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CHAPTER 110: GENERAL LICENSING

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BUSINESS LICENSE TAX

§ 110.01 DEFINITIONS.

(A) General. The singular form shall include the plural form and vice versa, and the masculine shall include the feminine and neuter.

"CITY." The City of Dayton, Kentucky.

"COIN OPERATED AMUSEMENT AND VENDING MACHINE." Any lawful coin or token operated machine or device which contains no element of chance and which, as a result of depositing a coin, token or other object automatically by or through some mechanical operation affords music or amusement of some character, with or without vending any merchandise, but in addition to any such merchandise. Such coin-operated amusement and vending machine shall not include any bona fide merchandise vending machine in which there is incorporated no amusement features.

"PERSONS." An individual, firm, partnership, joint-venture, association, independent contractor, corporation (domestic or foreign), trust, estate, assignee, receiver or any other group or combination acting as a unit.

"TAX YEAR." The calendar year.

"TAXPAYER." Any person liable for any license tax under the provisions of this section. Every person representing himself to be engaged in any business, trade, occupation, profession, vocation, avocation, hobby, calling or activity or exhibiting a sign or advertisement indicating such a business, trade, occupation, profession, vocation, avocation, hobby, calling or activity shall be liable for the license tax herein provided.

(B) Special.

"BUSINESS." The carrying on or exercise for gain or economic benefit, either directly or indirectly, of any business, trade, profession, occupation, vocation, avocation, hobby, calling or activity whatsoever, including the rental of real estate and personal property, and the rendering of any type of service in any commerce whatsoever in the city. The term "business" shall not include employees of businesses or persons licensed under the Dayton Code of Ordinances Chapters 113 and 114. If two or more businesses subject to the same license tax shall be owned by the same person, he shall pay one license tax on the combined gross receipts.

The term "business" shall not include the usual activities of boards of trade, chambers of commerce, trade associations or unions, community chest funds or foundations, corporations or associations tax exempt under U.S. Internal Revenue Code provided that, if any such corporation or association engages in activities other than those so exempt, such other activities shall be included in the term "business"; provided, further, that activities conducted for gain or profit by any educational institution, hospital, or any other institution mentioned in this subsection are included in the term "business". The term "business" shall also not include businesses or occupations exempted from the provisions of the ordinance by Kentucky Statutes or caselaw.

"GROSS RECEIPTS." The gross receipts from any business, trade, occupation, profession, vocation, avocation, hobby, calling, service, or activity of any kind, in the form of cash, credits or other value proceeding from or accruing from the sale of tangible property (real or personal), or the rendering of any service, or both, including and without any deductions therefrom for interest, rentals, royalties, costs of material used, costs of goods sold, or any other costs, or any other expenses whatsoever;

(A) That there may be deducted from gross receipts and such deductions shall be shown on the application and return required by this section;

- (1) The amount of any sales;
 - (2) Use or excise tax of Kentucky, or a federal excise tax, computed on the basis of the sales prices of commodities sold by a taxpayer;
 - (3) The amount of gross receipts from the sale of alcoholic beverages licensed under other ordinances of the city and laws of Kentucky;
 - (4) The amount of insurance premiums actually paid directly to companies providing such insurance coverage within the city;
 - (5) The amount of gross receipts from coin operated machines amusement and vending machines as defined above;
 - (6) The amount which the taxpayer has declared to be uncollectible as a bad debt and has so evidenced by an entry within the accounting books of that business. The determination as to the validity of a bad debt insofar as this subsection is concerned, will be made pursuant to the U.S. Internal Revenue Code. If the person has established a "bad debt reserve", the amount of bad debt deductible under this subsection will be only that amount which the taxpayer has added to the bad debt reserve for the taxable year of the return being filed. Any subsequent collection of a previously deducted bad debt will be includable as gross receipts in the year of collection as set forth in the U.S. Internal Revenue Code;
 - (7) The amounts of returns and/or allowances which the taxpayer has made during the taxable year and has so evidenced by an entry within the accounting books of that business;
 - (8) When used in connection with, or in respect to, financial transactions involving the sale of notes, stocks, bonds, or other securities, or the loan, collection or advance of money, or the discounting of notes, bills or other evidence of debt, or the assignment of, or purchase of municipal, county or state tax bills, shall be deemed to mean the gross interest, gross discount, gross commission, or other gross receipts earned by means of or resulting from such financial transactions, but the term "gross receipts" shall not include amounts received as repayment of the principal of debts;
 - (9) The gross receipts from all sales made from a place of business within the city, both to persons within the city and to persons outside the city, including sales made by contracts executed in the city, or sales where deliveries of commodities are made within the city.
- (B) In the case of a taxpayer owning or operating a business in the city for the sale of goods, wares or merchandise, who also operates a branch factory or store which is located outside the city, then the term "gross receipts" shall not include the proceeds from the sale of goods, wares, or merchandise not manufactured in the city unless

such goods, wares, or merchandise are located in the city at the time of sale or delivery of such goods, wares or merchandise;

(C) All persons within the city who derive gross receipts from both inside and outside the city shall apportion the percentage of gross receipts derived from within the city as against the total gross receipts of that business derived from both within and without the city. In order to ascertain the percentage of gross receipts derived within the city, the City Clerk/Treasurer or his duly designated representative, may require an applicant to furnish corroborating business and financial data under oath, or may require the return to be verified under oath.

"GROSS RECEIPTS FROM SALE OF PERSONAL PROPERTY." If the sale was made for consideration wholly in cash, the total cash received;

(A) If the sale was executed on a deferred payment basis, the portion paid in cash, including deposits, down payments, escrow or security moneys, and the deferred balance, to be paid within a period subsequent to the time of the initial sale, shall constitute the total receipts, provided however, that the receipt of the deferred payments in the tax years subsequent to the tax year in which the gross receipts of the total sale was reported, shall not constitute such a receipt;

(B) If the sale was executed on a deferred payment basis and the deferred payment was secured by a note or other evidence of indebtedness, the amount of cash received plus the face value of the note or indebtedness constitutes the receipt; provided, however, that the receipt of any payment on such note or evidence of indebtedness in the tax years subsequent to the year of the deferred sale shall not constitute a receipt within the meaning of this section;

(C) If the sale is an installment sale, the total amount of the installments paid, or to be paid, constitutes the receipts, including any interest or carrying charges. A person who sells or otherwise disposes of personal property in trade or business on the installment plan must report as receipts the total amount of consideration to be received from the installment contract so long as the installment contract was executed during the period covered by the return. Insofar as this subsection is concerned, it shall be irrelevant as to whether or not title remains in the vendor until the property is fully paid for and all of the conditions prescribed in the installment sale are fully performed. It is provided further that any receipt of installments in the tax years subsequent to the tax years in which the original installment sale was reported, shall not constitute a receipt within the meaning of this section;

(D) If the sale is made by exchange of property of any kind, pursuant to a barter transaction, the fair market value of the property received in exchange constitutes the receipts. However, where a used article is accepted in part payment of the purchase price, such as automobiles, furniture, washing machines, radios, mechanical

refrigerators, televisions, etc., the seller of the new article shall report the sales price of the new article less any allowance made for the used article, provided however that when such used article is sold, the sales price of such used article shall constitute receipts within the meaning of this section.

"JOINT RECEIPTS." That, when two or more persons, not partners, and not being in the relation of employer and employee, shall perform joint service or sell joint property, or receive money or assets to which they are jointly entitled, and one of such persons shall first receive the total sum due for such service or due on account of such sale, or the money or assets to which such persons are jointly entitled; and shall account to and pay to the other said persons their proportionate part of such total gross receipts, the person first receiving the said joint sums or assets shall be required to account for only that portion which he shall retain, and the other said person shall report the sums or assets received by them respectively, upon which the tax shall be computed.

(Ord. 1995-19, passed 12-19-95)

§ 110.02 LICENSE PROCESS.

(A) License Required.

(1) For each calendar year, every person engaged in business within the city shall be required to obtain an occupational license and pay a license tax to the city on or before April 15th of each calendar year, except as provided herein. No license issued under this chapter shall authorize any person to engage in any business other than the one for which the license was issued, unless transferred by the City Clerk/Treasurer as provided by law.

(2) If any ordinance, statute, or law required a special form of application or bond or special license prior to entering into any business for which an occupational license is applied, the City Clerk/Treasurer shall not issue the license hereunder until such special application is made, bond executed, or license obtained.

