STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE No. 2017-038

ADOPTION OF INSURANCE PREMIUM TAXATION ORDINANCE

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, Section 1.12(b)(41) of the City Charter authorizes the City Council to impose those taxes that may be allowed by law;

WHEREAS, Chapter 8 of Title 33 of the Official Code of Georgia Annotated authorizes municipalities to impose premium taxes of life insurance policies;

WHEREAS, through Ordinance No. 2017-007, the City Council adopted and imposed Insurance Premium Taxes, which are codified in Chapter 6 of Title 2 of the City of South Fulton Code of Ordinances;

WHEREAS, the City Council seeks to recodify the Insurance Premium Tax with this ordinance;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: Chapter 6, Insurance Premium Taxes, of Title 2, Taxation, is hereby repealed in its entirety and replaced with the following:

<u>Title 2: TAXATION</u>

CHAPTER 6 - INSURANCE PREMIUM TAXES

Sec. 2-6001. - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Gross direct premiums* means gross direct premiums as used in O.C.G.A. § 33-8-4.

(b) *Insurer* means a company that is authorized to transact business in any

classes of insurance designated in O.C.G.A. § 33-3-5.

Sec. 2-6002. – Insurers License Fees

There is hereby levied for the year 2018 and for each year thereafter an annual license fee upon each insurer doing business within the City of South Fulton, Georgia in the amount of one hundred fifty dollars ($150.00). For each separate business location in excess of one not covered by Section 2-6003, which is operating on behalf of such insurers within the City of South Fulton, Georgia, there is hereby levied a license fee in the amount of one hundred fifty dollars ($150.00).

Sec. 2-6003. - License Fees for Insurers Insuring Certain Risks at Additional Business Locations

For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee of fifty-two and 50/100 dollars ($52.50) per location for the year 2018 and for each year thereafter.

Sec. 2-6004. – Gross Premiums Tax Imposed on Life Insurers

There is hereby levied for the year 2018 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by Sections 2-6002 and 2-6003 of this ordinance.

Sec. 2-6005. – Gross Premiums Tax, All Other Insurers

There is hereby levied for the year 2017 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. § 33-3-5, doing business within the State of Georgia in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.2. Gross direct premiums as used in the section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by Sections 2-6002 and 2-6003of this Code of Ordinances.

Sec. 2-6006. – Due Date for License Fees

License fees imposed in Sections 2-6002 and 2-6003 of this Code of Ordinances shall be due and payable on the first day of January and on the first date of each subsequent year.

Section 2-6007. – Administrative Provisions

The City Clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within 45 days of its enactment.

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Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

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

Section 4: Effective Date

Except for Code of Ordinance Section 2-6007, this Code Section shall become effective on January 1, 2018. Section 2-6007 of this Ordinance shall become effective immediately upon the Mayor's signature.

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The foregoing Resolution No. **2017-038,** was adopted on **December 12, 2017,** was offered by **Mayor Pro Tem Rowell,** who moved its approval. The motion was seconded by Councilmember **Gumbs,** and being put to a vote, the result was as follows:

"SECOND READING"

	AYE	NAY
William "Bill" Edwards, Mayor		
Catherine Foster Rowell, Mayor Pro Tem	√	
Carmalitha Lizandra Gumbs	√	
Helen Zenobia Willis	√	
Gertrude Naeema Gilyard	**not present**	
Rosie Jackson	√	
khalid kamau	√	
Mark Baker	√	

THIS RESOLUTION adopted this **12th** day of **December 2017. CITY OF SOUTH FULTON, GEORGIA.**

"SECOND READING"

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

CITY OF SOUTH FULTON
SEAL
2017
GEORGIA

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY