

ORDINANCE #2007-40

AMENDMENT TO ORDINANCE #2007-35
AMENDMENT TO ORDINANCE #2006-34

BE IT ORDAINED by the council of the Town of Valley Grande, Alabama that Ordinance #2007-35 be amended as follows:

WHEREAS THE LEGISLATURE OF THE STATE OF ALABAMA HAS PASSED ACT #586 REQUIRING THE ADOPTION OF SPECIFIC PROCEDURES FOR THE ISSUANCE OF BUSINESS LICENSES, THE TOWN OF VALLEY GRANDE HEREBY ADOPTS ACT #586 OF THE ALABAMA STATE LEGISLATURE IN ITS ENTIRETY BY REFERENCE WITH THE FOLLOWING DISCRETIONARY STIPULATIONS:

SECTION 1: Discretionary Stipulations

Valley Grande delivery licenses shall be available for companies with less than \$75,000.00 in annual gross receipts for deliveries made into Valley Grande for \$75.00 plus issuance fee.

Valley Grande shall use the Minimum Receipts License in lieu of the Small Vendor License.

A Minimum Receipts License shall be available to those businesses whose gross receipts for the preceding year do not exceed \$75,000.00 in business in Valley Grande. Calculation shall be made as follows:

Gross Receipts	\$0	-	\$25,000.00	=	.05%
Gross Receipts	\$25,001.00	-	\$75,000.00	=	.1%

Receipts in excess of \$75,000.00 shall be determined at the regular flat rate fee.

Where a single business derives gross receipts from multiple NAICS codes they shall not be required to consider those codes from which less than 35% of the total gross receipts are derived for business license fee purposes.

For classification purposes the official US Government NAICS Classification Codes shall be used.

SECTION 2: All businesses providing public services, i.e. electrical power, water, gas, communication, etc., shall be assessed at 3% (three percent) of gross receipts unless otherwise exempted by state or federal statutes, as provided in section 11-51-129 of the Code of Alabama.

SECTION 3: Flat Fee Business License Schedule

<u>TITLES / BUSINESS LICENSE CODES</u>		
<u>CODE</u>	<u>TITLE</u>	<u>SCHEDULE</u>
111	Farming agriculture, crop production, nursery, fruit, growers	\$75.00
112	Animals dairy, cattle, ranching, sheep, raising chickens, poultry	\$75.00
113	Forestry logging, forestry, timber track operations, timber mgt	\$75.00
114	Fishing & hunting hunting and trapping, finfish, shellfish, supplies	\$75.00
115	Agriculture support cotton gins, farm mgt, post-harvest activities	\$75.00
211	Oil and gas extraction natural gas liquid extraction, crude extraction	\$75.00
212	Mining (except for oil and gas) all related mining activities	\$75.00
213	Mining support services for oil and gas mining activities, oil/gas wells	\$75.00
221	Utilities Utilities, gas, electric, water, sewer, steam	11-51-129 (a)
236	Contractors general contractors, Comm. Bldg, residential, subdivisions	\$75.00
237	Contractors heavy construction, highway, bridge, street, water, sewer	\$75.00
238	Special Trade Contractors Construction, all special trades	\$75.00
311	Food mfg meat, seafood, grain, fruit, dairy, animal, poultry processing	\$75.00
312	Beverage mfg all types of soft drinks, bottled water, breweries, ice	\$75.00
313	Textile mfg fabric, yarn, carpet, canvas, rope, twine, fabric mills	\$75.00
314	Other mfg mill operations not covered in 313, rugs, linen, curtains	\$75.00
315	Apparel mfg women, men, children, hosiery, outerwear, accessories	\$75.00
316	Leather mfg shoes, luggage, handbag, related products, all footwear	\$75.00
321	Wood mfg sawmills, wood preservation, veneer, trusses, millwork	\$75.00
322	Paper mfg pulp, paper, and converted products, stationary, tubes, cores	\$75.00
323	Printing screen, quick, digital, books, lithographic, handbills, Comm..	\$75.00
324	Petroleum and coal mfg asphalt, grease, roofing, paving products	\$75.00
325	Chemical mfg	\$75.00