(B) License Application. The Mayor, by regulation, fix the requirements for information on the license application for proper administration of this chapter, and such information may include, but is not limited to: name of the business; address at which it is conducted; mailing address, if different; business telephone number; state and/or federal tax identification number; name, residence address, phone number, date of birth, social security number of an individual owner or each partner; name, residence address, phone number of a corporation's officers and registered agent for service of process; name, residence address, date of birth, phone number and, if any, a night emergency phone number of any duly authorized representative of the business managing the business within the city; full description of the business to be conducted; date on which business began or will begin operations

in the city; accounting period of the business; number of employees working or expected to be working for the business within the city during the license year; full details of any denial or revocation of a business license owned or partly owned by the owner, each partner, the corporation, or corporate officers of the proposed business; details of any conviction of any owner, partner, corporation, or corporate officers of the proposed business of any felony, misdemeanor, crime of moral turpitude, or crime which directly relates to the type of business for which the license application is made; full details as to whether any license, permit, degree, certification, or similar prerequisite is necessary to conduct such a business and proof that same has been received; full details of all hazardous materials to be kept at the premises; full details of pets, guard dogs or other animals which might be on the premises; full details of any alarm system and all other information which would be necessary or helpful to emergency personnel responding to a call to said premises. The application will contain the following statement: "WARNING: Statements made in this application are subject to verification and false or intentionally misleading statements may be cause for denial or a license or, if a license is granted, revocation thereof upon discovery." The application shall be signed by a person duly authorized to act for the applicant who shall certify his or her authority to so act and that the statements on the form are true and complete. The City Clerk/Treasurer shall not accept any application which does not contain all of the required information. Each application shall be accompanied by the amount of the license fee provided for herein. The City Clerk/Treasurer shall issue a receipt for the amount of the fee tendered with the application, provided that such receipt shall not be construed as approval of the application; nor shall it entitle the applicant to open or maintain the business for which the license is sought. Such fee shall be refunded if the license applied for is denied.

(C) False Information. The giving of false or intentionally misleading information on the application shall be grounds for denial of a license or, if a license has been granted, revocation thereof upon discovery.

(D) License Application Review.

(1) All applications for licenses hereunder shall be subject to review by the Mayor. The Mayor may refer an application to any other official, employee, or department of the city as deemed appropriate for recommendation. The Mayor may require, in writing, such additional information from applicant as reasonably deemed necessary. The Mayor shall return the application to the City Clerk/Treasurer with the decision endorsed thereon within a reasonable time.

(2) The following are the general standards relative to the qualifications required of every applicant for a license hereunder. All such standards shall be considered and applied by the Mayor in making a decision on each application:

(a) the applicant and/or its employees hold a valid license, permit, degree, certification or other similar documents required by law to conduct the business for which the license is applied;

(b) the criminal records or the owner, partners, corporation or its officers in regard to felonies, misdemeanors, crimes of moral turpitude or crimes which directly relate to the business for which the license is sought, including the nature and seriousness of the crime, the relationship of the crime to the purposes of regulating the business, the relationship of the crime to the ability, capacity, and fitness required to conduct the business and the extent to which the individual has been rehabilitated;

(c) whether the business is of such a type that experience has shown that, unless closely supervised, it has a high probability of generating or resulting in criminal activity or adversely affecting the health, safety, morals and welfare of the citizens of the city or constitutes a nuisance;

(d) whether the owner, partners, corporation or its officers have been denied a license or had one revoked by the city or any other governmental agency;

(e) whether complaints have been received by the city or any other governmental agency of the business practices or such persons and the disposition of such complaints;

(f) whether the owner, partners, corporation or its officers are indebted to the city for delinquent taxes, assessments, fines, or similar obligation;

(g) whether the business complies with all zoning laws and regulations of the city; and

(h) whether the premises at which the business will be located complies with all applicable building and fire codes.

(3) After review the Mayor may do one of the following:

(a) approve the application and authorize the City Clerk/Treasurer to issue the license;

(b) approve the application with reasonable written conditions including, without limitation, the following: posting of a bond, payment of a debt to the city by a certain date, granting permission to inspect the premises or records of the business, requiring certain alterations to the premises by a certain date, which conditions must be accepted in writing by the applicant after which the City Clerk/Treasurer shall issue the license; or

(c) deny the license in writing stating the grounds for the denial and that the applicant has the right to appeal the decision

to the City Council if written request is made within fifteen (15) days from the date of the notice.

(4) Any person aggrieved by a decision of the Mayor shall have the right to appeal such decision to the City Council. Request for appeal shall be made in writing within fifteen (15) days from the date of the notice of the decision of the Mayor. The appeal shall include a statement of the grounds relied upon to overrule the Mayor's decision and shall have a copy of the notice of such decision attached. The Council shall hold a hearing on the appeal within thirty (30) days of the filing of the appeal. The Mayor shall schedule the hearing on the appeal within thirty (30) days of the filing of the appeal. The Mayor shall schedule the hearing and notify the appellant of the time and place by certified mail at the address listed on the license application or by personal service not less than seven (7) days prior to the hearing date. Decision of the City Council shall be final.

(Ord. 1995-19, passed 12-19-95; Am. Ord. 1997-16, passed 5-20-97)

§ 110.03 IMPOSITION AND USE OF LICENSE TAX.

(A) License Tax Imposed. There is hereby levied and established an annual license tax, in the respective sums or amounts hereinafter specified, upon all persons doing or conducting any business in this city, which business may be herein or hereafter subject to said tax; and no person shall conduct any such business within the corporate limits of the city without first having paid the established tax and having obtained the prescribed license therefor; and such license shall be required of any persons residing outside the city or having a place of business outside the city limits if such person shall engage in business as mentioned in this section in the city and who actually solicits and accepts business by holding himself out as engaging in such business, trade, occupation, vocation, avocation hobby, calling, or activity the same and any person residing in the city and engaged in a similar business, trade, occupation, vocation, avocation, hobby, calling, or activity.

(B) Use of License Tax Proceeds. The proceeds of the license tax levied and established by this section shall be used to defray the cost and general expense of maintaining city government and shall be placed in the General Fund of the city for that purpose.

(Ord. 1995-19, passed 12-19-95)

§ 110.04 FILING OF RETURNS.

(A) Returns to be filed. Each person subject to the payment of the license tax under this section shall file a return with the City Clerk/Treasurer or his duly designated representative, on or before April 15th in each tax year, except that those persons engaged in the business of leasing or renting property or portions thereof shall file a return on or before June 30th, in each tax year. The return shall be filed on forms to be furnished by the city which forms may be obtained at the office of the City Clerk/Treasurer. The return shall show each

kind of business, profession, occupation, trade, vocation, avocation, hobby, calling or activity engaged in or services rendered; the taxpayer's gross receipts during the last fiscal year prior to the date the return is due, the address or addresses of each place of business being licensed; the exact name shown or to be shown on the taxpayer's income tax return to the Commonwealth of Kentucky for the fiscal year being reported, shall state whether any information given in the original application for license has changed and shall state the change, and such other information as may be considered necessary by the Mayor. In order to ascertain any facts necessary to determine the amount of the license tax to be paid, the City Clerk/Treasurer may require a taxpayer to furnish information under oath. The return shall be signed by the taxpayer. If the City Clerk/Treasurer determines from information on the return or other information obtained by said Treasurer that the full amount of license tax has not been paid, a notice of additional tax due may be served at any time within the three (3) years after the license tax was payable under this section and such additional tax shall be due and payable upon the receipt of such notice. Any person subject to a license tax under this section shall retain all notes, books, and records for a period of three (3) years after a license tax was due based upon data in such notes, books, and records.

(B) Secrecy of Returns. The information in returns filed by persons subject to license taxes under this section shall be confidential as respecting the business of any such person and shall be made available only to officers and employees of the city whose official duties require the use of such information, and, on a confidential basis, to the Kentucky Revenue Cabinet in reciprocation for access to the confidential files under its supervision. However, the city may publish statistics based upon information in such returns in such a manner as not to reveal data respecting the business of any particular person.

(C) Contested Returns. The entire gross receipts derived from a business within the city must be reported. If the taxpayer contends that any portion of such receipts do not constitute receipts from such business within the meaning of this section, or if the taxpayer hereunder otherwise questions the validity of any provision of this section, there shall first be tendered to the City Clerk/Treasurer the return for the taxable year in question, along with any and all moneys due pursuant to this subchapter. There shall be attached to the return a detailed statement presenting a breakdown of any contested receipts, the source from which they were derived, or any and all reasons supporting the contentions regarding the validity of this section.

(D) Consolidated Businesses. If a person liable for tax hereunder during any year or portion of a year acquired the assets of, or merges or consolidates his business with the business of any other person or persons, such person liable for the tax shall report the receipts of such year of such other person or persons together with his own gross receipts during such year.

(E) Agent of Non-resident Proprietor. The agent of non-resident

proprietors shall be civilly responsible for the license fees provided for by this section, and criminally responsible for carrying on a business without first having procured a license to do so in a like manner as if they were proprietors.
(Ord. 1995-19, passed 12-19-95)

§ 110.05 ISSUANCE AND TRANSFER OF LICENSE CERTIFICATES.

A license certificate shall be issued to each person paying a license tax due under this section. Such certificate shall show the tax year for which issued, the name of the person to whom issued, and the address or location of the place of business being licensed. A license may be transferred from one person to another if the kind of business is not materially changed and may be transferred to cover another location if a taxpayer moves his place of business. If a taxpayer has more than one place of business, a license certificate shall be issued for each place of business. Each taxpayer shall display such license certificate in a conspicuous place in each licensed place of business.
(Ord. 1995-19, passed 12-19-95)

§ 110.06 LICENSE TAX FOR NEW BUSINESS.

