

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: BUSINESS LICENSING AND TAXATION

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GENERAL PROVISIONS

' 110.01 DEFINITIONS.

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

AANYBODY.@ Any human being, and any combination thereof, in the form of partnership, corporation, joint venture, unincorporated association, or otherwise.

AAPPLICABLE LAWS.@ The constitutions, statutes, ordinances, rules, regulations and other laws of the United States, Commonwealth of Kentucky, County of Kenton and any other governmental entity or agency having jurisdiction.

ABUSINESS.@ Any and all franchises, trades, occupations, professions or other businesses within the meaning and context of KRS 92.280, KRS 92.281 and Section 181 of the Kentucky Constitution.

ABUSINESS REGULATORY LICENSE." A license required by the city, pursuant to the police power thereof, for the purpose of regulating business activities and operations within the city.

ABUSINESS REGULATORY LICENSE FEE." A fee required by the city and the police power thereof, to provide the funds necessary to pay the expenses of regulating business activities and operations within the city, including, without limitation, the expense of issuing business regulatory licenses.

ACITY." The City of Bromley, in Kenton County, Kentucky.

ANOBODY.@ Not anybody, or no human being, or any combination thereof, in the form of a partnership, corporation, joint venture, unincorporated association, or otherwise.

AOCCUPATIONAL LICENSE FEE.@ A tax for revenue, pursuant to the taxing authority of the City of Bromley, including, without limitation, the authority therefor established by KRS 82.082, KRS 92.280, KRS 92.281 and Section 181 of the Kentucky Constitution, wherein it is sometimes identified and referred to as a power to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions.
(Ord. 12-1-07, passed 12-13-07)

' 110.02 PURPOSE.

The purpose of this chapter is to both regulate and tax those engaged in franchises, trades, occupations, professions and other businesses.
(Ord. 12-1-07, passed 12-13-07)

BUSINESS REGULATIONS

' 110.15 REQUIREMENTS.

Everybody who is engaged in any franchise, trade, occupation, profession or other business in the city, other than those who are only so engaged as an employee, shall obtain an annual business regulatory license for that franchise, trade, occupation, profession or other business; and pay to the city a business regulatory license fee in the amount of either \$50 or that part of a multi-jurisdictional occupational permit fee, collected by Kenton County and proportionally allocated to the city, pursuant to the provisions of an inter-local agreement between the city and Kenton County and some other cities therein, for a single multi-jurisdictional annual occupational permit fee of \$225.00, which the Mayor is hereby authorized and directed to sign on behalf of the city.
(Ord. 12-1-07, passed 12-13-07; Am. Ord. 11-1-08, passed 12-3-08)

' 110.16 PROHIBITIONS.

Nobody, other than those who are only engaged as employees in the city, shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any franchise, trade, occupation, profession or other business in the city for which the annual business regulatory license required hereby has not been issued.

(Ord. 12-1-07, passed 12-13-07)

' 110.17 FORM AND CONTENT OF ANNUAL BUSINESS REGULATORY LICENSE AND APPLICATION.

The form and content of the annual business regulatory license required by this chapter and the application for it shall be determined by the City Administrative Officer; provided, however, that the application shall include:

(A) Sufficient information for the identification of the persons involved in the franchise, trade, occupation, profession or other business.

(B) The computation of the annual occupational license fee imposed by this chapter.

(C) Sufficient information and inspection authorization for a determination by the city of compliance by the licensee with all applicable laws.

(D) The name in which the business will be conducted; the address of the real estate upon which the business will be conducted, and the mailing address of the business if different from the location; and the business telephone number and the state tax identification numbers of the business.

(E) The name, address, date of birth and Social Security number of each owner of the business and each partner, officer or director, if any.

(F) The name, residence address and telephone number of a duly authorized representative of the business who is responsible for operating and managing the business in the city, and a night emergency number at which some responsible representative of the business can be reached in case of an emergency.

(G) A full description of the business operations to be conducted.

(H) The date on which the business began or will begin operations in the city.

(I) The accounting period of the business.

(J) The number of employees working or expected to be working for the business in the city during the license year.

(K) A statement describing the circumstances of each denial, suspension or revocation of any business regulatory license for any person named or identified in the application.

(L) A statement describing the circumstances of each conviction of any person named or identified in the application of a felony, misdemeanor for which imprisonment or other confinement was a possible penalty, any other crime in which moral turpitude was involved, or any other crime directly related to a business similar to that which is the subject of the application.

(M) A statement as to whether any license, permit, degree, certification or similar document is required by any applicable law for the conduct or employment in the business.

(N) A statement as to whether there are hazardous materials kept at the business premises and the location thereof, and whether there are pets, guard dogs or other animals usually kept therein and any other information which the applicant believes would be necessary or helpful to emergency personnel responding to a call to said premises.

(O) The gross receipts and hereinafter described property factor, sales factor, and payroll factor of the business for the previous calendar year.

(P) Such additional information that the City Administrative Officer determines to be reasonably necessary.

(Q) A warning in the following or similar language:

"WARNING: Statements in this application shall be made under oath, by affirmation or any other legally authorized manner of attesting to the truth of such statements, with the signatures notarized, according to law; and any false statements made herein shall be punishable according to law; and may be cause for denial of the application or the revocation of any business regulatory license issued pursuant thereto."

(R) Information incorporated by reference. All information from any previous application for an annual business regulatory license required by this ordinance, which continues to be accurate, may be incorporated by reference into subsequent annual applications for the same license by the same applicant.

(Ord. 12-1-07, passed 12-13-07)

' 110.18 APPLICATION PROCESS.

