

ORDINANCE 2016-1690

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §110 BUSINESS REGULATIONS, SPECIFICALLY §110.02 DEFINITIONS TO AMEND THE DEFINITION OF “BUSINESS” AND “VENDOR OF UNOCCUPIED LOCATION” AND TO ADD A NEW DEFINITION FOR “BOOTH SPACE” AND TO AMEND §110.07 APPLICATION TO INCLUDE REQUIREMENTS TO PRODUCE SPECIFIC INFORMATION REGARDING THE BUSINESS IN ORDER TO DETERMINE WHETHER THE LICENSE SHALL BE GRANTED AND, IF SO, THE APPROPRIATE BUSINESS RATE AND TO AMEND §110.10 LICENSE TAX TO AMEND SUBSECTIONS “A”, “B” AND “C” TO PROVIDE A CLEAR UNDERSTANDING OF THE BUSINESS RATES AND TO INCLUDE THE AMOUNTS CHARGED FOR RENTAL PROPERTY, LEASING AND BOOTH SPACE AND TO INCLUDE REQUIREMENTS WHICH MUST BE MET FOR OWNER’S OF BUSINESSES WHICH HOUSE AND/OR RENT TO OTHER BUSINESSES TO OBTAIN A BUSINESS LICENSE AND TO AMEND §110.99 PENALTY TO INCLUDE THE PENALTY FOR NON-COMPLIANCE.

WHEREAS, the City of Murray desires to amend Chapter §110.02 in order to amend the definition of “Business” and “Vendor Of Unoccupied Location” and to add a new definition entitled “Booth Space” and to amend Chapter §110.10 License Tax to amend Subsections “A”, “B” and “C” to provide a clear understanding of the business rates charged and to include the amounts charged for rental property, leasing and booth space and to include requirements which must be met for owner’s of businesses which house and/or rent to other businesses to obtain a business license and to amend §110.99 Penalty to include the penalty for non-compliance.

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:

CHAPTER 110: GENERAL LICENSE REQUIREMENTS

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

§110.02 DEFINITIONS. The following Definitions shall be amended to read as follows:

“BUSINESS”. A classification meaning all services, activities, occupations, vocations, pursuits, trades, callings or professions located and/or performed within the 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 city where sales or services are performed by the physical presence of business representatives inside the 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.

“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 and remains unoccupied for the duration of the occupancy by the individual, for the purpose of retail sale of the individual’s items, goods or merchandise.

§110.02 DEFINITIONS. The following Definitions shall be added to read as follows:

“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, cosmetologists, massage therapists and hair colorists.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

§110.07 APPLICATION shall be 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 city, giving and disclosing all information necessary to enable the 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 city may require each applicant, so applying, to furnish such additional information as the 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 thirty (30) days of a change in the vendor/renter list and further agrees to allow a representative of the 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 City may result in the applicant's application being denied or revoked. Refusal to allow a representative of the 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 III. ADDITIONS, ASSERTIONS & CHANGES:

§110.10 LICENSE TAX shall be amended as follows:

(A)Business Classification Flat Rate.

Educational services as set forth in the 2012 NAICS Code 61	\$150.00
Other services as set forth in the 2012 NAICS Code 81	150.00
Arts, entertainment & recreation as set forth in the 2012 NAICS Code 71	150.00
Administrative, support, waste management & remediation services as set forth in the 2012 NAICS Code 56	150.00
Information as set forth in the 2012 NAICS Code 51	200.00
Wholesale trade as set forth in the 2012 NAICS Code 42	350.00
Management of companies & enterprises as set forth in the 2012 NAICS Code 55	400.00
Finance & insurance as set forth in the 2012 NAICS Code 52	400.00
Transportation & warehousing as set forth in the 2012 NAICS Code 48-49	400.00
Manufacturing as set forth in the 2012 NAICS Code 31-33	600.00
Vendor of occupied or unoccupied location	75.00

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

	Small Business	Medium Business	Large Business
	<u>Net Income</u>	<u>Net Income</u>	<u>Net Income</u>
	\$0-\$300,000	\$300,001-\$600,000	\$600,001-Greater

Retail trade as set forth in the 2012 NAICS Code 44-45	\$150.00	\$400.00	\$600.00
Accommodation & food services as set forth in the 2012 NAICS Code 72	150.00	400.00	600.00
Construction as set forth in the 2012 NAICS Code 23	150.00	400.00	600.00
Professional, scientific & technical services as set forth in The 2012 NAICS Code 54	150.00	400.00	600.00
Real estate, rental & leasing as set forth in the 2012 NAICS Code 53 *	150.00	400.00	600.00
Health care & social assistance as set forth in the 2012 NAICS Code 62	150.00	400.00	600.00

***See Real Estate, Rental & Leasing under Section 110.10(C) for Businesses with Gross Receipts less than \$25,000.**

(C) Business Classification for Miscellaneous Business.

	Rate	
Taxicab or limousines business as set forth in KRS 186.281	\$30.00 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	\$1,000.00 (yearly fee) \$500.00 (6 month fee)	
Limited golf course alcoholic beverage by the drink License as set forth in the Murray City Code of Ordinances, Chapter 118	\$1,000.00 (yearly fee) \$500.00 (6 month fee)	
Limited caterer alcoholic beverage by the drink License as set forth in the Murray City Code of Ordinances, Chapter 118	\$800.00 (yearly fee) \$400.00 (6 month fee)	
<u>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.</u>	<u><\$10K Gross Rental Income</u> \$50	<u>>\$10K to \$25 K Gross Rental Income</u> \$100

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

§110.99 PENALTY shall be amended as follows:

§110.99 PENALTY.

(1) Any person refusing to allow a representative of the City 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.

The changes reflected in this Ordinance shall be effective as of April 1, 2016.

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 _____, 2016.

Adopted by the City Council on _____, 2016.

Published in the Murray Ledger and Times on _____, 2016.