(A) Any new business in the city shall pay 100% of the minimum tax designated by this section. However, at the end of the first year, the new business will file a supplemental return for the tax year and shall pay any additional amount required hereunder. The minimum license tax for a new business may be prorated in the manner provided on a monthly basis where the license is not for an entire year but not less than six months. Any day of one month shall constitute an entire month for the purpose of proration. In no event shall the prorated license tax be for less than six (6) months.

(B) For the purposes of this section, the term "new business" shall mean the establishment of a business as defined in this section which has not previously had gross receipts so as to render it liable for a license tax in the city. In the case of partnerships, joint ventures, associations, or joint efforts which incur changes in personnel due to additions or deletions of members, such changes in personnel shall not qualify the business as a new business under this section. If a business is formed by taxpayers that have previously been engaged in business in the city, the "gross receipts" of such business shall be the gross receipts attributable to each taxpayer involved in the new business.

(C) Notwithstanding any of the above, for any new business for which the gross receipts during the tax year can be reasonably ascertained, the license tax for such new business shall be based upon the reasonably ascertainable gross receipts.
(Ord. 1995-19, passed 12-19-95)

§ 110.07 RECORDS TO BE MAINTAINED; CITY AUDITS.

Each person subject to the provisions of this section shall

maintain a record showing gross receipts as defined in this section, but a separate record shall not be required if the taxpayer's regular records contain such information. Whenever the City Clerk/Treasurer considers it necessary for proper administration of this section, a taxpayer shall permit an officer or employee of the city to make an audit of such records and any other books, papers, files, equipment, stock or inventory of the taxpayer, and to examine witnesses under oath for the purpose of determining whether any provisions of this section are being violated. If the City Clerk/Treasurer determines that the full amount of license tax was not paid, notice shall be given to the taxpayer within thirty (30) days with penalty and interest as provided in this section. Such notice of additional tax due or notice that no license tax has been paid may be served and the amount of the license tax, penalty, and interest may be collected by the City Clerk/Treasurer at any time within three (3) years after such license tax was payable under this section.

(Ord. 1995-19, passed 12-19-95)

§ 110.08 REFUND OF LICENSE TAX.

The City Clerk/Treasurer, with the approval of the Mayor, is authorized to make refunds of license taxes paid under this section if satisfactory evidence is presented that an error was made in determining the amount of a license tax or that incorrect data was shown on a taxpayer's return, or that a misinterpretation of the provisions of this section resulted in the payment of a license tax in excess of the amount properly payable; provided however that application for a refund must be made within two (2) years from the date the license tax was paid.

(Ord. 1995-19, passed 12-19-95)

§ 110.09 OTHER LICENSE TAXES TO BE PAID.

The license tax prescribed by this section is not in lieu of, but in addition to the license taxes required to be paid under any other section of the Code of Ordinances of the city.

(Ord. 1995-19, passed 12-19-95)

§ 110.10 ADMINISTRATION.

The section shall be administered by the City Clerk/Treasurer under the direction of the Mayor. The Mayor shall have authority to issue and promulgate such regulations as the Mayor may consider necessary for administration of this section, provided such regulations are not inconsistent with the provisions of this section. No license shall be issued for any unlawful activity or for any business that the City Clerk/Treasurer, with approval of the Mayor, considers to be detrimental to the public welfare or contrary to public interest, but any such refusal to issue a license may be appealed to the City Council.

(Ord. 1995-19, passed 12-19-95)

§ 110.11 DENIAL, REVOCATION OR SUSPENSION OF LICENSE.

(A) Any license issued pursuant to this chapter may be revoked or

suspended by the Mayor, after notice and hearing for any of the following causes:

(1) the applicant and/or its employees has lost or fails to hold a valid license, permit, degree, certification or other similar documents required by law to conduct the business for which the license is applied;

(2) the owner, a partner, the corporation or one of its officers have been convicted of a felony, misdemeanor, crime of moral turpitude or crime which directly relates to the business for which the license is sought, and considering the nature and seriousness of the crime, the relationship of the crime to the purposes of regulating the business, the relationship of the crime to the ability, capacity, and fitness required to conduct the business and the extent to which the individual has been rehabilitated;

(3) the business has experienced a high rate of activity resulting in criminal activity or adversely affecting the health, safety, morals and welfare of the citizens of the city or constitutes a nuisance;

(4) whether the owner, a partner, the corporation or one of its officers have been denied a license or had one revoked by another governmental agency;

(5) valid complaints have been received by the city or any other governmental agency of the business practices of such persons;

(6) the owner, a partner, the corporation or one of its officers become indebted to the city for delinquent taxes, assessments, fines, or similar obligations;

(7) the business ceases to comply with all zoning laws and regulations of the city; and

(8) the premises at which the business is located ceases to comply with all applicable building and fire codes;

(9) there is found to be false or intentionally misleading statements contained in the application for license;

(10) failure of the owner, a partner, the corporation or one of its officers to perform or abide by any of the conditions of a conditional license;

(11) if there shall occur in, on, or at the premises covered by the license any condition which is a nuisance or obnoxious to the morals and general welfare of the public;

(B) When the Mayor has probable cause to believe that a license should be revoked for any of the causes enumerated herein, he shall

schedule a hearing by filing charges against the holder of such license with the City Clerk/Treasurer. The charges shall be in writing and each charge shall be clearly set out and shall notify the license holder of the day and time of hearing which notice shall be given by certified mail at the address contained in the application or by personal service at least seven (7) days before the hearing. The Mayor shall make a decision within a reasonable time after the hearing giving the reasons therefore in writing and shall serve them on the license holder as described above.

(C) Any person aggrieved by a decision of the Mayor shall have the right to appeal such decision to the City Council. Request for appeal shall be made in writing within fifteen (15) days from the date of the notice of the decision of the Mayor. The appeal shall include a statement of the grounds relied upon to overrule the Mayor's decision and shall have a copy of the notice of such decision attached. The Council shall hold a hearing on the appeal within thirty (30) days of the filing of the appeal. The Mayor shall schedule the hearing and notify the appellant of the time and place by certified mail at the address listed on the license application or by personal service not less than seven (7) days prior to the hearing date. The decision of the City Council shall be final.

(D) Revocation or suspension of a license hereunder shall be in addition to the imposition of any other penalty prescribed by this chapter or any other ordinance, statute or law.
(Ord. 1995-12, passed 12-19-95)

§ 110.12 MEASURE OF LICENSE TAX; DURATION OF LICENSE; DATE TAX PAYABLE.

(A) The license tax provided for by this section shall be as hereafter set forth and shall be either:

(1) The designated flat annual license tax, where the tax is not based upon gross receipts; or

(2) Where the annual license tax is based upon gross receipts, same shall be measured by the amount of the gross receipts of the taxpayer for the calendar year immediately preceding the year in which the return is filed and shall be as set forth hereafter.

(B) The license tax shall be due and payable on or before April 15th of each year hereafter and shall be for one (1) full year commencing January 1st through December 31st of that year; provided however that, in case of persons engaged in the business of leasing and renting real property or portions thereof, the license tax shall be due and payable on or before June 30th of each year hereafter and shall be for one (1) full year commencing January 1st of that year until December 31st of that year.
(Ord. 1995-12, passed 12-19-95)

§ 110.13 AMOUNT OF TAX.

The license tax shall be computed as follows:

(A) Every person having coin-operated amusement and vending machines, as defined in this section, on his or her premises shall pay an annual license tax to the city in the amount of ten dollars (\$10.00) per machine.

(B) Every person engaged in the business of leasing or renting real property or portions thereof shall pay an annual license tax to the city in the amount of .01 times his or her gross receipts or fifty dollars (\$50.00), whichever is greater.

(C) Every person engaged as a vendor of fruit, ice cream, sherbet, peanuts, popcorn, candy and other articles upon the street, shall pay a license tax as described in (E) below, but not less than the amount of fifty dollars (\$50.00) per year or ten dollars (\$10.00) per day.

(D) Every person engaged in the business of selling fireworks shall pay a license tax to the city in the amount of one thousand dollars (\$1,000.00).

