

ORDINANCE 2019-1780

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §110 GENERAL LICENSE REQUIREMENTS, SPECIFICALLY §110.02 DEFINITIONS; §110.03 NON-RESIDENTS; §110.05 EXPIRATION; §110.08 RENEWAL; §110.10(C) LICENSE TAX BUSINESS CLASSIFICATION FOR MISCELLANEOUS BUSINESS; §110.12 TAXES TO BE PAID TO CITY; §110.13 EXEMPT BUSINESSES; AND §110.99 (A)(B)&(C) PENALTY IN ORDER TO MODIFY THE TEXT TO ENSURE CONSISTENCY AND CLARITY AND IN ORDER TO RECOGNIZE THE SUBSTANTIAL COMMUNITY BENEFITS THAT RESULT FROM SPECIAL EVENTS, SUCH AS CULTURAL ENRICHMENT, ECONOMIC VITALITY AND THE ENHANCEMENT OF COMMUNITY IDENTITY AND PRIDE, AS WELL AS PROVIDING OPPORTUNITY FOR FAMILY ACTIVITIES AND NON-PROFIT FUND-RAISING. FURTHER THIS AMENDMENT IS INTENDED TO IMPROVE, MODIFY, CLARIFY AND STREAMLINE THE PROCEDURE FOR PURCHASING A GENERAL LICENSE FOR A SPECIAL EVENT AND TO IMPROVE PROCEDURES FOR ENFORCEMENT OF THE GENERAL LICENSE REQUIREMENTS FOR SPECIAL EVENTS.

WHEREAS, the City of Murray desires to amend Chapter §110, specifically §110.02, §110.03, §110.05, §110.08, §110.10(C), §110.12, §110.13 and §110.99(A)(B) & (C) in order to modify the text to ensure consistency and clarity and in order to recognize the substantial community benefits that result from special events, such as cultural enrichment, economic vitality and the enhancement of community identity and pride, as well as providing opportunity for family activities and non-profit fund-raising. Further, 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

§110.02 is hereby amended to include the following definitions:

§ 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:

“SPECIAL EVENT APPLICANT” shall mean the authorized officer, employee, representative or agent of the organization or group who completes the application and who will be the primary contact for the Special Event.

“SPECIAL EVENT ORGANIZER” shall mean the person, business, corporation (for profit or non-profit), partnership, company, association, organization, or other entity responsible for the special event to be held,

including, but not limited to, for collection and payment to City of all license fees imposed on vendors participating in the special event.

“SPECIAL EVENT” shall mean any festival, carnival, parade, procession, walk, autocade, block party, fair, sport event, production, fund raiser, gala, celebration, ceremony, race, tournament, activity or other event to which the general public is invited to participate or attend, that is organized, promoted, conducted, or sponsored by the city, county, or any other person, corporation (for profit or non-profit), partnership, company, association, organization, or other entity, and which involves the use of publicly owned, leased, or controlled property, including public right-of-way (streets and sidewalks) and/or city services. “Special Event” shall not mean any funeral processions; individuals assembled for the purpose of exercising their rights protected under the First Amendments of both the United States and the state constitutions; golf tournaments hosted at a designated golf course; or a public meeting facility utilized for its intended purpose of occupancy.

#### AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

§110.03 is hereby amended as follows:

##### § 110.03 NON-RESIDENTS.

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

(B) ~~Such~~ A license shall be required of any person residing outside the city or having a principal place of business outside the city limits if such person ~~shall~~ engages in any business, hereinafter mentioned, in the city limits, and who earns a gross income of more than \$2,000 per year. ~~actually solicits and accepts business by holding himself or herself out as engaging in such business the same as any person residing in the city and engaged in a similar business.~~

#### AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

§110.05 is hereby amended to include the following:

##### § 110.05 EXPIRATION.

All licenses granted under this chapter, except as otherwise herein provided, shall expire on May 31 of each and every year. Licenses issued for a Special Event shall expire upon the conclusion of the Special Event. 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, excluding licenses issued for Special Events, prior to June 1 may request a refund up until June 1 and the city is authorized to grant such refund. Thereafter, the City is authorized to deny all requests for license refunds.

#### AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

§110.08 is hereby amended to include the following:

**§ 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, excluding any license issued for a Special Event, which is not subject to renewal. 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 shall extend the due date to include the next full business day.

**AMENDMENT V. ADDITIONS, ASSERTIONS & CHANGES:**

**§ 110.10 LICENSE TAX.**

(C) Business Classification for Miscellaneous Business.

	Rate	
Taxicab or limousines Business <del>as set forth in KRS 186.281</del>	\$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>	>10K to 25K Gross Rental <u>Income</u>
	\$50	\$100
<u>Vendors participating in Special Events</u>	<u>For-Profit</u> \$5 per vendor per day of Event	<u>Non-Profit</u> \$5 per vendor per day of Event
<u>Non-Resident activity which is sporadic and not on-going. License under this section shall be determined by signed affidavit of gross income submitted to the City of Murray by the applicant.</u>	<\$2000 Gross <u>Income</u>	>2000 Gross <u>Income</u>
	\$0	\$75.00

**AMENDMENT VI. ADDITIONS, ASSERTIONS & CHANGES:**

§110.12 is hereby amended to include the following:

**§ 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 city and placed to the credit of the general revenue fund of the City and shall be used and expended in defraying the current and incidental expenses of the City.

For each Special Event, it shall be the responsibility of the Special Event Organizer to collect all license fees due under this chapter from the Special Event Applicant and remit same to City within five (5) business days of the conclusion of the Special Event. The Special Event Applicant shall be responsible for collecting all license fees due under this chapter from each participant/vendor and remitting same to Organizer.

**AMENDMENT VII. ADDITIONS, ASSERTIONS & CHANGES:**

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

**§ 110.13 EXEMPT BUSINESSES/ENTITIES.**

The following ~~businesses~~ entities shall be exempt from the licensing provisions of this chapter, however, any entity required to complete an Application to determine exemption, shall not be exempt from the licensing provision of this chapter until said entity has submitted an Application to the City and have been deemed exempt based on said Application.

(A) ~~Non-profit activities carried on by~~ organizations (ie. religious, charitable, benevolent, fraternal or social organizations). However, For-Profit vendors participating in Non-Profit events or special events are not exempt from this license.

(B) Public utility companies.

(C) Any governmental functions or agencies, including, but not limited to any Special Event sponsored by, or in partnership with, the Kentucky Proud Program (ie. Farmer's Market).

(D) Garage sales conducted on residential premises or governmental property in compliance with the City zoning code.

~~(E) Vendors and peddlers conducted during City 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.

(H) Non-Residents who earn a gross income of less than \$2,000.00 per year.

**AMENDMENT VIII. ADDITIONS, ASSERTIONS & CHANGES:**

§110.99(A)(B) & (C) are hereby amended to read in its entirety as follows:

**§ 110.99 PENALTY.**

- (A) A city police, citation or code enforcement officer ~~shall~~ may issue a ~~violation notice~~ citation containing the necessary information of said violation as prescribed by the city.
- (B) For good cause, as determined in the sole and absolute discretion of the city police officer, citation or code enforcement officer, A city police officer, citation or codes enforcement officer, may issue a notice of violation in lieu of a citation, allowing the offender ten (10) days within which to obtain a city business license. The cost of said license and late fine, if applicable, shall be determined pursuant to the requirements of this chapter.
- (C) Each person carrying on or conducting any business, as defined herein, ~~for which a license is required,~~ without having first submitted an Application and if required, obtained a license, on or before ~~May 31 of each year~~ the applicable due date to carry on and conduct such business shall be issued either a citation or notice of violation for violation of this chapter.

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.

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BOB ROGERS, MAYOR

ATTEST:

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DANNETTA CLAYTON, CITY CLERK

Introduced by the City Council on \_\_\_\_\_, 2019.

Adopted by the City Council on \_\_\_\_\_, 2019.

Published in the Murray Ledger and Times on \_\_\_\_\_, 2019.