

CITY OF STANFORD, KENTUCKY
STANFORD CODE OF ORDINANCES
TITLE XI: BUSINESS REGULATIONS
CHAPTER 110: GENERAL LICENSING PROVISIONS
SECTION 110.99 PENALTY
ORDINANCE NO. 2017 - 0502

ORDINANCE AMENDING THE PENALTY WITH
REGARD TO BUSINESS LICENSING

ORDINANCE NO. 2017-0502

**ORDINANCE AMENDING THE PENALTY WITH
REGARD TO BUSINESS LICENSING**

WHEREAS, House Bill 422 (2016 Ky. Acts ch. 86) which amends KRS 65.8801 to KRS 65.8839 and other various sections of Kentucky Revised Statute, and provided for comprehensive revisions to the code enforcement procedures applicable to local governments;

WHEREAS, KRS 83A.060 states the procedure for the amendment and/or enactment of ordinances of this nature;

WHEREAS, it is the intent of the herein referenced Kentucky Revised Statutes, as amended to protect, promote, and improve the health welfare, safety and morals of the citizens residing within the City by authorizing the creation and continued use of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in effect within the City of Stanford; and

WHEREAS, it is the desire of the City Council of the City of Stanford, Kentucky to continue to utilize the authority granted to it, by utilizing a Code Enforcement Board, in collection of business license fees.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STANFORD AS FOLLOWS;

The following sections of §110.99 of the Code of Ordinances for the City of Stanford shall be amended as follows.

SECTION 110.99 PENALTY

- (A) It shall be unlawful for any person to engage in any occupation, trade or profession, or other activity in the city without first having paid the minimum license fees herein required. There shall be a penalty of 10% of the amount of any license fee imposed if the license fee is not paid on or before January 1st of the tax year that same shall have become due, and there shall be a penalty of 40% of the amount of any license fee imposed if the license fee is not paid by March 1st, (new business or activity commenced after January 1st in any year is not subject to the penalty). Any person, firm or corporation who violates any provision of this chapter, fail, neglect or refuse to pay the minimum fees as hereinabove set forth when same shall have become due and payable, shall in addition to the penalties herein prescribed, ~~upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$25 nor more than \$500 or imprisonment of not more than 30 days, or both fine and imprisonment~~

for each offense]. with exceptions of those punishable under §110.99(B) shall be subject to a civil offense with a civil fine of not less than \$250.00 per violation but not more than \$500.00 per violation. If the Civil fine is uncontested, them amount per violation shall be \$250.00.

- (B) Any person who shall fail, neglect, or refuse to make any return required by this chapter or any employer who shall fail to withhold the license fee or to pay over to the city those so withheld under the terms of this chapter, or any person who shall refuse to permit the Direct of Finance or any agent, employee designated by him in writing, to examining books records and papers pertaining to information required under this cheaper, or who shall knowingly make any incomplete, false or fraudulent return, or shall attempt to do anything whatever to avoid the payment of the whole ~~[of]~~ or any part of the license fee, shall become liable to the City for fees as well as the interest and penalty thereof and shall in addition upon conviction, be deem guilty of a misdemeanor and shall be subject to a fine of not less than \$250 nor more than \$500 or imprisonment of not more than 30 days, or both fine and imprisonment for each offense. Criminal penalties shall be in addition to other penalties imposed herein.

- (C) The failure of any employer or license payer to receive or procure returns or other forms is not an excuse for failure to make any return, or to pay the license fee.

- (D) Anyone who violates § 110.48(A) shall, upon ~~[conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$250 nor more than \$500 or imprisonment not to exceed 60 days, or both, at the discretion of the court, and shall be dismissed from employment by the city upon conviction]~~ finding of the Code Enforcement be subject to a civil offense with a civil fine of not less than \$250.00 per violation but not more than \$500.00 per violation. If the Civil fine is uncontested, them amount per violation shall be \$250.00. ; provided however, the person may disclose to the State Commissioner of Revenue or his duly authorized agent all information and the right to inspect any of the books and records of the city if the State Commissioner of Revenue grants to the city the reciprocal right to obtain information from the files and records from the State Department of Revenue and maintains the privileged character of the information so furnished to him.

- (E) Anyone who violates § 110.48(B) shall be guilty of a misdemeanor, punishable by fine not less than \$250 nor more than \$500 or imprisonment of not exceeding 60 days, or both at the discretion of the court; and by dismissal from employment by the city. Every breach of confidence constitutes a separate offense.

This Ordinance shall take effect on this the _____ day of _____, 2017.

The Foregoing Ordinance was introduced and read for the first time of the 4th day of May, 2017 at the Council's regular meeting and for the second time and approved, on the 15th day of May, 2017 at a special meeting.

Eddie Cortes
Mayor

ATTEST:

Aana Taha
City Clerk
(City Seal)