(E) For all other persons, the tax is computed as follows:

<u>GROSS RECEIPTS</u>	<u>AMOUNT OF TAX</u>
\$ 0 - \$ 5,000	\$ 50.00
5,001 - 10,000	75.00
10,001 - 25,000	100.00
25,001 - 50,000	125.00
50,001 - 100,000	150.00
100,001 - 200,000	200.00
200,001 - 300,000	300.00
300,001 - 400,000	400.00
400,001 - 500,000	500.00
500,001 - 600,000	600.00
600,001 - 700,000	700.00
700,001 - 800,000	800.00
800,001 - 900,000	900.00
900,001 - 1,000,000	1,000.00
1,000,001 - 2,000,000	1,100.00
2,000,001 - 3,000,000	1,200.00
3,000,001 - 4,000,000	1,300.00
4,000,001 - 5,000,000	1,400.00
5,000,001 - and over	1,500.00

(Ord. 1995-19, passed 12-19-95; Am. Ord. 1996-4, passed 2-26-96; Am. Ord. 2004-5, passed 5-18-04; Am. Ord. 2005-12, passed 6-21-05; Am. Ord. 2007-9, passed 5-1-07; Am. Ord. 2012-2, passed 4-3-12; Am. Ord. 2014-5, passed 6-3-14; Am. Ord. 2014-11, passed 9-2-14; Am. Ord. 2015-7, passed 8-4-15)

§ 110.19 PENALTY.

(A) Any person found guilty of willfully or wantonly divulging secret and confidential information, except upon a valid order of a court of competent jurisdiction, from the license tax return required herein shall, upon conviction, for each offense, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or to imprisonment for not more than thirty (30) days or both.

(B) Any person who fails to file a return or fails to pay the license tax when due or fails to file a corrected return or to pay additional license tax within thirty (30) days after the notice provided in this section or fails to pay a license tax before beginning a new business, shall pay a penalty of twenty percent (20%) of the balance of the license tax due, but the minimum penalty shall be fifty dollars (\$50.00).

(C) In addition to the penalty provided in paragraph (b) above, a taxpayer shall pay interest at the rate of twelve percent (12%) per annum on the amount of any license tax found to be due and unpaid after the date provided herein for payment, said interest to be calculated from the date such amount was due.

(D) In addition to the penalties provided in paragraphs (b) and (c) above, any person found guilty of willfully failing or refusing to file a return, or willfully failing or refusing to pay the license tax when due, or willfully failing or refusing to file a corrected return or to pay an additional license tax within thirty (30) days after receipt of the notice provided herein, or willfully failing to pay a license tax before beginning a new business, or willfully failing or refusing to abide by an order of the City Council suspending or revoking his license, shall be considered guilty of a misdemeanor and, upon conviction, for each offense, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or to imprisonment for not more than thirty (30) days or both.

(Ord. 1995-19, passed 12-19-95)

OCCUPATIONAL LICENSE TAX

§ 110.20 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS, TRADE, OCCUPATION, PROFESSION."

(1) The doing of any kind of work, the rendering of any kind of personal service, or the holding of any kind of position or job

within the city, by any clerk, laborer, tradesman, manager, official, or other employee, including any nonresident of the city, who is employed by an employer as defined in this section, where the relationship between the individual performing the services and the person for whom the services are rendered is, as to those services, the legal relationship of employer and employee, including also a partner or an officer of a firm or corporation if such partner or officer receives a salary for his personal services rendered in the business of such firm or corporation, except as otherwise exempted in § 110.30.

(2) Shall also mean and include the holding of any kind of office or position, either by election or appointment, by any federal, state, county, or city officers or employees, or employee of any government body or unit or administration or agency, or other entity where the services of that official or employee are rendered within the city.

"EMPLOYEE." Any person who renders services to another for financial consideration or its equivalent, under an express or implied contract, and who is under the control and direction of the latter, and shall include temporary, provisional, casual, or part-time employment.

"EMPLOYER." Any individual, copartnership, association, corporation, government body or unit, administration, agency, or any other entity, who or that employs one or more persons on a salary, wage, commission, or other compensation basis, or a self-employed person without employees, regardless of whether the employer or self-employed person, is engaged in business as defined in this section, or excluded by the terms of that definition.

"GROSS RECEIPTS" or "COMPENSATION." The total gross amount of all salaries, wages, commissions, bonuses, or other considerations having monetary value, which a person receives from, is entitled to receive from, or is given credit for by his employer for any work done or professional services rendered in any trade, occupation, or profession including any kind of deduction before take home pay is received, but shall not mean or include amounts paid to traveling salespeople or other workers as an allowance or reimbursement for traveling or other expenses incurred in the business of the employer except to the extent of the excess of such amounts over expenses actually incurred and accounted for by the employee to his employer.

"LICENSEE." Any person required to file a return or to pay a license fee under this subchapter.

"PERSON." Every natural person, copartnership, fiduciary, association, or corporation, and every self-employed person, firm, corporation, or other business entity without employees. Whenever the term "PERSON" is used in any provision prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied

to an association, shall mean the partners or members thereof, and as applied to a corporation, the officers and directors thereof.
(Ord. 220.4, passed 1-28-75)

§ 110.21 LICENSE FEES.

Every person, association, corporation, or other entity engaged in any occupation, business, trade, profession, or other activity within the city shall pay to the city a license fee for the privilege of engaging in those activities which license fee shall be measured by 2% of all salaries, wages, commissions, or other compensation earned by every person in the city for work done or services performed or rendered in the city.

(Ord. 220.4, passed 1-28-75; Am. Ord. 220.4A, passed 12- -75)

§ 110.22 WORK WITHIN AND OUTSIDE CITY.

Where compensation is earned as a result of work done or services performed both within and outside the city, the license fee required under this subchapter shall be computed by determining upon the oath of the employer, or if required by the City Clerk/Treasurer, upon the oath of the employee, that the percentage of the compensation earned from the proportion of the work which was done or performed within the city has been correctly determined.

(Ord. 220.4, passed 1-28-75)

§ 110.23 EMPLOYERS TO WITHHOLD LICENSE FEES AND FILE RETURN.

(A) Each employer who employs one or more persons within the city shall deduct from the pay due each employee 2% of that employee's gross salary, wage, commission, or other compensation due that employee, at the time of payment.

(1) The payments required to be made on account of such deductions by employers shall be made quarterly to the City Clerk/Treasurer for the periods ending March 31, June 30, September 30, and December 31 of each year, on or before the last day of the month next following the end of each such quarterly period.

(2) Each employer shall, at the same time, make a return on a form furnished by the city which shall include the name of the employee, his social security number, the gross amount due and paid to the employee, and the amount withheld, or, in lieu thereof, a true and correct copy of the Social Security return filed by the employer with the federal government. However, the failure or omission by an employer to deduct this license fee shall not relieve the employee from the payment of the license fee or from compliance with the requirements for making returns as provided in this section or with any other regulation promulgated under this subchapter.

(B) Each employer shall file in the office of the City Clerk/Treasurer on forms to be furnished by the city, the last known address of each employee and, on or before January 31 of each year, a return showing the gross amount of salary, wage, commission, or other

compensation of each employee and the amount of the license fees deducted and paid by the employer during all or any part of the preceding calendar year. These returns shall also include any pertinent information the City Clerk/Treasurer may require.

(C) The employer shall, on or before January 31 of each year, furnish to each employee to whom a salary, wage, commission, or other compensation is due, in accordance with this section, a statement showing the gross amount of the wage, salary, commission, or other compensation and the amount deducted and paid by the employer during the previous year.

(Ord. 220.4, passed 1-28-75; Am. Ord. 220.4A, passed 12- -75)
Penalty, see § 110.99

§ 110.24 WHEN RETURNS ARE TO BE FILED BY EMPLOYEE.

(A) When a return in form and substance satisfactory to the City Clerk/Treasurer is not filed by an employer and the license fees are not paid to the city by that employer, the employee for whom no return has been filed and no payment has been made shall file a return with the City Clerk/Treasurer on or before January 31 annually, showing in that return his gross receipts subject to license fees for the period from January 1 to December 31 of the preceding calendar year. This return may be made by completing the original copy of the statement furnished him by his employer if such statement, showing all of the compensation earned by him, wherever employed, during the period for which such return is made is provided. If for any reason all license fees of a person subject to the provisions of this subchapter were not withheld by his employer from his gross receipts, that person shall file the return required by this section on a form obtainable at the office of the City Clerk/Treasurer.

(B) In addition to the gross receipts earned by him, the return shall show other pertinent information as may be required by the City Clerk/Treasurer. Each person making a return required by this section shall, at the time of filing, pay the City Clerk/Treasurer the amount of license fee due under this subchapter; however, any portion of the license fee deducted at the source shall be deducted on the return and only the balance, if any, shall be due and payable at the time of filing the return. The amount of any license fees which were due on April 30, July 31, October 31, and January 31 in each year as provided herein, shall bear interest from the date the same became due at the rate of 6% per annum until paid, and the employer failing to pay the same when due, shall also pay the penalty imposed under §§ 110.28 and 110.99.

(Ord. 220.4, passed 1-28-75) Penalty, see § 110.99

§ 110.25 DUTIES OF CITY CLERK/TREASURER; EXTENSIONS; INVESTIGATIVE POWERS.

(A) It shall be the duty of the City Clerk/Treasurer to collect and receive all license fees imposed by this subchapter and to keep records showing the amounts received by him from each employer.

(B) The City Clerk/Treasurer shall, in his discretion, have the authority to extend the period for the filing of returns required by this subchapter. This extension shall be upon written request of the licensee. However, any balance unpaid when payment is due under the terms of this subchapter, shall bear interest at the rate of 6% per annum until paid.

