

**ORDINANCE NO. 580**

**AN ORDINANCE REVOKING ORDINANCES NO. 452 AND 465 REGARDING THE BUSINESS LICENSE CODE OF THE CITY OF RAINBOW CITY, ALABAMA FOR THE MUNICIPAL YEAR 2024 AND EACH SUBSEQUENT YEAR**

**BE IT ORDAINED** by the City Council (the Council) of the City of Rainbow City (the City) in the State of Alabama as follows:

The Business License Code of the City of Rainbow City, Alabama, after the inclusion of the above license codes and payment schedules, is recited hereinbelow, verbatim, as amended:

**SCHEDULE OF LICENSES AND FEES**

<b>SECTION 1.</b>	<b>Levy of tax</b>	<b>Page 01</b>
<b>SECTION 2.</b>	<b>Definitions</b>	<b>Page 01</b>
<b>SECTION 3.</b>	<b>License requirements</b>	<b>Page 03</b>
<b>SECTION 4.</b>	<b>License term; minimums</b>	<b>Page 03</b>
<b>SECTION 5.</b>	<b>License shall be location specific</b>	<b>Page 04</b>
<b>SECTION 6.</b>	<b>Restriction on transfer of license</b>	<b>Page 05</b>
<b>SECTION 7.</b>	<b>Unlawful to do business without a license</b>	<b>Page 05</b>
<b>SECTION 8.</b>	<b>Licenses governed by <i>Code of Alabama, 1975</i></b>	<b>Page 05</b>
<b>SECTION 9.</b>	<b>Other License Requirements</b>	<b>Page 05</b>
<b>SECTION 10.</b>	<b>License must be posted</b>	<b>Page 06</b>
<b>SECTION 11.</b>	<b>Duty to file report</b>	<b>Page 06</b>
<b>SECTION 12.</b>	<b>Duty to permit inspection and produce records</b>	<b>Page 07</b>
<b>SECTION 13.</b>	<b>Unlawful to obstruct</b>	<b>Page 07</b>
<b>SECTION 14.</b>	<b>Privacy</b>	<b>Page 08</b>
<b>SECTION 15.</b>	<b>Failure to file assessment</b>	<b>Page 08</b>
<b>SECTION 16.</b>	<b>Lien for non-payment of license tax</b>	<b>Page 08</b>
<b>SECTION 17.</b>	<b>Criminal penalties</b>	<b>Page 08</b>
<b>SECTION 18.</b>	<b>Civil penalties</b>	<b>Page 08</b>
<b>SECTION 19.</b>	<b>Penalties and interest</b>	<b>Page 09</b>
<b>SECTION 20.</b>	<b>Prosecutions unaffected</b>	<b>Page 09</b>
<b>SECTION 21.</b>	<b>Procedure for denial of new applications</b>	<b>Page 09</b>
<b>SECTION 22.</b>	<b>Procedure for revocation or suspension of license</b>	<b>Page 09</b>
<b>SECTION 23.</b>	<b>Refunds on overpayments</b>	<b>Page 10</b>
<b>SECTION 24.</b>	<b>Delivery License</b>	<b>Page 10</b>
<b>SECTION 25.</b>	<b>License classifications</b>	<b>Page 11</b>
<b>SECTION 26.</b>	<b>License Fee Schedules</b>	<b>Page 23</b>
<b>SECTION 27.</b>	<b>Exchange of information</b>	<b>Page 27</b>
<b>SECTION 28.</b>	<b>Effective date</b>	<b>Page 28</b>
<b>SECTION 29.</b>	<b>Fees to increase every five (5) years</b>	<b>Page 28</b>
<b>SECTION 30.</b>	<b>Severability</b>	<b>Page 28</b>
<b>SECTION 31.</b>	<b>Repealer</b>	<b>Page 28</b>

**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 municipality for the year beginning January 1, 2024, 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 municipality, or the police jurisdiction, by whatever name called.

**SECTION 2. Definitions**

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

1. **BUSINESS.** Each person, firm, partnership, limited liability company, corporation, organization or association, membership cooperative, agency, group or other organization which shall engage in, practice, conduct or carry on any business, occupation trade, vocation, profession or exhibition, offering merchandise for sale, performing services for a consideration, soliciting orders for goods or services, making deliveries of any merchandise or engaging in business of any nature in the City of Rainbow City, whether or not carried on for gain or profit. For purposes of Section 3 and 4 of this Ordinance, the term “business” shall include the owners,

managers, and officers of the business who bear responsibility for causing the business to comply with this Ordinance, where applicable.

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

5. **DESIGNEE** An agent or employee of the municipality 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 §40-2A-3 of the *Code of Alabama*.

