

ORDINANCE 2017-1726

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §110 GENERAL LICENSE REQUIREMENTS, SPECIFICALLY §110.01 LICENSE REQUIRED; §110.02 DEFINITIONS; §110.03 NON-RESIDENTS; §110.04 LICENSE NONTRANSFERABLE; §110.05 EXPIRATION; §110.06 ADVERTISEMENT AS CONCLUSIVE EVIDENCE; §110.07 APPLICATION; §100.08 RENEWAL; AND §110.09 ISSUANCE FOR INTERVENING PERIOD; §110.10 LICENSE TAX; §110.11 ENFORCEMENT; §110.12 TAXES TO BE PAID TO CITY; §110.13 EXEMPT BUSINESSES; §110.14 SALE, TRANSFER OR CHANGE OF NAME OF BUSINESS- LICENSE REQUIREMENTS; §110.15 CHANGE OF LOCATION; §110.16 LATE FEE; AND §110.99 PENALTY IN ORDER TO IMPROVE, MODIFY, CLARIFY AND STREAMLINE THE PROCEDURE FOR PURCHASING A GENERAL LICENSE AND TO IMPROVE PROCEDURES FOR ENFORCEMENT OF THE GENERAL LICENSE REQUIREMENTS.

WHEREAS, the City of Murray desires to amend Chapter §110 in all respects, specifically §110.01, §110.02, §110.03, §110.04, §110.05, §110.06, §110.07, §110.08, §110.09 §110.10 §110.11 §110.12 §110.13 §110.14 §110.15 §110.16 and §110.99, in order to improve, modify, clarify and streamline the procedure for purchasing a General License and to improve the procedures for enforcement of the General License requirements.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter §110 of the City Of Murray Code Of Ordinances and believe the changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

CHAPTER 110: GENERAL LICENSE REQUIREMENTS

§110.01 is hereby amended to read in its entirety as follows:

§ 110.01 LICENSE REQUIRED.

(A) It shall be unlawful for any person to engage in any business, as defined herein, in the e-City until such person has first paid the amount of license tax to the e-City and has obtained from the e-City, a license as hereinafter specified and required.

(B) All such licenses shall have printed or stamped on the face of same, in large figures, the year for which same are issued, and it shall be the duty of the person procuring or having such license to keep same posted or otherwise exposed on some conspicuous place at the place of business, where the same shall at all times be within the public view.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

§110.02 is hereby amended to read in its entirety as follows:

§ 110.02 DEFINITIONS.

Except as otherwise expressly declared or clearly apparent from the context in which used, the following definitions shall be applied in construing the provisions of this chapter:

"ACCOMMODATION AND FOOD SERVICES." A classification meaning the accommodations and food services sector which comprises establishments providing customers with lodging and/or preparing meals, snacks and beverages for immediate consumption, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES." A classification meaning the activities performed including office administration, hiring and placing or personnel, document preparation and similar clerical services, solicitation, collection, security and surveillance services, cleaning and waste disposal services, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"ARTS, ENTERTAINMENT AND RECREATION." A classification meaning the arts, entertainment and recreation sector which includes a wide range of establishments that operate facilities or provide services to meet varied cultural entertainment and recreational interest of their patrons. This sector comprises: establishments that are involved in producing, promoting, or participating in live performances, events or exhibits intended for public viewing; establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest; and establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby and leisure-time interests, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"BOOTH SPACE." A designated area, which may or may not be enclosed or semi-enclosed, located within a structure and rented or leased to an individual(s) to provide said individual(s) with a space to conduct business, including, but not limited to, the sale of merchandise, goods or services. This classification includes, but is not limited to, hair dressers, nail technicians, cosmetologist, massage therapists and hair colorists.

"BUSINESS." A classification meaning all services, activities, occupations, vocations, pursuits, trades, callings or professions located and/or performed within the e-City with the object of pecuniary gain, benefit, or advantage to the person, or to another person or class, directly or indirectly, whether part-time or full-time. This definition includes, without limitation, home occupations, peddlers, including, but not limited to, owners and renters of booth space, rooms or areas (occupied or unoccupied) located within a structure, whether occupied or unoccupied and the rental of commercial and residential real property. It also includes the activities of businesses that are located outside the e-City where sales or services are performed by the physical presence of business representatives inside the e-City, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"CITY." The City of Murray, Kentucky, its government, representatives, authorized agents, successors and assigns.

