

## **General Occupational Tax Information**

**Occupational Tax General Information:** This information is provided as a public service to assist those persons interested in establishing and conducting a business in the City of Brookhaven. It is not deemed to be all-inclusive. Any error or omissions herein will not relieve the business owner of responsibility, obligation or liability in fulfilling all legal requirements.

Presented here is general information that applies to all business and some that applies to only specific activities. You will also find a directory of governmental and non-governmental agencies that you may be required to comply with or who can offer businesses assistance.

**Authority to License:** The State of Georgia permits cities to license for both revenue and regulation (Official Code of Georgia, Chapter 13 of Title 48). Municipalities license businesses for revenue to broaden the tax base because a business uses, or causes to be used, more municipal services than a residence. Brookhaven's business tax ordinance is detailed in Chapter 15 of the Brookhaven City Code.

When the occupational tax is paid, an Occupational Tax Certificate is issued. This is commonly called a business license and the terms "business license", "business certificate" and "business regulation" are used interchangeably. If you have any questions concerning your registration or other requirements, our staff members will gladly assist you.

**Who Needs an Occupational Tax Certificate:** A separate license/certificate is required for each branch or separate location of business. Any person, including but not limited to an individual, partnership, corporation or limited liability company, who wishes to conduct either directly or indirectly, any business within City of Brookhaven must secure an Occupational Tax Certificate. City law states that no person shall engage in business or transact and carry on a business activity, show, or exhibition, without complying with any and all applicable provisions of Chapter 10 of the City Code.

All businesses require our Zoning Department's approval, while regulated businesses require some additional approvals prior to obtaining an Occupational Tax Certificate.

**Home-Based Business:** Home-based businesses are allowed if it 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 our Home Occupation form (HOP). For information or questions regarding Home-Based Business and Zoning please contact the Planning/Development Department at (404) 637-0500.

**Owners of Residential or Commercial Property:** Owners of residential and/or commercial rental properties must have an Occupational Tax Certificate.

**Independent Contractors:** Independent Contractors are in business for themselves and must obtain an Occupational Tax Certificate prior to commencing work. Generally, if payroll taxes are not deducted from your pay, you are an Independent Contractor.

## **Business Basics for the New Business Owner**

**Planning/Zoning & Sign Approvals:** The Zoning Department reviews all new applications and change of addresses to ensure compliance with zoning regulations for that business location. They must approve the business activity to be conducted at that location prior to issuance of an Occupational Tax Certificate.

Signs are strictly regulated. For information about Zoning and Signs, contact the Community Development Department at (404) 637-0500.

**Ownership Types:** Business ownership is classified into one of the following types of ownership entities (legal business structures): Sole Proprietor, Partnership, Limited Partnership, Limited Liability Company/Corporation. To determine which type of organization best suits your needs contact your legal or tax professional.

## **How to Obtain an Occupational Tax Certificate**

**Obtaining the Application:** The initial steps to register a business begin in the Brookhaven City Hall Offices currently located at 4362 Peachtree Rd. Atlanta, GA 30319. The licensing process begins with the submission of the Occupational Tax Certificate Application. Applications may be obtained via the City web page at [www.brookhavenga.gov](http://www.brookhavenga.gov), or in person at our office.

If you are a new business in the City of Brookhaven you are required to have a current occupational tax certificate in order to conduct business within city limits. Below are some items we recommend each new business should look into to ensure your business is in compliance with City Ordinances.

**Step 1:** Before signing a lease we recommend that you make sure your business location is in the proper zoning district for your type of business. Please email your business address and dominant business activity to the Zoning Department for confirmation at [planning@brookhavenga.gov](mailto:planning@brookhavenga.gov). This will help mitigate the risk of applications denied due to improper zoning.

**Step 2:** If you are not a home-based business, we recommend that you verify whether or not your business will need a Certificate of Occupancy from the Community Development Department. They can be reached by calling 404.637.0500.