(A) Signature to application. Each application for an annual business regulatory license required by this chapter shall be signed by the applicant or an authorized representative of the applicant, who shall attest to the truth of the statements therein, with knowledge that any false statements constitute perjury, for which the signatory may be prosecuted and punished according to law; and such signatures shall be notarized according to law.

(B) Payment of fees. Each application for an annual business regulatory license required by this chapter shall be presented to the City Clerk/Tax Collector, or any designee thereof, along with both the business regulatory license fee and any occupational license fee that is due from the applicant. No application for a business regulatory license shall be accepted or received by the City Clerk without payment of the business regulatory license fee and any occupational license fee due from the applicant.

(C) Review of applications. Each application for an annual business regulatory license required by this ordinance that is received and accepted by the City Clerk/Tax Collector shall be immediately referred to the City Administrative Officer, who shall review it according to the following standards within 30 days after the receipt and acceptance thereof by the City Clerk/Tax Collector.

(1) When the applicant, or employees of the applicant, are required to have any license, permit, degree, certification or other similar document pursuant to the provision of any applicable law for the conduct of or employment in the business which is the subject of the application; the license, permit, degree, certification or other similar document shall have been duly issued to the applicant or employees of the applicant prior to the issuance of the business regulatory license. Documentary evidence of the issuance satisfactory to the City Administrative Officer shall be provided by the applicant.

(2) The criminal record of the persons named or identified in the application shall be considered to the extent such record includes conviction of a felony, a misdemeanor for which imprisonment or other confinement was a possible penalty, any other crime in which moral turpitude was involved; or any other crime which was directly related to a business of the type which is the subject of the application. In determining if a conviction was directly related to a business, the City Administrative Officer shall consider:

(a) The nature and seriousness of the crime for which the person was convicted.

(b) The relationship of the crime to the purpose of the regulation of the business.

(c) The relationship of the crime to the ability, capacity and fitness required to perform the duties and discharge the responsibilities of the operation of the business.

(d) The extent to which the person convicted has been successfully rehabilitated.

(3) The City Administrative Officer shall consider whether the business is of a type that the operation, unless closely supervised, has a probability of generating or resulting in criminal activity or adversely affecting the health, safety, morals and welfare of occupants or residents of adjoining property, the citizens and residents of the city, or will constitute a nuisance.

(4) The City Administrative Officer shall consider the business history of the applicant including:

(a) Whether the persons named and identified in the application have been denied or had suspended or revoked a similar license by the city or any other city, county or state and the reasons therefor.

(b) Whether complaints have been received by the city about the business practices or responsibility of the persons named and identified in the application, and the disposition of those complaints.

(5) The City Administrative Officer shall consider whether the persons named and identified in the application are indebted to the city for delinquent taxes, assessments, fines or similar obligations.

(6) The City Administrative Officer shall consider whether the business and the proposed location complies with all applicable laws, including, without limitation, land subdivision and use, zoning, building construction and maintenance, and fire prevention and life safety regulations.

(7) After review of the application in conformity with this chapter, the City Administrative Officer shall notify the City Clerk/Tax Collector, or any designee thereof, of either:

(a) The approval of the application.

(b) The approval of the application conditionally; but if the application is approved conditionally, the City Administrative Officer shall determine and require those conditions that are reasonably necessary to accomplish the intent of this chapter, including, without limitation:

1. A requirement that the applicant post bond with surety acceptable to the City Administrative Officer in a reasonable amount determined by the City Administrative Officer to ensure compliance.

2. A requirement that a debt to the city be paid before a specified date.

3. A requirement that the applicant permit periodic inspection of certain parts of the premises or of certain records.

4. A requirement that certain alterations be made in the premises before a specified date.

(c) The disapproval of the application.

(D) Notice to the applicant. Unless the City Clerk/Tax Collector receives a written notice from the City Administrative Officer, within 30 days after an application for a business regulatory license required by this chapter has been referred to the City Administrative Officer for review pursuant to division (C) above of this section, that the application was either conditionally approved or disapproved, the City Clerk/ Tax Collector, or the designee thereof shall issue the business regulatory license that is the subject of the application and mail it to the applicant at the address indicated in the application; and, thereafter, the applicant may engage in the franchise, trade, occupation, profession or other business described in the application, but only at the address thereof indicated in the application, until that business regulatory license expires or is suspended or revoked according to the provisions of this chapter.

(E) Conditional approval of application. In the event that the City Clerk/Tax Collector receives a written notice from the City Administrative Officer, within 30 days after an application for a business regulatory license required by this chapter has been referred to the City Administrative Officer for review pursuant to division (D) above of this section, that the application was conditionally approved, the City Clerk/Tax Collector shall notify the applicant thereof and the reasons therefor identified by the City Administrative Officer, by certified mail, return receipt requested, to the address of the applicant indicated in the application, along with a notice that the license will be issued by the City Clerk/Tax Collector only upon receipt by the City Clerk/Tax Collector of a written signed acceptance by the applicant of the conditions to be performed prior to the issuance of the license. The notice shall also state that if the acceptance is not received by the City Clerk/Tax Collector within such time, the application will thereby be disapproved.

(F) Disapproval of Application. In the event that the City Clerk/Tax Collector receives a written notice from the City Administrative Officer, within 30 days after an application for a business regulatory license required by this chapter has been referred to the City Administrative Officer for review pursuant to division (D) above of this section, that the application was disapproved by the City Administrative Officer, the City Clerk/Tax Collector shall notify the applicant of that denial and the reasons therefor identified by the

City Administrative Officer, by certified mail, return receipt requested, to the address of the applicant indicated in the application, with a refund of any anticipated city occupational license fee paid with the application, and a notice of the procedure established in this chapter for an appeal from the denial of that application.

