

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: OCCUPATIONAL LICENSE TAXES

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Statutory reference:

Internal Revenue Code, see 26 U.S.C. and 26 C.F.R.

§ 110.01 DEFINITIONS.

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

ADMINISTRATOR. An official administrator of occupational tax or the City Clerk when the city does not have an administrator, to be appointed by the City Commission.

BUSINESS. Any enterprise, activity, trade, occupation, profession, or undertaking of any nature conducted for gain or profit. **BUSINESS** shall not include the usual activities of a board trade, chambers of commerce, trade associations, or unions, or other

associations performing services usually performed by trade associations or unions as recognized by the Internal Revenue Service. **BUSINESS** shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of the unit, group, or association, inures to the benefit of any private shareholder or other person.

BUSINESS ENTITY. Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

CITY. The City of Harrodsburg, Kentucky.

COMPENSATION. Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

(1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including, but not limited to, salary reduction arrangements under §§ 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce

federal taxable compensation under the Internal Revenue Code, including, but not limited to, §§ 125 and 132 of the Internal Revenue Code.

CONCLUSION OF THE FEDERAL AUDIT. The date that the adjustments made by the Internal Revenue Service to net income as reported on the business entities federal income tax return become final and unappealable.

EMPLOYEE. Any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency of instrumentality of any 1 or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an **EMPLOYEE**.

EMPLOYER. The person for whom an individual performs or performed any service, of whatever nature, as the employee of the person as defined in § 3401(d) of the Internal Revenue Code, except that:

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for the services, the term **EMPLOYER** means the person having control of the payment of the wages; and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term **EMPLOYER** means the person.

FINAL DETERMINATION OF THE FEDERAL AUDIT. The revenue agents' report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

FISCAL YEAR. Fiscal year as defined in § 7701(a)(24) of the Internal Revenue Code.

INDEPENDENT CONTRACTOR. A person who provides services who is not subject to the control and direction of another except as to the final result of his or her work, and not as to means, and who is therefore not an employee, as further defined by Official Treasury Regulation (Federal) 31.3401(c)-1, as amended.

INTERNAL REVENUE CODE. The Internal Revenue Code in effect on December 31, of the year in which the tax is due, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, of the year in which the tax is due, that would otherwise terminate.

NET PROFIT. Gross income as defined in § 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:

(1) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;

(2) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;

(3) Include any amount claimed as a net operating loss carryback or carryforward allowed under § 172 of the Internal Revenue Code;

(4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and

(5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States.

PERSON. Every natural person, whether a resident or non-resident of the city. Whenever the word **PERSON** is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

RETURN or REPORT. Any properly completed and, if required, signed form, statement, certification,

declaration, or any other document permitted or required to be submitted or filed with the city.

SALES REVENUE. Receipts from the sale, lease, or rental of goods, services, or property.

TAX DISTRICT. Any city of the first to fifth class, county, urban county, charter county, consolidated local government, school district, special taxing district, or any other statutorily created entity with the authority to levy net profits, or occupational license taxes.

TAXABLE NET PROFIT.

(1) In case of a business entity having payroll or sales revenue only within the city, means **NET PROFIT** as defined in this section.

(2) In case of a business entity having payroll or sales revenue both within and without the city, means **NET PROFIT** as defined in this section, and as apportioned under § 110.04.

TAXABLE YEAR. The calendar year or fiscal year ending during the calendar year, upon the basis of which net income is computed. (Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.02 DUTIES OF ADMINISTRATOR.

(A) It shall be the duty of the Administrator to collect all license fees and deposit the same in the general fund of the city, to be used to defray the general expenses of the city government.

(B) The Administrator shall have the power and it shall be his or her duty to make and publish the rules and regulations, subject to the approval of the City Commission, as may be necessary to administer this chapter and to provide the printed forms as may be required for reporting, paying, and receipting all the license fees and for all other requirements in the property and efficient administration of this chapter. The Administrator shall be an authorized Citation Officer. (Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.03 OCCUPATIONAL LICENSE APPLICATION REQUIRED.

(A) Every person and business entity engaged in any trade, occupation, profession, or other activity for profit or anyone required to file a return under this chapter in Harrodsburg shall be required to complete and execute the questionnaire prescribed by the Occupational Tax Office. Each person shall be required to complete a separate questionnaire for each separate business before the commencement of business or in the event of a status change, other than change of address. Licensees are required to notify the Occupational Tax Office of changes of address, or the cessation of business activity, and of other changes, which render inaccurate the information supplied in the completed questionnaire.

(B) Every person and business entity engaged in any occupation, trade, profession, or other activities in the city for profit or gain shall pay a minimum business license fee of \$25 to the city for each calendar year. The calendar year is January 1 through December 31. The fee is due on or before January 1.

(C) All license fees not paid 30 days after due date shall incur interest and penalty, added in accordance with § 110.12.

(D) The failure of any employer of licensee to receive or procure forms or documents is not an excuse for failure to make any return or to pay the occupational license fee.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007) Penalty, see § 110.99

§ 110.04 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED.

(A) Except as provided in division (B) below, every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the city an occupational license tax for the privilege of engaging in the activities within the city. The occupational license tax shall be measured by 1% of:

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(1) All wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee; and/or

(2) The net profits from business conducted in the city by a resident or nonresident business entity.

(B) The occupational license tax imposed in this section shall not apply to the following persons or business entities:

(1) Any bank, trust company, combined bank and trust company, or trust, banking and title insurance companies organized and doing business in this state, any savings and loan association whether state or federally chartered;

(2) Any compensation received by members of the Kentucky National Guard for active duty training, unit training assemblies, and annual field training;

(3) Any compensation received by precinct workers for election training or work at election booths in state, city, and local primary, regular, or special elections;

(4) Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license fee on their net profits derived from the non-public service activities apportioned to the city;

(5) Persons or business entities that have been issued a license under KRS Ch. 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business or manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their gross receipts derived from the manufacturing or trafficking in alcoholic beverages;

(6) Life insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky; and/or

(7) Any profits, earnings, or distributions of an investment fund that would qualify under KRS

154.20-250 through 154.20-284 to the extent any profits, earnings, or distributions would not be taxable to an individual investor.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.05 APPORTIONMENT.

(A) Except as provided in division (D) below, net profits shall be apportioned as follows.

(1) For business entities with both payroll and sales revenue in more than 1 tax district, by multiplying the net profits by a fraction, the numerator of which is the payroll factor, described in division (B) below, plus the sales factor described in division (C) below, and the denominator of which is 2; and

(2) For business entities with sales revenue in more than 1 tax district, by multiplying the net profits by the sales factor as set forth in division (C) below.

(B) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.

(1) The sales, lease, or rental of tangible personal property is in the city if:

(a) The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchase is in the United States government.

(2) Sales revenue, other than revenues from the sale, lease, or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing the income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity.

(3) Sales revenue from the sale, lease, or rental of real property is allocated to the tax district where the property is located.

(D) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any 1 or more of the factors;

(3) The inclusion of 1 or more additional factors which will fairly represent the business entity's business activity in the city; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of gross receipts.

(E) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within the city bears to the total wages and compensation paid or payable. In order for the city to verify the accuracy of a taxpayer's reported percentages under this division (E), the taxpayer shall maintain adequate records. The employer or employee shall file a payroll apportionment form as supplied by the Occupational Tax Office.

(F) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to this chapter. The occupational license tax

imposed in this chapter is assessed against income before it is "passed through" these entities to the owners.

(G) If any business entity dissolves, ceases to operate, or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the city.

(H) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.06 EMPLOYERS TO WITHHOLD.

(A) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under § 110.03.

(B) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the city, and pay to the city, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city.

(C) Every employer who fails to withhold or pay to the city any sums required by this chapter to be withheld and paid shall be personally and individually liable to the city for any sums or sums withheld or required to be withheld in accordance with the provisions of this section.

(D) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the

city sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.

(E) Every employer required to deduct and withhold tax under this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the city a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information, as determined by the city, shall be submitted.

(F) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.

(G) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.

(H) The president, vice president, secretary, treasurer, or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid or payable to 1 or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the city, nor the cessation of holding any corporate office, shall discharge that liability; provided that the personal and individual liability shall apply to each and every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this division (H) unless the person had authority to collect, truthfully account for, or pay over the tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due.

(I) Notwithstanding divisions (G) and (H) above, every employee receiving compensation in the city

subject to the tax imposed under § 110.03 shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this chapter from the employee, the employee or employees shall be responsible for filing with the city each quarter in the same manner as if they were the employer. The only employer that is not required to withhold, report, or pay the occupational license tax is the federal government, including the United States Postal Service. The payment required to be made by an employee can be made quarterly, for the periods ending March 31, June 30, September 30, and December 31 of each year, or at any time the employee wishes to make an estimated payment for the year in which wages are earned. All license fees must be received by February 28 for the preceding calendar year, together with a copy of the employee's W-2 form. Employers not required to withhold, report, or pay the license fee must annually during the month of January each year, make a return to the Occupational Tax Administrator, in which is set forth the name and social security number of each employee of the employer during the preceding calendar year, giving the amount of salaries, wages, commissions, or other compensation earned during the preceding year by each such employee. This list shall include all current full-time employees, part-time employees, temporary employees, and terminated employees whether it be voluntary or involuntary.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007) Penalty, see § 110.99

§ 110.07 RETURNS REQUIRED.