(C) The City Clerk/Treasurer or any agent or employee designated by him is authorized to examine the books, papers, and records of any employer or supposed employer or of any licensee or supposed licensee in order to determine the accuracy of any return made, or if no return was made, to ascertain the amount of license fee due under the terms of this subchapter by the examination. Each employer or supposed employer or licensee or supposed licensee shall give to the City Clerk/Treasurer or to his duly authorized agent or employee the means, facilities, and opportunities for the making of such examination and investigation. The City Clerk/Treasurer is authorized to examine any person under oath concerning any gross receipts which were or should have been shown in a return and to this end he may compel the production of books, records, papers, and the attendance of all persons before him, whether as parties or as witnesses, whom he believes to have knowledge of those gross receipts or compensation, to the extent that any officer empowered to administer oaths in this Commonwealth is permitted to so order.

(Ord. 220.4, passed 1-28-75)

§ 110.26 INFORMATION TO BE CONFIDENTIAL.

(A) Any information gained by the City Clerk/Treasurer or any other official, agent, or employee of the city as a result of any return, investigation, hearing, or verification required or authorized by this subchapter, shall be confidential except for official purposes, except in accordance with any proper judicial order, or as otherwise provided by law.

(B) However, the City Clerk/Treasurer may disclose to the State Secretary of Revenue or his duly authorized agent, all information obtained as set forth in division (A), and grant the right to inspect any of the books and records of the City Clerk/Treasurer, if the State Secretary of Revenue grants to the City Clerk/Treasurer the reciprocal right to obtain information from the files and records of the Revenue Cabinet of the state and maintains the privilege character of the information so furnished him. The city may publish statistics based on that information in a manner so as not to reveal data respecting the gross receipts of any person.

(Ord. 220.4, passed 1-28-75) Penalty, see § 110.99

§ 110.27 INTEREST AND PENALTIES.

(A) All license fees imposed by this subchapter which remain unpaid after they become due shall bear interest at the rate of 1% per month until paid. Further, any person who fails to pay the required license fees when they become due shall also be charged a penalty of 20% of the amount of the unpaid license fees. Any person or employer who fails or refuses to withhold any license fee payable under this subchapter, or who fails to pay those fees, after withholding the same, to the City Clerk/Treasurer at the time they are due as provided under Section 110.23, shall become liable to the city for those fees as well as for the interest thereon and for the aforesaid penalty.

(B) If any portion of the tax is unpaid due to fraud, 50% of the tax shall be added as a penalty.

(Ord. 220.4, passed 1-28-75; Am. Ord. 1993-14, passed 6-15-93)

§ 110.28 USE OF LICENSE FEES.

All money derived from license fees under the provisions of this subchapter shall be paid to the City Clerk/Treasurer and placed to the credit of:

(A) The General Revenue Fund of the city to be used and expended in defraying the current, general, and incidental expenses of the city;

(B) For capital improvement;

(C) For the construction and reconstruction of streets, alleys, curbs, and sidewalks.

(Ord. 220.4, passed 1-28-75)

§ 110.29 EXEMPTED ACTIVITIES.

Because of the undue burden of administration, no license under this subchapter shall be required of domestic servants employed in private homes.

(Ord. 220.4, passed 1-28-75; Am. Ord. 2008-4, passed 4-1-08)

§ 110.99 PENALTY.

(A) Any person or business who shall fail, neglect, or refuse to secure or pay a license fee imposed by §§ 110.01 through 110.10 shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine or penalty of not less than \$50 nor more than \$500, or be imprisoned for not more than 30 days, or both, for each offense. These criminal penalties shall be in addition to the penalties imposed under § 110.08 of this chapter. (Ord. 220.5, passed 2-1-75; Am. Ord. 220.5B, passed 9-27-82)

(B) Any person or employer who shall fail, neglect, or refuse to make any return required by §§ 110.20 through 110.29; any licensee who shall fail, neglect, or refuse to secure or pay a license fee; any employer who shall fail to withhold these license fees or pay over to the city such license fees, penalties, or interest imposed by §§ 110.20 through 110.29; any employer who withholds any fee from any employee who shall not pay same to the City Clerk/Treasurer; or any person or employer who shall refuse to permit the City Clerk/Treasurer or any agent or employee designated by him in writing, to examine his books, records, or papers, for the purposes set forth in § 110.25 hereof; who shall knowingly made any incomplete, false, or fraudulent return; or who shall attempt to do anything whatsoever to avoid the full disclosure of the whole or any part of the license fee shall, upon conviction, be guilty of a misdemeanor and be subject to a fine or penalty of not less than \$50 nor more than \$500 or be imprisoned for not more than 30 days, or both, for each offense. These criminal penalties shall be in addition to the penalties imposed under § 110.27 of this subchapter. (Ord. 220.4, passed 1-28-75)

(C) Any person or agent divulging any information as provided in § 110.26 shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not less than \$50 nor more than \$500, or imprisonment of not exceeding 30 days, or both.

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Definitions
- 111.02 License required for sale of alcoholic beverages
- 111.03 Application for license
- 111.04 Classification of licenses; fees
- 111.05 Special Sunday retail drink license
- 111.06 Payment of license fees
- 111.07 Disposition of fees
- 111.08 Transferring license; fee
- 111.09 Closing hours for sale of alcoholic beverages
- 111.10 Description of premises
- 111.11 Revocation of license upon conducting disorderly house or permitting license
- 111.12 License to be posted; duplicate license
- 111.13 Licensee to be in control and charge of premises
- 111.14 Compliance with regulatory measures
- 111.15 Sale of liquor to minors prohibited
- 111.16 Registration procedure for employees
- 111.17 Extended hours permit
- 111.18 Payment of delinquencies required before license issued
- 111.19 Open containers prohibited at certain places, times
- 111.20 Soliciting purchase for employees' use prohibited
- 111.21 Authority to suspend sale delivery during emergency
- 111.22 Premises to have unobstructed view, doors closed
- 111.23 Notice required for private use of premises
- 111.24 Nude or nearly nude activity prohibited

- 111.99 Penalty

§ 111.01 DEFINITIONS.

All definitions relating to alcoholic beverages as contained in KRS 241.010 and 243.010, are hereby adopted for use within this chapter where applicable.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.02 LICENSE REQUIRED FOR SALE OF ALCOHOLIC BEVERAGE.

(A) No person, firm, or corporation shall sell any alcoholic beverage without having first procured a license as provided in this chapter, nor without complying with the provisions of this chapter and all other applicable statutes, ordinances, and regulations.

(B) No license provided for herein shall be issued for the sale of alcoholic beverages at retail in any dwelling house or apartment house, unless the business is conducted on the ground floor facing a thoroughfare.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)
Penalty, see § 111.99

§ 111.03 APPLICATION FOR LICENSE.

(A) No license shall be issued under this chapter unless a formal application is completed and signed by the applicant and by the owner of the real estate in which the business is to be conducted.

(B) The application shall contain all information required under KRS 243.390 including all information required by regulations of the Alcohol Beverage Control board of the Commonwealth of Kentucky as well as all information required by regulations of the Alcohol Beverage Control Administrator as adopted by executive order of the Mayor. (Ord. 1993-8, passed 4-20-93)

(C) Licenses shall be issued only with the approval of the Alcohol Beverage Control Administrator and the Administrator may deny approval for any reason allowable under Kentucky Revised Statutes, regulations of the Alcoholic Beverage Control Board of the Commonwealth, or local regulations of the Administrator as adopted by executive order of the Mayor in conformance with such statutes and regulations. (Ord. 1993-8, passed 4-20-93)

*KRS
243.450
- reasons*

(D) Upon approval of the Alcoholic Beverage Control Administrator, the application shall be filed with the City Clerk/Treasurer, accompanied by a certified check or cash for the full amount of the annual fee for which application is made. The City Clerk/Treasurer shall thereupon issue a license to such applicant.

Cross-reference:

For provisions concerning the Alcoholic Beverage Control Administrator, see § 31.38

§ 111.04 CLASSIFICATION OF LICENSES; FEES.

There shall be issued by the City Clerk/Treasurer the following kinds of licenses:

(A) (1) A license covering the sale of malt beverages, over bars, fountains, or at tables where the beverage is consumed on the premises of the licensee is required. The beverage may be served in glasses, steins, or other containers after being drawn from a tap or spigot connected with a barrel, keg, or other large bulk container or may be served in bottles or cans which have been packaged off the premises of the licensee which includes, but is not limited to, sales permitted by a Kentucky Nonquota Type 4 retail malt beverage license.

(2) A license covering the sale of malt beverages in bottles, jugs, or other containers to be consumed off the premises which includes, but is not limited to, sales permitted by a Kentucky Nonquota malt beverage package license.

(3) The annual license fee for each of the licenses issued under divisions (A)(1) and (A)(2) of this section shall be \$200 per year for new applicants and \$157.50 per year for renewals.

