

**GALLATIN FISCAL COURT
WARSAW, KENTUCKY
ORDINANCE NO. 070804-2**

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

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

WHEREAS, the Gallatin County Fiscal Court having determined that the most feasible method for obtaining the desired revenue for the county is by imposition of a tax;

WHEREAS, the Gallatin County Fiscal Court having determined that an annual business license fee tax shall be imposed on persons engaging in trades, businesses, or professions in Gallatin 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 Gallatin County Fiscal Court as follows:

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

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this code or any other ordinance of Gallatin County, KY without first applying for and obtaining a license from the Gallatin 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. 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 a separate accounting or book keeping by the owner for the separate businesses;
- (3) There are separate employees for the separate businesses.

(B) BUSINESS SITUS is defined as a place where the owner or his agent is conducting business.

SECTION 2: APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Gallatin 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 present occupation and place of business;
 - (3) His place of residence for five years next preceding the date of application;
 - (4) The nature and location of the intended business or enterprise;
 - (5) The period of time for which the license is desired;
 - (6) A description of the merchandise to be sold, if for a vendor;
 - (7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.
- (B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.
- (C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.
- (D) It shall be unlawful 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 Gallatin 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~ If for some reason the license is not issued the fee shall be returned to the applicant.
- (B) The application shall be approved unless such investigation discloses tangible of reasonably articulable evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare

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, 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 the percentage of time left in the calendar year (i.e.- six months equals half or 50%). The minimum fee charged is for six 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 10% penalty. If that same person continues to fail to obtain a license as required above shall be subject to a 10% interest per annum.
- (C) Any person failing to obtain a business license as required above shall not be permitted to form or continue their business within Gallatin 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 or business 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 law officer or citizen.

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 natural 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 license 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.
 - U) 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.

SECTION 6: APPEAL AND REVIEW

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the fiscal court from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the Gallatin County Judge Executive's or his designee who shall fix the time and place for a hearing, which shall be held no later than one week thereafter. The Gallatin 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 24 hours in advance thereof. A majority of the fiscal court members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. 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.

SECTION 7: BUSINESS LICENSE FEE SCHEDULE

Accountant, Practicing the profession of counseling, keeping books and records or filing of income tax return	\$100.00
Adult Entertainment Establishment (Sexually Oriented Business	\$1,000.00
Alcoholic beverages	
Beer, distributor	\$250.00
Beer, retail (county only)	\$200.00
Liquor, retail (county only)	\$500.00
Liquor, by drink (county only)	\$500.00
Amusement and recreation centers.	
For operating amusement or recreation center	\$100.00
For Compensation	
Apartment house, each location	\$ 20.00 per unit
	(up to 25 units with a maximum of \$500.00 per complex)
Architect, per year	\$150.00
Attorney (See "Law, practice of)	*
Auctioneer	\$100.00
Automobile Sales & Dealerships	
"Salespersons will pay on commissions"	\$150.00
Barbershop	\$ 50.00
Beauty shop	\$ 50.00
Bed & Breakfast establishments	\$100.00
Billiards/pool	\$100.00
Bowling Alley	\$100.00
Building and loan companies (See Loan Company)	\$100.00
Cable, Satellite	\$100.00
Campground	\$100.00
Carnival. No license shall be issued for the opening of a carnival or street fair, except by the Gallatin Co. Fiscal Court in regular or special meeting at which time the license fee is to be fixed.	
Carpenters	\$100.00
Car Wash	\$100.00
Catering Company (with store front, not home business)	\$ 50.00
Chiropractor, per year	\$100.00
Civil engineer, per year	\$100.00

Claim agent, per year	\$100.00
Clairvoyants	\$350.00
Cleaning Service	\$ 50.00
Consulting, Appraisal, Counselling Business	\$100.00
Contractors	
General	\$150.00
Subcontractors: painters, plumbers, masons, or carpenters, each	\$100.00
Electricians	\$100.00
Heating & Air Conditioning	\$100.00
Dance Hall. For operating dance hall (public) for compensation	
Per year	\$150.00
Per night	\$100.00
Dance School	\$100.00
Day Care or pre-school	\$ 50.00
Delivery Service	\$100.00
Dentist	\$100.00
Dry Cleaning & pressing. For operating a business of cleaning, pressing, & dyeing.	\$100.00
Electrician (See also contractors)	\$100.00
Electrical Engineer	\$100.00
Farm produce	\$ 25.00
Florist (an established location)	\$100.00
Funeral Home establishment	\$100.00
Gas Depot (See motor oils, gas depot)	
Home Business	\$ 50.00
Home Sales	\$100.00
Hotel (See Motel). Any establishment renting rooms	\$100.00
Insurance Agency	\$100.00
Junkyard	\$150.00
Laundromat. For operating a self-service Laundromat, each location	\$100.00
Law, practice of (per lawyer)	\$100.00
Lawn Service (mowing, mulchi'ng and lawn maintenance)	\$ 50.00
Loan Company	\$100.00
Manufacturing. For operating a plant for the manufacture of any products by Processing, assembling, or converting (except alcoholic beverages)	\$500.00
Marina	\$100.00
Massage Therapist	\$ 50.00
Medicine, practice of	\$100.00
Mercantile establishments (Grocery, Video, Hardware)	\$100.00
Monuments (Agents soliciting sale of marble or monuments)	\$100.00
Motel (see also Hotel)	\$100.00
Motor oils, gas depot. Operating as wholesale dealer in oil And gas products by depot or trucks	\$100.00
Newspaper. For publishing a newspaper and job printing.	\$100.00
Nursing homes	\$100.00
Nursery	\$100.00
Optometrist	\$100.00
Osteopathy	\$100.00
Painter (see also contractors)	\$100.00

Peddlers/solicitors per year	\$ 50.00
Pest exterminator, per year	\$ 50.00
Pharmacist / Pharmacy	\$100.00
Photographer (for conducting a photograph gallery)	\$100.00
Physician	\$100.00
Plumber (see also contractors)	\$100.00
Printing	\$100.00
Private Investigator	\$100.00
Real estate agent	\$100.00
Recycling, Trash Pickup	\$100.00
Repair service	\$100.00
Restaurants	\$100.00
Security Service	\$100.00
Service Station (for operating a service station where gas, oil, and accessories are sold, including soft drinks per year)	\$100.00
Sewing shop, for alterations and tailoring	\$ 50.00
Spa/exercise	\$100.00
Storage-Buildings (Commercial)	\$100.00
Surveyor	\$100.00
Tattoo Parlor	\$200.00
Taxicab	
Conducting or operating taxi station with reserved space (sign) each	\$ 50.00
Towing, Wrecker Service	\$100.00
Truck Business	\$100.00
Temporary services agency	\$150.00
Theatre or motion picture houses. /c, operate mo~ ing pictures.	
Theatoriums. Vaudevilles, talkin or sound pictures, or shows of similar character, each location	\$ 51.00
Trailer court	\$100.00
Travel agency	\$100.00
Tree trimming	\$ 50.00
Veterinary surgeon	\$100.00
Warehouse rental	\$100.00
Water-Treatment	\$100.00
Wholesale distributor	\$150.00

SECTION 8: PENALTY

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. 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 business and ceasing to follow such occupation in the city until he 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 so 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 8th day of April, 2004.

SECOND READING, APPROVED AND ADOPTED on this the 8th day of July, 2004.

**GEORGE ZUBATY
GALLATIN COUNTY JUDGE/EXECUTIVE**

Attest:

**TRACY MILES
GALLATIN COUNTY CLERK**