

# **ORDINANCE NO. 2007-16**

## **BUSINESS LICENSE CODE OF THE CITY OF GARDENDALE, ALABAMA, FOR THE YEAR 2008 AND FOR EACH SUBSEQUENT YEAR SCHEDULE OF BUSINESS LICENSES AND FEES**

**BE IT ORDAINED** by the City Council of the City of Gardendale, Alabama, while in regular session on the 1<sup>st</sup> day of October, 2007, at 6:00 p.m., as follows:

- SECTION 1. Levy of tax. Page 01
- SECTION 2. Definition of terms. Page 01
- SECTION 3. License term; minimum license. Page 03
- SECTION 4. License shall be location specific. Page 04
- SECTION 5. License transfer restrictions. Page 05
- SECTION 6. Unlawful to do business without a license. Page 05
- SECTION 7. License must be posted. Page 06
- SECTION 8. Duty to file report. Page 06
- SECTION 9. Duty to permit records inspection. Page 07
- SECTION 10. Unlawful to obstruct municipal designee. Page 07
- SECTION 11. Privacy of information. Page 07
- SECTION 12. Failure to file assessment. Page 08
- SECTION 13. Lien for non-payment of license tax. Page 08
- SECTION 14. Criminal penalties. Page 08
- SECTION 15. Civil penalties. Page 08
- SECTION 16. Penalties and interest. Page 08
- SECTION 17. Prosecutions unaffected. Page 09
- SECTION 18. Procedure for denial of new applications. Page 09
- SECTION 19. Procedure for revocation/suspension of license. Page 09
- SECTION 20. Refunds on overpayments. Page 10
- SECTION 21. Delivery License Page 11
- SECTION 22. License classification codes. Page 12
- SECTION 23. License Fee Schedules. Page 20
- SECTION 24. Exchange of information. Page 28
- SECTION 25. Administrative policies and procedures Page 29
- SECTION 26. Effective date. Page 29
- SECTION 27. Severability. Page 29
- SECTION 28. Repealer. Page 29

### **SECTION 1. LEVY OF TAX.**

Pursuant to the *Code of Alabama*, the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the City of Gardendale, Alabama, for the year beginning January 1, 2008, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee for the privilege of doing any kind of business, trade, profession, or other activity in the City by whatever name called.

### **SECTION 2. DEFINITIONS.**

Unless the context clearly requires otherwise, the following terms shall have the meanings as set forth below:

- 1. BUSINESS. Any commercial or industrial activity or any enterprise, trade,

profession, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a

2

principal or as an independent contractor, which is engaged in, or caused to be engaged in, within a municipality.

2. BUSINESS LICENSE. An annual license issued by the municipality for the privilege of doing any kind of business, trade, profession, or any other activity in the municipality, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent the taxpayer's business license tax or other financial information is listed thereon.

3. BUSINESS LICENSE REMITTANCE FORM. Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

4. CITY. The City of Gardendale, Alabama.

5. DEPARTMENT or DEPARTMENT OF REVENUE. The Alabama Department of Revenue, as created under Section 40-2-1 et seq.

6. DESIGNEE. An agent or employee of the City of Gardendale authorized to administer or collect, or both, the municipality's business license taxes, which may include another taxing jurisdiction, the Department of Revenue, or a "private auditing or collecting firm" as defined in Section 40-2A-3, *Code of Alabama, 1975*.

7. GROSS RECEIPTS. The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

(a) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: all taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayer to the taxing authority, whether state, local or federal, including utility gross receipts levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; or reimbursements to professional employer organizations of federal, state or local payroll taxes or unemployment insurance contributions; but no other deductions or exclusions from gross receipts shall be allowed except as provided in this article.

(b) A different basis for calculating the business license may be used by the City with respect to certain categories of taxpayers as prescribed in Section 11-51-90B.

(c) For a utility or other entity described in Section 11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the City during the preceding year that are taxed under Article 3 of Chapter 21 of Title 40, except that nothing herein shall affect any existing contract or agreement between the City and a utility or other entity. The gross receipts derived from the furnishing of utility services shall not be subject to further business license taxation by the City.

(d) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowing, the sale of a capital asset, the repayment of the principal portion of a loan, the issuance of stock or other equity

investments, or capital contributions, or the undistributed earnings of subsidiary entities.

8. LICENSE FORM. Any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called.

9. LICENSE OFFICER or MUNICIPAL LICENSE OFFICER. The City employee charged by the municipality with the primary responsibility of administering the municipality's

business license tax ordinance and related matters thereto. For the City of Gardendale, this employee shall be the City Clerk.

10. LICENSE YEAR. The calendar year.

11. MUNICIPALITY. Any town or city in the State of Alabama that levies a business license tax from time to time. The term shall also include the City's police jurisdiction if the business license tax is levied in the police jurisdiction.

12. PERSON. Any individual, association, estate, trust, partnership, limited liability company, corporation, or other entity of any kind, except for any nonprofit corporation formed under the laws of Alabama which is operated to enable municipalities that become members of such nonprofit corporation to finance or refinance capital projects and related undertakings, on a cooperative basis, and whose board of directors or other governing body consists primarily of elected officials of the municipality.

13. TAXING JURISDICTION. Any municipality that levies a business license tax, whether or not a business license tax is levied within its police jurisdiction, or the Department of Revenue acting as agent on behalf of a municipality pursuant to Section 11-51-180 et seq., as the context requires.

14. TAXPAYER. Any person subject to or liable under this chapter for any business license tax; any person required to file a return with respect to, or pay or remit the business license tax levied under this chapter or to report any information of value to the taxing jurisdiction; or any person that may be affected by any act or refusal to act by the taxing jurisdiction under this chapter, or to keep any records required by this chapter.

15. U.S.C. The applicable title and section of the United States Code, as amended from time to time.

16. OTHER TERMS. Other capitalized or specialized terms used in this Ordinance, and not defined above, shall have the same meanings ascribed to them in Section 40-2A-3, of the *Code of Alabama*, unless the context therein otherwise specifies.

### **SECTION 3. LICENSE TERM; MINIMUMS.**

The license term and the minimum amount for a business license are as follows:

(a) *Full Year*. Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full.

Every person who ceases business on or after the first day of July shall be subject to and shall pay the annual license for such business in full. Unless otherwise specified in the enclosed schedules, the minimum annual license shall be one hundred dollars (\$100.00).

Where the amount of license tax is based upon gross receipts, gross receipts shall be measured as set out in Section 11-51-90.2(c) of the *Code of Alabama, 1975*.

(b) *Half Year*. Every person who commences business on or after July 1<sup>st</sup> shall be subject to and shall pay one-half (1/2) the annual license for such business for that calendar year. The basis upon which the business license fee shall be calculated

shall be determined in the manner prescribed in Section 3 (a) above.

Every person who ceases business before July 1<sup>st</sup> shall pay a prorated license for such business for that calendar year. The basis upon which the business shall be calculated shall be the actual gross receipts (or other measure if applicable) realized or incurred during the partial year of operation. Such persons shall be entitled to a refund equal to the difference between the amount of the recalculated license and the amount actually paid for such license. The issuance fee shall not be refunded.

4

(c) *Issuance Fee.* For each license issued there shall be an issuance fee collected of ten dollars (\$10.00) and said issuance fee shall be collected in the same manner as the license tax.