(A) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city.

(B) Every business entity shall submit a copy of its federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the city. Whenever, in the opinion of the city, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof that have not been previously filed. The

city may also require copies of reports of adjustments made by the federal government.

(C) Every business entity subject to an occupational license tax governed by the provisions of this chapter shall keep records, render under oath statements, make returns, and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the city may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the city deems sufficient to determine the tax liability the business entity.

(D) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.

(E) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

(F) It shall be the responsibility of persons who make Federal Form 1099 "non-employee compensation" payments to natural persons other than employees for services performed within the city, to maintain records of the payments and to report the payments to the city. The payments must be reported on by remitting Federal Form 1099 by February 28 of the year following the close of the calendar year in which the non-employee compensation was paid. If a business entity or person is not required to remit Federal Form 1099 to the IRS, including, but not limited to, payments less than \$600, they are still liable to remit the equivalent information to the city. The information required to be reported by the licensee shall include:

- (1) Payer's name, address, social security, and/or federal identification number;
- (2) Recipient's name and address;
- (3) Recipient's social security and/or federal identification number;

(4) Amount of non-employee compensation paid in the calendar year; and

(5) Amount of non-employee compensation earned in the city for the calendar year. (Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007) Penalty, see § 110.99

§ 110.08 EXTENSIONS.

(A) The city may grant any business entity an extension of not more than 6 months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.

(B) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due on the return, but not having been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.09 REFUNDS.

(A) Where there has been an overpayment of tax under § 110.05, a refund or credit shall be made to the employer only to the extent of the amount of the overpayment was not deducted and withheld under § 110.05 by the employer.

(B) Unless written application for refund or credit is received by the city from the employer within 2 years from the date the overpayment was made, no refund or credit shall be allowed.

(C) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted to this city, the occupational license tax on the compensation attributable to activities performed outside the city, may file for a refund within

2 years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.

(D) In the case where the tax under this chapter is less than the amount which has been declared and paid as estimated tax for the same taxable year, a refund shall be made upon the filing of a return.

(1) Overpayment resulting from the payment of estimated tax in excess of the amount determined to be due upon the filing of a return for the same taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year.

(2) No refund shall be made of any estimated tax paid unless a complete return is filed as required by this chapter. Overpayments of less than \$5 shall not be refunded.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.10 FEDERAL AUDIT PROVISIONS.

(A) As soon as practicable after each return is received, the city may examine and audit the return. If the amount of tax computed by the city is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the city within 5 years from the date the return was filed, except as otherwise provided in this division (A).

(1) In the case of a failure to file a return or of a fraudulent return, the additional tax may be assessed at any time.

(2) In the case of a return where a business entity understates net profit, or omits an amount properly includable in net profits, or both, is in excess of 25% of the amount of net profit stated in the return, the additional tax may be assessed at any time within 6 years after the return was filed.

(3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this division (A), or 6 months from the date the city receives the final determination of the federal audit from the business entity, whichever is later. The times provided in this division (A) may be extended by agreement between the business entity and the city. For the purposes of this division (A), a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extensions granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

(B) Every business entity shall submit a copy of the final determination of the federal audit within 30 days of the conclusion of the federal audit.

(C) The city may initiate a civil action for the collection of any additional tax within the times prescribed in division (A) above.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.11 ADMINISTRATIVE PROVISIONS.

(A) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.

(B) (1) Any tax collected pursuant to the provisions of this chapter may be refunded or credited within 2 years of the date prescribed by law for the filing of a return or the date the money was paid to the city, whichever is the later, except that:

(a) In any case where the assessment period contained in § 110.09 has been extended by an agreement between the business entity and the city, the limitation contained in this division (B) shall be extended accordingly; and

(b) If the claim for refund or credit related directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this division (B) or 6 months from the conclusion of the federal audit, whichever is later.

(2) For the purpose of this division (B) and division (A) above, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(C) The authority to refund or credit overpayments of taxes collected pursuant to this chapter is vested exclusively in the city.
(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.12 INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of any tax district shall intentionally and without authorization inspect divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the tax district or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the tax district from testifying in any court, or from introducing as evidence returns or reports filed with the tax district, in an action for violation of a tax district tax laws or in any action challenging a tax district tax laws.

(B) The city reserves the right, to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all the information and rights to inspect any of the books and records of the city if the Commissioner of Revenue of the Commonwealth of Kentucky grants to the city the reciprocal right to obtain information from the files and records of the Kentucky Department of Revenue and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on the information in such a manner as not to reveal data respecting net profits or compensation of any person.

(C) In addition, the city is empowered to execute similar reciprocity agreements as described in division (B) above with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this chapter.
(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.13 USE OF OCCUPATIONAL LICENSE TAX.

All money derived from the license taxes under the provisions of this chapter shall be paid to the city and placed to the credit of the city's general revenue fund.
(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.14 MISCELLANEOUS.

(A) All persons engaged in any trade, occupation, or profession for themselves within the city, for profit or gain, shall pay a license fee measured by and equal to 1% of net profit realized from the activity. "Net profit" as used herein shall mean gross receipts less ordinary business deductions, recognized as such, and allowed by the United States Internal Revenue Code, as amended, and in effect on the last day of a licensee's taxable year, except as otherwise specified in this chapter or in regulations adopted pursuant to this chapter.

(B) The regulations adopted by the City Commission November 8, 1998 effective January 1, 1999, shall read in their entirety as set out in the 37 pages of regulations and the 2-page Appendix "A", all of which is incorporated herein as fully as if copied completely herein.

(C) The provisions of this chapter are effective August 1, 2007.

(D) Divisions (A) and (B) of this section shall remain in effect for all net profits due and payable for periods prior to August 1, 2007. At such time as the last payment is received for prior periods, divisions (A) and (B) are repealed except for Appendix "A".
(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

§ 110.99 PENALTY.

(A) (1) A business entity subject to tax on net profits may be subject to a penalty equal to 5% of the tax due for each calendar month or fraction thereof if the business entity:

(a) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or

(b) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

(2) The total penalty levied pursuant to this division (A) shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$25.

(B) Every employer who fails to file a return or pay the tax on or before the time prescribed under § 110.05 may be subject to a penalty in an amount equal to 5% of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this division (B) shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$25.

(C) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of a month is counted as an entire month.

(D) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(E) The city may enforce the collection of the occupational tax due under § 110.03 and any fees, penalties, and interest as provided in divisions (A), (B), (C), and (D) above by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter.

(F) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.

(G) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this chapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.

(H) A *RETURN* for the purpose of this section shall mean and include any return, declaration, or form prescribed by the city and required to be filed with the city by the provisions of this chapter, or by the rules of the city or by written request for information to the business entity by the city.

(I) Any persons violating the provisions of § 110.11 by intentionally inspecting confidential taxpayer information without authorization, shall be fined not more than \$500 or imprisoned for no longer than 6 months; or both.

(J) Any person violating the provisions of § 110.11 by divulging confidential taxpayer information shall be fined no more than \$1,000 or imprisoned for no more than 1 year, or both.

(Ord. 2007-11, passed 7-9-2007; Am. Ord. 2008-01, passed 7-9-2007)

CHAPTER 111: RESTAURANT TAX

Section

- 111.01 Tax established
- 111.02 Tax calculation
- 111.03 Liens
- 111.04 Use of tax receipts
- 111.05 Definitions
- 111.06 Use of tax information
- 111.07 Tax records
- 111.08 Effective date

- 111.99 Penalty

2% of the tax due. There is a minimum of \$10 regardless of the amount of tax due, if any.
(Ord. 2007-9, passed 5-29-2007)

§ 111.03 LIENS.

A lien is hereby granted unto the city upon all property, real and personal, of any restaurant facility, to secure the unpaid tax receipts due from that restaurant, which lien shall be perfected by filing a notice of the due and statement of lien in the office of the Mercer County Court Clerk, Harrodsburg, Kentucky, describing the property on which the lien is asserted.
(Ord. 2007-9, passed 5-29-2007)

§ 111.01 TAX ESTABLISHED.

Pursuant to KRS 91A.400, there is hereby levied upon the retail sales of all food and non-alcoholic beverages by restaurants in Harrodsburg, Kentucky, a tax of a 3% of the gross amount of the sales; which shall be passed on to the customer or ultimate consumer.
(Ord. 2007-9, passed 5-29-2007)

§ 111.04 USE OF TAX RECEIPTS.

(A) The Harrodsburg/Mercer County Tourist Commission shall only expend the money within the guidelines of KRS 91A.350. The Harrodsburg/Mercer County Tourist Commission will retain 50% of tax receipts for marketing and promotional efforts and the City of Harrodsburg will receive 50% of the tax receipts to be distributed to tourism-related “quality of life” initiatives in the City of Harrodsburg as deemed eligible by a joint committee comprised of appointed members from the City Commission and directors of the board of the Tourist Commission. Potential “quality of life” recipients identified that directly impact the tourism industry include, but are not limited to, the following: Anderson-Dean Community Park, Ragged Edge Community Theater, Fort Harrod Drama Productions, Harrodsburg First, Mercer County Fair & Horse Show, Harrodsburg Historical Society, James Harrod Trust, and Fort Harrod Beef Festival.

§ 111.02 TAX CALCULATION.