(B) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection (A) of this section by the drink to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Quota retail drink license shall be \$708.75.

(C) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above in unbroken packages of any size, not to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Quota retail package license shall be \$630.

(D) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above at wholesale, in cases, to persons or firms holding a retail liquor license shall be \$630.

(E) The annual license fee covering the sale of all alcoholic beverages including those mentioned in division (A) of this section at hotels, restaurants, airports and riverboats qualifying under the requirements of a Kentucky Nonquota Type 2 license as described in KRS 243.084(1a), 1(c) and 1(d), to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Nonquota type 2 retail drink license shall be \$866.25.

(F) The annual license fee covering the sale of wine and those beverages mentioned in division (A) of this section at restaurants qualifying under the requirements of a Kentucky Nonquota Type 2 license as described in KRS 243.084(1b) and KRS 243.084(3), to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Nonquota Type 2 retail drink license shall be \$472.50.

(G) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above at clubs or lodges which have been in continuous existence within the city for at least one year before making application and having a regular membership to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Nonquota type 3 retail drink license shall be \$236.

(H) The temporary license fee covering the sale of all alcoholic beverages not mentioned in division (A) above for less than a full year shall be \$166.66 per month or part of a month.

(I) The temporary license fee covering the sale of all alcoholic beverages mentioned in division (A) above for less than a full year shall be \$26.25 per month or part of a month.

(J) The annual license fee covering the sale of all alcoholic beverages mentioned in division (A) above at wholesale by distributorship sold at delivery to persons or firms holding a retail malt beverage license shall be \$420.

(I) The license fee for a license authorized to be issued under this section which application for such license is made after July 1 of any year shall be charged an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1, except that no license shall be issued for a shorter period than six months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 410.1C, passed 5-19-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1991-4, passed 5-13-91; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95; Am. Ord. 2010-14, passed 12-7-10; Am. Ord. 2013-13, passed 10-15-13)

Statutory reference:

City license fees, see KRS 243.070, 243.090

§ 111.05 SPECIAL SUNDAY RETAIL DRINK LICENSE.

(A) There is established a special Sunday retail drink license, pursuant to KRS 243.070. The annual fee for the license is \$262.50, due on or before July 1 and there shall be no proration of that fee.

(B) The special Sunday retail drink license is valid only from the hours of 11:00 a.m. prevailing local time on Sunday, until 12:00 a.m. prevailing local time on Monday and shall be an additional license to all others required.

(Ord. 410.1C, passed 2-3-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1991-4, passed 5-13-91; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95; Am. Ord. 2005-8, passed 5-3-05; Am. Ord. 2013-13, passed 10-15-13) Penalty, see § 111.99

§ 111.06 PAYMENT OF LICENSE FEES.

All license fees shall be paid in full prior to July 1 and the license issued shall be in effect from July 1 of such year until June 30 of the following year. No license shall be in effect unless all such fees are paid by such date.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.07 DISPOSITION OF FEES.

All license fees collected hereunder shall be paid into the General Fund of the city and used for the payment of normal business expenditures of the city.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.08 TRANSFERRING LICENSE; FEE.

No license issued hereunder shall be transferred from one person, firm, or corporation to another, without filing of an application with the information required under Section Three of this ordinance. Such application shall be submitted to the Alcoholic Beverage Control Administrator and, if approved, shall be filed with the City Clerk/Treasurer who shall issue a license to the transferee upon payment of a fee of \$25. No transfer shall be made or application for transfer acted upon after either the applicant or the license holder has been charged with a violation of this chapter or of a statute relating to alcohol consumption, or of a felony until such time as said charge shall have finally been disposed of.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93) Penalty, see § 111.99

§ 111.09 CLOSING HOURS FOR SALE OF ALCOHOLIC BEVERAGES.

(A) No holder of a license for the sale of alcoholic beverages shall permit any person, other than a licensee or a bona fide employee of a licensee then employed and then at work, to be in or upon the licensed premises between 12:00 a.m. and 11:00 a.m. on Sunday and 12:00 a.m. and 6:00 a.m. on all other days.

(B) Nothing herein shall prohibit any establishment from remaining open between the hours of 12:00 a.m. and 11:00 a.m. on Sunday and 12:00 a.m. and 6:00 a.m. on all other days for the sale of items other than alcoholic beverages as long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed off, within which shall be kept all stocks of alcoholic beverages and all apparatus connected with his business as a licensee, and the area shall be kept locked during this period of time.

(C) All other provisions of KRS Chapters 241 - 244, Alcoholic Beverages related to the hours of sale, Sunday retail drink sales, or sales during the hours when the election polls are open shall have full force and effect in the city.

(Ord. 410.2, passed 6-3-80; Am. Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1998-8, passed 8-18-98; Am. Ord. 2005-8, passed 5-3-05) Penalty, see § 111.99

§ 111.10 DESCRIPTION OF PREMISES.

(A) In addition to the information required in § 111.03, all applications for licenses shall contain a specific and accurate description of the premises in which the business shall be conducted; the name of the owner thereof; the number of rooms to be employed in the conduct of the business; and the amount of space on the exterior of and adjacent to the building. The house number and street name shall sufficiently describe the location of any building and shall include

the lot where the building is located but shall not include any adjacent lot unless it is specifically set out in the application.

(B) Licensees may sell alcoholic beverages in an open air area, called a garden, provided the premises where the garden is located are described in the application for the license. Any licensees who operate and serve beverages in such a garden except those located in CO or RO zones and those presently doing so, shall serve the alcoholic beverages covered by the license only at tables; no bar of any description shall be set up in the open, and the licensee shall not permit any music, dancing, singing, or other form of entertainment in the garden.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.11 REVOCATION OF LICENSE UPON CONDUCTING DISORDERLY HOUSE OR PERMITTING NUISANCE.

Any person, firm, or corporation operating a business under a license issued hereunder that is found in violation of any of the provisions herein contained, or of conducting a disorderly house or permitting a nuisance to exist upon the premises wherein the business is conducted, or of any violation of KRS Chapters 241 - 244, Alcoholic Beverages, after hearing, shall have his license suspended or revoked by the Alcoholic Beverage Control Administrator subject to all appeals allowed under the Kentucky Revised Statutes.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.12 LICENSE TO BE POSTED; DUPLICATE LICENSE.

All licenses granted hereunder shall be posted in a prominent place on the premises where the business is conducted. In the case of a lost license,

the licensee shall obtain from the City Clerk/ Treasurer an attested copy thereof upon payment of a fee in the sum of \$5
(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.13 LICENSEE TO BE IN CONTROL AND CHARGE OF PREMISES.

All licensees shall be in total control and charge of the licensed premises.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.14 COMPLIANCE WITH REGULATORY MEASURES.

(A) All licensees shall, as a condition to the issuance or renewal of any license, be subject to any and all further regulatory measures adopted by the city or the City Alcoholic Beverage Control Administrator.

(B) Every licensee accepts as a condition of issuance or renewal of any license the entry of police, the Alcoholic Beverage Control Administrator, or other duly authorized representatives of the city at all reasonable hours for purposes of inspection.

(C) All sales of alcoholic beverages shall be made openly and without any attempt to hide or screen the transactions from public view.

(D) No licensee shall permit any disorderly conduct or any loud, disorderly, riotous, or indecent behavior on the part of his customers.

(E) No gambling or game of chance of any kind shall be permitted in any form upon the licensed premises. All devices or games of chance are prohibited and shall not be kept upon the premises.

(F) Any violations of this chapter or the laws of the Commonwealth of Kentucky by a duly authorized employee of a licensee shall be deemed and shall constitute a violation of the license.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.15 SALE OF LIQUOR TO MINORS PROHIBITED.

(A) It shall be unlawful for any person under the age of 21 years to have in his possession any alcoholic beverages or to purchase, receive, obtain, or attempt to purchase, receive, or obtain for themselves, or others, any alcoholic beverages as defined by KRS 241.010 through the use of or by means of any misstatement or misrepresentation of his age, either orally or by exhibiting incorrect, false, fraudulent, altered, or counterfeit identification cards, driver's licenses, written instruments, or other documents.

(B) Any person who aids, counsels, abets, or assists another in the commission of the offenses described in this section shall also be deemed an offender.

(Ord. 1020.4, passed 4-3-68) Penalty, see § 111.99

§ 111.16 REGISTRATION PROCEDURE FOR EMPLOYEES.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help, or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where alcoholic beverages are sold or dispensed by the drink shall register with and be fingerprinted and photographed by the Police Department of the city prior to the date of commencing his or her employment with such establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing such employment.

(B) No employer, whether a person, firm, or corporation shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight, and place of employment. Registrants shall also provide their address, phone number, date of birth, social security number and any other information required by regulations of the Alcohol Beverage Control Administrator as adopted by executive order of the Mayor. All information required to be kept confidential by law shall not be released.