(d) *Annual Renewal.* Except as provided in subsections (i) or (ii), the business license shall be renewed annually on or before the 31<sup>st</sup> day of January each year.

(i) If the due date for payment of any business license falls on a weekend or a holiday recognized by the City from time to time, the due date shall automatically be extended until the next business day.

(ii) Insurance company annual license renewals shall be renewed in accordance with Section 11-51-122, *Code of Alabama, 1975*. Failure to furnish the statement of gross premiums set forth in said Section 11-51-122 or to pay the amount of license tax due shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the municipal code of the City.

In addition, each insurance agent and/or broker must furnish to the City Clerk, by January 1 of each year, a complete list of all insurance companies (including names, addresses, and telephone numbers) for which such agent and/or broker is licensed or registered for purposes of soliciting and/or selling insurance policies or other products or services. When an insurance agent or broker applies for a business license for the first time with the City, such list of insurance companies must accompany his or her business license application. Insurance companies, agents, and/or brokers who fail to comply with Section 11-51-122 by participating in solicitation and sales of policies offered by an insurance company not licensed in the City shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the City code.

(iii) On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the City. Licensees are required to furnish the City any address changes for their business prior to December 1<sup>st</sup> in order for them to receive their notice. A failure to receive said renewal reminder notification, for any reason, shall not relieve the taxpayer from its obligation to renew its business license by the deadline specified hereinabove.

(iv) Business license renewal payments received by the City shall be applied to

the current renewal only when any other debts the licensee owes to the City are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the City code.

**SECTION 4. LICENSE SHALL BE LOCATION SPECIFIC.**

(a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the carrying on of such business only at the place designated.

(b) Every person dealing in two or more of the articles, or engaging in two or more of the businesses, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business.

5

(c) A taxpayer subject to the license authorized by this ordinance that is engaged in business in other municipalities may account for its gross receipts so that the part of its gross receipts attributable to its branch offices will not be subject to the business license imposed by this ordinance. To establish a bona fide branch office, the taxpayer must demonstrate proof of all the following criteria:

(i) The taxpayer must demonstrate the continuing existence of an actual facility located outside the city, or outside the police jurisdiction if the business license tax is levied in the police jurisdiction, in which its principal business office is located, such as a retail store, outlet, business office, showroom, or warehouse, to which employees and/or independent contractors are assigned or located during regular normal working hours.

(ii) The taxpayer must maintain books and records, which reasonably indicate a segregation or allocation of the taxpayer's gross receipts to the particular facility or facilities.

(iii) The taxpayer must provide proof that separate telephone listings, signs, and other indications of its separate activity are in existence.

(iv) Billing and/or collection activities relating to the business conducted at the branch office or offices are performed by an employee or other representative of the taxpayer who has such responsibility for the branch office.

(v) All business claimed by a branch office or offices must be conducted by and through said office or offices.

(vi) The taxpayer must supply proof that all applicable business licenses with respect to the branch office or offices have been issued.

(d) Nothing herein shall be construed as exempting businesses from payment of a license on the basis of a lack of physical location.

**SECTION 5. RESTRICTION ON TRANSFER OF LICENSE.**

No license shall be transferred except with the consent of the City Council or other governing body of the municipality or of the city clerk or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the City more

than once during a license year and never from one taxpayer to another. A mere change in the owner's name or the form of organization such as change to a corporation, partnership, limited liability company, or other form of legal entity now or hereafter recognized by the laws of Alabama shall not constitute a transfer for purposes of this chapter, unless (1) the change requires the taxpayer to obtain a new federal employer identification number or Department of Revenue taxpayer identification number or (2) the subject license is one for the sale of alcoholic beverages. Nothing in this section shall prohibit the City from requiring a new business license application and approval for an alcoholic beverage license.

**SECTION 6. UNLAWFUL TO DO BUSINESS WITHOUT A LICENSE.**

It shall be unlawful for any person, taxpayer, or agent of a person or taxpayer to engage in businesses or vocations in the City, or in the police jurisdiction if the business license tax is levied in the police jurisdiction, without first having procured a license. A violation of this division of the ordinance passed hereunder fixing a license shall be punishable by a fine not to exceed the sum of five hundred dollars (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

6

**SECTION 7. LICENSE MUST BE POSTED.**

Every license shall be posted in a conspicuous place, where said business, trade, or occupation is carried on, and the holder of the license shall immediately show same to the designee of the City upon being requested to do so.

**SECTION 8. DUTY TO FILE REPORT.**

(a) It shall be the duty of every person subject to the license tax to render to the City on such forms as may be required, a sworn statement showing the total business done, amount of sales, gross receipts and gross sales, stock, value of furniture and other equipment, capital invested, number of helpers or employees, amount of space occupied, or other factor described in the schedule, one or several, as the case may require, for the ascertainment of the classification of such person for license taxation purposes and the correct amount of license tax to which he is subject.

(b) If the City determines that the amount of business license tax reported or remitted with any business license remittance form is incorrect, if no business license remittance form is filed within the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the correct amount of business license tax, including any applicable penalty and interest.

(c) The City shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class U.S. mail or certified U.S. mail with return receipt requested, or, in the sole discretion of the municipality, deliver the preliminary assessment to the taxpayer by personal delivery.

(d) If the amount of business license tax remitted by the taxpayer is undisputed by the City, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipality shall enter a final assessment for the amount of tax due, plus any applicable penalty and interest.

(e) (1) If a taxpayer disagrees with a preliminary assessment as entered by the City, the taxpayer shall file a petition for review with the municipal revenue officer within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives and the representatives of the City to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to their respective positions. The license officer shall issue findings of fact and law within sixty (60) days following the conference, which shall promptly upon issuance be mailed or delivered to the taxpayer, consistent with the procedures set forth in subsection (d) above.

(2) If the taxpayer disagrees with the license officer's findings of fact or law, the taxpayer may appeal to the city council by filing a notice of appeal with the city clerk within thirty (30) days after the findings have been issued. The appeal shall be in writing and shall set forth in sufficient detail the grounds on which the taxpayer disagrees with the license officer's findings of fact or law.

(3) If a petition for review: (a) is not timely filed, or (b) is timely filed and upon further review the license officer or the administrative hearings officer or the City Council, as the case may be, determines that the preliminary assessment is due to be upheld in whole or in part, the City shall make the

7

assessment final in the amount of business license tax due as computed by the City, with applicable penalty and interest.

(4) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address (i) by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments of business license tax of five hundred dollars (\$500.00) or less, or (ii) by certified U.S. mail with return receipt requested in the case of assessments of business license tax of more than five hundred dollars (\$500.00). In either case, at the option of the City a copy of the final assessment may be delivered to the taxpayer by personal delivery.

#### **SECTION 9. DUTY TO PERMIT INSPECTION AND PRODUCE RECORDS.**

Upon demand by the designee of the City, it shall be the duty of all licensees to:

(a) Permit the designee of the City to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said designee to gain such information as may be necessary or convenient for determining the proper license classification and determining the correct amount of license tax;

(b) To furnish information during reasonable business hours, at the licensee's place of business, in the City or the police jurisdiction if the business license tax is levied in the police jurisdiction, all books of account, invoices, papers, reports, and memoranda containing entries showing amount of purchases, sales receipts, inventory, and other information from which the correct license tax classification of such person may be ascertained and the correct amount of license tax to which

he is subject may be determined, including exhibition of bank deposit books, bank statements, copies of sales tax returns to the State of Alabama, copies of Alabama income tax returns, and copies of federal income tax returns.

**SECTION 10. UNLAWFUL TO OBSTRUCT OR PROVIDE FALSE INFORMATION.**

It shall be unlawful for any person, or for any agent, servant, or employee of such person, to fail or refuse to perform any duty imposed by this Ordinance; nor shall any person, agent, servant, or employee of such person obstruct or interfere with the designee of the City in carrying out the purposes of this Ordinance. It shall be unlawful for any person to knowingly and willfully provide false information, either written or verbal, to the city clerk, license inspector, or any other employee or agent of the City for the purpose of defrauding the City by procuring a license for a less sum than is lawfully due for said license.

**SECTION 11. PRIVACY OF INFORMATION.**

(a) It shall be unlawful for any person connected with the administration of this Ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports, and memoranda of the taxpayer made pursuant to the provisions of this Ordinance, except to the mayor, the municipal attorney, or others authorized by law to receive such information described herein.

(b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer of any part of the license form, of any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the City, or upon order of any court, or as otherwise noted in this Ordinance.

(c) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes and

8

licenses may be disclosed to the City Council upon their written request through the Mayor's office. It shall be unlawful for any person to violate the provisions of this section.

**SECTION 12. FAILURE TO FILE ASSESSMENT.**

(a) In any case where a person subject to paying a license tax as provided herein fails to do so, the municipal designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.

(b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount of any such assessment, and of his right to appear before the municipal governing body or its designated hearing officer(s) on a day named not less than twenty (20) days from the date of notice and to show cause why such assessment shall not be made final. Such appearance may be made by agent or attorney.

(c) If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount as is determined by the municipality to be correct. If upon such hearing the municipal designee finds a different amount due than that originally assessed, he/she shall

make the assessment final in the correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.

(d) A notice by the United States mail, addressed to the taxpayer's last known place of business, shall be sufficient. Any assessment made by the designee of the municipality shall be prima facie correct upon any appeal.

**SECTION 13. LIEN FOR NON-PAYMENT OF LICENSE TAX.**

On all property, both real and personal, used in the business, the City shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by Section 11-51-96, *Code of Alabama, 1975*.

**SECTION 14. CRIMINAL PENALTIES.**

Any person found guilty of violating any of the provisions of this Ordinance shall be fined in an amount not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), and may also be sentenced to imprisonment for a period not exceeding six (6) months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

**SECTION 15. CIVIL PENALTIES.**

In addition to the remedies provided by Section 11-51-150, *Code of Alabama, 1975*, et seq., the continued or recurrent performance of any act or acts within the City's corporate limits, or within the police jurisdiction if the business license tax is levied in the police jurisdiction, for which a license may be revoked or suspended under this Ordinance is hereby declared to be detrimental to the health, safety, comfort, and convenience of the public and is a nuisance. The City, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

**SECTION 16. PENALTIES AND INTEREST.**

(a) All licenses not paid within thirty (30) days from the date they fall due shall be increased by fifteen percent (15%) for the first thirty (30) days they shall be

9

delinquent, or fraction thereof, and shall be measured by an additional fifteen percent (15%) for a delinquency of sixty (60) or more days, but this provision shall not be deemed to authorize the delay of thirty (30) days in the payment of the license due, which may be enforced at once.

(b) In the case of persons who began business on or after the first day of the calendar year, the license for such "new business" shall be increased by fifteen percent (15%) for the first fifteen (15) days they shall be delinquent, and shall be measured by an additional fifteen percent (15%) for a delinquency of forty-five (45) days or more.

(c) All delinquent accounts (both license taxes and penalties) shall also be charged simple interest at the rate of one percent (1%) per month.

**SECTION 17. PROSECUTIONS UNAFFECTED.**

The adoption of this Ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any Ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this Ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this Ordinance be affected in any manner by its

adoption.

**SECTION 18. PROCEDURE FOR DENIAL OF NEW APPLICATIONS.**

- (a) The City Clerk or his or her designee shall have the authority to investigate all applications and may refer any application to the city council for a determination of whether such license should or should not be issued.
- (b) If the city council denies the issuance of any license referred to it, the city clerk shall promptly notify the applicant of the city council's decision.
- (c) If said applicant desires to appear before the city council to show cause why such license should be issued, he shall file a written notice with the city clerk, said notice to be filed within two (2) weeks from the date of mailing by the city clerk of the notice of the denial of such license by the city council.
- (d) Upon receipt of said notice, the city clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the city council and shall give the notice of the date, time, and place of said hearing to the applicant.
- (e) The applicant shall be given the opportunity to appear personally, or through his/her counsel, or both, and the city council shall proceed to hear any evidence which may be presented both for and against the issuance of said license.
- (f) If the city council determines from the evidence presented that in order to either provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort, and convenience of the inhabitants of the City said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fees.

**SECTION 19. PROCEDURE FOR REVOCATION/SUSPENSION OF LICENSE.**

- (a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the city council for the violation by the licensee, his agent, servant, or employee of any provision of this Ordinance or of any ordinance of the

10  
City, or any statute of the State of Alabama relating to the business for which such license is issued; and shall also be subject to revocation by the city council if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the City or any criminal law of the State of Alabama; and shall also be subject to revocation by the city council if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive, or other misleading information or omission of material fact.

- (b) The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.
- (c) The city council shall set a time for hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing the city council shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation of the refusal of renewal, as the case may be.

**SECTION 20. REFUNDS ON OVERPAYMENTS.**

- (a) Any taxpayer may file a petition for refund with the City for any overpayment of business license tax erroneously paid to the City. If a final assessment for the tax has been entered by the City, a petition for refund of all or a portion of the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.
- (b) A petition for refund shall be filed with the City within two years from the date of payment of the business license tax, which is the subject of the petition.
- (c) The City shall either grant or deny a petition for refund within six months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the City. The taxpayer shall be notified of the City's decision concerning the petition for refund by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. If the City fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.
- (d) If the petition is granted or the City or a court otherwise determines that refund is due, the overpayment shall be promptly refunded to the taxpayer by the City, together with interest to the extent provided for in Section 11-51-192 of the *Code of Alabama*. If the City determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the City against any outstanding tax liabilities due and owing by the taxpayer to the City, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the City, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.
- (e) A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the Clerk of the Circuit Court of Jefferson County, Alabama. Said notice of appeal must be filed within two years from the date the petition was denied. The Circuit Court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the Circuit Court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

11

#### **SECTION 21. DELIVERY LICENSE.**

- (a) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the City if the taxpayer meets all of the following criteria:
- (1) Other than deliveries, the taxpayer has no other physical presence within the City or its police jurisdiction if the business license tax is levied in the police jurisdiction
  - (2) The taxpayer conducts no other business in the City other than delivering merchandise and performing the requisite set-up and installation of said merchandise;
  - (3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in the City,

and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer.

(4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars (\$75,000) during the license year.

(5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered;

(6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within ten (10) days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all appropriate business licenses from the City and without regard to this section.

(b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the City to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of common carrier shall be counted against the seventy-five thousand dollar (\$75,000) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the City using a delivery vehicle other than a common carrier.

(c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.

(d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.

(e) The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the City for the purposes of the taxes levied by or under the authority of Title 40 of the *Code of Alabama* or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the City.

