

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 2022-11**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
RELATING TO BUSINESS LICENSES AND FEES IMPOSED UPON CERTAIN
OCCUPATIONS, TRADES, AND PROFESSIONS CONDUCTING BUSINESS IN
MADISON COUNTY, KENTUCKY**

WHEREAS, the Fiscal Court of Madison County, Kentucky, seeks to update its requirements relating to business licenses and fees imposed upon occupations, trades, and professions conducting business in Madison County, Kentucky; and

WHEREAS, the Fiscal Court finds the program would be best administered and enforced by granting the Code Enforcement Officer, under the supervision of the Director of Planning and Development, the authority to handle responsibilities associated with this Ordinance by separate policy; and

WHEREAS, this ordinance will, supersede, any and all other ordinances relating to business licenses, specifically Ordinances 04-21, 12-12, and 15-01;

NOW THEREFORE, BE IT ORDAINED BY THE MADISON COUNTY FISCAL COURT, KENTUCKY:

I. DEFINITIONS

That the following words, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

“County” – Madison County, Kentucky

“Business” – An enterprise, activity, profession or undertaking of any nature conducted for gain or profit, whether conducted by an individual, co-partnership, association, or any other entity, but shall not include the usual activities of boards of trade, chambers of commerce, trade associations or unions (or other associations performing the services usually performed by trade associations or unions); Community Chest funds or foundations; corporations or associations organized and operated exclusively for religious, charitable, scientific, literary, educational or civic purposes, or for the preventions of cruelty of children or animals; or clubs or fraternal organizations operated exclusively for social, literary, educational, or fraternal purposes, where no part of the earnings or income or receipts or such units, groups, or associations insures to the benefit of any private shareholder or individual.

“Association” – A partnership, limited partnership, or any other form of unincorporated enterprise, owned by two or more persons.

“Corporations” – A corporation of joint stock association organized under the laws of the United States, the State of Kentucky or any other state, territory, or foreign country or dependency.

“Employer” – An individual, co-partnership, association, corporation, governmental body or unit

of administration or agency, or any other entity, who or that employs one or more persons on a salary, wage, commission, or other compensation basis, regardless of whether such employer is engaged in business, as above defined, or is excluded by the terms of said definition.

“Sales” – Net sales of merchandise, or of services, or of both, computed by whatever method of accounting is authorized for Federal income tax purposes.

“Sales within County” – Shall be deemed to include sales of merchandise delivered to a customer within the County, or services performed within the County for a customer.

“Non-resident” – An individual, co-partnership, fiduciary, or association or other entity outside the County.

“Person” – Every natural person, co-partnership, fiduciary, association, or corporation. Whenever the term “person” is used in any clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to association, shall mean the partners or members thereof and as applied to corporations, the officers, and directors thereof.

“Resident” – An individual, co-partnership, association, corporation, or other entity domiciled or having a business status in the County.

“Licensee” – Any person required hereunder to file a return or to pay a business license fee under this Ordinance. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

II. BUSINESS LICENSE: ON WHOM IMPOSED

Beginning January 1, 2023, every person, association, corporation, or other entity engaged in any occupation, trade, profession, or other activity in the Madison County jurisdiction shall pay a one-time business license fee to the Madison County Fiscal Court, Kentucky. They are hereby imposed upon and required of all persons, firms and corporations who shall exercise the privileges or engage in businesses, trades, occupations, and professions in Madison County and which business license fees are as follows:

The one-time nonrefundable, except as provided in Section IV, business license application fee shall be fifty dollars (\$50.00), except as provided in Section III and hereof due prior to engaging in any occupation, trade, profession, or other business activity in the Madison County jurisdiction. The application fee may be adjusted by the County Judge & Fiscal Court by resolution approval, as they deem necessary.

III. EXEMPTED ACTIVITIES

Because of the undue burden of administration, no business license under this Ordinance shall be required of the following entities:

- A. Agriculture business classified as farms under the definitions are related to the Internal Revenue Service classification and those businesses that file a Schedule F (only) for the purposes of reporting income taxes.

B. Nonprofit organizations that have submitted a 501(C) form to the County.

The above listed occupations may be exempt from the business license fee. This Ordinance, however, does not exempt any business or business activity, including the above exemptions, from the necessity to pay occupational license fees and net profit fees, as associated with Madison County Ordinance 06-18.

Any person, association, corporation, or other entity that has a current Madison County business license in good standing on January 1, 2023, shall be deemed to be in compliance with this Ordinance and will not be required to pay the one-time \$50.00 application fee. Any person, association, corporation, or other entity, who does not have a license in good standing, will be required to submit a new application and fee as if they were a new business.