(D) Except as provided in division (K) below, each registrant shall pay a fee of \$20 to the city upon registration, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrant. A separate identification card shall be issued for each of the registrant's employers. Each registrant shall pay an additional fee of \$5 for each additional identification card issued during the term of the original identification card.

(E) Those businesses having alcoholic beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to, restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help, or working proprietor at a festival or similar event which lasts less than five days, for which a temporary alcoholic beverage by the drink license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help, or working proprietors of a holder of a special private club license or of a nonprofit holder of any license, shall be exempt from registration under this section if and only if the use of the special private club license or by the nonprofit holder of any license is an accessory use to a principal permitted use.

(I) Except as provided below, registration herein shall expire on June 15 of each succeeding year after the date of issuance of identification card described above. Each registrant hereunder shall renew his or her registration prior to the expiration date. A registrant is prohibited from serving of alcoholic beverages by the drink with an expired registration identification card.

(K) The fee under division (D) above shall be prorated as follows:

(1) For new registrants, at the rate of \$.83 per month from the month of initial application to June of the following year, inclusive, however, in no case shall the fee be less than \$3.00.

(2) For registrants renewing licenses obtained prior to March 1, 2005, at the rate of \$.83 per month from the month of renewal until June of the following year, inclusive, however, in no case shall the fee be less than \$3.00.

(Ord. 1988-2, passed 5-3-88; Am. Ord. 2003-19, passed 8-19-03; Am. Ord. 2005-7, passed 5-3-05; Am. Ord. 2005-16, passed 8-2-05) Penalty, see § 111.99

§ 111.17 EXTENDED HOURS PERMIT.

(A) No person shall operate or maintain a business establishment within the city permitting the sale of alcoholic beverages between the hours of 12:00 a.m. and 2:00 a.m. without first applying for and obtaining an extended hours permit from the Alcoholic Beverage Control Administrator who shall be responsible for the issuance of the permit.

(B) In order to be eligible for an extended hours permit, the applicant must have current and valid city and state alcoholic beverage licenses and must sign a statement that the permit shall not be a property right, and that it may be revoked or suspended at any time provided by law.

(C) The fee for an extended hours permit shall be \$105 per license, payable at the same time as other fees contained in this chapter and shall be placed in the general fund of the city.

(D) All extended hours permits issued herein shall be accepted by the applicant subject to the following:

(1) The licensed premises shall be subject to the entry of police and other duly authorized representatives of the city at all times for the purpose of inspection.

(2) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time nor shall violations of any law be permitted thereon.

(3) No live entertainment shall be permitted after 12:00 a.m. for those establishments in residential zones.

(4) Licensees shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb surrounding residents or other members of the public by being loud, profane, obnoxious, by urinating in the street or on the sidewalk, fighting, drinking, littering, or trespassing upon private property in the immediate area.

(E) If the Alcoholic Beverage Control Administrator finds repeated violations of subsections (D) (1) through (4) above, or if he finds violations of other sections of this chapter or of statutes relating to sales of alcoholic beverages, or regulations enacted pursuant thereto, he may suspend or fail to renew any existing extended hours permit.

(F) Upon the review of the Alcoholic Beverage Control Administrator or upon written and verified complaint by a citizen or upon complaint by the police department or other law enforcement personnel or by the Mayor or member of city council regarding violations of law by an extended hours permit holder or upon verification that there have been three (3) or more criminal convictions for activities at the business establishment by anyone or in the immediate vicinity by patrons of the establishment, the Alcoholic Beverage Control Administrator shall make an investigation to determine if there is probable cause to believe that a violation or violations occurred.

(G) Upon a determination that probable cause exists, the Alcoholic Beverage Control Administrator shall conduct a hearing, giving the licensee 10 days notice by first class mail, to determine if the extended hours permit should be suspended, revoked or not renewed. The licensee may give testimony, provided witnesses and may be represented by an attorney. The decision of the Alcoholic Beverage Control Administrator shall be based upon the best interest of the public and shall be reduced to writing and notice of the decision given to the holder of the extended hours permit by first class mail. Any holder of an extended hours permit aggrieved by the decision of the Alcoholic Beverage Control Administrator shall appeal to the Mayor within ten (10) days of the decision. The appeal shall be on the record. The decision of the Mayor shall be final.

(Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95; Am. Ord. 2013-13, passed 10-15-13)

§ 111.18 PAYMENT OF DELINQUENCIES REQUIRED BEFORE LICENSE ISSUED.

The Alcoholic Beverage Control Administrator shall not issue or renew city licenses or sign the state renewal form for any license provided for herein to any person who is delinquent in the payment of state, county and city personal property taxes or state, county or city ad valorem real property taxes which are levied and assessed against

the property used or contemplated to be used as the licensed premises; or who is delinquent in the payment of any assessments for waste or other assessments levied against the property used or contemplated to be used as the licensed premises; or who is delinquent in the payment of any city or county business or occupational license tax or payroll tax levied against the licensed business; or any other remaining city taxes or other debts to the city, until the delinquencies shall have been eliminated.

(Ord. 1993-8, passed 4-20-93)

§ 111.19 OPEN CONTAINERS PROHIBITED AT CERTAIN PLACES; TIMES.

(A) Any person or licensee who owns, operates or controls any business establishment which serves alcoholic beverages shall prohibit the removal of any such alcoholic beverage from inside the licensed premises to the outside of the licensed premises if said alcoholic beverage is in an open container. This section shall not apply to that portion of the premises known as a garden and regulated as stated in Section 111.10(B) of this chapter nor shall this section apply to any outdoor festival which has obtained a temporary license under Section 111.14(F) and Section 111.14(G) and which does not operate more than four (4) days.

(B) Any person or licensee who owns, operates or controls any business establishment at which alcoholic beverages are served or provided shall prohibit the drinking of alcoholic beverage on any parking lot which is adjacent, adjoining, connected with or used by the patrons of a business establishment which is under the direct control of the licensee. No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of the licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(C) No person or licensee who owns, operates or controls any business establishment at which alcoholic beverages are served or provided shall serve any person any alcoholic beverage in any disposable cup or disposable drinking container or serve its patrons ice in any disposable cup or disposable drinking container.
(Ord. 1993-8, passed 4-20-93; Am. Ord. 1993-13, passed 6-15-93)

§ 111.20 SOLICITING PURCHASE FOR EMPLOYEE'S USE PROHIBITED.

It shall be unlawful for any employee, agent or independent contractor of a licensee or of any person who owns, operates or controls any business establishment at which alcoholic beverages are served or provided to solicit patrons of the establishment to purchase any beverage for consumption by any employee, agent or independent contractor of a licensee or of any person who owns, operates or controls any business establishment at which alcoholic beverages are served or provided.

(Ord. 1993-8, passed 4-20-93)

§ 111.21 AUTHORITY TO SUSPEND SALE, DELIVERY DURING EMERGENCY.

The Mayor shall have the right at any time to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire

city, or any portion thereof particularly described in an executive order, whenever the Mayor considers such action necessary by reason of serious public emergency such as riot, insurrection, pestilence, epidemic of any catastrophe of such proportions as would effect the general welfare, public health or safety. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken. (Ord. 1993-8, passed 4-20-93)

§ 111.22 PREMISES TO HAVE UNOBSTRUCTED VIEW, DOORS CLOSED.

(A) Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance. No partition box, stall, screen, curtain, or other device shall be installed or placed so as to obstruct the view or the general observation of persons. However, partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons from the front inside entrance of the licensed premise.

(B) In the event the premise has a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

(C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

(D) All establishments licensed to serve or provide alcoholic beverages shall keep all doors to such premises closed at all times during normal hours of operations, provided that the doors to the premises may be opened for the purpose of allowing a person or group of persons ingress and egress to the premises, so long as the door is closed immediately after the person or persons enters or leaves the premises.

(Ord. 1993-8, passed 4-20-93)

§ 111.23 NOTICE REQUIRED FOR PRIVATE USE OF PREMISES.

No licensee under the provisions of this chapter shall be permitted to provide the licensed premises to any private organization, club, group or individual or other party or entity, from which the general public is excluded, without first having given notice in writing, thereof to the Alcoholic Beverage Control Administrator at least three (3) days prior to the holding of such private party. The notice shall set forth the name of the person, organization or group to which the licensed premises are provided, the address of the individual or group, date and time of such event, and other information that the Alcoholic Beverage Control Administrator may from time to time require. Special private club licenses are excluded from compliance with this provision.

(Ord. 1993-8, passed 4-20-93)

§ 111.24 NUDE OR NEARLY NUDE ACTIVITY PROHIBITED.

(A) It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on a business establishment's premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such manner or attire as to expose to view the portion of the breast referred to as the areola, nipple or simulation thereof.

(B) A licensee or retail licensee is guilty of permitting nude or nearly nude activity when, having control of the business establishment's premises, which it knows or has reasonable cause to know is being used by any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or used by any female to appear on the premises in such manner or attire as to expose to view the portion of the breast referred to as the areola, nipple, or simulation thereof, it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

(Ord. 1997-2, passed 3-4-97)

§ 111.99 PENALTY.

