



# Information Packet Licensing & Business Regulations

## Welcome

The City of Duluth welcomes your business to our community. This information is provided as a public service to assist persons interested in establishing and conducting a business in the City. It is not deemed to be all-inclusive and any error or omissions herein will not relieve the business owner of responsibility, obligation, or liability in fulfilling all legal requirements. ***Thank you for choosing Duluth as the home for your business!***

## Occupational Tax Certificate

The current method of taxation on businesses located within Duluth city limits is our occupational tax, also referred to as a “business license.” Municipalities are authorized by the State of Georgia to collect a tax on businesses both for revenue and regulation. The City of Duluth Licensing and Business Regulations can be found in [Chapter 7 of the Duluth Code of Ordinances](#).

City law states that all persons, sole proprietors, firms, corporations, partnerships, non-profits, or any other form of business organization engaged in or operating any business, trade, profession or occupation in the City of Duluth are required to register their business or office with the City, pay the tax or fee, and obtain an Occupational Tax and/or Regulatory Fee, or Occupational Tax Exemption Certificate. We would be glad to answer any questions you may have about the category of your activity.

A separate certificate is required for each branch or separate location of business. When the tax or regulatory fee is paid and the application approved by the Planning Department, the proper certificate is issued.

## Home Business

Home-based businesses are allowed in City limits if the home merely serves as the base of operations and the activity does not create any traffic or noise, does not involve customers at the home, and there are no identifying signs. The use of residential property for business purposes requires the completion of the home occupation application. Please review the customary [home occupation](#) affidavit for additional restrictions on home businesses, and note that some residential properties may have further restrictions under homeowner association covenants or apartment leases.

## Regulated Occupations

The City of Duluth allows certain regulated occupations as defined by Chapter 7.25.12 in the City ordinances. In addition to an occupation tax certificate, these businesses may be required to obtain a regulatory permit from the City. The City currently regulates the following occupations: billiard rooms, taxicab and limousine services, massage establishments, pawnshops, tattoo and body piercing studios, bonding companies, adult entertainment establishments, peddlers, and door-to-door salespersons. *Most regulated businesses require completion of [activity-specific applications](#) rather than standard application forms.*

## Alcohol License

Any business that sells or serves beer, wine, distilled spirits, and/or other alcoholic beverages is required to obtain an occupational tax certificate and a [City of Duluth alcohol license](#) as well as a license from the State of Georgia. Licenses are required to be renewed annually. For more information, please contact Alcohol License Officer Leslie Ward at [lward@duluthga.net](mailto:lward@duluthga.net) or (770)476-3434.

**Independent Contractors:** Generally, all persons in business for themselves must obtain an occupational tax certificate unless revenue/compensation is paid through a payroll process and reported on a W-2 form for Internal Revenue Service filing.

**Rental Property Owners: Residential or Commercial:** Owners of residential and/or commercial rental properties located in the City of Duluth must have an occupational tax or exemption certificate.

**Professional Licenses: O.C.G.A §36-60-6(c)**

Before the City of Duluth issues an occupational tax certificate to any person engaged in a profession or business required to be licensed by the state under [Georgia Code Title 43](#), the person shall provide evidence of such licensure. Examples of such required licenses are: accountants, architects, cosmetologists, general contractors and electricians, medical professionals, and used car dealers. For more information or a complete list of occupations subject to professional licensure, please visit the Secretary of State website at [www.sos.ga.gov](http://www.sos.ga.gov) or call their office at (478)207-2440.

**Federal Work Authorization Program: (E-VERIFY) O.C.G.A §36-60-6(d)**

Based on the number of employees that your business has, you may be required to provide evidence that you are using the federal work authorization program, E-Verify, or evidence that this code section does not apply to your business. *Please note that this is due to state legislation passed in 2011 and will apply to current license holders upon renewal as well prior to issuance of occupational tax certificate.*

**Systematic Alien Verification for Entitlements (SAVE): O.C.G.A § 50-36-1**

All persons applying for or renewing an occupational tax or regulatory fee certificate in the City limits shall be required by law to complete and submit to SAVE verification.

**Fees**

The fee for a new occupational tax certificate is based on the type of business (activity performed) and estimated gross receipts. There is a \$50 administrative fee per certificate. The minimum amount of occupational tax due for any single company is \$50 and the maximum is \$12,500. [See Tax Rate Chart.](#)

Certain professionals are eligible to pay a flat fee of \$400 plus the \$50 administrative fee rather than a fee based on gross receipts. Examples of eligible practitioners of professions, as defined by O.C.G.A § 48-13-9, are listed on the occupational tax certificate application.

Fees for Regulated businesses vary. Please see individual sections of the Duluth Code for special requirements and fees.