CONSTRUCTION. A classification meaning the construction sector, which comprises establishments primarily engaged in the construction of buildings or engineering projects. Establishments primarily engaged in the preparation of sites for new construction and establishments primarily engaged in subdividing land for sale as building sites also are included in this sector. Construction work done may include new work, additions, alterations, or maintenance and repairs, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

DAY. Unless otherwise specified in an ordinance, the word "day" shall mean calendar Day.

EDUCATIONAL SERVICES. A classification meaning the educational services sector comprising establishments that provide instruction and training in a wide variety of subjects. This instruction and training is provided by specialized establishments, such as schools and training centers. These establishments are privately owned and operated for profit, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

FINANCE AND INSURANCE. A classification meaning the finance and insurance sector, which comprises establishments primarily engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or facilitating financial transactions, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

FULL TIME SELF-EMPLOYED. Any full time employee or employees who own the business in which he and/or she is employed and the business has no other employees.

HEALTH CARE AND SOCIAL ASSISTANCE. A classification meaning the health care and social assistance sector comprising establishments providing health care and social assistance for individuals. The industries in this sector are arranged on a continuum starting with those establishments providing medical care exclusively, continuing with those providing health care and social assistance, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

INFORMATION. A classification meaning the information sector which comprises establishments engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data or communications; and processing data. The main components of this sector are the publishing industries, including software publishing, and both traditional publishing and publishing exclusively on the Internet; the motion picture and sound recording industries; the broadcasting industries, including traditional broadcasting and those broadcasting exclusively over the internet; the telecommunications industries; Web search portals, data processing industries, and the information services industries, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

JURISDICTION. The territory within the City of Murray, Kentucky's corporate limits.

MANAGEMENT OF COMPANIES AND ENTERPRISES. A classification meaning the management of companies and enterprises sector comprises establishments that hold the securities of (or other equity interests in) companies and enterprises for the purpose of owning a controlling interest or influencing

management decisions of establishments (except government establishments) that administer, oversee, and manage establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision making role of the company or enterprise, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

MANUFACTURING. A classification meaning the manufacturing section, which comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts of manufactured products is considered manufacturing. Establishments in the manufacturing sector are often described as plants, factories, or mills and characteristically use power-driven machines and materials-handling equipment, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

NAICS. The North American Industry Classification System, 2012 edition, along with all subsequently adopted amendments and modifications thereto.

NET INCOME. The total sales revenue, less the cost of the goods sold and all additional expenses.

NON-RESIDENT. A person who does not live, reside or maintain a principal place of business within the jurisdiction of the e-City.

OFFENDING PARTY. A person who has received a citation for a violation of this chapter.

OTHER SERVICES. A classification meaning the other services sector which comprises establishments engaged in providing services not specifically provided for elsewhere in the classification system. Establishments in this sector are primarily engaged in activities, such as equipment and machinery repairing, advocacy and providing drycleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services and dating services, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

PART TIME SELF-EMPLOYED. Any part time employee or employees who own the business in which he and/or she is employed and the business has no other employees.

PERSON. One or more human beings, of either sex, or an entity that is recognized by law as having the rights and duties of a human being such as a corporation, company, partnership, association, trust, joint venture or other entity capable of maintaining a legal action and/or having a legal action brought against it, as authorized under the laws of the Commonwealth of Kentucky, however, shall not include employees of persons licensed pursuant to this chapter.

PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES. A classification meaning the professional, scientific and technical services sector, which comprises establishments that specialize in performing professional, scientific and technical activities for others. Activities performed include: legal advice and representation; accounting, bookkeeping and payroll services; architectural, engineering and specialized design services; computer services; consulting services; research services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific and technical services, including, but not limited to those itemized classifications set forth and

established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"REAL ESTATE AND RENTAL AND LEASING." A classification meaning the real estate and rental and leasing sector which comprises establishments primarily engaged in renting, leasing, or otherwise allowing the use of tangible or intangible assets and establishments providing related services. The major portion of this sector comprises establishments that rent, lease or otherwise allow the use of their own assets by others. The assets may be tangible, as is the case of real estate and equipment, or intangible, as is the case with patents and trademarks. This sector also includes establishments primarily engaged in managing real estate for others, selling, renting and/or buying real estate for others, and appraising real estate, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"RETAIL TRADE." A classification meaning the retail trade sector which comprises establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. The retailing process is the final step in the distribution of merchandise; retailers are, therefore, organized to sell merchandise in small quantities to the general public, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"TRANSPORTATION AND WAREHOUSING." A classification meaning the transportation and warehousing sector includes industries providing transportation of passengers and cargo, warehousing and storage for goods, scenic and sightseeing transportation, and support activities related to modes of transportation. Establishments in these industries use transportation equipment or transportation related facilities as a productive asset. The type of equipment depends on the mode of transportation. The modes of transportation are air, rail, water, road and pipeline. The transportation and warehousing sector distinguishes three basic types of activities: subsectors for each mode of transportation, a subsector for warehousing and storage, and a subsector for establishments providing support activities for transportation, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"VENDOR OF OCCUPIED OR UNOCCUPIED LOCATION." A classification meaning an individual who rents (directly or indirectly) a specific location within a designated business, which includes, but is not limited to, booth shelf space, rooms, areas and the like, that is occupied or unoccupied by the individual, for the purpose of retail sale of the individual's items, goods or merchandise.

"WHOLESALE." A classification meaning the wholesale trade sector, which comprises establishments engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. The merchandise described in this sector includes the outputs of agriculture, mining, manufacturing, and certain information industries, such as publishing, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

§110.03 is hereby amended to read in its entirety as follows:

§ 110.03 NONRESIDENTS.

(A) It shall be unlawful for any person who is a non-resident of the e-City, or has a principal place of business outside the e-City limits to engage in any business as defined herein, in the e-City until such person has first paid the amount of license tax to the e-City and has obtained from the e-City, a license as hereinafter specified and required.

(B) Such license shall be required of any person residing outside the e-City or having a principal place of business outside the e-City limits if such person shall engage in any business, hereinafter mentioned in the e-City, and who actually solicits and accepts business by holding himself or herself out as engaging in such business the same as any person residing in the e-City and engaged in a similar business.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

§110.04 is hereby amended to read in its entirety as follows:

§ 110.04 LICENSE NONTRANSFERABLE.

(A) Each license shall state the name of the person to whom it is issued, and no such license shall be assignable or transferable, nor shall any such license authorize any person other than the one mentioned in the license to conduct any business or to follow any occupation, profession, trade, or calling other than that provided in such license. ~~There shall be~~ The City shall require a separate license for each place of business, and each branch store or separate establishment shall be construed as a separate unit for the purpose of license taxes as provided herein, so long as each separate place of business, each branch store, or separate establishment maintains a separate tax ID (EIN, SSN, TIN, etc.) and/or separate state business license number.

(B) Any person who maintains multiple separate businesses while operating under the same tax ID number (EIN, SSN, TIN, etc.) for those businesses, shall be required to purchase a business license for the business which requires the largest license fee. A license shall be purchased for each additional business for the cost of \$5 each.

(C) No additional business license shall be required for any single business which operates satellite offices.

AMENDMENT V. ADDITIONS, ASSERTIONS & CHANGES:

§110.05 is hereby amended to read in its entirety as follows:

§ 110.05 EXPIRATION.

All licenses granted under this chapter, except as otherwise herein provided, shall expire on May 1- 31 of each and every year. No portion of any license tax shall be refunded to any person, firm, company, or corporation, or to anyone else for their use or benefit, except that a person who purchases the license

prior to June 1 may request a refund up until June 1 and the e-City is authorized to grant such refund. Thereafter, the e-City is authorized to deny all requests for license refunds.