(A) Any person, firm, or corporation violating any of the provisions of this chapter where no other penalty is specifically provided shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than \$100 and not more than \$500, or imprisoned for not more than six months, or both.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93)

(B) Any person, firm, or corporation convicted of violating § 111.16 shall be guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$500.

(Ord. 1988-2, passed 5-3-88)



CHAPTER 112: CHARITABLE SOLICITATIONS

Section

Carstop Fundraising Events

- 112.01 Compliance
- 112.02 Application for permit
- 112.03 Permit to be in member's possession at all times
- 112.04 Hours
- 112.05 Collection by members over eighteen years
- 112.06 Traffic requirements
- 112.07 Revocation of permit

CARSTOP FUNDRAISING EVENTS

§ 112.01 COMPLIANCE.

Any and all organizations requesting carstops within the city must follow the procedures set forth in this chapter.
(Ord. 320.04R, passed 10-4-83)

§ 112.02 APPLICATION FOR PERMIT.

A representative of the organization shall make application for a permit stating his name, address, phone number, the organization's name and address, the dates requested, along with the representative's signature acknowledging that he has read these requirements, and takes responsibility for seeing that the membership follows the requirements. The city shall be held harmless for any and all injuries or damages which may occur. The application must be submitted more than 21 days prior to the requested dates; dates will be assigned on a first-come, first-served basis.

(Ord. 320.04R, passed 10-4-83) Penalty, see § 10.99

§ 112.03 PERMIT TO BE IN MEMBER'S POSSESSION AT ALL TIMES.

If a permit is issued as requested, it shall be in possession of one of the members at the carstop at all times.

(Ord. 320.04R, passed 10-4-83) Penalty, see § 10.99

§ 112.04 HOURS.

Each permit shall be issued for daylight hours only. Each carstop shall be closed at or prior to sundown as listed in the daily newspaper for that date.

(Ord. 320.04R, passed 10-4-83) Penalty, see § 10.99

§ 112.05 COLLECTION BY MEMBERS OVER EIGHTEEN YEARS.

Only members over 18 years of age may collect.
(Ord. 320.04R, passed 10-4-83) Penalty, see § 10.99

§ 112.06 TRAFFIC REQUIREMENTS.

(A) At each stop intersection, the organization shall maintain:

(1) Three traffic cones (orange), or some type of traffic roadblock device; and

(2) Each collector shall wear an orange traffic safety vest.

(B) No person at any stop shall unnecessarily impede the flow of traffic by conversing with drivers or any other method.

(Ord. 320.04R, passed 10-4-83) Penalty, see § 10.99

§ 112.07 REVOCATION OF PERMIT.

Any member of any organization failing to follow the restrictions herein shall cause the organization to have its permit revoked and its right to request a carstop revoked for a period not to exceed 18 months.

(Ord. 320.04R, passed 10-4-83)

CHAPTER 113: INSURANCE COMPANIES

Section

- 113.01 Imposition of license fee
- 113.02 Amount of fee for companies issuing insurance policies; fees based on premiums excluded
- 113.03 When payment due; delinquency
- 113.04 Written breakdown of collections
- 113.05 Disposition of funds

§ 113.01 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city on a calendar year basis.

(Ord. 220.40, passed 10-16-84; Am. Ord. 1988-19, passed 2-7-89)

§ 113.02 AMOUNT OF FEE FOR COMPANIES ISSUING INSURANCE POLICIES; FEES BASED ON PREMIUMS EXCLUDED.

(A) The license fee imposed upon each insurance company which issues any insurance policy other than those types of policies exempted in division (B) of this section, shall be 11% of the premiums actually collected within each calendar quarter by reason of the issuance of policies on risks located within the corporate limits of the city on those classes of business which the company is authorized to transact, less all premiums returned to policy holders.

(B) The license fee imposed herein shall not include fees based upon premiums:

(1) Received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Worker's Compensation Act;

(2) Received on policies of group health insurance, including but not limited to that provided for state employees under KRS 18A.225(2);

(3) Received for insuring any school, church, or public building for loss by fire or other casualty or liability from injuries to or damages to such property;

(4) Received by burial associations for burial service; or

(5) Received for life insurance.

(Ord. 220.40, passed 10-16-84; Am. Ord. 1988-19, passed 2-7-89)

§ 113.03 WHEN PAYMENT DUE; DELINQUENCY.

All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).

(Ord. 220.40, passed 10-16-84; Am. Ord. 1988-19, passed 2-7-89)

§ 113.04 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

(A) Casualty.

(B) Automobile.

(C) Inland marine.

(D) Fire and other perils.

(Ord. 220.40, passed 10-16-84; Am. Ord. 1988-19, passed 2-7-89)

§ 113.05 DISPOSITION OF FUNDS.

All moneys and funds collected pursuant to this chapter shall be placed in the General Fund of the city.

CHAPTER 114: YARD SALES

Section

114.01	Definitions
114.02	Permit required
114.03	Number and duration of permits
114.04	Display of permit
114.05	Fees
114.06	Information to be filed
114.07	Location of yard sales
114.08	Exceptions
114.98	Civil Offense

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BLOCK." Any premises adjacent to a city thoroughfare between two cross thoroughfares.

"PERSON." Any individual, groups of individuals, unincorporated associations, corporations, or charitable organizations which own, reside at, or have offices at any premises within the city.

"PREMISES." Any contiguous real property owned by the same person.

"YARD SALE." Any casual sale of tangible personal property at the premises of any person within a residential area of the city.
(Ord. 440.02, passed 5-1-84)

§ 114.02 PERMIT REQUIRED.

No person shall conduct a yard sale within the city without first filing with the City Clerk/Treasurer the information stated in § 114.06 and obtaining from the City Clerk/Treasurer a permit to conduct the sale at each premises.
(Ord. 440.02, passed 5-1-84) Civil offense, see § 114.98

§ 114.03 NUMBER AND DURATION OF PERMITS.

No person shall be issued more than two permits per calendar year. No permit shall be issued for more than three consecutive calendar days.
(Ord. 440.02, passed 5-1-84) Civil offense, see § 114.98

§ 114.04 DISPLAY OF PERMIT.

The permit shall be prominently displayed at each premises upon which the yard sale is conducted throughout the entire period of the sale.

(Ord. 440.02, passed 5-1-84) Civil offense, see § 114.98

§ 114.05 FEES.

The City Clerk/Treasurer shall collect the following fees for issuance of a yard sale permit:

(A) Yard sale, one day: \$5.

(B) Yard sale, two or three days: \$10.

(C) Block yard sale, one day: \$5 for the first premises at which a yard sale is conducted and \$2 for each additional premises on the block at which a yard sale is conducted; and

(D) Block yard sale, two or three days: \$10 for the first premises at which a yard sale is conducted and \$5 for each additional premises at which a yard sale is conducted.

(Ord. 440.02, passed 5-1-84)

§ 114.06 INFORMATION TO BE FILED.

Any person conducting a yard sale shall file the following information to the City Clerk/Treasurer:

(A) The name of the person conducting the sale;

(B) The name of the owner of the premises on which the sale is to be conducted, and the consent of the owner if the applicant is other than the owner;

(C) The location at which the sale is to be conducted;

(D) The number of days of the sale (one, two, or three);

(E) Date and nature of any previous sales; and

(F) The relationship or connection the applicant may have had with any other person conducting the sale and the date of that sale.

(Ord. 440.02, passed 5-1-84)

§ 114.07 LOCATION OF YARD SALES.

(A) No person shall conduct a yard sale on any premises other than the premises stated in the permit.

(B) No yard sale shall be conducted in such manner that goods or wares for sale are placed in any public sidewalk, street, alley, thoroughfare or right-of-way within the city nor in such a manner as to require customers or other interested parties to view those goods or wares from any street, alley, thoroughfare or right-of-way within the city.

(C) No yard sale shall be conducted prior to 7:00 a.m. nor after 6:00 p.m.
(Ord. 440.02, passed 5-1-84; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 2009-6, passed 6-2-09) Civil offense, see § 114.98

§ 114.08 EXCEPTIONS.

The provisions of this chapter shall not apply to or affect the following persons or sales:

(A) Persons selling goods pursuant to an order or process of a court of competent jurisdiction;

(B) Persons acting in accordance with their powers and duties as a public official; or

(C) Any person selling or advertising for sale any items of personal property which are specifically named or described in the advertisement and which do not exceed five in number.
(Ord. 440.02, passed 5-1-84)

§ 114.98 CIVIL OFFENSE.

Violation of any provision of Chapter 114, §§ 114.02, 114.03, 114.04 or 114.07, is declared to be a civil offense. Any person violating any provision shall be fined not more than one hundred dollars (\$100.00). Any person electing not to contest citation for said offense shall be fined one hundred dollars (\$100.00). Each day of violation shall constitute a separate offense.
(Ord. 1996-15, passed 10-1-96; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 2002-3, passed 5-7-02)