(A) On or before the twentieth day of each calendar month, each restaurant operator shall report to the Treasurer of the Harrodsburg/Mercer County Tourist Commission, on forms provided by the Commission, the gross sales of that restaurant from food and non-alcoholic beverages for the preceding calendar month, and calculate the tax due for that month by computing 3% of its gross sales from food and non-alcoholic beverages, and the operator shall remit with the form the tax due to the Harrodsburg/Mercer County Tourist Commission.

(B) For each 30 day period the report and the tax, or either, is past due, there shall be added as a penalty

(B) The Tourist Commission shall remit a check each quarter for 50% of monies, accompanied by a

quarterly report, to the City of Harrodsburg within 15 days following the close of each fiscal year quarter.
(Ord. 2007-9, passed 5-29-2007)

§ 111.05 DEFINITIONS.

(A) A restaurant as used in this chapter is any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to: restaurants; coffee shops, cafeterias; short order cafes; luncheonettes; grilles; tea rooms; sandwich shops; soda fountains; roadside stands; street vendors; catering kitchens; delicatessen; or similar places in which food is prepared for sale for consumption on the premises or elsewhere. It does not include schools, food vending machines, establishments serving beverages only in single service or original containers.

(B) Temporary food stands, booths, street concessions and similar type operations, whether operated by nonprofit corporations or not, when food is prepared and sold for immediate consumption, are not exempt from this tax.
(Ord. 2007-9, passed 5-29-2007)

§ 111.06 USE OF TAX INFORMATION.

No present or former employee of the Harrodsburg/Mercer County Tourist Commission or any other person shall divulge any information acquired by him or her of the affairs of any person, or information regarding tax schedules, returns or reports required to be filed with the Tourist Commission, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or any other infraction of this chapter, nor does it extend to any matter, which is in any way made a matter of public record, nor does it preclude furnishing any taxpayer or his or her properly authorized agent with information respecting his or her own report. Further, this prohibition does not preclude the Tourist Commission or any employee of the Commission from testifying in any court, or from introducing as evidence

returns or reports filed with the Tourist Commission, in an action for violation of state or federal tax laws.
(Ord. 2007-9, passed 5-29-2007)

§ 111.07 TAX RECORDS.

Every restaurant as defined in this chapter shall keep the records, receipts, invoices, and other pertinent papers in the form as the Tourist Commission may require, for not less than 4 years from the making of the records unless the Tourist Commission in writing sooner authorizes their destruction. The Tourist Commission or the City Clerk may have access to all of the above records to the extent necessary to determine proper compliance with this chapter.
(Ord. 2007-9, passed 5-29-2007)

§ 111.08 EFFECTIVE DATE.

The tax provided for in this chapter is levied, commencing on the first day of July, 2007. The first report and remittance of tax due from restaurant operators shall be on 8-20-2007. This chapter shall be effective upon its adoption and publication as required by law.
(Ord. 2007-9, passed 5-29-2007)

§ 111.99 PENALTY.

Any person who violates this chapter shall be fined not less than \$20 and not more that \$50 for each offense. Each day the tax is past due shall constitute a separate offense.
(Ord. 2007-9, passed 5-29-2007)

CHAPTER 112: ALCOHOLIC BEVERAGE SALES

Section

- 112.01 Purpose
- 112.02 Definitions
- 112.03 Scope
- 112.04 Licenses
- 112.05 Duties of the Office of the City
Alcoholic Beverage Control
Administrator
- 112.06 Application
- 112.07 Fees pursuant to KRS 243.070
- 112.08 Refund of license fees
- 112.09 Lost or destroyed licenses
- 112.10 Revocation or suspension
- 112.11 Notice to licensee; surrender of license;
hearing
- 112.12 Transfer or assignment
- 112.13 Refusal of license
- 112.14 Review of license
- 112.15 Regulatory license fee
- 112.16 Change of information
- 112.17 Dormancy
- 112.18 Approval of premises
- 112.19 Delinquent taxes or fees
- 112.20 Books, records, and reports
- 112.21 Hours for sale and delivery
- 112.22 Conditions, prohibitions, and
restrictions
- 112.23 Enforcement
- 112.24 Investigation and inspection of premises
- 112.25 Mandatory responsible beverage service
training
- 112.26 Signs and advertising
- 112.27 Implementation

- 112.99 Penalty

§ 112.01 PURPOSE.

(A) The purpose of this chapter is to establish uniform regulations and requirements for the licensing

and regulation of alcoholic beverage sales pursuant to state statutes, and other applicable law, for any restaurant or dining facility licensed under this chapter shall seat a minimum of 100 persons. Only permanent seating, excluding bar-type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold. The seating must comply with all fire and safety capacity ratings and regulations.

(B) The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty.

(C) Restaurants and dining facilities licensed under this chapter shall derive a minimum of 70% of their gross receipts from the sale of food as certified by periodic documentation.
(Ord. 2003-18, passed 11-25-2003) Penalty, see 112.99

§ 112.02 DEFINITIONS.

The definitions of the words used throughout this chapter, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Ch. 241, Ch. 242, Ch. 243, and Ch. 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.
(Ord. 2003-18, passed 11-25-2003)

§ 112.03 SCOPE.

This chapter shall only apply to the sale of malt, wine, and distilled spirits on the premises of the licensee. Nothing in this chapter shall excuse or relieve the licensee, or the agent or any employee of any licensee or the agent thereof from the restrictions, requirements, and penalties of any other ordinance of the city or of any statutes of the Commonwealth of Kentucky relating to

violations pertaining to alcoholic beverages. The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Ch. 241, Ch. 242, Ch. 243, and Ch. 244) and all amendments and supplements thereto, are adopted far as applicable to this chapter except as otherwise lawfully provided herein. (Ord. 2003-18, passed 11-25-2003)

§ 112.04 LICENSES.

Under this chapter, a license shall only be extended to the owners and/or operators of those establishments that qualify under Kentucky statutory provisions. (Ord. 2003-18, passed 11-25-2003)

§ 112.05 DUTIES OF THE OFFICE OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The existing Occupational License Fee Administrator shall serve as the City Alcoholic Beverage Control Administrator (hereinafter referred to as City ABC Administrator).

(B) The City Commission may from time to time appoint the additional personnel to the office of Occupational License Fee Administrator as is necessary to assist the office in the administration of this chapter.

(C) The salary for the office of City ABC Administrator, if nay, together with the salaries of any other personnel assisting the City ABC Administrator, shall be fixed from time to time by the City Commission.

(D) The functions of the City AC Administrator shall be the same with respect to the city licenses and regulations as the functions of the Alcoholic Beverage Control Board of the licenses and regulations, except that no amendment to these regulations proposed by the City Control, or than regulations of the ABC Board. No regulation of the City ABC Administrator shall become effective until the City Commission has first appropriately approved it.

(E) No person shall be a City ABC Administrator, an investigator, or an employee of the city under supervision of the City ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.

(F) The City ABC Administrator shall have all authority as authorized under KRS Ch. 241 through Ch. 244.

(G) Should the City ABC Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he or she shall have the authority to require the person to appear in person at the Harrodsburg Police Department for the purpose of having his or her fingerprints taken.

(H) The City ABC Administrator before entering upon his or her duties as such shall take the oath as prescribed in § 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000.

(I) Appeals from the orders of the City ABC Administrator may be taken to the State ABC Board by filing with the Board within 30 days a certified copy of the orders of the city proceeding. Appeals from orders of the City ABC Administrator may be taken to the State ABC Administrator shall be governed by KRS Ch. 13B. (Ord. 2003-18, passed 11-25-2003; Am. Ord. 2007-12, passed 7-9-2007)

§ 112.06 APPLICATION.

(A) Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements of KRS Ch. 424.

(1) The advertisement shall state the name and address of the members of the partnership if the applicant is a partnership, as well as the name of the business and its address, or if the partnership if the applicant is partnership, as well as the name of the business and its address or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, the names and addresses of the principal office and directors of the corporation, as well as the name and addressee of the corporation itself, the location of the premises for which the license is sought, and the type of license for which application is made.

(2) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

(B) All licenses granted under this chapter shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the ABC Board and the City of Harrodsburg, as amended and supplemented from time to time.

(C) The application shall be verified and shall set forth in detail the information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC Board, and the City of Harrodsburg, including as follows:

- (1) Name and address;
- (2) Nature of interest;
- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Harrodsburg resident, indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this chapter:
- (7) Extent of stock ownership; and
- (8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province. A certified check, cash, or a postal or express money order for the license fee shall accompany each application.

(D) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator.

(E) All city licenses shall be in the form as may be prescribed by the City Commission and shall contain:

- (1) The name and address of the licensee;
- (2) The number of the license;
- (3) The type of license;
- (4) A description by street and number, or otherwise, of the licensed premises;
- (5) The name and address of the owner of the building in which the licensed premises are located;
- (6) The expiration date of the license; and
- (7) A statement in substance that the license shall not be a property or vested right and it may be revoked at any time pursuant to law.

(F) All licenses approved by the City ABC Administrator and issued by the City of Harrodsburg shall begin on January 1 of any year and shall expire on December 31 of the following year.

(G) The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation, which occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

(H) Any licenses issued after June 30 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of 6 months.

(I) In the event a violation of this chapter occurs that requires the revocation of the license, the city shall not be required to refund any portion of the license fee. (Ord. 2003-18, passed 11-25-2003)

§ 112.07 FEES PURSUANT TO KRS 243.070.

(A) The annual city license fee for the sale of wine, distilled spirits, and/or malt beverages shall be \$600. This fee may be amended from time to time if not

inconsistent with the applicable state amended from time to time if not inconsistent with the applicable state statutes.

(B) The City ABC Administrator shall transmit fees upon collection to the City Treasurer to be deposited into the appropriate designated account. The City ABC Administrator upon receipt of notice shall issue city licenses from the ABC Board Administrator of the finality of appeal or protest permitted upon the license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's state application.
(Ord. 2003-18, passed 11-25-2003)

§ 112.08 REFUND OF LICENSE FEES.

Should any licensee under this chapter be prohibited from conducting the business for the full period covered by the license because of any changes that may hereafter be made in the laws of the State of Kentucky with reference to alcoholic beverages or other cause outside licensee's control, then the city shall refund to it the proportionate part of the license fee for the period during which it is prevented from carrying on the business if the licensee provides sufficient proof to the City ABC Administrator that the period of inactivity was not the fault of the licensee or the result of a revocation, suspension, or other wrongdoing by licensee or agent or employee of the licensee.
(Ord. 2003-18, passed 11-25-2003)

§ 112.09 LOST OR DESTROYED LICENSES.

When a license shall be lost or destroyed without fault on the part of the licensee or his or her agent or employee, a duplicate in lieu of the original licensee shall be issued by the City ABC Administrator after he or she shall be satisfied as to the facts; provided, however, that the person applying for the duplicate license shall pay a fee of \$10 for issuing the duplicate.
(Ord. 2003-18, passed 11-25-2003)

§ 112.10 REVOCATION OR SUSPENSION.

(A) Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have

violated any of the provisions of KRS Ch. 241, Ch. 243, Ch. 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale, and transportation or taxation of alcoholic beverages regulation of any federal board, agency, or commission, or this chapter now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale, and transportation or taxation of intoxicating liquors of any rules or regulations of the city heretofore in existence or authorized by the terms of KRS Ch. 241, Ch. 243, and Ch. 244 to be created, referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his or her instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his or her sound discretion deems sufficient.

(B) A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.

(C) Any license may be revoked or suspended for the following causes:

(1) Conviction of the licensee or his or her agent or employee for selling any illegal beverages on the premises licensed;

(2) Making any false, material statements in an application for a license;

(3) If within a period of 2 consecutive years, any licensee or any of his or her clerks, servants, agents, or employees of the licensee shall have been convicted of 2 violations of the terms and provisions of KRS Ch. 241, Ch. 243, or Ch. 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages or if within the period, any licensee or any of the clerks, servants, agents, or employees of the licenses shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of 1 such felony and 1 such misdemeanor;

(4) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this chapter or acts of congress relative to

taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof; and/or

(5) Setting up, conducting, operating, or keeping, on the licensed premises, any gambling game, device, machine, or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility.
(Ord. 2003-18, passed 11-25-2003)

§ 112.11 NOTICE TO LICENSEE; SURRENDER OF LICENSE; HEARING.

(A) Within 3 days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his or her license to the City ABC Administrator. If revoked license is not forthwith surrendered by the licensee, the Chief of Police at the request of the City ABC Administrator shall immediately cause one of his or her officers to take physical possession of the license and return it to the City ABC Administrator.

(B) When a license has been revoked, the former licensee may, with prior approval of the City ABC Administrator, dispose of the transfer his or her stock of alcoholic beverages to an appropriate entity.

(C) Appeal from the decision of the City ABC Administrator shall be to the ABC Board.

(D) If a license is revoked or suspended by an order of the City ABC Administrator, the licensee shall at once suspend all operations authorized under his or her license.
(Ord. 2003-18, passed 11-25-2003)

§ 112.12 TRANSFER OR ASSIGNMENT.

No license issued under this chapter shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not then until a payment of \$100 shall be made to the City ABC Administrator.
(Ord. 2003-18, passed 11-25-2003)

§ 112.13 REFUSAL OF LICENSE.

The City ABC Administrator may refuse to issue or renew a license for any of the following reasons:

(A) Causes for refusal to issue or renew a license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490, and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales or the administration thereof;

(B) If the applicant has done any act for which a revocation of license would be authorized; or

(C) If the applicant has made any false material statement in his or her application.

(D) The applicant shall have the right of appeal to the Board of Commissioners.
(Ord. 2003-18, passed 11-25-2003)

§ 112.14 REVIEW OF LICENSE.

Applicants to whom a license is issued authorizing the sale of alcoholic beverages by the drink pursuant to this chapter shall provide periodic information demonstrating compliance with the continuing requirements that 70% of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. In the event the 70% food requirement is not met during any particular quarter, the City ABC Administrator shall have discretions in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good

faith is demonstrated by the licensee, the City ABC Administrator may apply an accounting period of at least 1 year in determining whether or not the 70% minimum food requirement has been met.

(Ord. 2003-18, passed 11-25-2003)

§ 112.15 REGULATORY LICENSE FEE.

(A) A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. The license fee shall be 8% of gross sales of alcoholic beverages.

(B) Payment of the regulatory fees shall be remitted to the City ABC Administrator, and shall accompany the tax returns approved for the use by the City Commission. These returns and payments are due no later than by the end of the month immediately following each calendar quarter.

(C) Failure to pay the quarterly remittance within 10 days if the due date constitutes a violation and subjects licensee to suspension or revocation.

(D) Penalty for failure to file a return and pay quarterly remittance by the due date is 5% of the tax for each 90 days or fraction thereof. The total late filing penalty shall not exceed 25% of the tax; provided, however, that in no case shall the penalty be less than \$10.

(E) Interest at the rate of 8% per annum will apply to any late payments.

(Ord. 2003-18, passed 11-25-2003)

§ 112.16 CHANGE OF INFORMATION.

(A) Since a number of licenses by the city are in the name of corporation, it is necessary that stock ownership changes in the corporation be reported to the City ABC Administrator. The City ABC Administrator can therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in alcoholic beverage license.

(B) As used herein, the word "change" is construed to include any change in directors or officers

of the corporation, or change in ownership of stock whereby any person secures 10% of the outstanding stock. Transfer of more than 10% of the total stock shall require a new director, officer, or person securing any interest in alcoholic beverage license:

(1) Name and address;

(2) Nature of interest;

(3) Whether or not a citizen of the United States;

(4) Date of birth;

(5) Date residence was established in Kentucky, if a resident of Kentucky. If a Harrodsburg resident indicate when residence was established; and

(6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license in any other state or province. This information shall be filed with the City ABC Administrator as an amendment of the application pursuant to which the license was granted.

(Ord. 2003-18, passed 11-25-2003)

§ 112.17 DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after 90 days. Such is the intent of this section. Realizing that a licensee, like other business, may have his or her business interrupted by situations not under his or her control, various exceptions to the dormancy rule have been included in this section.

(B) Any license under which no business is transacted during a period of 90 days shall become null and void. At the expiration of the 90-day period, the license shall be surrendered to the City ABC Administrator.

(C) Except that the provisions of division (A) above shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of

eminent domain, acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. The licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the 90 days of inactivity, for any of the reasons set forth herein, the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during the period; provided, however, no such license shall be considered valid unless business is conducted there under within 12 months from the date of notice to the City ABC Administrator. The extension may not extend beyond the renewal date but may be for the times, as the City ABC Administrator deems appropriate in exercise of sound discretion.

(D) All renewal licenses must be on file with the City ABC Administrator within 30 days prior to the expiration of the licenses for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same causality, death, the acquisition or threatened acquisition or threatened acquisition of these premises by any federal, state, city, or other governmental agency or private corporation, possessing power of eminent domain, whether the acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that the licensee shall file a written verified statement no less than 20 days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of the license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, the licensee shall pay a license fee from the expiration date of the former license or licenses. The license fee shall not be payable until application is made for the transfer of the license to a new location.

(Ord. 2003-18, passed 11-25-2003)

§ 112.18 APPROVAL OF PREMISES.

The City ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his or her place of business shall have been approved by the City Building

Inspector, and any and all other inspections required by the Kentucky Building Code, being KRS Ch. 198B. (Ord. 2003-18, passed 11-25-2003)

§ 112.19 DELINQUENT TAXES OR FEES.

No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the city at the time of the issuing the license; nor shall any license upon which there are any delinquent taxes or fees due the city. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the city at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. (Ord. 2003-18, passed 11-25-2003)

§ 112.20 BOOKS, RECORDS, AND REPORTS.

(A) Every licensee under this chapter shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. The books and records shall be available at all reasonable times for the inspection by the City ABC Administrator and the city employees who may assist the City ABC Administrator in his or her review.

(B) For the purposes of assisting the City ABC Administrator in enforcement of this chapter, every licensee required to report the ABC Board under KRS 243.850 shall provide a copy of the report to the City ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by statute shall be furnished to the City ABC Administrator. (Ord. 2003-18, passed 11-25-2003)

§ 112.21 HOURS FOR SALE AND DELIVERY.

(A) The licensee shall be permitted to sell or dispense distilled spirits, wine, and/or malt beverages by the drink Monday through Saturday from 9:00 a.m. until 2:00 a.m. the following day; on Sundays from 1:00 p.m. until 2:00 a.m. the following day; and on New Year's Eve: regardless of the day of the week, except on Sundays, from 9:00 am. through until 2:00 a.m. the next day.