AMENDMENT VI. ADDITIONS, ASSERTIONS & CHANGES:

§110.06 is hereby amended to read in its entirety as follows:

§ 110.06 ADVERTISEMENT AS CONCLUSIVE EVIDENCE.

An advertisement of any person, that he or she is engaged in any business, for ~~the carrying on of~~ which a license is required under this chapter, shall be conclusive evidence for such license tax as provided by this chapter.

AMENDMENT VII. ADDITIONS, ASSERTIONS & CHANGES:

§110.07 is hereby amended to read in its entirety as follows:

§ 110.07 APPLICATION.

Every person desiring to procure a license, as herein provided, shall when required, make application in writing to the e-City, giving and disclosing all information necessary to enable the e-City to determine the amount of license tax to be paid, the character of business to be conducted, and such other facts as may be necessary or proper to determine whether the applicant for such license shall be granted. The e-City may require each applicant, so applying, to furnish such additional information as the e-City deems necessary to properly process each application, including, but not limited to, a complete list of vendors/renters of booth space or a designated area, including name, address, telephone number and nature of business for each vendor/renter. The information may be required to be stated under oath by virtue of a sworn affidavit. The applicant must sign a statement agreeing to update the renter list within 30 days of a change in the vendor/renter list and further agrees to allow a representative of the e-City and/or the Code Enforcement Officer to enter the premises for the purpose of inspection to confirm compliance with this chapter. Refusal to produce any requested information to the e-City may result in the applicant's application being denied or revoked. Refusal to allow a representative of the e-City and/or the Code Enforcement Officer to enter the premises for the purpose of inspection to confirm compliance with this chapter may result in a denial or revocation of the business license for the premises.

AMENDMENT VIII. ADDITIONS, ASSERTIONS & CHANGES:

§110.08 is hereby amended to read in its entirety as follows:

§ 110.08 RENEWAL.

All business licenses issued pursuant to the provisions of this chapter shall be renewed by following the same procedure as required for the original applications. All renewals are due to be paid on or before May 31 of each subsequent year. In the event May 31 occurs on a weekend or recognized holiday, then, ~~the City due date shall be extended~~ shall extend the due date to include the next full business day.

AMENDMENT XI. ADDITIONS, ASSERTIONS & CHANGES:

§110.09 is hereby amended to read in its entirety as follows:

§ 110.09 ISSUANCE FOR INTERVENING PERIOD.

If any person who is engaged in any business as defined herein, desires to engage in such businesses at any intervening period, his or her license shall be issued by the e-City for the fractional part (based on 12-month prorated basis) of said year and made to expire as herein provided and he or she shall be charged for such period the proportionate part of the license tax for the period so engaged by him or her in his or her business, except that this shall not apply to any miscellaneous business classification in § 110.10(C) license as is provided for in this chapter regardless of the date of issuance, and made to expire on May 31 following.

AMENDMENT X. ADDITIONS, ASSERTIONS & CHANGES:

§110.10 is hereby amended to read in its entirety as follows:

§ 110.10 LICENSE TAX.

Every person, before engaging in any business, hereinafter mentioned and described shall pay the license tax hereinafter provided to the City of Murray and set opposite the name of the business, for which license taxes are required, together with the amount of such license tax, the same applying to each business location, except as otherwise specifically set out which are as follows:

(A) Business Classification Flat Rate.

Educational services as set forth in the 2012 NAICS Code 61	\$150
Other services as set forth in the 2012 NAICS Code 81	\$150
Arts, entertainment & recreation as set forth in the 2012 NAICS Code 71	\$150
Administrative, support, waste management & remediation services as set forth in the 2012 NAICS Code 56	\$150
Information as set forth in the 2012 NAICS Code 5	\$200
Wholesale trade as set forth in the 2012 NAICS Code 42	\$350
Management of companies & enterprises as set forth in the 2012 NAICS Code 55	\$400
Finance & insurance as set forth in the 2012 NAICS Code 52	\$400
Transportation & warehousing as set forth in the 2012 NAICS Code 48-49	\$400
Manufacturing as set forth in the 2012 NAICS Code 31-33	\$600
Vendor of occupied or unoccupied location	\$75

All of the above classifications are defined in the NAICS Structure, 2012 edition, or any subsequently adopted amendments or modification thereto.