(G) Business regulatory license revocation or suspension. Any business regulatory license required by this chapter may be revoked or suspended by the City Administrative Officer for any period of time determined by the City Administrative Officer to be reasonable and appropriate for any of the following reasons; but only after a due process evidentiary hearing in regard thereto, for which a notice has been sent to the licensee at the address indicated in the licensee's application, by certified mail, return receipt requested, at least ten days prior to the hearing:

(1) Any false or intentionally misleading statement or information provided in the license application.

(2) Any failure or refusal to perform or abide by any of the conditions of a conditional license.

(3) The criminal conviction of any person named or identified in the license application of a felony, a misdemeanor for which imprisonment or any other confinement is a possible penalty, any other crime in which moral turpitude is involved, or any other crime which directly relates to a business of the type for which the license was issued. However, the consideration of such a criminal conviction shall include:

(a) The nature and seriousness of the crime for which the person was convicted.

(b) The relationship of the crime to the purposes of the regulation of the business.

(c) The relationship of the crime to the ability, capacity and fitness required to perform the duties and discharge the responsibilities of the operation of the business.

(d) The extent to which the person has been successfully rehabilitated.

(4) The revocation, suspension or expiration without renewal of any license, permit, degree, certification or similar document which is required by any applicable law for the conduct of or employment in the business for which the license was issued.

(5) The violation of any applicable law in the conduct of the business by any person engaged therein.

(6) Violations of applicable laws by any person within the business premises of the licensee, or under the control thereof.

(7) The revocation or suspension of a Bromley business regulatory license pursuant to Bromley ordinance shall be in addition to the imposition of any other penalty prescribed by Bromley ordinance or any other applicable law.

(Ord. 12-1-07, passed 12-13-07)

' 110.19 APPEALS.

(A) Any conditional approval or disapproval of an application for a business regulatory license required by this chapter, or any suspension or revocation of any such license may be appealed to the Mayor of the City of Bromley, by filing with the City Clerk/Tax Collector, within 30 days after the conditional approval, disapproval, revocation or suspension:

(1) A written notice of the appeal; and

(2) A copy of the conditional approval, disapproval, revocation or suspension that is the subject of the appeal; and

(3) A statement why there should be an approval without conditions, or no disapproval, revocation or suspension; and

(4) An appeal fee in the sum of \$200, to provide for the expenses of conducting a due process hearing in regard thereto.

(B) In such an appeal, a de novo due process hearing in regard to the suspension or revocation shall be conducted by the Mayor, or by a hearing officer appointed by the Mayor, who shall file a record with the Mayor, with a written recommendation regarding findings of fact, conclusions of law and a decision based thereon. Within 90 days after the date the appeal was filed, the Mayor shall issue a written decision in regard thereto, including findings of fact, conclusions of law and a decision based upon a record of the due process hearing; and the appellant shall be notified thereof by certified mail, return receipt requested, at the address thereof indicated in the application for the license. Unless an appeal from the decision of the Mayor is filed in the court having jurisdiction thereof within 30 days after the decision of the Mayor, the decision of the Mayor shall become final.

(Ord. 12-1-07, passed 12-13-07)

' 110.20 EXPIRATION DATE.

Unless an earlier expiration date is provided therein, all business regulatory licenses required hereby shall expire at midnight on the 15th day of the fourth month after the end of the fiscal year of the licensee.

(Ord. 12-1-07, passed 12-13-07)

' 110.21 KENTON COUNTY FISCAL COURT MAY PERFORM DUTIES.

The executive authority of the city may contract with the Fiscal Court of Kenton County, Kentucky, for the performance of the duties imposed by this chapter on the City Clerk/Tax Collector.
(Ord. 12-1-07, passed 12-13-07)

BUSINESS TAXATION

' 110.35 LEVY AND IMPOSITION.

For the purpose of providing funds for the general operating expenses of the city and the municipal services and functions provided thereby, and subject to the provisions of KRS 67.750 through 67.795, and except as provided in ' 110.17 of this chapter, an occupational license fee is hereby levied and imposed upon everybody engaged in any franchise, trade, occupation, profession or other businesses in the city, for the privilege of that engagement.
(Ord. 12-1-07, passed 12-13-07)

' 110.36 RATE.

The occupational license fee that is levied and imposed by this chapter is at the rate of .075% of the taxable gross receipts of everybody who is engaged in any franchise, trade, occupation, profession or other business in the city, and the occupational license fee that is levied and imposed by this chapter is at the rate of 1% of gross compensation of employees earned by them from their labor, services, actions and operations within the city.
(Ord. 12-1-07, passed 12-13-07)

' 110.37 APPORTIONMENT OF GROSS RECEIPTS.

Pursuant to the authority of KRS 67.753 (4), it is hereby determined that the apportionment provisions of KRS 67.753 do not fairly represent the extent of the engagement in the city of those, other than employees, who are engaged in any franchise, trade, occupation, profession or other business both within and outside of the city; and, accordingly, the following described property factor is hereby added to the payroll factor and the sales factor provided in KRS 67.753 for the apportionment of the gross receipts of those, other than employees, who are engaged in any franchise, trade, occupation, profession or other business both within and outside of the city.

(A) The property factor is a fraction, the numerator of which is the average value of the taxpayers real and tangible personal property owned or rented and used in the city during the computation period, and the denominator of which is the average value of all of the taxpayer's real and tangible personal property owned or rented and used anywhere during the computation period. In the determination of the property factor:

(1) Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate which is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from sub-rentals.