	of fertilizer, wood, pesticide, paint, soap, resin, plastic	
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326	Plastic & rubber mfg	\$75.00
	tires, pipe, hoses, belts, bottles, sheet, wrap, film	
327	Nonmetallic mfg	\$75.00
	glass, cement, lime, pottery, ceramic, brick, tile	
331	Primary metal mfg	\$75.00
	iron, steel, aluminum, wire, copper, foundries	
332	Metal fabrication	\$75.00
	cutlery, structural, ornamental, machine shops	
333	Machinery mfg	\$75.00
	office machinery, industrial, engines, farm, HVAC	
334	Computer & electronic mfg	\$75.00
	audio, video, circuit boards, peripherals	
335	Appliance mfg	\$75.00
	small appliance, lighting, electrical, battery, freezer	
336	Transportation mfg	\$75.00
	mfg auto, truck, trailer, motor home, boat, ship	
337	Furniture mfg	\$75.00
	cabinets, office, household, beds, medical, kitchen	
339	Miscellaneous mfg	\$75.00
	specialty mfg not defined in separate categories	
421	Wholesale trade	\$75.00
	durable, vehicle, machinery, equipment, furniture	
422	Wholesale trade	\$75.00
	non-durable, paper, apparel, grocery, beverages, dairy	
441	Motor vehicles & parts	\$75.00
	auto, motorcycles, boats, parts, accessories	
442	Furniture	\$75.00
	furniture, home furnishings, stores, floor coverings, window	
443	Electronic & Appliance store	\$75.00
	household, radio, television, computers	
444	Building materials	\$75.00
	hardware, paint, home center, wallpaper, nursery	
445	Food & beverage stores	\$75.00
	grocery, convenience store, markets	
446	Health care stores	\$75.00
	drug, pharmacy, cosmetic, optical, health food	
447	Gasoline Retail	\$75.00
	selling gasoline with or without convenience stores	
448	Clothing & Accessories	\$75.00
	men, women, children, infant, shoe, jewelry	
451	Sporting goods & hobbies	\$75.00
	toy, fish, gun, books, games	
452	General merchandise stores	\$75.00
	department, warehouse clubs, superstores	
453	Miscellaneous retailers	\$75.00
	florist, gift, novelty, pet, art, tobacco, used mdse	
454	Non-store retailers	\$75.00
	vending machine operators, direct selling, mail order	
481	Air transportation	11-51-124 (a)
	airline tickets, shipping, freight, charters service	
482	Rail transportation	\$75.00

	transportation, ticket offices, state regulated	
483	Water transportation	\$75.00
	coastal, freight forwarders, inland, passenger	
484	Truck transportation	\$75.00
	local, long-distance, freight, moving, and storage	
485	Passenger transportation	\$75.00
	ground transportation, bus, taxi, limousine, charter, buggy	
487	Sightseeing	\$75.00
	scenic and sightseeing, land, air, water, special trans	
492	Couriers	\$75.00
	couriers and local messengers, services, local delivery services	
493	Warehousing and storage	\$75.00
	distribution, household, refrigerated, special	
511	Publishing industries	\$75.00
	newspaper, book, periodical, databases, software	
512	Motion pictures	\$75.00
	theatres, videos, recordings, drive-ins, sound studios	
515	Broadcasting	\$75.00
	radio and television stations	
516	Internet Publishing and Broadcasting	\$75.00
	publications or broadcasting for internet only	
517	Telecommunications	11-51-128
519	Information services	\$75.00
	all types of information services	
521110	Bank Main Office	11-51-130
	not branch location or ATM	
521111	Bank Branch or ATM	11-51-130
	not main office or bank	
522120	Savings and Loans	11-51-130
	not branch location or ATM	
522121	S&L Branch or ATM	11-51-130
	not main office of S&L	
522298	Pawn shop	\$75.00
	whether title pawn or merchandise	
522	Credit Intermediation and Related Services	\$75.00
	companies and activities related to credit and mediation	
523	Securities, commodity	\$75.00
	Insurance companies, life, health, accident, and all other	
524	Insurance Company	11-51-120 11-51-123 (a)
	Insurance companies, fire, marine, and fire casualty	
525	Funds, trusts, other financial agencies	\$75.00
	agents, agencies, investments	
531	Real estate	\$75.00
	offices, agents, brokers, management, appraisers	
532	Rental and leasing	\$75.00
	auto, truck, trailer, RV, all tangible property	
541	Professions, Scientific, Technical Services	\$75.00
	attorney, doctor, dentist, architect, engineer, vet, other professions	
551	Management companies	\$75.00
	offices, enterprises, regional, corporate	
561	Administrative services	\$75.00