(B) Business Classification Small, Medium & Large Business Rate.

Small Business	Medium Business	Large Business		
Net Income Scale	Net Income Scale	Net Income Scale		
\$0- \$300,000	\$300,001- \$600,000	\$600,001- Greater		
Retail trade as set forth in the 2012 NAICS Code 44-45		\$150	\$400	\$600
Accommodation & food services as set forth in the 2012 NAICS Code 72		\$150	\$400	\$600
Construction as set forth in the 2012 NAICS Code 23		\$150	\$400	\$600
Professional, scientific & technical services as set forth in the 2012 NAICS Code 54		\$150	\$400	\$600
Real estate, rental & leasing as set forth in the 2012 NAICS Code 53*		\$150	\$400	\$600
Health care & social assistance as set forth in the 2012 NAICS Code 62		\$150	\$400	\$600
* See real estate, rental & leasing under division (C) for businesses with gross receipts less than \$25,000				

All of the above classifications are defined in the NAICS Structure, 2012 edition, or any subsequently adopted amendments or modification thereto.

(C) Business Classification for Miscellaneous Business.

	Rate	
Taxicab or limousines business as set forth in KRS 186.281	\$30 per vehicle	
Transient business as set forth in the Murray City Code of Ordinances Chapter 156	\$75 per application	
Limited restaurant alcoholic beverage by the drink license as set forth in the Murray City Code of Ordinances Chapter 118	\$1,000 (yearly fee) \$500 (6-month fee)	
Limited golf course alcoholic beverage by the drink license as set forth in the Murray City Code of Ordinances Chapter 118	\$1,000 (yearly fee) \$500 (6-month fee)	
Limited caterer alcoholic beverage by the drink license as set forth in the Murray City Code of Ordinances Chapter 118	\$800 (yearly fee) \$400 (6-month fee)	
Real estate, rental & leasing as set forth in the 2012 NAICS Code 53. License under this section shall be determined by signed affidavit of gross income submitted to the City of Murray by the applicant.	<10K Gross Rental <u>Income</u> \$50	>10K to 25K Gross Rental <u>Income</u> \$100

AMENDMENT XI. ADDITIONS, ASSERTIONS & CHANGES:

§110.11 is hereby amended to read in its entirety as follows:

§ 110.11 ENFORCEMENT.

It shall be the duty of the Chief of Police and the Police Department and/or the Code Enforcement Officer, to see that any person doing business in the eCity have the license required by law. ~~who shall cause citations to be issued for violations hereunder.~~ Any person doing business within the City without the required license shall be issued a notice of violation or a citation for violations hereunder.

§ 110.12 TAXES TO BE PAID TO CITY.

All money derived from license taxes under the provisions of this chapter shall be paid to the eCity and placed to the credit of the general revenue fund of the eCity and shall be used and expended in defraying the current and incidental expenses of the eCity.

§ 110.13 EXEMPT BUSINESSES.

The following businesses shall be exempt from the licensing provisions of this chapter:

- (A) Non-profit activities carried on by religious, charitable, benevolent, fraternal or social organizations.
- (B) Public utility companies.
- (C) Any governmental functions or agencies
- (D) Garage sales conducted on residential premises or governmental property in compliance with the eCity zoning code.
- (E) Vendors and peddlers conducted during eCity sponsored street fairs and special events.
- (F) Communications services or multichannel video programming services as defined in KRS 136.602(2), (8).
- (G) Banks, trust companies, savings and loans companies, as defined in KRS 92.300.
- (H) Insurance companies taxed by the insurance premium tax, as defined in KRS 91A.080.

AMENDMENT XIV. ADDITIONS, ASSERTIONS & CHANGES:

§110.14 is hereby amended to read in its entirety as follows:

§ 110.14 SALE, TRANSFER OR CHANGE OF NAME OF BUSINESS - LICENSE REQUIREMENTS.