(2) The average value of property shall be determined by averaging the values at the beginning and ending of the computation period, but the City Administrative Officer may require the averaging of monthly values during the computation period if reasonably required to reflect properly the average value of the taxpayer's property.

(B) The proportion of the total gross receipts everywhere of those, other than employees, who are engaged in any franchise, trade, occupation, profession or other business both within and outside of the city that are subject to the occupational license fee established by this chapter, shall be determined by multiplying the total gross receipts thereof everywhere by the quotient of the total of the payroll factor and the sales factor described in KRS 67.753 (2) and (3), and the property factor described in the previous division (A), that the franchise, trade, occupation, profession or other business had in the city during the tax period, divided by the total number of those factors that that the franchise, trade, occupation, profession or other business had in the city during the tax period. The total number of those factors that the franchise, trade, occupation, profession or other business had in the city during the tax period will always be either 1, 2 or 3. For example, if the franchise, trade, occupation, profession or other business:

(1) Had only the sales revenue factor in the city, during the tax period, without either the property factor or the payroll factor in the city, the total number of those factors that the franchise, trade, occupation, profession or other business had in the city during the tax period would be 1; or

(2) Had both the sales revenue factor and the payroll factor in the city, during the tax period, without the property factor in the city, the total number of those factors that the franchise, trade, occupation, profession or other business had in the city during the tax period would be 2; or

(3) Had the sales revenue factor, and the payroll factor, and the property factor in the city, during the tax period, the total number of those factors that the franchise, trade, occupation, profession or other business had in the City during the tax period would be 3.

(Ord. 12-1-07, passed 12-13-07)

ADMINISTRATION AND ENFORCEMENT

' 110.50 ADMINISTRATIVE PROVISIONS.

The provisions of this ordinance shall be administered and enforced by the City Administrative Officer, who is hereby authorized

to promulgate any additional regulations in regard thereto which are not inconsistent with any state statute, or any ordinance of the City, or any executive order of the Mayor.

(Ord. 12-1-07, passed 12-13-07)

' 110.51 PURPOSE OF OCCUPATIONAL LICENSE FEE.

The purpose of the Business Regulatory License fees and the Occupational License Fees imposed and levied by this ordinance is to fund the general operating expenses of the City, including, without limitation, police, fire, emergency medical, public works and administrative services.

(Ord. 12-1-07, passed 12-13-07)

' 110.52 COLLECTION.

The business regulatory license fees and occupational license fees imposed and levied by this chapter shall be received and collected by the City Clerk/Tax Collector or by the Fiscal Court of Kenton County, Kentucky, with which the executive authority of the city is hereby authorized to contract for those services.

(Ord. 12-1-07, passed 12-13-07)

' 110.53 CIVIL PENALTIES.

Each separate violation of this chapter is hereby classified as a civil offense, for which:

(A) The maximum civil fine required by KRS 65.8808(2)(b) that may be imposed for each separate violation of this ordinance, is hereby established as \$500; and

(B) The specific civil fine required by KRS 65.8808(2)(c) that will be imposed for each separate offense and violation of this ordinance if the person who has committed the violation and offense does not contest a citation therefor, is hereby established as \$100;

(C) An enforcement officer may, in lieu of immediately issuing a civil citation, give notice that the violation of this ordinance shall be remedied within a specific period of time.

(Ord. 12-1-07, passed 12-13-07)

' 110.54 SEVERABILITY.

The provisions of this chapter are severable; and the invalidity of any provision of this chapter shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

(Ord. 12-1-07, passed 12-13-07)

' 110.99 PENALTY.

Each violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500 as set forth in KRS 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of 12 months as set forth in KRS 532.090 (1), or both.
(Ord. 12-1-07, passed 12-13-07)

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 111.01 Definitions
- 111.02 License requirement
- 111.03 Application procedure
- 111.04 Standards for issuance
- 111.05 Revocation procedure
- 111.06 Standards for revocation
- 111.07 Appeal procedure
- 111.08 Exhibition of identification

- 111.99 Penalty

' 111.01 DEFINITIONS.

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

ABUSINESS.@ The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

AGOODS.@ Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

AITINERANT MERCHANT.@ Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

APEDDLER.@

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

A person who is a peddler is not an itinerant merchant.

ASOLICITOR.@ Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

' 111.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the legislative body.

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(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.
Penalty, see ' 111.99

' 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease. Penalty, see ' 111.99

' 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime of moral turpitude; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

' 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in ' 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

' 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application; or

(B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or

(C) Any violation of this chapter; or

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

' 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under ' 111.04 or 111.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in ' 111.05.

(B) The order of the legislative body after the hearing shall be final.

' 111.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein.

In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words ALicensed Peddler@ or ALicensed Solicitor,@ the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

Penalty, see ' 111.99

' 111.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day's violation shall constitute a separate offense.

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CHAPTER 112: ALCOHOLIC BEVERAGES

Section

General Provisions

- 112.01 Definitions
- 112.02 State Law Adopted
- 112.03 Alcoholic Beverage Control Administrator

Licensing

- 112.10 License required
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Use Regulations

- 112.30 Drinking on parking lots prohibited
 - 112.31 Parking lot signs to be posted
 - 112.32 Responsibility for controlling alcoholic beverage use on parking lot
- 112.99 Penalty

Cross-reference:

Possession or use of alcoholic beverages by minors prohibited, see ' 130.03

GENERAL PROVISIONS

' 112.01 DEFINITIONS.

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

AALCOHOLIC BEVERAGE.@ Has the meaning set forth in KRS 241.010.

ADISTILLED SPIRITS.@ Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Ch. 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages. (KRS 241.010(18))

AMALT BEVERAGE.@ Any fermented undistilled alcoholic beverage of any name or description manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than permitted under KRS Ch. 242. (KRS 241.010(28))

ARETAIL SALE.@ Any sale where delivery is made in Kentucky to any consumers. (KRS 241.010(40)) ('77 Code, ' 4-100)

' 112.02 STATE LAW ADOPTED.

The provisions of KRS Chapters 243 and 244 are hereby adopted and made a part of this chapter by reference as fully as though copied herein; and no person or premises who or which may be ineligible or disqualified from holding any permit or license pursuant to the provisions thereof shall be eligible or qualified to receive or hold a license under the provisions of this chapter. ('77 Code, ' 4-105)

' 112.03 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

The City Clerk shall perform the duties of the Alcoholic Beverage Control Administrator as prescribed under state law. ('77 Code, ' 4-110)

LICENSING

' 112.10 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic beverage without having a retail alcoholic beverage dealer's license as provided in this chapter or in violation of the terms of such license. ('77 Code, ' 4-115) Penalty, see ' 112.99

' 112.11 APPLICATION.

Application for a license under this chapter shall be made to the Alcoholic Beverage Control Administrator, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the names and addresses of the officers, directors, and any stockholder who owns 5% or more of the stock of such corporation;

(B) The location and description of the premises or place of business which is to be operated under the license;

(C) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of this city.

(D) Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor. ('77 Code, ' 4-120)

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' 112.12 RESTRICTIONS ON ISSUANCE.

No person shall become a licensee under this chapter who:

(A) Has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages, within two years preceding the application;

(B) Is under the age of 21 years;

(C) Is not a citizen of the United States and has not had an actual, bona-fide residence in this state for at least one year before the date on which his application for a license is made. This division shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in the state, or to persons licensed on March 7, 1938;

(D) Is a partnership or corporation, unless each member of the partnership or each of the directors, principal officers, or managers of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is 21 years of age or more, and is a citizen of the United States;

(E) Has had any license issued under this chapter relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such license until the expiration of two years from the date of the revocation or conviction; or

(F) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any regulation relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such regulation, until the expiration of two years from the date of the revocation or conviction.

(KRS 243.100) ('77 Code, ' 4-125)

' 112.13 NUMBER TO BE ISSUED.

The number of alcoholic beverage licenses issued under this chapter and in force at any one time within the city shall be in accordance with the number of distilled spirits and wine licenses permissible under state law.

('77 Code, ' 4-130)

' 112.14 TERM.

Each license issued under this chapter shall terminate on June 30 of each year, as set forth in KRS 243.090.

('77 Code, ' 4-135)

' 112.15 CLASSIFICATION; FEES.

Licenses issued under this chapter shall be divided into the following classes with the following fees:

(A) Distilled Spirits and Wine Licenses:

<u>License</u>	<u>Fee</u>
(1) Distiller's license (per year)	\$ 500.00
(2) Rectifier's license (per year)	3,000.00
(3) Blender's license (per year)	3,000.00
(4) Wholesaler's license (per year)	3,000.00
(5) Retail package license (per year)	1,000.00
(6) Retail drink license (per year)	1,000.00
(7) Special temporary license (per month or part of month)	333.34
(8) Special private club license (per year)	300.00
(9) Special Sunday retail drink license	300.00
(10) Nonresident, special agent or solicitor's license (per year)	40.00

(B) Malt Beverage Licenses:

<u>License</u>	<u>Fee</u>
(1) Brewer's license (per year)	\$ 500.00
(2) Distributor's license (per year)	400.00
(3) Retailer's license (per year)	
(a) New applicants	200.00
(b) Renewals	150.00
(4) Special temporary license (per month or part of month)	25.00
(5) Microbrewery license (per year)	500.00

('77 Code, ' 4-140)

Statutory reference:

Alcoholic beverage licenses; fees, see KRS 243.030, 243.040, 243.070

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' 112.16 DISPOSITION OF FEES.

All fees collected under this chapter shall be paid to the City Clerk at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the General Fund or in such other fund as shall have been designated by the City Council.
('77 Code, ' 4-150)

' 112.17 CHANGE OF LOCATION.

A license issued under this chapter shall permit the sale of alcoholic beverages only on the premises described in the application and license. Such location may be changed only when the written permit to make such change shall be issued by the Alcoholic Beverage Control Administrator. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.
('77 Code, ' 4-160)

' 112.18 RENEWAL; REPLACEMENT.

(A) Renewal. Any licensee under this chapter may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege herein provided for shall not be construed as a vested right. ('77 Code, ' 4-165)

(B) Replacement. Whenever a license issued under this chapter shall become lost or destroyed without fault upon the part of the holder, a duplicate of the original shall be issued by the city upon the payment of a fee of \$1 and an affidavit stating the loss or destruction of the original license. ('77 Code, ' 4-175)

' 112.19 LICENSE TO BE DISPLAYED.

Licenses issued pursuant to the provisions of this chapter shall, while in force, be posted in a conspicuous place where alcoholic beverages are kept for sale.
('77 Code, ' 4-170) Penalty, see ' 112.99

USE REGULATIONS

' 112.30 DRINKING ON PARKING LOTS PROHIBITED.

No person shall drink any alcoholic beverage in any public place, or in any motor vehicle on any parking lot area, or other facility used by any package liquor license holder in connection with his business in any manner.
('77 Code, ' 4-180) Penalty, see 112.99

' 112.31 PARKING LOT SIGNS TO BE POSTED.