All persons conducting business transient in nature are required to obtain a business license from the **Code Enforcement Officer** no less than seven days preceding the commencement of business, the fee for which shall be \$200.00 per showing, except for as provided in Section III hereof. Transient businesses include, but are not limited to the following:

- Circus, regardless of local sponsorship
- Carnival, regardless of local sponsorship
- Amusement, athletic contest, or entertainment not part of a duly licensed business, or not held in a regularly licensed theatre, or in a publicly owned or religious or educational building, and not sponsored by a bona fide civic, patriotic, religious, or educational organization.
- Itinerant Merchants
- Peddlers

IV. BUSINESS LICENSE CONDITIONS

The issuance and acceptance of each and all licenses hereinabove provided for and required, and enjoyment of the privileges thereby granted, shall be subject to the following provisions and conditions:

- A. The words, "Person, and/or Corporations" used in this Ordinance applies to individuals engaged and associated in the same occupation and conducting their business in the same manner as if one person was the sole owner and manager.
- B. Before exercising any of the privileges or engaging in any business, trade, occupation, or profession in Madison County, Kentucky, every person, association, or corporation desiring to do so shall first procure the County license and pay the fee thereon, as hereinabove provided. Provided, however that any person, association, or corporation in arrears for license fees and ad valorem taxes due and owing to said County, shall be denied a license, and shall be denied the privilege of engaging further in any trade, occupation, business, or profession in the County unless said arrearages have been fully paid and satisfied, and any violator of this prohibition shall be subject to the penalties hereinafter provided.
- C. No license shall be transferred under this Ordinance to any person, association, or corporation unless the transferee makes written application to the **Code Enforcement Officer**, and only after same has been approved.
- D. No refund will be granted on any surrendered business license unless the business was discontinued under circumstances or by reason of causes over which the licensee has no control. This decision will be at the discretion of the Director of Planning and Development.
- E. All licenses must be conspicuously and permanently displayed in the original place of business for

which they are granted.

- F. No partial payments for any kind of license will be permitted or accepted.
- G. It shall be the duty of the **Code Enforcement Officer** to inspect for proper licenses issued and proper display of same.
- H. False information given to apply for the license shall result in the immediate revocation of license and subject to the penalties set forth in this Ordinance.
- I. A business license shall not be issued if the property is not properly zoned for such activities or may be suspended or revoked if it is found after issuance to be non-compliant with zoning requirements.

V. RECORDS OF COLLECTION

It shall be the duty of the **Code Enforcement Officer** to collect and to receive the license fees imposed by this Ordinance and to keep records showing the amount received from each licensee or employer and the date of receipt of such fees.

VI. ENFORCEMENT: REGULATIONS

The **Code Enforcement Officer** is hereby charged with the enforcement of the provisions of this Ordinance, and is hereby empowered to prescribe, adopt, and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Ordinance.

The **Code Enforcement Officer** or any agent or employee designated in writing by him/her is hereby authorized to examine the books, papers, and records of any employer or supposed employer or of any licensee or supposed licensee in order to determine the amount of license fees imposed by the terms of this Ordinance.

VII. PENALTIES

Any person, association, or corporation who shall fail, neglect, or refuse to obtain the business license required by this Ordinance, or who shall attempt to avoid payment of the whole or any part of the license fee shall be guilty of a Class A misdemeanor and upon conviction be subject to a fine not to exceed \$500.00, or imprisonment for one year in jail, or both.

Any person, business, or employee of a business who conducts a business or trade or engages in a profession or other activity after having had the initial license revoked and after being ordered closed who continues to conduct the business, trade, profession, or activity shall be guilty of a Class A misdemeanor and upon conviction be subject to a fine not to exceed \$500.00, or imprisonment up to one year in jail, or both.

In addition to the above, if the person or business reopens after the **Code Enforcement Officer** orders a license revoked, the Madison County Sheriff is authorized to and shall physically close the premises.

VIII. CONFIDENTIAL INFORMATION

Any information gained by the **Code Enforcement Officer** or any other official, agent, or employee of the County as a result of any returns, investigations, hearings, or verifications required or

authorized by this Ordinance, shall be confidential, except for official purposes and except in accordance with proper judicial order, or as otherwise provided by law.

IX. UNLAWFUL IMPOSITION OF LICENSE

It is not the intention of the County or of this Ordinance to impose and require a business license fee prohibited by law.

X. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or section or part of this Ordinance or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It being the legislative intent of this body to ordain and enact each provision, clause, section, paragraph, sentence, and part hereof separately and independently of each other.

XI. AUTHORITY

This Local Ordinance is enacted pursuant to applicable authority granted by the Commonwealth and Federal Government. That the County Clerk cause this Ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

XII. EFFECTIVE DATE

This Ordinance shall become effective on the date of second reading and adoption.

DATE OF FIRST READING: 11-22-2022 ^{KRS}

MOTION BY: Barger

SECONDED BY: Bathie

VOTE:	YES	NO
Magistrate Ben Robinson III	<u>✓</u>	_____
Magistrate Roger Barger	<u>✓</u>	_____
Magistrate John Tudor	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Executive Reagan Taylor	<u>✓</u>	_____

DATE OF SECOND READING: 12-13-22

MOTION BY: Barger

SECONDED BY: Robinson

VOTE:	YES	NO
Magistrate Ben Robinson III	<input checked="" type="checkbox"/>	_____
Magistrate Roger Barger	<input checked="" type="checkbox"/>	_____
Magistrate John Tudor	<input checked="" type="checkbox"/>	_____
Magistrate Tom Botkin	<input checked="" type="checkbox"/>	_____
Judge Executive Reagan Taylor	<input checked="" type="checkbox"/>	_____

Signed:
R-39
Madison County Judge Executive

Attested:
Kenny Barger MCC
Madison County Clerk, Kenny Barger