

CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

110.01	<u>Definitions</u>
110.02	<u>License required; purpose</u>
110.03	<u>Application for license</u>
110.04	<u>Multiple businesses; multiple locations</u>
110.05	<u>Date and duration</u>
110.06	<u>Delinquent fees</u>
110.07	<u>Issuance of license</u>
110.08	<u>Display of license</u>
110.09	<u>License not transferable</u>
110.10	<u>Deposit of license fees</u>
110.11	<u>Enforcement</u>
110.12	<u>Revocation or suspension</u>
110.13	<u>Appeal and review</u>
110.14	<u>License fee schedule</u>

109.99 [Penalty](#)

Cross reference:

Financial institution franchise tax, see Ch. 116
Insurance license tax, see Ch. 114
Peddlers, itinerant merchants, and solicitors, see Ch. 112
Places of entertainment, licensing of, see Ch. 113

§ 110.01 DEFINITIONS.

"BUSINESS." A person, association, firm, proprietorship, partnership or corporation or any form of business organization.

"NONRESIDENT." One whose place of business is not permanently located within the city.

"RESIDENT." One whose place of business is permanently located within the city.

(Ord. 174, passed 7-5-77; Am. Ord. 1999-07, passed 6-24-99)

§ 110.02 LICENSE REQUIRED; PURPOSE.

(A) It shall be unlawful for any person, firm, partnership, corporation, or other form of doing business, within the corporate limits of the city, to engage in any business, occupation, trade, or profession, or to sell or offer for sale, any article of goods, wares, or merchandise named in this chapter, or to do any act for the doing of which a license is required by this chapter without having first procured a license to do so and without having first paid the

required license fee therefor.

(B) Pursuant to K.R.S. 92.280(2) and 92.281(1) the funds generated from the occupational license shall be used for city purposes and the General Fund of the city.

(Ord. 174, passed 7-5-77; Am. Ord. 1999-07, passed 6-24-99) Penalty, see § 110.99

§ 110.03 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Clerk-Treasurer in writing upon forms to be furnished by him and shall contain:

- (1) The name of the applicant and of each officer, partner, or business associate;
- (2) His present occupation and place of business;
- (3) His place of residence for five years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;
- (5) The period of time for which the license is desired;
- (6) A description of the merchandise to be sold, if for a vendor;
- (7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application.
Penalty, see § 110.99

§ 110.04 MULTIPLE BUSINESSES; MULTIPLE LOCATIONS.

(A) Each person, firm, or corporation engaged in any of the occupations of business listed in this chapter shall pay the annual license fee on such occupation or business that amounts to the largest sum of money herein set out, so as to produce the greatest revenue for the city, provided that no person, firm, or corporation shall be required to pay for businesses or occupations conducted in the same building or on the same premises, an annual license tax in excess of such largest sum. But in event, a person, firm, or corporation is engaged in the same business or occupation at two or more locations, a separate license for each location will be required, and no license issued under this section shall be construed to exempt the licensee from payment of any license fees required' by § 110.14 for any of the businesses or occupations, trades, or professions there enumerated, except as may be otherwise specifically provided by § 110.14.

(B) The license fee herein provided shall be required of each member of a firm where two or more persons are engaged in the practice of professions; it shall also be required where an individual firm or corporation may have separate locations for conducting business and each separate location shall require the license fee according to the business conducted therein.

(Ord. 174, passed 7-5-77) Penalty, see § 110.99

§ 110.05 DATE AND DURATION.

All license fees levied and all licenses issued under this chapter shall be due July 15, 1999, and all such shall expire on July 15, 2000, and on July 15, of each succeeding year, except in the case of a new business. Licenses for new businesses, may be prorated, but for not less than three months.

(Ord. 174, passed 7-5-77; Am. Ord. 1999-07, passed 6-24-99; Am. Ord. 2002-05, passed 6-18-02)

§ 110.06 DELINQUENT FEES.

Any and all license fees are due to be paid on July 15, and if not paid within 30 days from that day shall be assessed a penalty of 10% of the fee required for that particular business, occupation, trade, or profession, which penalty together with the regular fee shall be paid before a license is issued.

(Ord. 174, passed 7-5-77)

§ 110.07 ISSUANCE OF LICENSE.

(A) Every person desiring to obtain a city license for any of the businesses herein enumerated shall pay to the City Clerk-Treasurer the

required license fee and obtain the signature of the City Clerk-Treasurer on his certificate of license, which certificate shall be evidence of the fact that his license has been duly paid. The license certificate shall be void and of no effect without the signature of the City Clerk-Treasurer, or his deputy.

(B) There shall be imposed as costs for every license issued by reason of this chapter, the sum of \$.75 which shall be paid to the City Clerk-Treasurer by the one purchasing such license at the time such license is issued, and no license herein shall be issued until such costs have been paid to the Clerk-Treasurer, and receipted for by him, and such costs will inure to the Clerk-Treasurer as compensation for service rendered in issuing such license.

(Ord. 174, passed 7-5-77)

§ 110.08 DISPLAY OF LICENSE.

Every person holding a license for any of the purposes mentioned in this chapter shall keep the license posted in a conspicuous place at his place of business, or shall keep the license on his person, so that it may be inspected on request by the proper authorities, and every person holding a city license shall produce that license for inspection whenever required to do so by the City Attorney, City Clerk-Treasurer, police officer, or any member of City Council.

(Ord. 174, passed 7-5-77) Penalty, see § 110.99

§ 110.09 LICENSE NOT TRANSFERABLE.

No license provided for herein shall be assigned or transferred to any person for any purpose, at any time.

(Ord. 174, passed 7-5-77) Penalty, see § 110.99

§ 110.10 DEPOSIT OF LICENSE FEES.