(A) All persons, firms, corporations, partnerships, joint ventures, or sole proprietorships shall be required to post a sign or signs on all parking lots adjacent, adjoining, or connected with or used by a package liquor retail sales outlet. The licensee shall provide the Police Chief with a drawing of his normal entrances, driveways, or other access onto the parking lot and all customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed.

(B) The licensee shall post lighted signs at such normal vehicle or pedestrian exterior entrances via driveways or other access into the parking lot. The licensee shall post signs of identical wording, readable from 50 feet, at customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed. Wording of all such signs shall be: ANO DRINKING ON PARKING LOT. VIOLATORS WILL BE PROSECUTED! MINIMUM FINE \$100.00 MAXIMUM FINE \$500.00 (CITY ORDINANCE).@ ('77 Code, ' 4-181) Penalty, see ' 112.99

' 112.32 RESPONSIBILITY FOR CONTROLLING ALCOHOLIC BEVERAGE USE ON PARKING LOT.

(A) Any person, firm, corporation, partnership, or joint venture shall prohibit the drinking of any alcoholic beverage on a parking lot adjacent, adjoining, or connected with a package liquor retail sales outlet.

(B) Any person, firm, corporation, partnership, or joint venture which has erected and properly maintained and lighted a sign as required by ' 112.31, shall be exempt from the provisions of this section. ('77 Code, ' 4-182) Penalty, see ' 112.99

' 112.99 PENALTY.

(A) Any person violating any provision of this chapter for which a specific penalty is not provided shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 90 days, or both.

(B) Any person found to be in violation of the provisions of ' 112.30 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 or imprisoned for not more than 30 days, or both.

(1) Any person, firm, corporation, partnership, joint venture, or sole proprietorship which fails to post signs required in ' 112.31 shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100 or more than \$500 or imprisoned for not more than 30 days, or both.

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(2) Any person, firm, corporation, partnership, or joint venture which fails to prohibit the drinking of any alcoholic beverage on a parking lot adjacent, adjoining, or connected with a package liquor retail sales outlet as required by ' 112.32 shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100 or more than \$500 or imprisoned for not more than 30 days, or both.
('77 Code, ' 4-190)

CHAPTER 113: ADVERTISING; DISTRIBUTING HANDBILLS

Section

- 113.01 Definitions
- 113.02 Distributors of handbills to obtain licenses
- 113.03 Chief of Police to be notified of distribution
- 113.04 Hours when distribution prohibited
- 113.05 Handbills not to be distributed to occupants of motor vehicles
- 113.06 Handbills not to be left on premises where posted notice prohibits them
- 113.07 Handbills to be secured

- 113.99 Penalty

' 113.01 DEFINITIONS.

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

ACOMMERCIAL HANDBILL.@ Any written, copied, reproduced, or printed paper, pamphlet, booklet, circular, notice, or other literature which contains advertisements or offers for sale or trade of any service, commodity, merchandise, or other thing, except that newspapers of general circulation published on a regular basis and sold to the general public shall not constitute a Acommercial handbill@ for purposes of this chapter, nor shall items carried and delivered by the United States Postal Service.

ANONCOMMERCIAL HANDBILL.@ Any written, copied, reproduced, or printed paper, pamphlet, booklet, circular, notice, or other literature which is not carried and delivered by the United States Postal Service, a newspaper, or a commercial handbill.
(Ord. 3-2-83, passed 4-5-83)

' 113.02 DISTRIBUTORS OF HANDBILLS TO OBTAIN LICENSES.

All persons who distribute commercial handbills shall only do so after obtaining all necessary state, local, and city licenses as may be provided by ordinance or law.
(Ord. 3-2-83, passed 4-5-83) Penalty, see ' 113.99

' 113.03 CHIEF OF POLICE TO BE NOTIFIED OF DISTRIBUTION.

(A) No person shall distribute commercial or noncommercial handbills within the city limits without first notifying the Chief of Police in writing at least 24 hours in advance of any such distribution. The notice required hereunder shall state the name of the persons causing such material to be distributed, his address, the approximate date and times of such distribution, and in the event such distribution is of a commercial handbill, a statement that all necessary licenses and permits have been obtained. The notice shall be given to the Chief of Police at the City Police

Station or any police officer at the police station during normal business hours.

(B) Notwithstanding any of the above, any person who distributes commercial or non-commercial handbills within the city on a regular basis may give the notice required in division (A) above once each year, provided all other information and requirements of division (A) are met. For purposes of this division, distribution on a regular basis shall mean distribution on the same day of the week at approximately the same time at least once every other week.

(Ord. 3-2-83, passed 4-5-83) Penalty, see ' 113.99

' 113.04 HOURS WHEN DISTRIBUTION PROHIBITED.

No person shall distribute commercial or noncommercial handbills within the city limits between the hours of 8:00 p.m. and 8:00 a.m. on any day of the week.

(Ord. 3-2-83, passed 4-5-83) Penalty, see ' 113.99

' 113.05 HANDBILLS NOT TO BE DISTRIBUTED TO OCCUPANTS OF MOTOR VEHICLES.

Commercial and noncommercial handbills shall not be distributed to occupants of motor vehicles on any federal, state, or city street within the city limits while such vehicles are moving, nor in any manner which would cause a breach of the peace or create a danger to the life or safety of any individual or property.

(Ord. 3-2-83, passed 4-5-83) Penalty, see ' 113.99

' 113.06 HANDBILLS NOT BE LEFT ON PREMISES WHERE POSTED NOTICE PROHIBITS THEM.