12

## **SECTION 22. LICENSE CLASSIFICATION CODES.**

Businesses shall be assigned to one of the following license classification codes.

For codes marked with an asterisk (\*), refer to Section 23, License Fee Schedules, for additional information and regulations.

### **NAICS FEE SCHEDULE**

#### **CODE TITLE UNDER SECTION 23**

##### **Section 22.01 "A"**

541219 Accountants, Auditors, CPA's 60

623120 Adult Day Care 40

541800 Advertising: Newspapers, magazines, other publications, 70a  
radio, television, other electronic media

541801 Advertising: Billboards/Outdoor 70b

541802 Advertising: Other than 541800 and 541801 70c

621910 Ambulance Services 40

713900 Amusement and Recreation – General Public 61\*

713901 Amusement and Recreation – Private Establishment 62\*

811412 Appliance Repair 40  
443111 Appliance Store 30  
541310 Architect 60  
561613 Armored Car Services 40  
623400 Assisted Living Residence 69  
ATM's, Bank-Owned (See "Banks-ATM") 21  
541110 Attorney 60  
561930 Auctioneer Not Licensed by State 76\*  
441100 Automobile Dealer, New or Used 34\*  
522220 Automobile Finance 20  
811121 Automobile Paint and Body 40  
811111 Automobile/Other Vehicle Repair and Maintenance 40  
532110 Automobile Rental/Leasing 40  
441310 Automotive Parts and Accessories Stores 30  
Section 22.02 "B"  
561460 Bail Bonding 73\*  
311812 Bakery, Commercial 30  
445291 Bakery Products, Retail 30  
422420 Bakery Products, Wholesale 30  
522110 Bank-Main Office 21  
522111 Bank-Branch Office 21  
522112 Bank-ATM 21  
812111 Barber Shop 41\*  
812112 Beauty Salon 41\*  
422810 Beverage Wholesaler: Non-Alcoholic Drinks 30  
Billboards/Outdoor Advertising (See "Advertising")  
441222 Boat Dealer 30  
451211 Book Store 30  
713950 Bowling Alley 61\*  
236000 Building Construction, General Contractor 10  
444190 Building and Construction Materials 30  
561400 Business Services Center (Document Preparation, 30  
Copying, Private Mail Service, Package Mailing, etc.)  
445210 Butcher Shop, Meat Market 30  
13  
Section 22.03 "C"  
337101 Cabinetmaker, Retail or Wholesale 30  
337100 Cabinetmaker, Contractor 10  
237130 Cable Television – Installers of Wires/Cables 10  
811192 Car Wash 40  
238350 Carpentry Finish/Trimwork Contractor 10  
561740 Carpet and Upholstery Cleaning 40  
487120 Carriage Rides 75\*  
722320 Caterer 40  
812220 Cemeteries and Crematories 30  
327122 Ceramic Wall and Floor Tile Manufacturer 30

621310 Chiropractor 60  
448140 Clothing and Accessories, Retailer 30  
424300 Clothing and Accessories, Wholesaler 30  
334111 Computer and Electronics Manufacturer 30  
541511 Computer Programming 40  
811212 Computer and Office Machine Repair and Service 40  
443120 Computer and Software Sales 30  
611420 Computer Training 40  
238110 Concrete Contractor 10  
453310 Consignment Shop, Used Merchandise 30  
541600 Consulting Services: Business, Management, Marketing, 40  
Professional, Technical, Scientific, Other  
238999 Contractor, Unclassified 10  
446120 Cosmetics and Beauty Supplies 30  
522999 Credit Mediation and Consulting Services 40  
Section 22.04 "D"  
424430 Dairy products, Wholesaler 30  
812103 Day Spa 40  
492266 Delivery Service, Business Located in City 66\*  
492267 Delivery-Only, Business Located Outside City 67\*  
238915 Demolition and Wrecking Contractor 10  
339114 Dental Equipment and Supplies Manufacturing 30  
621210 Dentist 60  
452111 Department Store (except Discount Department Store) 30  
621492 Dialysis Center 60  
454390 Direct Sales 30  
452112 Discount Department Store 30  
812320 Drycleaner and Laundry Service 40  
812310 Drycleaner and Laundry, Coin-operated 40  
238310 Drywall, Acoustical, and Insulation Contractor 10  
Section 22.05 "E"  
238210 Electrical Contractor, Electrician 11\*  
443125 Electronic Equipment Sales (Audio Systems, ATM's, 30  
Cash Registers, Bankcard Equipment, etc.)  
443112 Electronics/Radio/TV Store 30  
811211 Electronics/TV Repair 40  
561310 Employment Agency 40  
541330 Engineer 60  
423400 Equipment and Machinery Wholesaler: Commercial, 30  
Professional, Industrial  
238910 Excavation, Site Preparation Contractor 10  
561710 Exterminating and Pest Control Services 40  
14  
Section 22.06 "F"  
238600 Fence Contractor 10  
525999 Financial Services, Unclassified 20

713940 Fitness, Exercise, and Recreational Sports Center 40  
453312 Flea Market 30  
238330 Flooring Contractor 10  
442210 Floor Covering Store 30  
453110 Florist 30  
424930 Flowers, Nursery Stock, and Florist Supplies, Wholesale 30  
316210 Footwear Manufacturer 30  
532220 Formal Wear and Costume Rental 40  
238130 Framing Contractor 10  
812210 Funeral Homes and Funeral Services 40  
Furnace Installation/Repair Contractor 12  
(See “HVAC Contractor”)  
Furniture Rental Center (See “Rental and Leasing: 40  
Household Furnishings, Furniture, and Appliances”)  
811420 Furniture Repair and Upholstery 40  
442110 Furniture and Beds Retailer 30  
423210 Furniture Wholesaler 30  
Section 22.07 “G”  
444215 Gardening Equipment, Mowers 30  
447110 Gasoline/Petroleum Products, Retail 35a  
422720 Gasoline/Petroleum Products, Wholesale 35b  
452990 General Merchandise Stores 30  
453220 Gift, Collectibles, Novelty, and Souvenir Stores 30  
238150 Glass and Glazing Contractor 10  
713910 Golf Course/Country Club – Private 61\*  
713911 Golf Course – Public 62\*  
445110 Grocery Store 30  
Section 22.08 “H”  
444130 Hardware Store 30  
237300 Highway, Street, and Bridge Construction Contractor 10  
811411 Home and Garden Equipment Repair and Maintenance 40  
444110 Home Centers 30  
442200 Home Furnishings 30  
621610 Home Health Care Services 40  
532291 Home Health Equipment Rental 40  
812998 Home Occupation/Office 42\*  
622110 Hospital 69  
721110 Hotels, Motels, Lodging 40  
238920 House Moving/Wrecking 13\*  
238221 HVAC Contractor, Furnace Work, Steam Fitting, 12  
Sheet Metal Work, Insulating  
333415 HVAC Manufacturer 30  
Section 22.09 “I”  
722214 Ice Cream Parlor 30  
722331 Ice Cream Truck 30  
524120 Insurance Company, Fire and Marine 26