(B) All delivery of alcoholic beverages in the city shall be made during normal business hours, Monday through Sunday.

(C) The licensee shall not sell or dispense any distilled spirits, wine, or malt beverages during the hours that the polls are open on any regular or primary election day.

(Ord. 2003-18, passed 11-25-2003; Am. Ord. 2009-10, passed 10-1-2009)

§ 112.22 CONDITIONS, PROHIBITIONS, AND RESTRICTIONS.

(A) No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on the licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on the premises.

(B) It shall be unlawful for any licensee "licensed under this chapter" to have or maintain any radio receiving apparatus on the premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator, or his or her designated investigator, shall have the authority to confiscate any and all the radio receiving apparatus.

(C) The licensee shall be responsible for maintaining security on his or her premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health, and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(D) It shall be unlawful for the licensee under this chapter who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value, a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages.

(E) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises.

(F) The licensee shall not sell or dispense alcoholic beverages to any person that is under 21 years of age.

(G) The licensee shall display at all times in a prominent place a sign at least 8 inches by 11 inches in 30 point or larger type which states. Persons under the age of 21 are subject to a fine of up to \$100 if they:

(1) Enter licensed premises to buy, or have served to them, alcoholic beverages;

(2) Possess, purchase, or attempt to purchase, or get another to purchase alcoholic beverages; and/or

(3) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(H) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

(I) All licensed retail vendors of alcoholic beverages shall post in a prominent place easily seen by patrons printed sign at least 11 inches by 14 inches in size, with letters at least 1 inch high, supplied by the Department of Alcoholic Beverage Control, and with gender-neutral language supplied by the Cabinet for Health and Family Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this division (I) shall be subject to a fine of no less than \$10 nor more than \$50. (KRS 243.895)

(J) Any off-premises signage advertising the sale of alcoholic beverages is prohibited.

(K) No wholesaler or distributor shall sell any alcoholic beverages to any person in the city for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(L) No licensee shall knowingly employ in connection with his or her business any person who:

(1) Has been convicted of any felony within the last 2 years;

(2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last 2 years;

(3) Is under the age of 20 years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute; and/or

(4) Within 2 years prior to the date of his or her employment, has had any city license under this chapter revoked for cause. Violation of this division (L)(4) shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

(Ord. 2003-18, passed 11-25-2003) Penalty, see § 112.99

§ 112.23 ENFORCEMENT.

City police officers and the City ABC Administrator are authorized to enforce this chapter for alleged violations.

(Ord. 2003-18, passed 11-25-2003)

§ 112.24 INVESTIGATION AND INSPECTION OF PREMISES.

The City ABC Administrator and any investigator acting under the authority of the City ABC Administrator shall have the full police powers of peace officers within the boundaries of the City of Corbin. They, along with any authorized law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored, or otherwise trafficked, without first obtaining a search warrant.

(Ord. 2003-18, passed 11-25-2003)

§ 112.25 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

(A) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a city-approved responsible beverage service training program. For a responsible beverage service-training program to be approved by the city, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this chapter.

(B) All persons required to complete training under division (A) above shall complete that training within 60 days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the city not less than once every 3 years thereafter.

(C) The manager of the restaurant shall be responsible for compliance with the training requirements and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the pertinent training information.

(Ord. 2003-18, passed 11-25-2003) Penalty, see § 112.99

§ 112.26 SIGNS AND ADVERTISING.

(A) All signage shall be in compliance with any and all other existing rules and regulations of the City of Harrodsburg and the Harrodsburg/Mercer County Planning and Zoning Commission.

(B) Signage which refers directly or indirectly to alcoholic beverages will be limited to 1 sign not over 2 square feet that must be displayed from the inside of the window or interior of the business. No additional signs,

banners, posters, or other types of displaying advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business cards not larger than 2-1/2 inches in size setting forth the price at which he or she offers alcoholic beverages for sale.

(C) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

(D) It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any handbills, circulars, or cards as a medium of advertising alcoholic beverages.

(E) It shall be unlawful for any person holding a license under this chapter to sell alcoholic beverages of any kind, to give away or offer prizes to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

(F) Any advertising by any licensee under this chapter shall be in compliance with the KRS 244.130. (Ord. 2003-18, passed 11-25-2003) Penalty, see § 112.99

§ 112.27 IMPLEMENTATION.

From time to time, the Harrodsburg City Commission may by resolution or order promulgate the rules and regulations and may publish and utilize the forms and other documents as in its discretion may be necessary for the proper implementation of this chapter. (Ord. 2003-18, passed 11-25-2003)

§ 112.99 PENALTY.

The following penalties shall be in addition to any criminal prosecution instituted in Mercer District Court against an alleged violator and fines hereunder shall be payable to the City ABS Administrator. The City ABS Administrator may assess a fine of not more than \$500 per violation. This payment of the fine shall be

transmitted to the City Treasurer to be deposited in the appropriate designated account. Any person, firm, or corporation who violates any of the provisions of this chapter, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than \$100 nor more than \$200 or imprisoned in the county jail for not more than 6 months, or both, and for the second and each subsequent violation, he or she shall be fined not less than \$200 nor more than \$500 or imprisoned in the county jail for not more than 6 months, or both. The penalties provided for in this section shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, joint stock company, association, or fiduciary, the principal officer or officers responsible for the violation may be imprisoned. (Ord. 2003-18, passed 11-25-2003)

CHAPTER 113: SOCIAL HOST POLICY

Section

- 113.01 Definitions
- 113.02 Prohibition
- 113.03 Protected activities

- 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.

ADULT. A person 18 years of age or older.

ALCOHOLIC BEVERAGE. Any beverage containing more than 1/2 of 1% alcohol by volume.

CONTROL. Any form of regulation or dominion, including a possessor's right.

RESIDENCE OR PREMISES. A hotel or motel room, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented, or used with or without compensation.

SOCIAL HOST GATHERING. A social gathering of 3 or more persons at a residence, other than the owner or those with rights of possession or their immediate family members.
(Ord. 2006-10, passed 7-24-2006)

§ 113.02 PROHIBITION.

No adult having control of any residence or premises shall allow an open house assembly to take place or continue at this residence or premises if:

(A) At the open house assembly any person under the age of 21 years possesses or consumes any alcoholic beverage at the open house assembly in violation of KRS 244;

(B) The adult knows or reasonably should know that a person under the age of 21 years will or does possess any alcoholic beverage at the open house assembly in violation of KRS 244; and/or

(C) The adult fails to take reasonable steps to prevent the possession of the alcoholic beverage by the persons under the age of 21 years in violation of KRS 244.
(Ord. 2006-10, passed 7-24-2006) Penalty, see § 113.99

§ 113.03 PROTECTED ACTIVITIES.

The provisions of this chapter shall not apply to legally protect religious observances.
(Ord. 2006-10, passed 7-24-2006)

§ 113.99 PENALTY.

The penalties for violation of this chapter shall be as follows:

(A) For the first violation, a fine not exceeding \$250; and

(B) For subsequent violations a fine not less than \$500 and not exceeding \$1,000.
(Ord. 2006-10, passed 7-24-2006)

CHAPTER 114: CABLE EQUIPMENT AND SERVICES

Section

- 114.01 Scope; applicability
- 114.02 Filing; review of rates
- 114.03 Provisions generally applicable to rate orders
- 114.04 Franchisee's duties
- 114.05 Duties of Mayor
- 114.06 Proprietary information
- 114.07 Petition for change in status

- 114.99 Penalty

§ 114.01 SCOPE; APPLICABILITY.

(A) This chapter governs the regulation of rates for basic service and equipment within the city for any franchisee which has been notified that the city has been certified to regulate its basic service and equipment rates; and the city has adopted regulations governing regulation of basic service and equipment rates.

(B) The provisions set forth below are intended to be consistent with all Federal Communication Commission (hereinafter referred to as "FCC") regulations governing the regulation of basic service rates and equipment, and the city will regulate and interpret its rules so that they are consistent with FCC regulations, as if those regulations were set forth in full herein.

(C) The franchisee is prohibited from engaging in any activity that is prohibited under FCC rules, as if those rules were set forth in full herein. For purposes of these provisions, the term "basic service" or "basic cable service" has the same meaning as the term "basic service" at 47 C.F.R. § 76.901 and the term "equipment" refers to all equipment and services subject to regulation under 47 C.F.R. § 76.923.
(Prior Code, § 18-1) (Ord. 1994-13, passed 7-12-1994)

§ 114.02 FILING; REVIEW OF RATES.

(A) *Initial filings by franchisees.*

(1) A franchisee that is notified that its basic service and equipment rates are subject to regulations must file a submission ("the rate filing") within 30 days of the notification, justifying its then-existing basic service and equipment rates. All rates, for all customer classifications must be justified. Once a franchisee has been so notified by the city that its rates are subject to regulation, it may not thereafter increase its rates for basic service or equipment without the prior approval of the city. This requirement applies in all cases, including with respect to increase in rates announced prior to the date the operator was notified its rates were subject to regulation where the increases were not implemented prior to the date of notice. A franchisee must submit a rate filing to justify any increase in basic service or equipment rates or any new basic service or equipment rate (collectively referred to herein as "rate increases"). An "increase" occurs when there is an increase in rates or a decrease in program or customer services. Rate filings proposing and supporting rate increases must be filed for review at least 30 days in advance of the proposed effective date of the increase. This requirement does not alter or eliminate any other notice requirement.

