

CITY OF LUDLOW ORDINANCE NO. 2012-5

AN ORDINANCE AMENDING CHAPTER 110: BUSINESS LICENSE FEE OF THE CITY OF LUDLOW CODE OF ORDINANCES TO INCREASE THE RENTAL LICENSE FEE AND TO ELIMINATE EXCEPTIONS FOR IMMEDIATE FAMILY MEMBERS AND OWNER OCCUPIED RENTALS

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ludlow, Kentucky as follows:

SECTION I

That Chapter 110: Business License Fee, Section 110.01, Definitions, is hereby amended as follows:

§ 110.01 DEFINITIONS.

For purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning;

AGENT. Any person who operates or conducts a business for and on behalf of another.

BUSINESS. Includes all trades, occupations, professions, or services engage in, carried on, or pursued in this city. Any business located within the corporate limits of the city is construed to be transacting all business in the city. The following shall be construed as a business:

- (1) The rental of residential or commercial properties.

The following shall not be construed as a business:

- (1) Any non-profit entity that engages in a trade, occupation, or service from which the net proceeds are used for a charitable purpose.

- (2) Any person who sells at an event sponsored by the city, School Board, or other entity which is considered non-profit pursuant to IRC § 501(c)(3), items created, manufactured, or assembled by that person.

- ~~(3) Rental of residential real estate when the renter (landlord) occupies the structure as their residence and is renting no more than one other unit (a duplex) in the same structure.~~

~~**IMMEDIATE FAMILY MEMBERS.** Any person directly related to the owner of said residence, limited to parent, child, sibling, grandparent or grandchild.~~

PERSON. Includes associations of person, firms, or corporations.
(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2002-3, passed 3-28-2002)

§ 110.02 IMPOSITION OF FEE

(A) There is levied and established an annual business license fee upon all persons doing business or conducting any business in this city. No person shall conduct any business within the corporate limits of the city without first having paid the established fee and having obtained the prescribed license therefor.

(B) Any person engaging in a business or occupation other than the rental of real property, shall pay an annual business license fee of ~~\$50.00~~ 100.00.

(C) There is levied and established an annual rental license fee upon all persons or businesses who own rental property within the City of Ludlow, Kenton County, Kentucky. No person or business shall be allowed to rent out, or have occupied, parcels of real property within the corporate limits of the city without first having paid the established rental license fee and having obtained the prescribed license therefore.

(D) Any person or business applying for a rental license within the City of Ludlow, Kenton County, Kentucky shall pay a fee of ~~\$75.00~~ 100.00 a year for said rental license and said fee is to be made payable to the City of Ludlow, Kentucky and paid directly to the office of the City Clerk for the City of Ludlow, Kentucky at the City Building, or other such place housing the office of the City Administrator and/or City Clerk.

~~(E) This rental license fee may be waived by the City of Ludlow, Kenton County, Kentucky if the parcel of property subject to the rental license is a single family residence and is being rented out to one or more of the license holder's immediate family member. An exception waiver must be signed and no rent can be charged to the immediate family member or members.~~

~~(F)~~ A separate rental license fee shall be paid as directed in subsection (D) above for each individual parcel of real property owned by the person or business seeking the rental license.

(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2007-11, passed 11-8-2007)

§ 110.03 DISPOSITION OF PROCEEDS.

The license fee levied and established in this chapter shall be used to defray the city's cost of inspecting to keep an accounting of all businesses, to insure that all businesses in the city obtain business licenses, and to generally fund the city's attempts to regulate, inspect, and inventory those businesses in

the city. The funds collected pursuant hereto shall be placed in the General Fund of the city for these purposes.

(Ord. 2001-17, passed 1-10-2001)

§ 110.04 APPLICATION FOR LICENSE CERTIFICATE.

(A) Any person desiring to conduct a business in this city shall make application each year to the City Clerk/Treasurer of the Kenton County Office of License Inspector upon the prescribed form. Upon payment of the fee, the City Clerk/Treasurer of the Kenton County Office of License Inspector shall thereupon issue to the applicant a license certificate authorizing him to carry on or conduct that business. All license certificates issued hereunder shall be in form approved by the City Attorney of the Kenton County Office of License Inspector and among other things shall bear on the face thereof the name of the licensee, the place in which business is authorized, the type of business to be conducted, the period for which to license is granted, the date of issue, and shall be signed by the City Clerk/Treasurer or his assistant.

(B) Any person or business desiring to rent out, let or lease parcels of real property or units contained therein shall make application each year to the office of the City Clerk for the City of Ludlow, Kenton County, Kentucky upon the prescribed form. Upon payment of the fee and inspection, if applicable, by the City of Ludlow, the City Clerk shall thereupon issue to the applicant a license certificate authorizing said person or business to conduct said business of renting, letting or leasing such property, or unit contained therein. All license certificates shall be presented by the business, its designated agent of the individual owner or agent, immediately, upon demand by the City of Ludlow or any of its designees and/or agents.

(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2007-12 passed 11-8-2007)

§ 110.05 STANDARDS FOR ISSUANCE OR DENIAL.

(A) Upon receipt of an application for a license certificate, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless this investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a felony, high misdemeanor, or crime of moral turpitude; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of statutes or ordinances which directly relate to the occupation for which the license is sought; or

(4) Has committed prior fraudulent acts; or

(5) Has record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character will constitute valid reasons for disapproval of an application; or

(7) The applicant has pending against the applicant a citation from the Code Enforcement Officer/Zoning Administrator or a finding of a violation by the Code Enforcement Board which has not been resolved; or

(8) The applicant has had 3 findings of violations made against the applicant by the Code Enforcement Board in a twelve (12) month period preceding the application.

(9) The applicant is not current in city taxes and/or fees.
(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2006-19, passed 9-28-2006)

§ 110.06 DISPLAY OF LICENSE CERTIFICATE

Every person licensed to carry on or conduct a business as provided in this chapter shall maintain his license certificate prominently displayed in some conspicuous place wherein the licensed business is being conducted, or, if the licensee shall be a transit or operate from a place to place on foot or by vehicle, the licensee shall carry the certificate on his person or displayed in the vehicle.
(Ord. 2001-17, passed 1-10-2002)

§ 110.07 DUE DATE; DURATION OF LICENSE

All business license fees shall be due and payable on July 1 and shall extend through the calendar year to the following June 31 of a particular year. The tax shall be computed upon a pro rata monthly basis based on the number of months remaining in that year's tax period. However, no tax shall be paid for a period of less than three months.

The rental license must be purchased each year on or before April 15 and will be valid thru April 14 of the following year. The rental license will not be prorated.

(Ord. 2001-17, passed 1-10-2002;)

§ 110.08 TRANSFERABILITY.

The license certificate provided for in this chapter may be transferred from one person to another, only upon application by the transferor and approval of the City Clerk/Treasurer. Each application for transfer must be accompanied by

the license certificate issues to the transferor. The fee for effecting and recording any transfer shall be \$3.

(Ord. 2001-17, passed 1-10-2002)

§ 110.09 MULTIPLE LOCATIONS.

Any person engaged in one business at more than one location within the city, or engaged in more than one business within the city, shall be required to pay the fee or tax and obtain a license for each location, or for each business, for which a license is required hereunder.

(Ord. 2001-17, passed 1-10-2002)

§ 110.10 TAX LIABILITY FOR THE FEE.

Any person holding himself out by sign, advertisement, or other representation, including the use of a "For Rent" sign, to be engaged in any business, including the rental of real property, shall be constructed and deemed actually engaged in that enterprise, and shall be liable for the fee imposed herein. Any local agent or local proprietor of a nonresident owner or a business requiring an occupational license shall be liable for the fee levied upon that business the same as if he were the owner thereof.

(Ord. 2001-17, passed 1-10-2002)

§ 110.11 DELINQUENT PAYMENTS.

Any fee unpaid when due and remaining unpaid for 30 days thereafter, shall have added thereto a penalty of 10% and interest on the principal sum at the rate of 8 1/2% per annum from the due date until paid.

(Ord. 2001-17, passed 1-10-2002)

§ 110.12 REVOCATION.

(A) No license certificate shall be issued or permitted to be used unless the licensee is in compliance with all applicable ordinances of the city, including the zoning ordinance, and all applicable state laws, including all regulations and licensing requirements of the County Health Department. The licensee must also be current on all City taxes and fees and not have pending a citation issued by the Code Enforcement Officer/Zoning Administrator or any unresolved finding or violations by the Code Enforcement Board.

(B) Any and all licenses issues pursuant to this chapter shall be subject to revocation by the City Council for cause without remitting any part of the fee paid. Cause for revocation shall include the unfitness of the trade, occupation, business, or profession due to the commission of illegal acts or the commission of acts inimical to the public welfare, including the maintenance of a nuisance on the business premises. A written complaint from three responsible adults, from the Chief of Police or from the Code Enforcement Officer/Zoning Administrator,

shall constitute a nuisance. A citation issued by the Code Enforcement Board that shall be unresolved shall also be cause for revocation.

(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2006-16, passed 9-28-2006)

§ 110.13 RIGHT TO APPEAL LICENSE DENIAL OR REVOCATION.

(A) In case any applicant has been denied a business or rental license certificate, or if his business or rental license has been revoked or suspended, the applicant or licensee as the case may be, shall within three (3) business days have the right to appeal to the City of Ludlow Code Enforcement Board from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the City Clerk who shall fix the time and place for a hearing which shall be held not later than thirty days (30) thereafter. An administrative fee of \$25.00 shall be paid to the City Clerk of the City of Ludlow for each notice for appeal.

(B) The City Clerk shall notify the appellant and the City of Ludlow Code Enforcement Board of the time and place of hearing, in writing, at the address provided by such license applicant or licensee, as the case may be, not less than forty-eight (48) hours in advance thereof. A majority of the members of the Board shall constitute a quorum to hear the appeal.

(C) The appellant may appear and be heard in person or by council.

(D) If, after hearing, a majority of the Board present at the meeting declare in favor of the applicant, the license shall be issued or, fully reinstated as the case may be; otherwise the order appealed from shall become final.

(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2006-17, passed 9-28-2006; Am. Ord. 2007-13, passed 11-8-2007)

§ 110.15 APPEALS.

(A) An appeal from any final order of the City of Ludlow Code Enforcement Board may be made to the Kenton County District Court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the City of Ludlow Code Enforcement Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(B) If no appeal from an order of the City of Ludlow Code Enforcement Board is filed within the time period set forth in provision (A) above, the order of the City of Ludlow Code Enforcement Board is deemed final.

(C) On any appeal to the Kenton District Court, the appeal shall be a *de novo* hearing pursuant to the laws of the Commonwealth of Kentucky.

(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2006-18, passed 9-28-2006)

§ 110.99 PENALTY

(A) Any person conducting a business in this city without first having paid the fee to the appropriate authority and having obtained a license therefore, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense. Each day that a business is conducted without having paid the license fee and having obtained a license, therefore shall constitute a separate offense. The violation of any provision of the chapter shall likewise be a misdemeanor and, upon conviction thereof, the violator shall be fined in the sum of not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

(B) Any person or business found to be in violation of any section of the rental license requirements as contained within this Chapter 110, of the City of Ludlow, Code of Ordinances, for the City of Ludlow, Kenton County, Kentucky shall be deemed to have committed a civil offense and shall be fined not less than one hundred dollars (\$100.00) per day, per violation and not more than five hundred dollars (\$500.00) per day, per violation until said violation(s) are abated. For purposes of this chapter, each day that an individual or business is engaged in the renting, letting or leasing of real property without having first paid the license fee to the appropriate authority and having obtained the proper license therefore shall constitute a separate offense.
(Ord. 2001-17, passed 1-10-2002; Am. Ord. 2007-14, passed 11-8-2007)

SECTION II

This Ordinance shall be in full force and effect from and after its passage and publication which may be in summary form according to law.

SECTION III

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

CITY OF LUDLOW, KENTUCKY
A Municipal Corporation of the Fourth Class

By: _____
Kenneth Wynn, Mayor

Attest: _____
Laurie Sparks, City Clerk

First Reading: 3/1/12
Second Reading: 3/8/12
Publication: 3/19/12