

GRANT COUNTY FISCAL COURT

WILLIAMSTOWN, KENTUCKY

ORDINANCE No. 03-2017-706

AN ORDINANCE OF THE FISCAL COURT OF GRANT COUNTY, KENTUCKY RELATING TO GENERAL BUSINESS LICENSING UPON ALL PERSONS ENGAGED IN ANY TRADES, BUSINESSES, OR PROFESSIONS WITHIN THE COUNTY OF GRANT, COMMONWEALTH OF KENTUCKY FOR THE HEALTH, EDUCATION, SAFETY, WELFARE AND CONVENIENCE OF THE INHABITANTS OF GRANT COUNTY, COMMONWEALTH OF KENTUCKY, INCLUDING BUT NOT LIMITED TO, AMBULANCE, FIRE, POLICE, JAIL, PARKS AND CAPITAL PROJECTS.

WHEREAS, Grant County Fiscal Court, like many local governments is experiencing reduction in state and federal monies and as a result is experiencing a growing budgetary shortfall;

WHEREAS, Grant County Fiscal Court is experiencing growing financial difficulties in maintaining the basic services it has undertaken for the residents of Grant County including, but not limited to ambulance service, quality fire protection, improved police protection, animal control, senior services, mandatory jail, capital improvements, improved parks and related recreational services:

WHEREAS, the Grant County Fiscal Court having determined that an annual business license fee tax shall be imposed on persons engaging in trades, businesses, or professions in Grant County, Kentucky;

WHEREAS, an ordinance should be enacted to implement the above referenced annual business license fee tax;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Grant County Fiscal Court as follows:

SECTION 1: LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESS, OR PROFESSIONS

No person shall engage in any trade, business, or professions for which licenses are required by any provision of this code or any other ordinance of Grant County, Kentucky without first applying for and obtaining a license from the Grant County Judge/Executive or any duly authorized issuing authority.

(A) Business is defined as an occupation or trade engaged in for the purpose of obtaining a livelihood or gain, in cash or in kind. Unless otherwise prohibited, separate businesses may be maintained at the same location if any of the three apply:

1. There is a separate entryway for the separate businesses;
2. There is separate accounting or bookkeeping by the owner for the separate businesses;
3. There are separate employees for the separate businesses.

SECTION 2: APPLICATION FOR A LICENSE.

- (A) All original application for licenses, unless otherwise specifically provided, shall be made to the Grant County Judge/Executive or his designee in writing upon forms to be furnished by the Judge/Executive's office and shall contain:
 - (1) The name of the applicant and of each officer, partner, or business associate;
 - (2) His/Her present occupation and place of business;
 - (3) His/Her place of residence for five years preceding the date of application;
 - (4) The nature and location of the intended business or enterprise;
 - (5) The period of time for which the license is desired;
 - (6) A description of the merchandise to be sold, if for a vendor;
 - (7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.
- (B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.
- (C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.
- (D) It shall be unlawful to knowingly make any false statement or representation in the license application.

SECTION 3: ISSUANCE OF LICENSE, STANDARDS FOR ISSUANCE.

- (A) Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the Grant County Judge/Executive or his designee shall forthwith deposit the fee in the general fund of the county and issue the applicant the proper license certificate signed by the County Judge/Executive or his designee.
- (B) The Judge/Executive or his designee shall issue all licenses except when the issuing authority believes that said business would constitute a threat to public safety, public health, the general welfare of the county, or the establishment of said business is contrary to any statute, regulation, or ordinance existing at the time of the filing of the application.
 - (1) If an application is denied, the issuing authority must provide a written notice setting forth the basis for the denial. Said notice shall be served upon the applicant or at the proposed business premises.
 - (2) In the event that a business application is denied, the party seeking the license may appeal that denial to the Fiscal Court under the terms set out in Section 6.

SECTION 4: DATE AND DURATION OF LICENSE.

- (A) The license fiscal year for the County shall begin on January 1, and end on December 31. Any person, firm, or corporation, beginning a taxed business or undertaking upon a taxed occupation after the first month of any calendar year, shall procure a license to do so by paying proportionally, being a percentage of time left in the calendar year (i.e.- six months equals half or (50%). The minimum fee charged is for 6 months. There are no refunds for a business that terminates operations.