(2) Every rate filing must be submitted to the Mayor. A rate filing shall be considered filed for review on the date the required rate filing and all required copies are received by the Mayor. Three copies of each rate filing (including all supporting materials) must be submitted. If the operator claims any part of the filing is proprietary, it shall additionally file 3 copies, which omits the proprietary information.

(3) Subject to any FCC regulations governing the burden of proof, a rate filing submitted by

a franchisee must show that the rates the franchisee proposes to charge for basic service and equipment are reasonable. Except as inconsistent with FCC rules:

(a) Every rate filing must clearly state, in a covering letter, whether it justifies existing rates or proposes an increase in rates. The covering letter must also identify any rate that is derived in whole or in part based upon cost of service, and identify any pages of the rate filing that contain information that the franchisee claims is proprietary. It must state whether any part of the proposed increase is based on an inflation adjustment to an alleged increase in external costs. The cover letter should also contain a brief, narrative description of any proposed changes in rates or in service;

(b) The pages of each rate filing must be numbered sequentially;

(c) The rate filing must contain all applicable FCC forms and these forms must be correctly completed; and

(d) If different rates are proposed for basic service for different classes of customers, the filing must show that the classifications and the differences in the rate charged are reasonable and consistent with federal law.

(4) If the franchisee seeks to support a rate based upon a cost of service, the city will establish a rate that provides the franchisee an opportunity to recover the reasonable costs associated with providing basic cable service, including a reasonable profit. An expense or investment is not presumed reasonable merely because the franchisee has incurred or made it. A franchisee is not entitled to recover monopoly profits in any form.

(5) In addition to information the city requires the franchisee to provide, and unless the city grants a waiver of this provision, a franchisee who seeks to justify all or any part of its rates based upon its cost of service must submit a complete cost of service analysis that shows all expenses it incurs and all revenues derived from the system, directly or indirectly by the franchisee or any person that constitutes a cable operator of the system within the meaning of 47 U.S.C. § 522(5). The cost of service must identify the accounting level (as that term is used in the FCC's regulations) at which each expense or revenue identified was aggregated and show

clearly how the expense or revenue was allocated. The franchisee may not include costs at an accounting level unless it also includes all revenues from that same level attributable to the system or to a group of systems of which the system serving the city is a part. The replacement cost of a comparable system must be identified and supported. The franchisee must identify the name and address of any entity with which it has a contract, other than a programmer which derives revenues from the system, and must state whether and how the revenues of that entity were included in the cost of service. In addition, the cost of service shall clearly shown the derivation of a proposed charge per channel and the application of that charge to yield a basic service rate. It must also show and support the derivation and allocation of any amounts included in the derivation of the rate for:

(a) Operation and maintenance expenses;

(b) Administrative and general expenses;

(c) Programming expenses (identifying retransmission consent costs and copyright fees separately);

(d) Costs for PEG access and any institutional network;

(e) Franchise fee expenses;

(f) Investment in the system and associated depreciation;

(g) Other expenses, including federal, state, and local taxes, itemized; and

(h) The proposed return on equity and actual interest expense paid by the franchisee.

(6) Notwithstanding the foregoing, a franchisee is not required to submit the cost of service specified in division (A)(5) above, for equipment rates, and instead initially shall complete, submit, and support the costs of equipment using applicable FCC forms. Any cost of service submitted to justify basic service rates must show that the cost of service does not include equipment costs.

(B) *Initial city review.*

(1) After receiving a rate filing, the Mayor promptly shall publish a notice that a filing has been received and that, except for those parts which may be withheld as proprietary, it is available for public review. The notice shall state that interested parties may comment on the filing, and shall provide interested parties 7 days to submit written comments on the filing to the Mayor. The Mayor shall submit the comments received and its recommendations for action to the City Commission no later than 20 days after the filing and shall make those recommendations available for public inspection. The franchisee may submit a response to public comments or staff recommendations, but must do so no later than 3 business days after the staff recommendations are submitted to the City Commission. The response shall be filed with the City Clerk and if submitted in a timely fashion, the Mayor shall forward a copy to the City Commission.

(2) Within 30 days of the date of the filing, the City Commission shall issue a written order, which may be in any lawful form, approving the proposed rate in whole or in part; denying the proposed rate in whole or in part; or tolling the proposed rate in whole or in part. If the City Commission tolls the rate in whole or in part, its written order at a minimum shall explain that it requires additional time to review the rate filing and state that the franchisee may cure any deficiency in its filing by submitting a supplementary filing as provided in division (C) below. With respect to existing rates, tolling means the rates may remain in effect, subject to refund; with respect to rate changes, tolling means the portion of the rate change that is tolled may not go into effect.

(C) *Supplementary filings.*

(1) If a proposed rate is tolled in whole or in part, the franchisee shall submit a supplementary filing 20 days from the effective date of the tolling order, containing corrections, if any, to its filing (including any required supplement to its cost of service filing) and any response to information filed by interested parties or to the recommendations of the staff, or any additional information necessary to support the proposed rate. Supplementary filing must be filed in accordance with division (A)(2) above.

(2) A supplementary filing also must contain the information as the city directs the franchisee to provide.

(3) In addition to information the city requires the franchisee to provide, and unless the city grants a waiver of this provision, a franchisee who claims that it is entitled to a rate in whole or in part based upon the adjustments for inflation and external costs contemplated by 47 C.F.R. pt. 76.922(d)(1)-(2) must submit the following:

(a) A calculation showing how each part of the adjustment was derived;

(b) A statement itemizing each external cost (as defined by FCC regulations), the amount of that external cost for the 2 calendar years prior to the date of the filing and the year-to-date in which the filing is made; and the projected amount of the external cost for the remainder of the year in which the filing is made and for the following calendar year. The statement must specifically show any increases in revenues from programming services. "Revenues" include all revenues, in whatever form received;

(c) If the increase is attributable to any increase in programming service costs, the contract for each programming service whose cost has increased; a sworn statement identifying each programming service whose costs increased where the programmer is an affiliate of the franchisee (as defined by FCC regulations), and, for any contract that has been in effect less than 12 months, the prior contract for the service; and

(d) A sworn statement by the franchisee's chief financial officer or an independent, certified accountant stating that he or she has examined all external costs (including all programming costs) and has offset against any increase claimed, the amount of any decreases in external costs, and the amount by which any increase in external costs was below the GNP-PI as required by 47 C.F.R. pt. 76.922(d), affirming that the franchisee has only sought to recover any external cost to the extent that cost exceeded the GNP-PI; and affirming that the franchisee has not attempted to recover any increase in the cost of programming purchased by an affiliate.

(4) Upon receiving the supplementary filing, the City Clerk promptly shall publish a notice that a filing has been received and that it is available for public review (except those parts which may be held as proprietary). The notice shall provide interested parties 20 days to submit written comments on the filing to the Mayor. The Mayor shall submit the comments received and its recommendations for action to the City Commission no later than 30 days prior to the date the City Commission must act under division (C)(7) below.

(5) The recommendation shall be made available for public inspection. The franchisee may submit a response to public comments or staff recommendations, but must do so no later than 10 days after the staff recommendations are submitted to the City Commission. The response shall be filed with the Mayor, and if submitted in a timely fashion, the Mayor shall forward a copy to the City Commission.

(6) The City Commission shall issue a written order, which may be in any lawful form, approving the proposed rate in whole or in part, denying the proposed rate in whole or in part; or allowing the rate to go into effect in whole or in part, subject to refund. If the city issues an order allowing the rates to go into effect subject to refund, it shall also direct the franchisee to maintain an accounting in accordance with 47 C.F.R. pt. 76.933.

(7) The order specified in division (C)(5) above shall be adopted within 90 days after the tolling order for any rate the franchisee justifies based on the FCC benchmark. The order shall be adopted within 150 days of the tolling order for any rate the franchisee justified within a cost of service showing.
(Prior Code, § 18-2) (Ord. 1994-13, passed 7-12-1994)

§ 114.03 PROVISIONS GENERALLY APPLICABLE TO RATE ORDERS.

(A) Any rate order of the City Commission shall be issued and effective upon adoption. Each rate order shall be released to the public and the franchisee. In any case where the City Commission approves, denies, or tolls a rate, orders that a rate may go into effect subject to a refund; or orders refunds or establishes rates, a public notice shall be published stating that the order has been issued and is available for review. Any such order shall be in writing.

(B) The City Commission may take steps that it is not prohibited from taking by federal law to protect the public interest as part of any rate order or by any other means. By way of illustration and not limitation, it may require refunds, set rates, and impose forfeitures and penalties directly or through its delegated representatives, and enforce refund orders. Any order prescribing a rate must explain why the franchisee's proposed rate is unreasonable and why the prescribed rate is reasonable. However, before prescribing a rate or ordering a refund to subscribers, the City Commission shall ensure the franchisee has had notice and opportunity to comment on the proposed rate or refunds. If the recommendations of the Mayor propose a refund of a rate, then mailing a copy of the recommendation to the franchisee at the time it is submitted to the City Commission shall be deemed to provide the franchisee this notice and the franchisee must comment on the refund in its response to the recommendations.