	answering, employment, office, sec., travel	
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562	Waste management	\$75.00
	companies, trucks, septic tanks, landfill, services	
661	Educational services	\$75.00
	technical, computer, sports, services, business	
621	Ambulatory Health Care Services	\$75.00
	Health care services, mental, outpatient, HMO, diagnostic, blood, dialysis, other	
622	Hospitals	\$75.00
	surgical, substance abuse, psychiatric, general care, special	
623	Nursing Care	\$75.00
	residential care facility, day care, assisted living	
624	Social assistance	\$75.00
	shelters, vocational, child care, abuse, emergency	
711	Arts & Sports	\$75.00
	dance, musical, teams, tracks, promoters, agents	
712	Museums	\$75.00
	museums and historical sites, zoos, botanical gardens, parks	
713	Amusement	\$75.00
	arcades, golf clubs, marinas, fitness, bowling centers	
721	Accommodations	\$75.00
	hotels, motels, and similar facilities	
722	Restaurant	\$75.00
	full service restaurant facility	
811	Repairs and maintenance	\$75.00
	auto, paint/body, carwash, other vehicular	
812	Personal Services	\$75.00
	hair, skin, barber, beautician, diet, nail, tanning	
910	Category for number of - vending machines for all types or vending	\$75.00
920	Category for number of - vending machines for all types or vending	\$75.00
930	Category for number of - vending machines for all types or vending	\$75.00
923	Administration of Human Resource Programs	\$75.00
924	Administration of Environmental Quality Programs	\$75.00
925	Administration of Housing, Urban, Comm	\$75.00
926	Administration of Economic Programs	\$75.00
927	Space Research and Technology	\$75.00
928	National Security and International Affairs	\$75.00
999	Unclassified miscellaneous	\$75.00
	business services not elsewhere classified	

(a) *Business licenses for these businesses are regulated by state statute as referenced.*

There shall be a \$5.00 issuance fee for all licenses.

Fees for business licenses are non-refundable.

Section 4: Penalties and Interest

(a) All licenses not paid within thirty (30) days from the date they fall due shall be increased by fifteen (15) percent for the first thirty (30) days they shall be delinquent, or fraction thereof, and shall be measured by an additional fifteen (15) percent 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 (15) percent for the first fifteen (15) days they shall be delinquent, and shall be measured by an additional fifteen (15) percent 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 (1) percent per month.

At the discretion of the Licensee, a license may be purchased on or after December 1st for the upcoming year at the prevailing rate as stated in the fee schedule in lieu of a current year pro rated license.

Section 5: Criminal Penalties

Any person found guilty of violating any of the provisions of this ordinance shall be fined in an amount not less than \$50.00 and not more than \$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 6: Civil Penalties

In addition to the remedies provided by the Code of Alabama, Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits or within its 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 municipality, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

Section 7: 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 8: License fees in Police Jurisdiction

Any person, firm, association, or corporation engaged in any business outside the municipality but within the police jurisdiction hereof shall pay one-half of the amount of the license imposed for like business within the municipality.

Section 9: Effective Date

This ordinance shall become effective on and after October 15, 2007.

Section 10: 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 municipal council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 11: Repealer

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

Adopted and approved this 15th day of October, 2007

Tom Lee, Mayor

ATTEST:

Virginia R. Webb, City Clerk