All revenue received for payment of license fees and penalties required by this chapter shall be paid into and become a part of the general fund of the city to be used for the general operating expense of the city.

(Ord. 174, passed 7-5-77)

§ 110.11 ENFORCEMENT.

It shall be the duty of the City Clerk-Treasurer, or any police officer on his learning that any person, firm, or corporation, required by this chapter to pay any license fee has not paid same, to send to that person, firm, or corporation a letter stating that the

license is due and that unless it is paid within ten days a warrant will be obtained for the arrest of the violator. If after ten days from the date of mailing of the letter the person, firm, or corporation has not paid the license fee then the City Clerk-Treasurer or police officer shall thereupon obtain a warrant for that person, firm, or corporation.

(Ord. 174, passed 7-5-77)

§ 110.12 REVOCATION OR SUSPENSION.

(A) Any license may be revoked by the Mayor or other chief administrative officer at any item for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state, or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the Mayor or other chief administrative officer may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

§ 110.13 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the legislative body from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the Clerk-Treasurer who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The Clerk-Treasurer shall notify the Mayor and all members of the legislative body of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the legislative body members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the legislative body present at the meeting declare in

favor of the applicant, the license shall be issued or fully reinstated as the case may be, otherwise the order appealed from shall become final.

§ 110.14 LICENSE FEE SCHEDULES.

(A) Each business, person, firm, partnership, corporation, association or any form of business organization, owning, operating, conducting, or engaging in any of the following businesses, occupations, trades, or professions, whether such be operated or conducted separately or in connection with other businesses, occupations, trades, or professions, except as may be hereinafter specifically provided, shall pay the amount of license fee hereinafter provided, the name used in each case being the designation of the business, occupation, trade, or profession required to be licensed.

(B) The following occupational and unloading licenses shall be for the calendar year, unless otherwise stated:

<u>Licenses</u>	<u>Fees</u>
Automotive: including, but not limited to:	
Body Shop	\$100
Used car-truck sales	\$100
New car-truck sales	\$100
New and used car-truck sales	\$100
Service and related activities	\$100
Contractors and tradesmen: including, but not limited to:	
Carpenter	\$80
Electrician	\$80
Equipment operator, excavation	\$80
General contractor	\$80
Landscaping, lawn service, tree trimming	\$80
Painter	\$80
Pest exterminator	\$80
Plumber	\$80
Entertainment	\$50
Entertainment:	
Billiards or pool	\$100 first table and \$10 for each additional table
Pinball, video or arcade games	\$100 first table and \$10 for each additional table

Licenses

Fees

Flea Market which houses various vendors The number of vendors shall be assessed as of the last full weekend of June of each year. Individual vendors of the flea market will not be considered separately for license fees notwithstanding the fact that the vendors might fall within another category, heading or definition listed herein, i.e. "Retail" or "Merchant".	\$25 per year, per vendor
Grocery: Retail or wholesale	\$ 75
Health and Beauty	\$ 75
Hotel(s) and/or Motel(s)	\$125
Insurance Companies and/or Insurance Agents	\$ 75 Junk
yard or salvage operations	\$500
Landlords and/or Rental Units, Apartment Complex: One (1) - Ten (10) Units In excess of ten (10) units	\$ 60 \$125
Manufacturing and/or Production Facility	\$125
Merchant: Any business not specifically listed elsewhere herein, in the sale or rental of consumer goods to the general public. This shall not include the sale of items incident to a primary business for which a fee herein is levied.	\$ 75
Mobile Home Parks:	\$125

<u>Licenses</u>	<u>Fees</u>
Professions: License to be based on firm, association, corporation and/or partnership including, but not limited to: Accountant Architect Attorney Chiropractor Engineer Dentist Mortician Oculist, Optometrist Osteopath Pharmacist Physician Licensed Therapist Veterinarian	\$100
Professional Services: Banking Hospital Nursing care facility	\$100
Restaurant:	\$ 75
Retail:	\$ 75
Services: Auctioneer (or \$10 per sale) Car wash Day care-preschool Dry-cleaning or solicitation Laundromat Locksmith Mechanic Mini-Storage Photographic studio Printing Publishing Realtor (or \$10 per listing) Repair service Security service Upholstery Waste Collection	\$ 75

Licenses

Fees

Temporary license:

Sale of fruit, produce or other food items

\$ 15 per week;
\$ 60 per year

Sale of nonfood items

\$ 50

Unloading:

Over one-half ton

\$ 50

Under one-half ton

\$ 25

Vending Machines:

\$ 25 for the first vending machine and \$10.00 for each additional vending machine

Wholesale Vendors:

\$150

Miscellaneous:

\$ 50

Any door to door solicitation or sales. The following shall not be considered merchants for the purpose of this chapter and shall be assessed \$25: live bait sales, knitting room, training or instructional courses.

Any business not included in a classification under this chapter shall be assessed at the rate of \$75 per year until this chapter may be amended. All license will be based on the predominant business and/or occupation.

(Ord. 1999-07, passed 6-24-99; Am. Ord. 2002-05, passed 6-18-02)

§ 110.99 PENALTY.

(A) Any person, firm, business, corporation or association violating the provisions of this chapter, shall upon conviction, be fined not less than \$50 nor more than \$500 or up to 30 days in jail, or both, plus court costs. A fine shall not satisfy the unpaid occupational license fee.

(B) The offender shall be subject to a civil penalty of \$100 for each offense, which shall be recovered by the city in a civil action in the nature of debt, including attorneys fees, interest and costs, if not paid by the offender within 30 days after a citation for the violation or failure to comply with the provision of this chapter. (Ord. 1999-07, passed 6-24-99; Am. Ord. 2002-05, passed 6-18-02)