(A) Upon the sale or transfer of any business which is licensed pursuant to this chapter, the license issued to the prior owner shall automatically expire on the date of such sale or transfer and the new owner shall apply for and obtain a new business license prior to engaging in, conducting, or operating the business.

(B) Upon the request to issue a new license of any business requesting a change of name only, the City shall issue the new license ~~the new license shall be issued~~ with a \$35 administrative fee to cover the cost associated with issuing the license.

AMENDMENT XV. ADDITIONS, ASSERTIONS & CHANGES:

§110.15 is hereby amended to read in its entirety as follows:

§ 110.15 CHANGE OF LOCATION.

(A) No business tax license issued pursuant to the provisions of this chapter shall be transferable; provided, however, where a business tax license is issued for a person to transact and carry on a business at a particular place, such person, upon an application therefor may have the business tax license at some other location to which it is to be moved.

(B) Upon the request to issue a new license of any business requesting a physical change in business location, the City shall issue the new license with a \$35 administrative fee to cover the cost associated with issuing the license.

AMENDMENT XVI. ADDITIONS, ASSERTIONS & CHANGES:

§110.16 is hereby amended to read in its entirety as follows:

§ 110.16 LATE ~~FEE~~ FINE.

A late ~~fee~~ fine of an amount equal to the required business license cost shall be assessed upon all person's required to purchase a business license who have not purchased same within 30 days after the date the license is required to be purchased. This ~~fee~~ fine is in addition to the cost of the business license.

AMENDMENT XVII. ADDITIONS, ASSERTIONS & CHANGES:

§110.99 is hereby amended to read in its entirety as follows:

§ 110.99 PENALTY.

(A) A eCity Police, Citation or Code Enforcement Officer shall issue a violation notice containing the necessary information of said violation as prescribed by the eCity.

(B) A Police Officer, ~~or~~ Citation or Codes Enforcement Officer, may ~~(but shall not be required to) issue a warning~~ issue a notice of violation in lieu of a citation, allowing the offender ten days within which to obtain a eCity business license. , without penalty. The cost of said license and late fine, if applicable, shall be determined pursuant to the requirements of this ordinance.

(C) Each person carrying on or conducting any business, as defined herein for which a license is required, without having first obtained a license on or before May 31 of each year to carry on and conduct such business shall be issued a citation for violation of this chapter.

(D) If after the citation is issued the offending party wishes not to contest the citation, the minimum fine to be assessed shall be \$100 and in addition to paying the fine, the offending party shall purchase the required business license.

(E) If the citation is contested and a hearing before the Code Enforcement Board is required, the penalties that may be imposed at the discretion of the Board shall be \$100 to \$500 for each offense. If after the citation is issued, the offending party wishes to contest the citation, notification must be delivered pursuant to the requirements of the City of Murray Code Enforcement Ordinance, Chapter 40. If the offending party fails to respond to the citation within the requisite period of time, the offending party shall be deemed to have waived the right to a hearing to contest the citation and a determination by the Code Enforcement Board that a violation was committed shall be considered final. In this event the Code Enforcement Board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation. This shall be in addition to requiring the offending party to purchase a business license.

(F) If the offending party notifies the eCity of his or her intention to have a hearing before the Code Enforcement Board, then, a hearing shall be established for the offending party pursuant to City of Murray Code Enforcement Board Ordinance, Chapter 40.

(G) All final orders by the Code Enforcement Board as a result of violation of this chapter shall accrue interest at the judgment rate of interest as established by the Commonwealth of Kentucky.

(H) A lien may be filed enforcing any final order of the Code Enforcement Board as a result of a violation of this chapter.

(I) Any person refusing to allow a representative of the eCity or the Code Enforcement Officer to enter upon any premises for the purpose of inspection to confirm compliance with this chapter shall have their business license revoked for the premises.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE, MAYOR

ATTEST:

JUNE BATTS, CITY CLERK

Introduced by the City Council on _____, 2017.

Adopted by the City Council on _____, 2017.

Published in the Murray Ledger and Times on _____, 2017.