*Please note that all Businesses found to be operating within the City limits without a current certificate shall be subject to penalties and interest as allowed by state and local law, as well as subject to receiving a citation which requires appearance in the municipal court.*

**Tax Exempt Certificate**

Duluth bases Occupation Tax amounts due by gross receipts of a business location. If you believe that your business is exempt from paying occupational taxes, please obtain and complete the application for an occupational tax exemption certificate. A \$50 administrative fee is required (unless the exemption is due to non-profit status).

**Acceptable Forms of Payment**

The City of Duluth accepts cash, business checks, personal checks, and cashier checks made payable to City of Duluth as well as most major credit cards. Credit card payments cannot be made over the phone.

**Posting of License**

Once received, all occupational tax, regulatory fee, alcohol licenses or exemption certificates are to be displayed at the business location. Kindly post your licenses or certificates in a conspicuous place on the business premises which is open to public viewing.

**Renewals**

Once you receive an occupational tax certificate, regulatory fee or exemption certificate, a courtesy renewal notice will be mailed to you by January 1<sup>st</sup> each year. Renewal fees are based on exact gross receipts for the prior year. Most renewals are due with full payment by January 30<sup>th</sup> and are considered delinquent after April 30<sup>th</sup>. **Failure to receive a renewal notice does not relieve the business of responsibility to renew the occupation tax certificate.** Alcohol licensing runs from July 1<sup>st</sup> to June 30<sup>th</sup> of each year with renewal paperwork due not later than June 1<sup>st</sup>.

**Change Request**

Any business wishing to close, move, change ownership, or change name should complete and submit the [change request form](#), which can be found on the City’s website or in the Business Office. Occupational tax, regulatory fee certificates and alcohol licenses are nontransferable. Any business changing ownership shall be required to reapply and obtain a new occupational tax certificate and, if applicable, an alcohol license. Any business moving to a new location within the City shall pay an administrative fee of \$50 for re-processing, zoning approval and issuance of a new occupational tax certificate. Any business wishing to change its name only shall pay an administrative fee of \$25 for the issuance of a new occupational tax certificate.

**Signage**

In order to preserve the aesthetic beauty of the City and protect the safety of our residents, the City has adopted and maintains a [sign ordinance](#) which can be found in chapter 11.5 of the City’s code of ordinances. Businesses interested in posting any signs, whether temporary, wall/window, or monument, should review the sign ordinance to ensure compliance and apply for the correct permit on the website or with the Planning Department located on the second floor of City Hall. If you have any questions, please call (770)476-1790.

**Trash/Recycling Service**

The City of Duluth has an exclusive contract for waste services with Republic Services. Please call 770/963-2800 to establish commercial service.

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**Obtaining an Occupation Tax Certificate**

To obtain an occupational tax certificate, an occupational tax application must be completed in full and submitted to the Business Office located on the first floor of Duluth City Hall. [Applications](#) are available in person or on the website. All business activities require zoning approval through our Planning Department. Please note that additional approvals may be required from various State or County agencies depending on the type of business. For more information please contact Occupational Tax Officer Patty Hurt by email at [phurt@duluthga.net](mailto:phurt@duluthga.net) or call (770)476-3434.

**Verify Business Location is inside Municipal City Limits**

Prior to submitting an application, verify that the physical address of your business is within Duluth city limits. Two different zip codes (30096 and 30097) have Duluth mailing addresses; however, they may not necessarily be located inside the City. Post office boxes can be used for mailing addresses but not business location. For verification, please review the [City of Duluth street listing](#) provided on the City’s website or contact the Planning Department at (770)476-1790 to have your location confirmed. **You only need one occupation tax certificate to conduct business; if you are within city limits, you do NOT need to get a certificate from Gwinnett County.**

## Tax Rate Charts and Business Description Tables

Occupational Taxes are calculated using your NAICS business activity code which corresponds to a Tax Class numbered from 1 to 6, and your actual gross receipts. For new businesses, please estimate your first year of gross receipts based on business from date of inception through December 31<sup>st</sup> of the current year. The estimate will be changed to actual figures when renewed for the following year. [NAICS Business Description Tables\\*](#) may be found on our website.

Tax Class*	Tax Calculation Formula
1	(Estimated Gross Receipts X .0005) + \$50 = Tax Amount Due
2	(Estimated Gross Receipts X .0006) + \$50 = Tax Amount Due
3	(Estimated Gross Receipts X .0007) + \$50 = Tax Amount Due
4	(Estimated Gross Receipts X .0008) + \$50 = Tax Amount Due
5	(Estimated Gross Receipts X .0009) + \$50 = Tax Amount Due
6	(Estimated Gross Receipts X .0010) + \$50 = Tax Amount Due

(A) NAICS	(B) Tax Class	(C) Estimated Gross Receipts	(D) Tax Class Decimal	(E) Administrative Fee	(F) Tax Amount Due
		\$		\$50	\$

To calculate the tax amount due, multiply the business's estimated gross receipts by its tax class decimal than add the administrative fee.  $(C) \times (D) + (E) = (F)$ . A [calculation sheet](#) is also available on our website.