(C) No order approving or setting a rate using the FCC benchmarks shall be interpreted to establish the just and reasonable rate to subscribers. Every rate approved or established shall be subject to further reduction and refund to the extent permitted under applicable laws and regulations, as the same may be amended from time to time. By way of illustration and not limitation, should the FCC reduce the benchmarks, the city shall have the right to reduce a franchisee's rates and require the franchisee to refund any amounts collected above the benchmark, except to the extent prohibited by federal law.

(Prior Code, § 18-3) (Ord. 1994-13, passed 7-12-1994)

§ 114.04 FRANCHISEE'S DUTIES.

(A) A franchisee must implement remedial requirements, including prospective rate reduction and refunds, within 60 days of the date the City Commission issues an order mandating a remedy.

(B) Within 90 days of the date an order mandating a remedy is issued, a franchisee must file a certification, signed by an authorized representative of the cable company stating:

(1) Whether the franchisee has complied fully with all provisions of the City Commission's order;

(2) Describing in detail the precise measures taken to implement the City Commission's order; and

(3) Showing how refunds (including interest) were calculated and distributed.

(C) It is each franchisee's responsibility to keep books and records of account so that it can refund any amount owed to subscribers.

(D) It is each franchisee's duty to submit as complete a filing as possible, and knowingly withholding information or making a filing that is incomplete under applicable law shall be treated as an evasion of this chapter.

(E) Information requests:

(1) A franchisee and any other entity that has records of revenues or expenses that are allocated to the franchisee's system must respond to requests for information from the city by deadlines established by the city. A franchisee is responsible for ensuring that the other entity responds to the city's requests; and

(2) Because federal law limits the time available for an initial response to a filing by a franchisee, before the order contemplated by § 114.02(B) issues, the franchisee must be prepared to respond to requests for information regarding its filing within 5 days of the date an information request is mailed to it. The information may include the information the franchisee would be required to provide as part of any supplementary filing.

(Prior Code, § 18-4) (Ord. 1994-13, passed 7-12-1994)

§ 114.05 DUTIES OF MAYOR.

(A) The Mayor shall be responsible for administering the provisions herein.

(B) Without limitation, and by way of illustration:

(1) The Mayor shall ensure notices are given to the public and each franchisee as required herein and by FCC regulations;

(2) The Mayor may submit requests for information to the franchisee and establish deadlines for response to them, as provided in § 114.04;

(3) For good cause, the Commission may waive any provision herein or extend any deadline for filing or response except as to the matters that are mandatory under FCC regulations;

(4) The Mayor shall rule on any request of confidentiality; and

(5) The Mayor shall prepare the recommendations to the City Commission contemplated by § 114.02(B) and (C). If the Mayor recommends that any increase be denied in whole or in part, he or she shall:

(a) Propose a rate and explain the basis for his or her recommendation (he may propose that rates remain at existing levels);

(b) Recommend whether and on what basis refunds should issue; and

(c) Notify the franchisee of his or her recommendation at the time it is submitted to the City Commission.

(Prior Code, § 18-6) (Ord. 1994-13, passed 7-12-1994)

§ 114.06 PROPRIETARY INFORMATION.

(A) If these provisions, or any request for information requires the production of proprietary information, the franchisee must produce the information. However, at the time the alleged proprietary information is submitted, the franchisee may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the city determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. The city shall place in a public file for inspection any decision that results in information being withheld. If the franchisee requests confidentiality and the request is denied, where the franchisee is proposing a rate increase, it may withdraw the proposal, in which case the alleged proprietary information will be returned to it; or the franchisee may seek review within 5 working days of the

denial in any appropriate forum. Release of the information will be stayed pending review.

(B) Any interested party may file a request to inspect material withheld as proprietary with the Mayor. The Mayor shall weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable franchisee that submitted the information as to the disposition of the request. He or she may grant, deny, or condition a request. The requesting party or the franchisee may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.

(Prior Code, § 18-6) (Ord. 1994-13, passed 7-12-1994)

§ 114.07 PETITION FOR CHANGE IN STATUS.

Any franchisee may petition for a change in status and the city shall consider that petition in accordance with 47 C.F.R. § 76.916. The petition and 3 copies must be filed with the Mayor.

(Prior Code, § 18-7) (Ord. 1994-13, passed 7-12-1994)

§ 114.99 PENALTY.

Except as prohibited by federal law, a franchisee shall be subject to penalties and forfeitures under the applicable cable ordinance/franchise, and its request for approval of a rate may be denied if it:

(A) Knowingly submits false or fraudulent information to the city in connection with any rate proceeding;

(B) Fails to comply with any lawful order or request of the city, including, but not limited to, a request for information or any order setting rates; or

(C) Evades or attempts to evade federal or local rate regulation; provided that filing for approval of rate that is later determined to be unreasonable is not in and of itself an evasion of federal or local rate regulations.

(Prior Code, § 18-8) (Ord. 1994-13, passed 7-12-1994)

CHAPTER 115: INSURANCE COMPANIES

Section

- 115.01 License
- 115.02 Life insurance
- 115.03 Insurance other than life
- 115.04 Due date for fees
- 115.05 Records to be furnished
- 115.06 Records to be adequate
- 115.07 Requesting of funds

Statutory reference:

Authority to levy license tax on insurance companies, KRS 91A.080

business which such company is authorized to transact, less all premiums returned to policy holders; 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). (Prior Code, § 15-18) (Ord. 1984-7, passed 10-23-1984)

§ 115.01 LICENSE.

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.

(Prior Code, § 15-16) (Ord. 1984-7, passed 10-23-1984)

§ 115.02 LIFE INSURANCE.

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 7% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

(Prior Code, § 15-17) (Ord. 1984-7, passed 10-23-1984)

§ 115.03 INSURANCE OTHER THAN LIFE.

The license fee imposed upon each insurance company that issues any insurance policy which is not a life insurance policy shall be 7% 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

§ 115.04 DUE DATE FOR FEES.

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).

(Prior Code, § 15-19) (Ord. 1984-7, passed 10-23-1984)

§ 115.05 RECORDS TO BE FURNISHED.

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 allied perils.
- (E) Health.

(F) Life.

(Prior Code, § 15-20) (Ord. 1984-7, passed 10-23-1984)

§ 115.06 RECORDS TO BE ADEQUATE.

Each insurer shall maintain records adequate to support the reports required by this chapter. Failure to comply with this chapter shall subject such insurers to bear the expense of necessary audits and collection efforts to insure compliance.

(Prior Code, § 15-21) (Ord. 1984-7, passed 10-23-1984)

§ 115.07 REQUESTING OF FUNDS.

Unless written application for refund or credit is received by the city from the insurance company within 2 years from the date of the overpayment or erroneous payment, no refund shall be allowed.

(Ord. 2007-20, passed 9-24-2007)

CHAPTER 116: TRANSIENT ROOM TAXES

Section

116.01	Levy
116.02	Collection
116.03	Penalty
116.04	From whom collected
116.05	By whom collected

overdue at any time. After 60 days, the amounts of penalty shall be compounded each month.

(Prior Code, § 15-63) (Ord. passed 12-18-1979)

Cross reference:

Tourist Commission, see §§ 34.070 et seq.

Statutory reference:

Authority for room tax, see KRS 91A.390

§ 116.01 LEVY.

There is hereby levied a 3% transient room tax for 1 year and as long thereafter as ratified by the fiscal court.

(Prior Code, § 15-61) (Ord. passed 12-18-1979)

§ 116.02 COLLECTION.

The imposition and collection of this transient room tax shall be on the day beginning January 1, 1980, and each day thereafter. The tax shall be paid to the Treasurer of the Harrodsburg-Mercer County Tourist Commission no later than the 30th day following the past month in which the tax had been charged. In other words, the 3% tax collected from January 1, 1980, through January 31, 1980, shall be paid to the Commission no later than February 28, 1980. Each collecting entity shall file with the treasurer, a return in duplicate on a form to be authorized by the Commission, together with the tax due.

(Prior Code, § 15-62) (Ord. passed 12-18-1979)

§ 116.03 PENALTY.

A 6% penalty shall be added to accounts not paid within the 30-day period stated in § 116.02. The 6% penalty shall be levied against the total amount of tax

§ 116.04 FROM WHOM COLLECTED.

The imposition and levy of a transient room tax of 3% of the rent for every occupancy of a suite, room or rooms, charged by all persons or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses, as approved, shall apply to transient guests who occupy a room in motor courts, motels, hotels, inns or like or similar accommodations for a consecutive period of less than 30 days in the county.

(Prior Code, § 15-64) (Ord. passed 12-18-1979)

§ 116.05 BY WHOM COLLECTED.

All persons or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodation businesses shall collect and pay the transient room tax levied in § 116.01.

(Prior Code, § 15-65) (Ord. passed 12-18-1979)

CHAPTER 117: PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS

Section

- 117.01 Permit required
- 117.02 Exemptions
- 117.03 Application for permit
- 117.04 Issuance or refusal of permit
- 117.05 Appeal
- 117.06 Bond
- 117.07 Loud noises and speaking devices
- 117.08 Use of streets
- 117.09 Exhibition of permit
- 117.10 Police officers to enforce
- 117.11 Revocation or suspension of permit
- 117.12 Reapplication
- 117.13 Expiration and renewal of permit
- 117.14 Occupational license fee

- 117.99 Penalty

farmer, and the like, himself/herself or by some member of his or her family, or his or her servant or employee. However, this section shall not exempt these groups from the provisions of § 117.08, restricting the use of streets. (Prior Code, § 15-67) (Ord. 1987-17, passed 9-22-1987)

§ 117.03 APPLICATION FOR PERMIT.