No commercial or noncommercial handbills shall be left, deposited, attached, or delivered to any premises at which is clearly posted a notice or sign containing the words: ANo Trespassing,@ APost No Bills,@ ANo Peddlers,@ or any other similar notice indicating the occupants do not want handbills left upon the premises.

(Ord. 3-2-83, passed 4-5-83) Penalty, see ' 113.99

' 113.07 HANDBILLS TO BE SECURED.

No commercial or noncommercial handbill shall be left, deposited, attached, or delivered to any premises unless it is placed or deposited in such a manner as to secure or prevent it from being blown or drifted about such premises or any public place. United States mail boxes shall not be used for such purposes if prohibited by federal postal law or regulation.

(Ord. 3-2-83, passed 4-5-83) Penalty, see ' 113.99

' 113.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$300.

(Ord. 3-2-83, passed 4-5-83)

CHAPTER 114: YARD SALES

Section

- 114.01 Purpose of regulations
- 114.02 Permit required; number limited
- 114.03 Advertisements
- 114.04 Sidewalk areas to be unobstructed

- 114.99 Penalty

' 114.01 PURPOSE OF REGULATIONS.

It is deemed desirable and necessary that yard and garage sales within the city be controlled so as to prevent the unnecessary proliferation of nuisances and the congestion of streets and public ways.

(Ord. 11-1-78, passed - -78)

' 114.02 PERMIT REQUIRED; NUMBER LIMITED.

(A) All individuals holding or allowing a yard or garage or household sale shall obtain from the City Clerk a permit to hold each sale. There shall be no fee charged for the first such permit issued to an individual in any given year. A fee in the amount of \$25 shall be assessed for subsequent permits in the same year. The yard or garage sale shall not exceed three days duration.

(B) Any person, or yard or garage sale location, within the city, shall be restricted to three permits per year for the holding of any garage, yard, or household sale.

(Ord. 11-1-78, passed - -78) Penalty, see ' 114.99

' 114.03 ADVERTISEMENTS.

All advertisements concerning the yard or garage sale shall be restricted to the yard, garage, and household at which the sale is being conducted.

(Ord. 11-1-78, passed - -78) Penalty, see ' 114.99

' 114.04 SIDEWALK AREAS TO BE UNOBSTRUCTED.

All sidewalks, walk areas, or driveways, abutting on and in front of the property at which any yard or garage sale is being conducted, shall remain free and uncongested so as to allow normal passage of traffic, both pedestrian and motor vehicles.

(Ord. 11-1-78, passed - -78) Penalty, see ' 114.99

' 114.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 90 days, or both.

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CHAPTER 115: LIVE ENTERTAINMENT

Section

- 115.01 Definition
- 115.02 License required
- 115.03 Application
- 115.04 License fee; use of fee
- 115.05 Issuance; transferability
- 115.06 License to be displayed
- 115.07 Hours of operation
- 115.08 Prohibited activities
- 115.09 Cancellation or refusal to reissue
- 115.10 Enforcement; access and inspection
- 115.11 Continuation of current license

- 115.99 Penalty

' 115.01 DEFINITION.

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

ALIVE ENTERTAINMENT.@ Any performance, act, playing of music or singing, or other similar conduct at a public place by an individual or individuals in connection with the operation of a commercial place, restaurant, tavern, nightclub, or the like when the performer or performers receive compensation or would normally be expected to receive compensation in furtherance of the operation of such places of business.

(Ord. 7-1-85, passed 8- -85)

' 115.02 LICENSE REQUIRED.

No person or proprietor shall maintain, permit, allow, or have at a place of business in the city live entertainment without first obtaining a license from the city.

(Ord. 7-1-85, passed 8- -85) Penalty, see ' 115.99

' 115.03 APPLICATION

(A) An application for the license required for live entertainment shall be in writing and accompanied by a check or cash in the amount of the license fee set forth in ' 115.04.

(B) The application shall set forth the name of the applicant, who shall be the owner or proprietor of the business requesting such license, the address of same, the location of the business where the licensed activity shall take place, and the general nature of the live entertainment to be conducted thereon, and the frequency of same.

(C) The application and fee shall be submitted to the Chief of Police and upon approval the license shall issue to the owner or proprietor as named on the application.

(Ord. 7-1-85, passed 8- -85)

' 115.04 LICENSE FEE; USE OF FEE.

(A) The annual license fee shall be \$150 for live music, and \$500 for other forms of live entertainment, and the fee shall be paid irrespective of when the license is purchased within the license year.

If both forms of live entertainment are provided only one fee need be paid, which shall be the highest fee applicable.

(B) All fees received for live entertainment license shall be paid into the General Fund of the city.

(Ord. 7-1-85, passed 8- -85)

' 115.05 ISSUANCE; TRANSFERABILITY.

(A) Every license issued under this chapter shall be issued for a period of one year from May 1 through April 30 of the following year.

(B) No license for live entertainment shall be assigned or transferred without the approval and consent of the Chief of Police and only after receipt by the Chief of an application from the transferee complying with ' 115.03.

(Ord. 7-1-85, passed 8- -85)

' 115.06 LICENSE TO BE DISPLAYED.

Every license issued hereunder shall be displayed conspicuously in the business to which it is issued.

(Ord. 7-1-85, passed 8- -85) Penalty, see ' 115.99

' 115.07 HOURS OF OPERATION.

No person shall permit or allow, and no person shall perform live entertainment within the city after the hour of 12:00 midnight.

(Ord. 7-1-85, passed 8- -85) Penalty, see ' 115.99

' 115.08 PROHIBITED ACTIVITIES.