**Step 3:** Complete and submit all required forms and documentation to the Finance Department to obtain your Occupational Tax Certificate. Please review the Occupational Tax Certificate General Information and Frequently Asked Questions to determine if additional documentation is required for your business. To acquire an occupational tax certificate please follow the instructions below. The items listed below are needed for a complete occupational tax certificate application:

### **Required for all applicants:**

- ✓ **New Occupational Tax Certificate Application**
  - Must be completed, signed and notarized
- ✓ **SAVE Affidavit Form with appropriate identification**
  - #1 U.S. Citizens: Passport, Georgia Driver's License, or Military ID
  - #2 Legal Permanent Residents: Georgia Driver's License and either Permanent Resident Card or Employment Authorization Card
- ✓ **E-Verify Affidavit**

- ✓ **Copy of applicant’s identification**
  - Either Passport, Georgia Driver’s License or Military ID
- ✓ **Payment for the correct fee amount**
  - Checks made payable to City of Brookhaven

**Optional depending on business type:**

- ✓ **Home Occupational Supplemental Form**
  - Only needed if business will be operated from home
- ✓ **Copy of the first page of the Certificate of Incorporation**
  - Only needed if business is a Corporation or LLC
- ✓ **Copy of Professional State License**
  - Only if applicable: Attorney’s, Physicians, CPA’s, Engineering, Architects, Surveyors, Cosmetology, etc.
- ✓ **Copy of health inspection report with the grade and/or fire inspection report**
  - Restaurants Only
- ✓ **Copy of FOG (Fats, Oils, Greases) Compliance Inspection from DeKalb County Dept. of Watershed**
  - Restaurants Only
- ✓ **Massage Regulatory Permit and Massage Work Permit**
  - For those establishments performing massage services pursuant to the Chapter 15 Ordinance
- ✓ **Additional Requirements for Pain Management Clinics Form**
- ✓ **Background Check Consent Form for Pain Management Clinics**
  - \$50 fee

**Occupational Tax Rates:** Occupational Taxes consist of three (3) parts: (1) a \$125.00 base fee, (2) a per owner/employee fee, and (3) a gross receipt tax based on an estimated gross receipts figure.

Listed below are general occupational tax fees only. These fees will not necessarily apply to all business types. Additionally, there may also be other permit, inspection, or background fees depending on your business activity. Contact the Finance Department at (404) 637- 0500. Your tax class is determined by your NAICS Code. If you do not know your NAICS Code please call the Finance Department.

The current City of Brookhaven Tax Rate for 2013 is:

<b>Tax Class</b>	<b>Base Fee</b>	<b>Per Employee Fee</b>	<b>Rate Per Dollar Gross Receipts Over \$20,000</b>
Class 1	\$125.00	\$4.00	0.00027
Class 2	\$125.00	\$6.00	0.00045
Class 3	\$125.00	\$8.00	0.00063
Class 4	\$125.00	\$10.00	0.00081
Class 5	\$125.00	\$12.00	0.00099
Class 6	\$125.00	\$14.00	0.00117

Calculating your fee for your Yearly Occupational Tax:

- Yearly projected Gross Receipts - \$20,000= \$Adjusted Gross Receipts multiplied by appropriate Tax Rate listed above.
- Number of Employees multiplied by the appropriate per employee fee listed above
- \$125.00 Base Fee

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Total Occupational Tax Fee Due

\*Post Office Boxes and mail handling facilities can be used for the mailing address, but cannot be used for a business location. The applicant’s residence address must be used if there is no other place of business.

If more than one person is an owner, all owners must be listed. In the case of a corporation, all corporate officers must be listed.

**Other Regulated Businesses:** If you wish to operate any of the following types of businesses, additional documentation may be required. All business types listed below will require additional review, approval or a permit. Businesses are subject to review and approval by any or all of the following: Business Licensing, City Council, Fire Department, Police Department, Planning and Zoning. Certain business will also be required to submit to Law Department review.