524121 Insurance Company, Other than Fire and Marine 27  
541410 Interior Decorator and Design Services 40  
519113 Internet and Website Services 40  
15  
523000 Investment Activities (Investment Banking, Securities 20  
Dealing, Securities Brokerage, Portfolio Management,  
Investment Advising, Trust/Fiduciary Activities, etc.)  
Section 22.10 "J"  
561720 Janitorial Services, Commercial and Residential 40  
811500 Jewelry Repair 40  
448310 Jewelry Store 30  
Section 22.11 "K"  
Reserved  
Section 22.12 "L"  
561730 Landscaping Contractor 10  
561731 Landscaping Services 40  
812330 Laundry and Linen Supply, Commercial and Industrial 40  
485320 Limousine Service 40  
454312 Liquefied Petroleum (LP) Gas Dealers 30  
561622 Locksmith 40  
Section 22.13 "M"  
332710 Machine Shop 74  
811310 Machinery and Equipment Repair and Maintenance, 40  
Commercial and Industrial  
454113 Mail-Order House 30  
812031 Manicure/Pedicure Salon 40  
422120 Manufacturer's Representative/Salesperson, 31  
Merchandise Broker  
339999 Manufacturing/Industrial, Unclassified 74\*  
238140 Masonry and Stonework Contractors 10  
238230 Mechanical Equipment Installation Contractor 10  
446192 Medical Equipment and Supplies 30  
339100 Medical Equipment and Supplies Manufacturer 30  
Medical Equipment and Machinery Rental and Leasing 40  
(See "Rental and Leasing: Medical Machinery  
and Equipment")  
423450 Medical, Dental, and Hospital Equipment and 30  
Supplies Wholesaler  
453999 Merchant, Unclassified 30  
561800 Meter Reading for Utility Companies 40  
531130 Mini-Warehouses, Self-storage Units 40  
531111 Mobile Home Park Lessor/Operator 52  
522200 Money Brokers (Cash Advance Lending, Check Cashing 22  
Services, Personal/Unsecured Lending, Pawn Shops,  
Title Pawn/Lending, Payday Advance Lending, etc.)  
522292 Mortgage Company 20

441221 Motorcycle, ATV Dealer 30  
811115 Motorcycle, ATV Repair Shop 40  
812992 Moving Company 40  
451140 Musical Instrument and Supplies Store 30  
16  
Section 22.14 “N”  
812113 Nail Salon 40  
451212 News Dealers and News Stands 30  
511110 Newspaper Publisher: Sales 30  
Newspaper Publisher: Advertising (See “Advertising”)  
444220 Nursery, Garden Center, and Farm Supply Stores 30  
623110 Nursing Home 69  
Section 22.15 “O”  
561110 Office Administrative Services 72\*  
453210 Office Supplies and Stationery Stores 30  
811191 Oil Change Shop 40  
621321 Ophthalmologist 60  
446130 Optical and Hearing Aids Store 30  
621320 Optometrist 60  
621400 Outpatient Care Center 60  
Section 22.16 “P”  
444120 Paint, Wallpaper, and Wall Coverings Sales 30  
238320 Painting and Wall Covering Contractors 10  
424100 Paper Products, Wholesale 30  
237301 Paving Contractor 10  
324121 Paving Products, Manufacturer 30  
541214 Payroll Services 40  
454399 Peddler, Itinerant Dealer 32\*  
511120 Periodical Publisher: Sales 30  
Periodical Publisher: Advertising (See “Advertising”)  
812910 Pet Care (except Veterinary) Services 40  
453910 Pet Shop-Pets and Pet Supplies 30  
446110 Pharmacies and Drug Stores, Retail 30  
541920 Photography 30  
621111 Physician 60  
238220 Plumber, Plumbing/Gas Fitting Contractor 14\*  
621391 Podiatrist 60  
323100 Printing 30  
561611 Private Investigation Services, Detective Agency 40  
Privately Owned Schools (See “Schools”)  
561465 Probation Services, Privately Owned 40  
541999 Professions, Unclassified 60  
Section 22.17 “Q”  
Reserved  
Section 22.18 “R”  
531210 Real Estate Brokerage Office 51

531320 Real Estate Appraiser 40  
531100 Real Estate Rental or Leasing 52  
531199 Real Estate: Other Activities not listed 52  
611415 Real Estate School 68  
441210 Recreational Vehicles (RV) Sales 30  
532200 Rental and Leasing: Household Furnishings, Furniture, 40  
and Appliances  
532420 Rental and Leasing: Office Machinery and Equipment 40  
532430 Rental and Leasing: Medical Machinery and Equipment 40  
17  
532230 Rental and Leasing: Games, Movies, Videos 40  
532120 Rental and Leasing: RV's, Trucks, Utility Trailers 40  
623200 Residential Care Facility 69  
722211 Restaurant, Carryout and Fast Food 30  
722110 Restaurant, Full Service Facility 30  
423425 Restaurant Equipment and Supplies, Wholesale 30  
312141 Retail Liquor, On-Premises Only 04  
312121 Retail Beer, On/Off-Premises 06  
312131 Retail Table Wine, Off-Premises Only 05  
312132 Retail Table Wine, On-Premises Only 04  
238160 Roofing Contractor 10  
324122 Roofing Shingles, Manufacturer 30  
Section 22.19 "S"  
611611 Schools: Dance 68  
611612 Schools: Daycare, Preschool 68  
611610 Schools: Fine Arts 68  
611699 Schools: All Other Privately Owned 68  
561612 Security Guards, Patrol Services 40  
561621 Security Systems Services 40  
562991 Septic Tank Service 40  
812999 Services, Unclassified 40  
561430 Shipping Service 40  
811430 Shoe Repair 40  
448210 Shoe Store 30  
238170 Siding Contractor 10  
339950 Sign Manufacturer 30  
451110 Sporting Goods Store 30  
611620 Sports and Recreation Instruction 40  
332312 Structural Fabrication 74  
238120 Structural Steel and Precast Concrete Erection Contractor 10  
452910 Super Centers, Warehouse Clubs 30  
541370 Surveying of Land and Mapping Services 60  
713970 Swimming Club – Private 62\*  
238400 Swimming Pool Construction Contractor 10  
Section 22.20 "T"  
812120 Tailor 40  
812114 Tanning Salon 40

541213 Tax Preparation 60  
611613 Tax Preparation School 68  
812340 Taxidermy Services 40  
485310 Taxi Service 40  
517110 Telephone, Local Service 64  
517111 Telephone, Long Distance 64  
512131 Theaters 61\*  
238340 Tile, Marble, Terrazzo and Mosaic Contractors 10  
441320 Tire Shop 30  
453991 Tobacco Shop 30  
424940 Tobacco Wholesaler 30  
561520 Tour Operator 40  
485410 Towing and Recovery of Motor Vehicles 40  
561510 Travel Agency 40  
Section 22.21 "U"  
999999 Unclassified 99\*  
18  
515210 Utilities: Cable Television 65  
221210 Utilities: Natural Gas 63  
221122 Utilities: Electricity 63  
221310 Utilities: Water 63  
Utility Meter Reading Contractors  
(See "Meter Reading for Utility Companies")  
Section 22.22 "V"  
811130 Vehicle Customization 40  
454211 Vending Machines: Snacks, Candy, Chips, etc. 33a\*  
454212 Vending Machines: Drinks 33b\*  
454213 Vending Machines: Games, Video, etc. 33c\*  
454214 Vending Machines: Music, Jukeboxes 33d\*  
454215 Vending Machines: Packaged Cigarettes 33e\*  
541940 Veterinarian 60  
Section 22.23 "W"  
562111 Waste Management Company 40  
237110 Water and Sewer Lines/Irrigation Systems Contractor 10  
238360 Waterproofing Contractor 10  
812230 Wedding Chapel 40  
812235 Wedding Director/Planner 40  
812191 Weight Loss Center 40  
238500 Welding Contractor 10  
424810 Wholesale Beer 01  
424400 Wholesale Food and Grocery Sales 30  
424820 Wholesale Wine 02  
424821 Wholesale Liquor 03  
423999 Wholesalers, Durable Goods, Unclassified 30  
424999 Wholesalers, Non-Durable Goods, Unclassified 30  
442291 Window Treatment Store 30

