

ORDINANCE NO. 11-20

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING ORDINANCE NO. 07-40 TO PROVIDE FOR PENALTIES FOR CONDUCTING BUSINESS WITHIN THE CITY WITHOUT A CITY OCCUPATIONAL LICENSE AND TO REQUIRE THE DISPLAY OR POSSESSION OF THE CITY OCCUPATIONAL LICENSE

WHEREAS, Ordinance No. 07-40 requires, in Section 2 thereof, that every person and business entity engaged in any business within the City obtain a City occupational license before the commencement of such business; and

WHEREAS, the Board of Commissioners does find that Ordinance No. 07-40 should be amended so as to provide for a specific penalty applicable to a violation of the said Section 2;

NOW, THEREFORE, BE IT ORDAINED that Ordinance No. 07-40 be, and the same hereby is, amended in the following particulars:

SECTION I

Section 12, the penalties section of Ordinance No. 07-40, is hereby amended to add the following:

(12) (a) Any person who shall engage in any business within the City, whether as an individual, a sole proprietorship, joint venture, partnership, corporation, limited liability company, employee, agent, or in any other form or entity, without having first obtained the occupational license required as per the provisions of Section 2 or of Section 14 shall be advised of the necessity of obtaining the occupational license and of the fact that a criminal complaint will be sought or an arrest made unless all business operations cease immediately and not resume until the required occupational license shall have been obtained.

(b) Any person who (i) shall continue to engage in any business within the City, whether as an individual, a sole proprietorship, joint venture, partnership, corporation, limited liability company, employee, agent, or in any other form or entity, without having first obtained the occupational license required as per the provisions of Section 2, (ii) after having been advised, by City personnel, in accordance with the provisions of sub-paragraph (a), above, shall be guilty of a Class A misdemeanor and subject to a fine in an amount not to exceed \$500.00, to imprisonment for a period of time not to exceed 180 days, or to such fine and to such imprisonment.

SECTION II

Section 2 of Ordinance No. 07-40 is hereby amended by adding to it the following provisions:

Section 2 - Occupational License Application Required; Fee; Issuance of Duplicate License; Display of License

(1) Every person and business entity engaged in any business in the City shall be required to apply for and obtain an occupational license from the City before the commencement of business or in the event of a change of business status at a cost of \$25.00. Licensees are required to notify the city of any changes in address, the cessation of business, or any other changes which render the information supplied to the city in the license application inaccurate. The city on request of the person or business entity shall re-issue a business license without charge to replace one which has been issued but misplaced; the person or business entity requesting such re-issuance shall complete and file with the city finance department the city's license application form.

The occupational license mandated by this Section shall be displayed by the business in a conspicuous location in the interior of the business premises. In the event that the business does not maintain business premises within the City, the license, or a true copy thereof, shall at all times be available for inspection at any location or site in the City at which the business is conducting business. A business with business premises in the City which has obtained the occupation license but which does not display the occupational license as required above shall, upon being notified by City personnel of the obligation to do so, display the license within five (5) business days of the notification and may continue its business operations within the City during such five (5) business days; if the license is not on display after such five (5) business days, the business shall cease all further conduct of business in the City until this display requirement is complied with. A business without premises located within the City which does not have the license at the location or site within the City at which it is conducting business shall immediately cease the conduct of such business until the occupational license is available at the location or site for inspection.

For purposes of Section 12 (b) of this Ordinance (the section which provides for the penalties applicable to the conduct of business within the City without having obtained the occupational license), the following presumptions shall apply:

(a) A business with business premises in the City which does not display the occupational license at the time of the initial inspection or within five (5) business days thereafter, in accordance with the provisions set forth above, shall be conclusively presumed never to have obtained a City occupational license.

(b) A business without business premises in the City which is conducting business within the City but which does not have the occupational license available for inspection at the location or site thereof shall be conclusively presumed never to have obtained a City occupational license.

SECTION III

This Ordinance shall be effective immediately upon its adoption following second reading and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING: November 8, 2011

MOTION BY: Commissioner Morgan

SECONDED BY: Commissioner Thomas

DATE OF SECOND READING: November 22, 2011

MOTION BY: Commissioner Baird

SECONDED BY: Commissioner Blythe

VOTE	YES	NO
Commissioner Baird	x	
Commissioner Blythe	x	
Commissioner Morgan	x	
Commissioner Thomas	x	
Mayor Barnes	x	

Mayor Barnes

ATTEST: _____
City Clerk