No person shall permit or allow and no person shall perform live entertainment within the city which is obscene, lewd, or a violation of any other ordinance, regulation, statute, or law of the city or Commonwealth of Kentucky, or which constitutes a nuisance to the residents of the city. No person shall continue to permit or allow and no person shall perform live entertainment following an order or directive of any police officer to cease such live entertainment when in the discretion of such police officer, the continued live entertainment will cause a nuisance to the residents of the city.

(Ord. 7-1-85, passed 8- -85) Penalty, see ' 115.99

' 115.09 CANCELLATION OR REFUSAL TO REISSUE.

(A) Any violation of any section or requirement of this chapter, or upon discovery of any false information upon the application required for issuance of license required hereby, or any substantial deviation between actual performance and the general nature of conduct as disclosed by the application will be grounds for cancellation of any license issued hereunder by the City Council. Prior to any cancellation, the City Council shall notify the license holder at the address on the application of such cancellation and the reasons therefor, and shall notify the license holder that in the event the license holder requests a hearing before the Council, a written request for hearing must be made within ten days of the date the notification from the City Council is sent. A hearing shall be conducted at the next regular meeting of the City Council, and if following the hearing a majority of City Council votes for cancellation on the grounds for which the license holder was notified, the license shall be cancelled.

(B) Any violation of any section or requirement of this chapter, or upon discovery of any false information upon the application required for issuance of the license required hereby, or any substantial deviation between actual performance and the general nature of conduct as disclosed by the application will be grounds for the issuer of the license to refuse to reissue a license for live entertainment. The refusal shall be in writing and shall state the grounds therefor, and the same procedure for cancellation of a license shall apply for review by City Council of a refusal to reissue, and for notice to the license holder.

(Ord. 7-1-85, passed 8- -85)

' 115.10 ENFORCEMENT; ACCESS AND INSPECTION.

(A) This chapter shall be enforced by the Police Department, or any other peace officer with jurisdiction in the city.

(B) The Police Department or any peace officer with jurisdiction within the city shall have access to all places of business with licenses issued pursuant to this chapter, and shall periodically inspect such businesses to insure compliance with this chapter.

(Ord. 7-1-85, passed 8- -85)

' 115.11 CONTINUATION OF CURRENT LICENSE.

The Chief of Police shall cause a copy of this chapter to be delivered or mailed to all current live entertainment license holders at their last known address within ten days of the effective date of this chapter. Any live entertainment license currently issued shall continue in effect for 90 days from the effective date of this chapter.

Within that time, each license holder shall comply with ' 115.03 and failure to do so will result in automatic termination of such live entertainment licenses. There shall be no further fees required for current license holders until May 1, 1986. Along with the copy

of this chapter required to be delivered above, the Chief of Police shall notify the license holders that failure to comply within 90 days with ' 115.03 shall result in termination of the license.

(Ord. 7-1-85, passed 8- -85) Penalty, see ' 115.99

' 115.99 PENALTY.

Any violation of this chapter shall be deemed a misdemeanor and shall, upon conviction in Kenton District Court, result in a punishment of a fine up to \$200 and up to 30 days imprisonment in the county jail or both. Each day of violation shall constitute a separate offense.
(Ord. 7-1-85, passed 8- -85)

CHAPTER 116: INSURANCE COMPANIES

Section

- 116.01 Imposition of license fee
- 116.02 No license fee on life and health insurance policies
- 116.03 Amount of fee for companies issuing policies other than life insurance
- 116.04 Due date interest
- 116.05 Written breakdown of collections
- 116.06 Refund of premium taxes paid

' 116.01 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.

' 116.02 NO LICENSE FEE ON LIFE AND HEALTH INSURANCE POLICIES.

There shall be no license fee imposed upon life and health insurance policies issued on lives or persons within the corporate limits of the city.

(Ord. 4-1-86, passed - -86; Am. Ord. 5-1-90, passed - -90)

' 116.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 10% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2) and 18A.228, or premiums received by any state employee benefit fund created pursuant to KRS Chapter 18A for the purpose of providing health benefits to state employees.

(KRS 91A.080(3), (10)) (Ord. 4-1-86, passed - -86; Am. Ord. 5-1-90, passed - -90)

' 116.04 DUE DATE INTEREST.

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).

(KRS 91A.080(8), (9)) (Ord. 4-1-86, passed - -86; Am. Ord. 5-1-90, passed - -90)

' 116.05 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city 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 allied perils.

(KRS 91A.080(8)(a) - (d)) (Ord. 4-1-86, passed - -86; Am. Ord. 5-1-90, passed - -90)

' 116.06 REFUND OF PREMIUM TAXES PAID.

No insurance company shall be entitled to a refund for any tax erroneously paid pursuant to the terms of this chapter or for any payment of the tax pursuant to this chapter for which it claims a refund for any purpose unless the request for refund be made to the city in writing within 18 months of the end of the calendar year in which the tax was paid. In addition any request for refund shall be accompanied by documentation supporting the request which shall include at least the following:

(A) The name and address of each and every insured by whom the tax was paid erroneously or from whom the tax was collected by the insurer;

(B) The type of risk insured;

(C) The original amount charged by the insurer to the insured, and the date of payment of same by the insured to the insurance company;

(D) If the refund is requested as a result of cancellation of a policy, a statement must be included with any request for refund showing the date of cancellation, the reason for the cancellation, and a copy of a written proof of cancellation of the policy either to the insurer from the insured or to the insured from the insurer, as the case may be;

(E) Any other reasonable information required by the city to verify the nature and amount of the refund.
(Ord. 6-2-07, passed 7-11-07)