Section 22.24 “X”

Reserved

Section 22.25 “Y”

Reserved

Section 22.26 “Z”

Reserved

19

Section 22.27. In the event a business applies for a license to engage in a business activity that is not specifically listed in Subsections 22.01 through 22.26 herein, the City Clerk or his or her designee shall determine the appropriate NAICS code using the NAICS sectors defined in the Business License Reform Act (Act 2006-586) or in the 2002 North American Industrial Classification System listing, whichever is most applicable, and shall assign such business to the classification that is most similar to the proposed business activity. The procedure and criteria for such assignment shall be as follows:

(1) The type of proposed business activity shall be determined.

(2) The first three (3) digits of the NAICS code that best describes the activity shall be used to identify a classification listed in Subsections 22.01 through 22.26 that has the same first three NAICS digits, and the business shall be assigned to that classification.

a. In the event this procedure results in more than one applicable classification from Subsections 22.01 through 22.26, and if the payment schedules for the applicable classifications are the same, then the City Clerk or license clerk may use his or her discretion in making the assignment.

b. In the event this procedure results in more than one applicable classification from Subsections 22.01 through 22.26, and if the payment schedules are different, then the highest applicable payment schedule shall be assigned to the business.

(3) In the event the business cannot be classified using this procedure, then the business shall be assigned the license classification 999999, Unclassified. The license fee to be collected at that time will be \$100.00 plus the applicable issuance fee.

(4) If the determination of the proper classification as set forth in Section 22.27(1) through 22.27(3) is made by the City Clerk’s designee or license clerk, the classification assignment shall be subject to review by the City Clerk as soon as practicable.

(5) Upon review by the City Clerk, the NAICS classification code and fee schedule assigned by the City Clerk’s designee or license clerk may be approved by the City Clerk or may be modified, and such code and fee shall become part of the permanent license schedule of the City.

(6) In the event the NAICS classification code and fee schedule are changed by the City Clerk, the modified code and fee schedule will apply to the business immediately, and the difference between the amount due under the modified fee schedule and the amount paid upon issuance of the license, if any, shall be due and payable immediately.

20

**SECTION 23. LICENSE FEE SCHEDULES.**

Businesses shall be assigned to one of the following license fee schedules:

**23.01 – 23.09: ALCOHOLIC BEVERAGES**

As authorized by Section 28-3A-21, *Code of Alabama, 1975.*

23.01 Wholesale - Beer, Malt, and Brewed Beverages .....	\$250.00
23.02 Wholesale - Wine .....	\$75.00
23.03 Wholesale - Liquor .....	\$250.00
23.04 Retail - Liquor and Wine – On-Premises Consumption .....	\$75.00
23.05 Retail - Table Wine - Off-Premises Consumption Only .....	\$75.00
23.06 Retail - Beer, Malt, and Brewed Beverages – On-Premises and Off-Premises Consumption .....	\$50.00

**23.07 Reserved**

**23.08 Reserved**

**23.09 Reserved**

**23.10 – 23.19 CONTRACTORS AND SUBCONTRACTORS**

**23.10 Builders, Framers, Roofers, Painters, Siding, Flooring, Landscaping, Concrete, Excavators, Pavers, Other**

Gross Receipts License Fee

\$0 - \$40,000	\$200.00
\$40,001 - \$60,000	\$250.00
\$60,001 - \$100,000	\$300.00
\$100,001 - \$150,000	\$350.00
\$150,001 - \$200,000	\$400.00
\$200,001 - \$250,000	\$450.00
\$250,001 - \$300,000	\$500.00
\$300,001 - \$500,000	\$600.00 on the first \$300,000 plus 10/1,000 of 1% of receipts in excess of \$300,000
\$500,001 - \$1,000,000	\$620.00 on the first \$500,000 plus 15/1,000 of 1% of receipts in excess of \$500,000
\$1,000,001 - \$2,500,000	\$695.00 on the first \$1,000,000 plus 20/1,000 of 1% of receipts in excess of \$1,000,000
\$2,500,001 - \$5,000,000	\$995.00 on the first \$2,500,000 plus 25/1,000 of 1% of receipts in excess of \$2,500,000
\$5,000,001 and above	\$1,620.00

**23.11 Electricians**

No. of Employees

Employed in City License Fee

1-2	\$100.00
3-4	\$150.00
5-9	\$200.00
10-14	\$300.00
15 and above	\$400.00

21

In addition, each person or business applying for a license as an electrician shall provide a current and valid master electrician card issued by the State of Alabama or by Jefferson County (Alabama) before said license shall be issued.

**23.12 HVAC, Furnace Work, Steam Fitters, Sheet Metal, Insulating**

Gross Receipts License Fee

\$0 - \$50,000 \$100.00

\$50,001 - \$100,000 \$150.00

\$100,001 and above \$300.00

**23.13 House Movers and House Wreckers ..... \$150.00**

Licensee must follow all regulations administered by all City departments pertaining to house moving and house wrecking.

**23.14 Plumbers, Gas Fitters**

No. of Employees

Employed in City License Fee

1-3 \$100.00

4-5 \$150.00

6-9 \$200.00

10-14 \$300.00

15 and above \$400.00

In addition, each person or business procuring a plumbing contractors license shall furnish evidence of bond in the amount of \$2,500 indemnifying the City. Further, each person or business applying for a license as a plumber or gas fitter shall provide a current and valid master plumber card or master gas fitter card, as applicable, issued by the State of Alabama or by Jefferson County (Alabama) before said license shall be issued.

**23.15 Reserved**

**23.16 Reserved**

**23.17 Reserved**

**23.18 Reserved**

**23.19 Reserved**

**23.20 - 23.29 FINANCIAL SERVICES AND INSURANCE**

**23.20 Mortgage Lending, Automobile Financing Companies, Investments, Credit Mediation, Other**

1/5 of 1% of gross receipts, with a minimum license fee of \$100.00

**23.21 Banks and Bank-Owned ATM's**

In accordance with Section 11-51-130, *Code of Alabama, 1975*

Branch bank .....\$ 10.00

Bank-owned stand-alone ATM .....\$ 10.00

22

**23.22 Pawn Businesses, Title Loan Companies, Payday Lenders, Cash Advance Lenders, Personal Loan Companies, Purchasers of Notes or Sales Contracts, Other Money Brokers**

\$1,000.00 plus 1/5 of 1% of gross receipts

**23.23 Reserved**

**23.24 Reserved**

**23.25 Reserved**

**23.26 Insurance - Fire and Marine**

Per Section 11-51-120, *Alabama Code, 1975.*

\$4.00 per \$100.00 or major fraction thereof of gross premiums, less return premiums, on policies issued during the preceding year on property located in the City.