- (B) Any person failing to obtain a license and said person continuing to fail to obtain a license for more than 30 days after the expiration of the old license shall be charged a 30% penalty. If that same person continues to fail to obtain a license as required above shall be subject to a 12% interest per annum.
- (C) Any person failing to obtain and upon issuance, maintain, a business license as required above shall not be permitted to form or continue their business within Grant County.
- (D) In no event shall a license be granted to any business or person for a longer period of time than one year.
- (E) Every license is issued to an individual person and shall not be transferable.
- (F) Every license certificate shall be displayed in a fixed and prominent location upon the licensed premises. Other licensees shall carry the license certificates at all times and shall exhibit the license upon request by authorized agents of the Fiscal Court.
- (G) All businesses operating as of the date of the enactment of this ordinance shall file their application for a business license within 30 days of the effective date of this ordinance. Failure of any business to file its application within the prescribed period may result in the imposition of the penalties set forth below.

SECTION 5: REVOCATION AND SUSPENSION.

- (A) Any license may be revoked by the legislative body at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for denial; for any misrepresentation of a material fact in the application discovered after the issuance of the license; for violation of any provision of this chapter or other law ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state, or municipal law or ordinance involving moral turpitude.
- (B) The revocation shall become effective upon notice served upon the licensee or posted premises affected.
- (C) As a preliminary to revocation, the legislative body may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.
- (D) No license shall be suspended or revoked without proper legal notice to the business setting forth the allegations leading to the suspension or the revocation.

SECTION 6: APPEAL AND REVIEW.

- (A) In case any applicant has been denied a license, or if his/her license has been revoked or suspended, the applicant or licensee as the case may be, shall within three (3) business days have the right to appeal to the Fiscal Court for the denial, revocation or suspension. Notice of appeal shall be filed in writing with the Grant County Judge/Executive or his designee, together with an appeal filing fee of \$500.00 within 15 days of the denial. The Judge/Executive or his designee shall fix the time and place for a hearing, which shall be held no later than one week thereafter unless otherwise impractical. The Grant County Judge/Executive or his designee shall notify all members of the Fiscal Court of the time and place of the hearing not less than 48 hours in advance thereof. A majority of the voting members of the Fiscal Court members shall constitute a quorum to hear the appeal. The

appellant may appear and be heard in person, by counsel, or any designated representative. If, after a majority of the members of the Fiscal Court present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be, otherwise the order appealed from shall become final.

- (B) The licensee shall be responsible for all fees and costs associated with revocation, appeal, and, or review, including service of process, legal fees, administrative costs, and any other form of financial liability incurred by him or herself, or the court.

SECTION 7: BUSINESS LICENSE FEE SCHEDULE

- (A) The licensing fee shall be paid pursuant to a tiered Fee Schedule based on the total number of employees that are employed in each business:
1. Tier Number 1: If a business has 0 to 5 employees, the annual license fee shall be \$25.00.
 2. Tier Number 2: If a business has 6-10 employees, the annual license fee shall be \$50.00
 3. Tier Number 3: If a business has 11 to 25 employees, the annual license fee shall be \$100.00
 4. Tier Number 4: If a business has more than 25 employees, the annual license fee shall be \$200.00

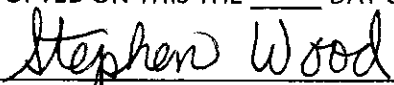
Any person, firm, or corporation who shall fail to procure the license or pay the fee herein provided, or shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than \$10.00 nor more than \$50.00 for each offense, in addition to those penalties discussed in Section 4B. Each day's business engaged in without such a license constitutes a separate offense. In addition to paying such fines and the costs, the person, firm, or corporation so convicted shall have the option of taking out and paying for the proper license for the business or occupation engaged in and continuing the same to the end of the fiscal year, or immediately closing up such a business and ceasing to follow such occupation in the county until he/she shall have proper license to do so.

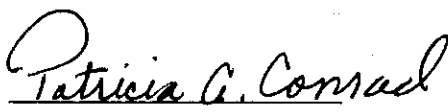
EFFECTIVE DATE:

This Ordinance shall take effect and be in full force immediately upon adoption and all ordinances or parts of other ordinances which conflict with this ordinance are hereby repealed as allowable by applicable law. Any ordinance or parts thereof not in conflict with the foregoing remain valid and in full force and effect.

FIRST READ AND APPROVED ON THIS THE 13TH DAY OF MARCH, 2017

SECOND READING, APPROVED AND ADOPTED ON THIS THE 3rd DAY OF April 2017


Stephen P. Wood, Grant County Judge/Executive

ATTEST: 
Patricia A. Conrad
Grant County Fiscal Court Clerk