Per O.C.G.A. 48-13-9, certain Practitioners of Professions may choose to pay a flat tax of \$400 per practitioner in lieu of paying a tax based on gross receipts. Any eligible business that chooses this option of taxation must still pay the \$50 administration fee.

Examples of professions that are eligible to pay a flat tax in lieu of paying a tax on gross receipts include, but are not limited to: Architect, Chiropractor, Dealers in precious metals, Dentist, Embalmer, Engineer, Funeral Director, Land Surveyor, Landscape Architect, Lawyer, Locksmiths, Optometrist, Osteopath, Physician, Physiotherapist, Podiatrist, Psychologist, Public Accountant, Social Worker, Therapist, Veterinarian.

(A) Profession	(B) Number of Practitioners	(C) Flat Tax	(D) Administrative Fee	(E) Total Amount Due
		\$400	\$50	\$

To calculate the tax amount due, multiply the number of practitioners by the flat tax than add the administrative fee.  $(B) \times (C) + (D) = (E)$ .

Please note that other regulatory businesses have a separate application process and different fees. Other requirements may also apply, such as background checks, proof of insurance, etc. Proof of State Licensure will also be necessary for those businesses who fall under O.C.G.A §36-60-6(c).

## **Checklist for Occupational Tax Certificate Application**

### **For Owners:**

- Signed, completed application. Incomplete applications will be returned.
- Photo identification.
- Completed SAVE affidavit.
- If you are not an American citizen, attach a copy of legal Permanent Resident Card or Employment Authorization Card, or other authorizing documentation to be verified by Homeland Security.
- If you are required by the State to hold a professional license, attach the license to your application.
- Payment - \$50 administrative fee *plus* Occupation Tax amount. Checks payable to City of Duluth.

### **For Employees: (dependent on # of employees)**

- Completed Federal Work Authorization program enrollment – private employer affidavit (E-Verify).

### **For Business Location:**

- Copy of the Certificate of Occupancy.
- Copy of the Fire Marshal inspection, if required.
- Lease agreement if you are renting space for the business.
- Copy of the health report from Environmental Services (Health Department), if required.
- If there are renovations, remodeling, change in use, or other circumstances, a **building permit** may be required. Please schedule an appointment with the City of Duluth Planning Department, 770/476-1790 to determine proper procedure.
- Ensure that the street address, including suite number, is visible on the exterior door of the business and is visible from the street.

### **Additional Requirements - for Home Occupational Sites Only**

- Customary Home Occupation Affidavit
- Approval from leasing office if living in apartment complex.
- Document (i.e., utility bill) that provides proof of residency at the selected location.

### **Opening Your Business**

- Receive occupation tax certificate prior to opening your business.
- Post occupation tax certificate in prominent location at your business.

## **State and Local Contact Information**

<b><u>Application Process and Forms:</u></b>	Patty Hurt
	Duluth City Hall, 1 <sup>st</sup> Floor, Business Office 3167 Main Street, Duluth, GA 30096 (770)476-3434 phurt@duluthga.net
<b><u>Building Permit/Sign Approval:</u></b>	City of Duluth Planning Department Duluth City Hall, 2nd Floor 770-476-1790
<b><u>State Taxpayer:</u></b> Identifier, Withholdings, Exemptions	Georgia Department of Revenue <a href="http://www.etax.dor.ga.gov">www.etax.dor.ga.gov</a> (877)423-6711
<b><u>Federal Employer Identity Number:</u></b>	Internal Revenue Service <a href="http://www.irs.gov">www.irs.gov</a> 1(800)829-4933
<b><u>Fire Marshal:</u></b> (678) 518-6277 Automated system	Gwinnett County Fire Marshal 446 West Crogan Street, Suite 100 Lawrenceville, GA 30045 (678)518-6000 (678)518-4980
<b><u>Restaurant Inspection:</u></b>	East Metro Public Health 2570 Riverside Parkway, Lawrenceville, GA 30045 (770)963-5132
<b><u>Health Inspection:</u></b> Food Services	Georgia Department of Agriculture 19 Martin Luther King Jr. Dr S.W Atlanta, Ga. 30034 (404)656-3621
<b><u>Sanitation/Waste service:</u></b>	Republic Service (678)963-2800
<b><u>Corporation Set-up:</u></b> LLC, and LP	Georgia Secretary of State <a href="http://www.sos.ga.gov">www.sos.ga.gov</a> 2 MLK Jr. Dr., Suite 315, Floyd West Tower Atlanta, Georgia 30334 (404)656-2817
<b><u>Professional Licensing</u></b>	Georgia Secretary of State <a href="http://www.sos.ga.gov">www.sos.ga.gov</a> 237 Coliseum Drive Macon, GA 31217 (478) 207-2440
<b><u>Trade Name Registration:</u></b>	Gwinnett County Superior Court 75 Langley Drive Lawrenceville, GA 30045 (770)822-8100