Automobile Sales (1)	Bakery (2)
Amusement Games Arcade	Barber Shop (1)
Braiding Salon (1)	Burglar Alarm (1 & 3)
Butcher (2)	Catering (4)
Child Care (5)	Chiropractors (1)
Circus/Carnival (13)	Dances/Dance Hall
Firearms Dealer/Sales (3 & 6)	Doctor/Dentist (1)
Fortune Teller (3)	Heating & Air-Condition (1)
Hotel/Motel Business	Ice Cream Shops (4)
Limousines (9 & 10)	Massage Estab./Parlor (1 & 3)
Massage Therapist (1 & 3)	Non-Profit Business (11)
Pawn Broker/Shop (3)	Peddler/Door to Door Sales/Solicitor
Personal Care Home (4 & 5)	Pest Control (1)
Physical Therapy (1)	Plumbing Business (1)
Pools & Billiards Room	Precious Metals and Gems (3)
Private Patrol/Security Guards (1 & 3)	Produce Stand (2)
Real Estate Agents (1)	Restaurants/Night Club (4 & 14)
Seafood: Retail/Wholesale (2)	Specialized Contractors (1)
Taxi/Vehicle for Hire (3 & 10)	Welding Shop

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|----------------------------------|--------------------------------|---|
| 1. State License                 | 6. Federal Firearms License    | 13. Special Event Permit                                  |
| 2. Agriculture Department Letter | 7. Tourist Permit              | 14. FOG Compliance Inspection from DeKalb Watershed Dept. |
| 3. Police Background Clearance   | 8. PSC Registration            |   |
| 4. Fire and/or Health Inspection | 9. Regulatory Enforcement App. |   |
| 5. DHR State License             | 10. Proof of Insurance         |   |
|                                  | 11. IRS 501C3 Letter           |   |
|                                  | 12. BOC Permit                 |   |

Completed applications should be delivered or mailed to our mailing address. The application becomes effective when all necessary approvals have been received. The business license certificate will be mailed normally within 2 to 5 business days.

### **Important Information about Occupational Tax Certificates**

**Change of Business Activity, Business Location or Ownership:** An occupational tax certificate is nontransferable. The certificate is terminated when business ownership changes. Changes in location or business activity/description require zoning approval. Advise the Finance Department immediately of any changes to your business registration application, especially if the business has ceased to operate. Applicable forms are located on our website at [www.brookhavenga.gov](http://www.brookhavenga.gov).

**Posting of Occupational Tax Certificate:** All occupational tax certificates must be displayed on the premise of the place of business. It must be posted in a conspicuous place and open to public viewing.

**Occupational Tax is Payable in Advance:** Payment must be made on or before commencement of business activity. Payment is for the privilege of conducting business in the periods ahead. Applicants shall provide an estimate of their gross receipts and number of employees for the rest of the year. The estimate will be changed to actual figures when renewed for the following year.

**Occupational Tax Renewals:** Once your business has obtained an occupational tax certificate, a courtesy renewal notice will automatically be mailed to you at the beginning of each year, generally the first week in January. Renewal Forms should be completed and returned prior to the date on the renewal form. If you do not receive a renewal notice, please contact the Finance Department. ***Failure to receive a renewal notice does not relieve the business ownership of responsibility to renew the business registration.***

Occupational Tax Certificate renewal payments are due by April 30<sup>th</sup> of each year and the tax must be paid by April 30<sup>th</sup> to avoid late penalties of 10% and interest of 1%.

### **Regulated Businesses & Privilege Licenses**

**Alcoholic Beverages:** The business licensing section processes all alcohol beverage licenses and annual renewals. In addition to zoning approval and other requirements, alcohol related business must have an occupational tax certificate. The applicant/licensee and all owners with ten percent (10%) or more must pass a background investigation as conducted by the City of Brookhaven. All information must be provided in duplicate. Other documentation required includes: 1) drivers' license, and 2) two original pictures. Public Safety and the Finance Department enforce the alcohol rules and regulation, and the Finance Department issues permits for employees to work in alcohol related businesses. If your business plans to sell or serve alcohol beverages, please contact the Finance Department at (404) 637-0500.

**Adult Establishment License:** In addition to zoning approval requirements, all applications for sexually oriented businesses, as defined by Brookhaven City Code, will be reviewed by the Finance Department. For additional information, please contact the Finance Department at (404) 637-0500.