**23.27 Insurance - Other Than Fire and Marine**

Per Section 11-51-121, *Alabama Code, 1975.*

\$20.00 plus \$1.00 per \$100.00 and major fraction thereof of gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of the City.

**23.28 Reserved**

**23.29 Reserved**

**23.30 - 23.39 MERCHANTS**

**23.30 Merchants**

Gross Receipts License Fee

\$0 - \$100,000 \$100.00

\$100,001 - \$200,000 \$100.00 on the first \$100,000 plus 1/10 of 1% of receipts in excess of \$100,000

\$200,001 - \$500,000 \$200.00 on the first \$200,000 plus 1/8 of 1% of receipts in excess of \$200,000

\$500,001 - \$5,000,000 \$575.00 on the first \$500,000 plus 8/40 of 1% of receipts in excess of \$500,000

\$5,000,001 - \$10,000,000 \$9,575.00 on the first \$5,000,000 plus 9/40 of 1% of receipts in excess of \$5,000,000

\$10,000,001 and above \$20,825.00 on the first \$10,000,000 plus 10/40 of 1% of receipts in excess of \$10,000,000

**23.31 Manufacturers’ Representatives, Salespersons, Merchandise Brokers** maintaining an office within the Gardendale corporate limits shall pay a license under Schedule 23.30 above, except that licenses for such businesses shall be limited to a maximum as follows:

23

No. of Employees

Employed in City License Fee

1-2 \$100.00

3-5 \$200.00

6-10 \$500.00

11 and above \$800.00

**23.32 Peddlers and Itinerant Dealers**

Per day ..... \$10.00

Per calendar week (Sunday – Saturday) ..... \$30.00

Licensees under this Section must provide the City with a signed letter from the owner or operator of the property where the sales site will be located granting permission to the licensee to use his or her property for said peddling activities. In addition, licensees under this Section who peddle goods from a parked vehicle or from a temporary or portable stand, station, table, booth, tent, or similar structure shall be required to remove said vehicle or structure and all goods from the sales site at the end of each day and at any other time when it would otherwise be unattended.

A deposit of \$200.00 shall be required prior to issuing a license to sell Christmas trees and shall be returned only when the sales site has been cleared to the satisfaction of the Public Works department of the City of Gardendale.

Any license issued under this section is issued subject to the approval and regulations of the Gardendale Police Department and is subject to revocation for cause without

recourse.

**23.33 Merchants: Vending Machines**

Each business placing Vending Machines within the City shall pay a license under Schedule 23.30 above. Gross receipts from vending machines owned or operated by the business where the machines are located shall be included in the gross receipts of said business. An additional Vending Machine license shall be required per machine as follows:

- a. Candy, chips, crackers, sandwiches, other snacks .....\$5.00
- b. Drinks, juice, coffee, etc. .... \$2.00
- c. Video machines and game machines ..... \$25.00
- d. Machines that play music ..... \$15.00
- e. Packaged cigarettes ..... \$5.00

Coin-operated laundry equipment shall be licensed as a Service under Section 23.40.

**23.34 Merchants: Automobile Sales – New and Used**

Each business engaged in the business of selling new or used automobiles shall pay a license under Schedule 23.30 above, in addition to any other licenses assessed under this Ordinance.

Any person, firm, or business exhibiting more than three (3) automobiles for sale at any one time shall be deemed to be engaged in the business of selling automobiles and shall be subject to the license as required herein.

**23.35 Merchants: Gasoline and Other Motor Fuels**

a. Retail. Each business engaged in selling gasoline at retail shall pay a license of \$300.00 per year, plus \$50.00 for each nozzle set up whether in operation or not. In 24

addition, gross receipts from all retail sales, including gasoline sales, shall be subject to the Merchant license schedule under Schedule 23.30, and gross receipts from any services provided shall be subject to the Services license schedule under Section 23.40.

b. Wholesale. Each business engaged in selling gasoline at wholesale shall pay a license in the amount of 3/20 of 1% of gross receipts, less returns, with a minimum license of \$125.00.

**23.36 Reserved**

**23.37 Reserved**

**23.38 Reserved**

**23.39 Reserved**

**23.40 - 23.49 SERVICES**

**23.40 Services: General**

Each business providing a service where the gross receipts from the sale of all products and materials are less than one-half of the total gross receipts of the business shall pay a license as follows:

Gross Receipts License Fee

\$0 - \$50,000 2/5 of 1% of gross receipts

\$50,001 and above \$200.00 on the first \$50,000 plus 1/5 of 1% of gross receipts in excess of \$50,000

Minimum license amount for such business shall be ..... \$100.00

**23.41 Services: Barber Shops and Beauty Shops**

Barber shops and beauty shops shall pay a license fee of \$100.00 for three or less barbers

or beauticians, plus \$20.00 for each additional barber or beautician in excess of three, plus \$20.00 for each manicurist or pedicurist. Annual gross receipts of up to \$2,000.00 from the sale of cosmetic products and grooming aids shall be allowed under this license. A Merchant license, as provided under Schedule 23.30 above, shall be required on the sale of cosmetic products and grooming aids in excess of \$2,000.00.

**23.42 Home Occupations**

Home occupations shall be limited to an office or a business of a personal service nature, as set forth in the City's Zoning Ordinance, and must be approved in advance by the Inspections Services department, Board of Zoning Adjustment, or Planning and Zoning Board before a business license may be issued.

Home occupations shall pay a license fee under Schedule 23.40 (Services) herein unless the business is not of a personal service nature, in which case the City Clerk or his or her designee shall assign the business to the most appropriate license classification.

**23.43 Reserved**

**23.44 Reserved**

**23.45 Reserved**

25

**23.46 Reserved**

**23.47 Reserved**

**23.48 Reserved**

**23.49 Reserved**

**23.50 - 23.59 REAL ESTATE**

**23.50** Each business located outside the City engaged in the business of buying, renting, selling, or exchanging real property located in the City, whether as principal or agent, shall pay a license as follows:

No. of Persons Engaged in Business License Fee

1-2 \$100.00

Additional fee per person in excess of 2 \$100.00

**23.51 Brokerages Located in the City**

Each real estate firm located in the City having a broker's license under the laws of the State of Alabama shall pay a license in the amount of \$100.00, plus an additional amount of \$100.00 per real estate agent or salesperson engaged in connection with said firm.

**23.52 Rentals**

Each business renting or leasing buildings, land, apartments, hotels, motels, shopping centers, office space, or other real property, either directly or through an agent or other representative, shall pay a license of 1/10 of 1% of gross receipts from said rentals in excess of \$3,000.00, with a minimum license of \$100.00.

**23.53 Reserved**

**23.54 Reserved**

**23.55 Reserved**

**23.56 Reserved**

**23.57 Reserved**

**23.58 Reserved**

**23.59 Reserved**

**23.60 - 23.99 OTHER CATEGORIES**

**23.60 Professions**

Each person and each member of a firm, partnership, or corporation engaged in any practice, vocation, or profession defined herein shall pay a license based on his or her gross sales, professional fees, and/or charges. Professions are those persons who must be specifically licensed individually by the State of Alabama to practice in said vocation, including, but not necessarily limited to, accountants, architects, attorneys, chemists, chiropractors, dentists, engineers, medical specialists, oculists, opticians, ophthalmologists, optometrists, osteopaths, pharmacists, physicians, surveyors, and veterinarians.

