for the calendar year unless otherwise specifically provided. In the event that an Occupation Tax Certificate is issued for a business which engages in temporary outdoor activities, a separate Occupation Tax Certificate shall be issued which states that temporary outdoor activities at a specific location are limited to two twenty-day periods per year in accordance with the terms of the Temporary Outdoor Activity Ordinance. Failure to make application for and obtain where applicable an appropriate Occupation Tax Certificate, or make estimated or final returns of gross receipts when due, shall incur a penalty of not more than \$25.00 for each month or fractional part thereof for which the return or application is overdue. Such penalties shall be in addition to all other penalties herein provided and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied.

Any and all provisions of the Code of Ordinances of Gwinnett County in conflict with the provisions of this Ordinance are hereby repealed.

THIS ORDINANCE IS ADOPTED this the _____ day of September, 2005.

**BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA**

ATTEST:

By:

BRENDA MADDOX
County Clerk (SEAL)

CHARLES E. BANNISTER, Chairman

APPROVED AS TO FORM:

VAN STEPHENS
Chief Assistant County Attorney