Applicants for a permit under this chapter must file with the city a sworn written application containing the following:

(A) Name and physical description of the applicant.

(B) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(C) A brief description of the nature of the business and the goods to be sold.

(D) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(E) The length of time for which the right to do business is requested.

(F) A recent clear photograph approximately 2 inches square showing the head and shoulders of the applicant and all salespersons authorized to sell within the city.

(G) The name of at least 2 reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the

§ 117.01 PERMIT REQUIRED.

It shall be unlawful for any peddler, canvasser, solicitor or transient merchant to ply his or her trade within the city without first obtaining a permit in compliance with this chapter. The permit shall only be valid for the one to whom it is issued. (Prior Code, § 15-66) (Ord. 1987-17, passed 9-22-1987) Penalty, see § 117.99

§ 117.02 EXEMPTIONS.

This chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide charitable religious, patriotic or philanthropic organizations, nor to farmers, gardeners or horticulturists selling products direct from their own farms, orchards or gardens and of their own raising or production, but this exemption shall apply only where the vehicle from which sales are made is manned by the

names of references, such other evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.

(H) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and, if so, the nature and location of the offense and the status or disposition of the charge.

(I) The last 3 cities or towns in which the applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(J) At the time of filing the application, a fee of \$25 shall be paid to the city to cover the cost of investigating the facts stated therein.
(Prior Code, § 15-68) (Ord. 1987-17, passed 9-22-1987)

§ 117.04 ISSUANCE OR REFUSAL OF PERMIT.

(A) Each application shall be referred to the Chief of Police for investigation. The Chief shall report his or her findings to the Mayor within 7 days.

(B) If as a result of the investigation, the Chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the Mayor shall notify the applicant that his or her application is disapproved and that no permit will be issued.

(C) If the Chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the Mayor shall cause a permit to be issued upon the payment of all applicable privilege taxes and the filing of the bond required by § 117.06.
(Prior Code, § 15-69) (Ord. 1987-17, passed 9-22-1987)

§ 117.05 APPEAL.

Any person aggrieved by the action of the Chief of Police and/or the Mayor in the denial of a permit shall have the right to appeal to the City Commission. The appeal shall be made by filing with the Mayor a written statement setting forth fully the grounds for the appeal, within 14 days after notice of the action complained of.

The Mayor shall set a time and place for a hearing on such appeal to be conducted within 15 days and notice of the time and place of such hearing shall be given to the appellant in writing and shall be mailed to the applicant at his or her last known address at least 5 days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least 3 days prior to the date set for the hearing.

(Prior Code, § 15-70) (Ord. 1987-17, passed 9-22-1987)

§ 117.06 BOND.

Every permittee shall file with the city a surety bond payable to the city in the amount of \$1,000. The bond shall be conditioned that the permittee shall comply fully with all applicable federal, state and local laws regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants or itinerant vendors, as the case may be, and shall guarantee to any citizens of the city that all money paid as a down payment by the customers will be accounted for and further guaranteeing to any person doing business with the permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability.

(Prior Code, § 15-71) (Ord. 1987-17, passed 9-22-1987)

§ 117.07 LOUD NOISES AND SPEAKING DEVICES.

No permittee, nor any person in his or her behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound-amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell.

(Prior Code, § 15-72) (Ord. 1987-17, passed 9-22-1987)
Penalty, see § 117.99

§ 117.08 USE OF STREETS.

No one shall have any exclusive right to any location on the public streets, nor shall anyone be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets nor shall any be allowed to accept orders for goods or sell directly or solicit donations from a vehicle of any kind while standing in a public street. For the purposes of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(Prior Code, § 15-73) (Ord. 1987-17, passed 9-22-1987)
Penalty, see § 117.99

§ 117.09 EXHIBITION OF PERMIT.

Permittees are required to exhibit their permits at the request of any police officer or citizen.

(Prior Code, § 15-74) (Ord. 1987-17, passed 9-22-1987)
Penalty, see § 117.99

§ 117.10 POLICE OFFICERS TO ENFORCE.

It shall be the duty of all police officers to see that the provisions of this chapter are enforced.

(Prior Code, § 15-75) (Ord. 1987-17, passed 9-22-1987)

§ 117.11 REVOCATION OR SUSPENSION OF PERMIT.

(A) Permits issued under the provisions of this chapter may be revoked by the City Commission after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or incorrect statement contained in the application for permit or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor;

(2) Any violation of this chapter;

(3) Conviction of any crime or misdemeanor;

or

(4) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a permit shall be given by the Mayor in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed to the permittee at his or her last known address at least 5 days prior to the date set for hearing.

(C) When reasonably necessary in the public interest, the Mayor may suspend the permit pending the revocation hearing.

(Prior Code, § 15-76) (Ord. 1987-17, passed 9-22-1987)

§ 117.12 REAPPLICATION.

No permittee whose permit has been revoked shall make further application until a period of at least 6 months has elapsed since the last revocation.

(Prior Code, § 15-77) (Ord. 1987-17, passed 9-22-1987)

§ 117.13 EXPIRATION AND RENEWAL OF PERMIT.

Permits issued under the provisions of this chapter shall be valid for a period of 1 year. A permittee may renew the permit without cost upon paying any associated license fees, if an application for renewal is filed within 30 days from the date of expiration. An application for a renewal shall be made in substantially the same form as an original application; however, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

(Prior Code, § 15-78) (Ord. 1987-17, passed 9-22-1987)

§ 117.14 OCCUPATIONAL LICENSE FEE.

The provisions of this chapter shall be in addition to and cumulative with Chapter 110.

(Prior Code, § 15-79) (Ord. 1987-17, passed 9-22-1987)

§ 117.99 PENALTY.

Any person violating any provision of this chapter shall be fined not less than \$100 nor more than \$500 for each offense and/or be confined in jail for not more than 30 days for each such offense, and each day of violation shall be deemed a separate offense.

(Prior Code, § 15-80) (Ord. 1987-17, passed 9-22-1987)

CHAPTER 118: FINANCIAL INSTITUTION FRANCHISE AND LOCAL DEPOSIT TAX

Section

- 118.01 Imposition of tax
- 118.02 Tax due
- 118.03 Lien
- 118.04 Use of tax
- 118.05 Penalty

§ 118.03 LIEN.

The city shall have a lien for taxes upon any and all property subject to the tax imposed by these sections, which lien shall be superior to all encumbrances prior or subsequent.

(Prior Code, § 15-83) (Ord. 1996-15, passed 11-26-1996)

§ 118.01 IMPOSITION OF TAX.

There is hereby imposed on all *FINANCIAL INSTITUTIONS*, as defined in KRS Chapter 136, located within the corporate limits of the city, for the 1996 tax year and all subsequent years, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions. (Prior Code, § 15-81) (Ord. 1996-15, passed 11-26-1996)

§ 118.04 USE OF TAX.

All moneys collected pursuant to these sections shall be paid into the general fund of the city to be used for the payment of proper expenditures as determined by the Board of Commissioners.

(Prior Code, § 15-84) (Ord. 1996-15, passed 11-26-1996)

§ 118.02 TAX DUE.

(A) For transition purposes, the 1996 tax year will be treated differently in terms of collection of taxes than for all subsequent years. For the 1996 tax year, the following timetable is hereby established. The city will issue tax bills to financial institutions no later than May 1, 1997. Payment of the tax shall be due with a 2% discount by May 31, 1997, or without the discount by June 30, 1997.

§ 118.05 PENALTY.

All taxes due in accordance with these sections which are not paid before June 30, 1997, for the tax year 1996, or which are not paid before January 31, for all subsequent tax years shall be deemed delinquent and shall be subject to a penalty of 12% and shall bear interest at the rate of 12% per annum.

(Prior Code, § 15-85) (Ord. 1996-15, passed 11-26-1996)

(B) For all tax years subsequent to the 1996 tax year, the following timetable is hereby established. The city will issue tax bills to financial institutions no later than December 1 of each year. Payment of the tax shall be due with a 2% discount by December 31 of each year, or without the discount by January 31 of each year.

(Prior Code, § 15-82) (Ord. 1996-15, passed 11-26-1996)

CHAPTER 119: BUSINESS LICENSES

Section

119.01 Wrecker service business license

§ 119.01 WRECKER SERVICE BUSINESS LICENSE.

(A) The city hereby creates a new business license known as “The wrecker service business license.” This license will run from January 1 thru December 31, yearly. The cost of the wrecker service business license will be \$250 per wrecker/towing service paid annually on January 1, or a cost of \$20.83 per month for new wrecker/towing services added to the wrecker/towing service list after January 1. The new wrecker/towing service will then be charged \$250 on the next January 1.

(B) The Police Department wrecker service agreement is hereby adopted by reference as if set out in its entirety as attached to Ord. 2010-3, passed 5-10-2010.

(Ord. 2010-3, passed 5-10-2010)