26

Professions shall pay a license of  $\frac{2}{5}$  of 1% of the first \$200,000 of gross receipts, with a minimum license of \$100.00.

### **23.61 Amusement and Recreation: Businesses Open to the General Public**

Amusement and recreation businesses open to the general public shall pay a license fee under Schedule 23.40 above. Such businesses shall include, but are not limited to, the operation of game machines, theater, bowling alley, pool tables (which requires prior approval by the city council), swimming pool, golf course, skating rink, etc.

Any business which is otherwise properly licensed under this Ordinance and which provides an amusement facility specifically for the use of its patrons shall not require an additional license under this Section, provided all receipts from the amusement facility are included when determining the primary license due.

### **23.62 Amusement and Recreation: Private Establishments**

Amusement and recreation businesses operated primarily for the use and enjoyment of its private members shall pay a license fee under Schedule 23.30 above. Such businesses shall include, but are not limited to, private country clubs, private golf courses, private tennis clubs, private swimming clubs, etc.

### **23.63 Utilities: Electricity, Water, Natural Gas**

Each person, firm, or corporation engaged in the business of supplying electrical power, water, or gas shall pay an amount equal to 3% of the gross receipts of the business transacted by such person, firm, or corporation in the City for the preceding year.

### **23.64 Utilities: Telephone**

Each person, firm, or corporation engaged in the business of operating a telephone exchange and/or a long distance telephone service shall pay a license on a per capita basis as set forth in Section 11-51-128, *Code of Alabama, 1975*.

### **23.65 Utilities: Cable Television**

Each person, firm, or corporation engaged in the business of transmitting television signals by wires or cables in the City, or installing wires or cables for such purpose, shall pay an amount equal to 3% of the gross receipts of the business transacted by such person, firm, or corporation in the City.

### **23.66 Delivery: Businesses Located in Gardendale**

Each business headquartered in the City engaged in the business of carrying merchandise, materials, packages, or other goods for hire or reward, and each business operating or maintaining a depot, station, or terminal facility in the City engaged in the business of carrying merchandise, materials, packages, or other goods for hire or reward, shall pay an amount equal to  $\frac{1}{10}$  of 1% of gross receipts.

**23.67 Delivery-Only Businesses Located Outside Gardendale** shall pay a license under Section 21 herein if said businesses qualify for a Delivery License as set forth in said

Section.

27

**23.68 Schools: Privately Owned and Operated**

Privately owned and operated schools of any kind, including, but not limited to, academic, business, colleges, beauty, barber, cosmetology, dance, kindergarten, and day care providers, shall pay a license of 2/5 of 1% of the first \$200,000 of gross receipts, with a minimum license of \$100.00.

**23.69 Hospitals, Nursing Homes, Assisted-Living Residences, Residential Care Facility**

Hospitals, nursing homes, assisted-living residences, and residential care facilities shall pay a license of 1/5 of 1% of gross receipts, with a minimum license of \$100.00.

**23.70 Advertising**

Businesses engaged in advertising in the City shall pay a license fee as follows:

- a. Advertising in newspapers, magazines, other publications, radio, television, other electronic media ..... \$200.00
- b. Outdoor/billboard advertising..... Shall pay a gross receipts license fee as set forth in Section 23.40
- c. Advertising not set forth in Section 23.70a and 23.70b ..... \$200.00

The license fee required under this Section shall be in addition to any other applicable license fee required by this Ordinance.

**23.71 Agents for Service Businesses**

Agents maintaining an office within the City and soliciting business for companies providing a service shall pay a license fee under Schedule 23.40 herein, with a minimum license of \$100.00

**23.72 Offices: General, Administrative**

Businesses maintaining an office in the City for the administrative support of their own business shall pay a license determined by the gross annual payroll of the Gardendale office in the amount of 1/5 of 1% of the gross annual payroll, with a minimum license of \$100.00.

No business shall be licensed under this Section for the purpose of avoiding paying a license fee on gross receipts provided under any other Section of this Ordinance.

**23.73 Bail Bonding**

Gross Receipts License Fee

- \$0 - \$3,000 \$ 50.00
- \$3,001 - \$5,000 \$ 75.00
- \$5,001 - \$7,500 \$100.00
- \$7,501 - \$100,000 \$125.00

In addition, bondsmen engaged in the business of procuring, signing, or making of bonds for appearance in the municipal court of the City of Gardendale, or bonds for appeal from said court, shall be subject to the provisions of Ordinance No. 89-04.

28

**23.74 Industrial & Manufacturing Operations**

Each business engaged in carrying on in the City any industry, foundry, fabricating plant, bridge building plant, boiler works, machine shop, metal finishing, plating, or treating plant, nut or bolt factory, pipe shop, radiator plant, bridge building or steel erection or other metal framework for buildings, cement factory or plant, stone quarry or crusher, coke or coal processing or by-products plant, or any other type or manufacturing or

related industrial operations shall pay a license fee of 1/10 of 1% of gross receipts, with a minimum of \$200.00.

**23.75 Operation of Horse-Drawn Carriage on City Streets ..... \$50.00**

In addition, licensees under this Section shall be subject to the provisions of Ordinance No. 87-04.

**23.76 Auctioneers Not Licensed and Bonded by State of Alabama**

Per day of each auction conducted ..... \$ 25.00

Per calendar week of each auction conducted ..... \$100.00

Applies only to auctions conducted by persons not licensed and bonded by the State of Alabama. Auctioneers licensed and bonded by the State of Alabama shall be exempt from City licensing, as provided by Section 34-4-6, *Code of Alabama, 1975*.

**23.77 – 23.98 Reserved**

**23.99 Unclassified**

In the event a business cannot be classified under Sections 23.01 through 23.98, then the business shall be assigned temporarily to this license classification. The license fee to be collected at the time of this classification shall be \$100.00 plus the applicable issuance fee. See Section 22.27 for additional information and procedures.

**SECTION 24. EXCHANGE OF INFORMATION.**

(a) The revenue officer may exchange tax returns, information, records, and other documents secured by the City with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with County or State authorities. The revenue officer may charge a reasonable fee for providing such information or documents. Any tax returns, information, records, or other documents so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under State or municipal law.

(b) Any such exchange shall be for one or more of the following purposes:

- (1) Collecting taxes due.
- (2) Ascertaining the amount of taxes due from any person.
- (3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for, the payment of any tax to a state, county, or municipal agency.

(c) Nothing herein shall prohibit the use of tax returns or tax information by the municipality in the proper administration of any matter administered by the

revenue officer. The revenue officer may also divulge to a purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor may be liable pursuant to the *Code of Alabama* Sections 40-23-25, 40-23-82, or 40-12-224.

**SECTION 25. ADMINISTRATIVE POLICIES AND PROCEDURES.**

The City Clerk is authorized to develop and implement policies, procedures, rules, and regulations so as to ensure the proper administration and enforcement of this Ordinance.

**SECTION 26. EFFECTIVE DATE.**

This Ordinance shall become effective on January 1, 2008, and shall remain in effect from year to year thereafter until revised or repealed.

**SECTION 27. SEVERABILITY.**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the City Council of the City of Gardendale without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 28. REPEALER.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**ADOPTED AND APPROVED** on this the 1st day of October, 2007.

**APPROVED:** \_\_\_\_\_

Kenneth A. Clemons, Mayor

**ATTEST:** \_\_\_\_\_

Keith A. Mosley, City Clerk