

ORDINANCE NO. 220.7-5-2011

AN ORDINANCE AMENDING THE CITY OF FRANKLIN'S
"GROSS RECEIPTS LICENSE FEE"

WHEREAS, the City Commission of the City of Franklin, Kentucky has previously enacted an ordinance relating to the Gross Receipts License Fee, and the Commission desires to amend said ordinance to address the sale of fireworks and consumer fireworks, as those terms are defined in Chapter 227 of the Kentucky Revised Statutes.

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

1. There shall be two new definitions added, with said definitions to be inserted in the list alphabetically, to Section 110.001 entitled "Definitions" that read as follows:

CONSUMER FIREWORKS. Shall have the same meaning as the definition set forth in KRS Chapter 227.

FIREWORKS. Fireworks, and all recreational exploding devices such as firecrackers, sky rockets, etc., shall have the same meaning as the definition set forth in KRS Chapter 227.

2. Section 110.003, ANNUAL BUSINESS LICENSE FEE, paragraphs (B) and (C) shall be amended to read as follows:

(B) All other businesses, except for businesses that sell "fireworks" or "consumer fireworks" (as those terms are defined in Chapter 227 of the Kentucky Revised Statutes), with said businesses that sell fireworks or consumer fireworks being subject to a license fee as set forth in Section D hereinbelow.

(1) Minimum License Fee \$100.00

(2) The license fee for all other businesses, except for businesses engaged in the sale of "fireworks" or "consumer fireworks" (as those terms are defined in Chapter 227 of the Kentucky Revised Statutes), shall be calculated by multiplying the amount of gross annual receipts/sales up to and including \$1,000,000 by .0006. In addition, businesses with gross annual receipts in excess of \$1,000,000 shall be taxed an additional amount calculated by multiplying .0001 by any amount in excess of \$1,000,000 and less than \$10,000,000. Any business with gross annual receipts in excess of \$10,000,000 shall be taxed an additional amount calculated by multiplying .00005 by any amount in excess of \$10,000,000.

(C) Part-time businesses, except for businesses engaged in the sale of "fireworks" or "consumer fireworks" (as those terms are defined in Chapter 227 of the Kentucky Revised Statutes).

Part-time businesses, except for businesses engaged in the sale of "fireworks" or "consumer fireworks" (as those terms are defined in Chapter 227 of the Kentucky Revised Statutes), provided that they qualify pursuant to the criteria hereinafter set forth, shall be charged one-half of the minimum business license fee, (\$100) or a total of \$50. In order to qualify as a part-time business, an individual must file a verified application with the City requesting to be designated as a part-time business customer and the individual should state that he meets the following requirements:

- (1) The business operates 30 hours or less per week.
- (2) The business does not have gross annual sales in excess of \$50,000.
- (3) The application shall be granted or denied by the City Manager or his designee within 30 days of receipt of the application.
- (4) This division affects only the minimum charges for business licenses and does not relieve any business of the obligation to file a return under the provisions of §110.002 of this chapter.

3. There shall be created a new paragraph (D) under Section 110.003, ANNUAL BUSINESS LICENSE FEE, to read as follows:

(D) Businesses that engage in the sale of "fireworks" or "consumer fireworks" (as those terms are defined in Chapter 227 of the Kentucky Revised Statutes).

Any business, person, firm, partnership, or corporation that offers for sale, exposes for sale, sells at retail, or keeps with intent to sell any "fireworks" or "consumer fireworks" (as those terms are defined in Chapter 227 of the Kentucky Revised Statutes), shall pay a license fee of one thousand dollars (\$1,000.00) per calendar year, prior to the issuance of the license. As a part of the licensing process and prior to a license being issued by the tax assessor, the Building Inspector, or his or her designee, shall sign the license indicating that the location of the business is zoned appropriately for the conduct of said business. The person, firm, partnership, business, or corporation shall also show valid proof of general liability insurance in an amount of not less than one million dollars (\$1,000,000.00) per occurrence and per accident. The tax assessor shall sign the license before issuing it indicating that this insurance requirement has been met. Any license issued by and through this ordinance shall expire sixty (60) days from the issuance of said license.

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.

April 25, 2011 FIRST READING

May 9, 2011 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on May 9, 2011, on motion made by Commissioner Jamie Powell and seconded by Commissioner Henry Stone, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON

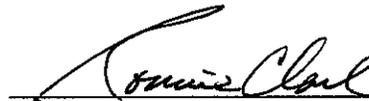
YES JAMIE POWELL

YES MASON BARNES

YES HENRY STONE

YES RONNIE CLARK, MAYOR

APPROVED BY:



Ronnie Clark, Mayor
City of Franklin, Kentucky

ATTEST:



Kathy Stradner, City Clerk
City of Franklin, Kentucky