

ORDINANCE NO. 220.7-11-2009

**AN ORDINANCE AMENDING
FRANKLIN'S "GROSS RECEIPTS LICENSE FEE" AND
"LICENSE FEE FOR EMPLOYEES" ORDINANCES
UNDER ORDINANCE 220.7-5-90, ET. SEQ
OF THE CITY OF FRANKLIN CODE OF ORDINANCES**

WHEREAS, the City Commission of the City of Franklin has found and determined that certain classifications of businesses create additional burdens on infrastructure and the police force due to the volume of people utilizing said facilities over time; and,

WHEREAS, to offset these additional costs and to generate revenue for these purposes and for the purpose of creating revenue for valid public purposes including, but not limited to certain economic incentives to create jobs for the community during one of the worst recessions in our nations' history, the City Commission has found and determined it to be necessary to impose an additional license fee on this classification of businesses which are located or choose to locate in Franklin, Kentucky; and,

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky by and through its City Commission as follows:

1. There shall be added a new definition to §110.001 to read as follows:

§110.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMUSEMENT PARKS. A commercially operated park, other than a publicly owned park or a fair or carnival which are for a limited duration, having various devices for entertainment (such as rides) and usually booths for the sale of food and drink for which a fee or charge is exacted.

2. There shall be added a new section §110.029 as follows:

§110.029 AMUSEMENT PARKS.

In addition to any and all other amounts levied under any pertinent portions of this ordinance, the amount of additional license fee hereby imposed and levied on "amusement parks" shall be determined and measured by the volume of business conducted at the rate of the lesser of \$2.00 or ten percent (10%) of the cost of each ticket, admission, rental, or any other charge for service or use for or by one individual person for any continuous period of time up to 24 hours.

Every "amusement park" required to remit the license fee under this ordinance shall, for the quarter ending January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter make a return and report and pay to the City of Franklin the license fee required to be withheld and remitted under this ordinance, unless the entity is permitted or required to report within a reasonable time after some other period as determined by the City of Franklin. Any person, entity or employer who fails to withhold or pay to the City of Franklin any sums required by this ordinance to be withheld and paid shall be personally and individually liable to the City of Franklin for any sum or sums withheld, paid or required to be withheld or paid in accordance with the provisions of this section.

In addition, the City of Franklin shall have a lien upon all the property of any entity who fails to pay over to the City of Franklin sums required to be paid pursuant to this section. Every entity required to remit the license fee pursuant to this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the City of Franklin a reconciliation of the tax withheld and/or payable pursuant to this section. Every entity subject to this section shall furnish verification of ticket sales to the Finance Director substantiating the amount due and payable pursuant to this section.

All monies derived from license fees under the provisions of this chapter shall be paid to the Finance Officer and placed to the credit of the general revenue fund of the City and shall be used and expended in defraying current general and incidental expenses of the City, including the retirement of debt. It is the purpose of this chapter to provide revenue for the general fund and it is not the intention of the City or this ordinance to impose and to require a license fee prohibited by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

November 16, 2009

FIRST READING

November 23, 2009

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on November 23, 2009, on motion made by Commission Henry Stone and seconded by Commissioner Mike Simpson, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES JAMIE POWELL

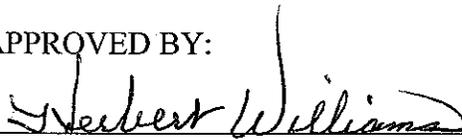
YES MIKE SIMPSON

YES WENDELL STEWART

YES HENRY STONE

YES HERBERT WILLIAMS, MAYOR

APPROVED BY:


HERBERT WILLIAMS, MAYOR

ATTEST:


KATHY STRADTNER, CITY CLERK
CITY OF FRANKLIN, KENTUCKY