6. **GROSS RECEIPT** Where the amount of a license is based upon gross receipts, the term "gross receipts" shall mean the entire receipts of the exhibition, trade, business, vocation, occupation, or profession engaged in, including all receipts from sales regardless of the place where the sale was solicited or place where the contract or sale was consummated or the place of delivery. 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 municipality with respect to certain categories of taxpayers as prescribed in §11-51-90B.

(c) For a utility or other entity described in §11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the municipality 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 a municipality 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 municipality.

(d) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowings, 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.

(e) For license purposes, any sums paid to subcontractors shall not be included in the gross receipts of the general contractor for license purposes.

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

8. **LICENSE OFFICER or MUNICIPAL LICENSE OFFICER** The municipal employee charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

9. **LICENSE YEAR** The calendar year.

10. **MUNICIPALITY** Any town or city in this state that levies a business license tax from time to time. The term shall also include the towns or city's police jurisdiction, where the business license tax is levied in the police jurisdiction.

**11. 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.

**12. 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 §11-51-180 et seq., as the context requires.

**13. 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 or value to the taxing jurisdiction; or any person required to obtain, or who holds any interest in, any business license issued by 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 required by this chapter

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

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

### **SECTION 3. License Requirements**

It shall be unlawful for any business to operate in the City of Rainbow City without first obtaining a business license unless specifically exempted for such requirement by this Ordinance. Any taxpayer engaged at one location in more than one line of business falling within separate NAICS section or sub-sector will be required by the City to take out and pay for a license for each separate NAICS sector or sub-sector from which the taxpayer derived more than ten (10%) percent of its gross receipts.

a. Licensee to Render Report – Where the amount of the business license fee is measured by the gross receipts of the business, the business applying for such license shall render to the Revenue Official a declaration giving the information upon which the amount of the license fee is measured and any proof of the gross receipts of the business that the Revenue Official may require.

b. Computation of License Fee

(1) Wherever in this Ordinance it is specified that the amount of the license fee, or any part thereof, upon renewal is to be computed upon the basis of gross receipts of the business, the gross receipts shall be the gross receipts of the business for the calendar year next preceding the current year, unless specifically provided herein.

(2) When the business license is renewed for the first time, the license for the renewal year will be calculated based on the actual gross receipts of the business for the first year or portion thereof. Additionally, any difference between the minimum license fee paid for the first-time license and the amount calculated on the gross receipts for the first year, or portion thereof, shall be paid at the same time.

### **SECTION 4. 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.
- 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.
- c. *Issue Fee.* For each license issued there shall be an issuance fee collected at the maximum amount allowed by the state code.

d. *Annual Renewal.* Except as provided in subsections (1) or (2), the business license shall be renewed annually on or before the 31<sup>st</sup> day of January each year.

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

2. Insurance company annual license renewals shall be renewed in accordance with §11-51-122 of the *Code of Alabama* which states that each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum 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.

3. 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 municipality. Licensees are required to furnish the municipality with any address changes for their business prior to December 1<sup>st</sup> in order for them to receive their notice.

4. Business license renewal payments received by the municipality shall be applied to the current renewal only when any and other debts the licensee owes to the municipality 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 municipal code.

#### **SECTION 5. 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.

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 following criteria:

1. The taxpayer must demonstrate the continuing existence of an actual facility located outside 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.

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

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

4. 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.

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

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

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

## **SECTION 6. Restriction on transfer of license**

No license shall be transferred except with the consent of the council or other governing body of the municipality or of the director of finance or other chief revenue officer or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another. Provided that a mere change in the name or ownership of a taxpayer that is 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), in the discretion of the municipality, the subject license is one for the sale of alcoholic beverages. Nothing in this section shall prohibit a municipality from requiring a new business license application and approval for an alcoholic beverage license.

## **SECTION 7. 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 municipality for which a license is required 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 (\$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.

## **SECTION 8. Licenses Governed by The Code of Alabama, 1975**

### **a. Railroads**

Each railroad company or each person operating railroads, whether such companies are incorporated under the laws of Alabama or any other state or whether incorporated at all or not, shall pay a business license fee as provided in §11-51-125 of the *Code of Alabama, 1975*.

### **b. Express Companies**

Express companies conducting business in the City shall pay a business license fee as provided in §11-51-126 *Code of Alabama, 1975*.

### **c. Telegraph Companies**

Telegraph companies conducting business in the City shall pay an annual business license fee as provided in §11-51-127 *Code of Alabama, 1975*.

### **d. Telephone Companies with Exchange**

Telephone companies with exchange license operating in the City shall pay an annual business license fee as provided in §11-51-128 *Code of Alabama, 1975*.

### **e. Telephone Companies with Long Distance Service**

Telephone companies providing long distance service and conducting business in the City shall pay an annual business license fee as provided in §11-51-128 *Code of Alabama, 1975*.

### **e. Electric, Gas, Waterworks, and related Businesses**

Utility companies which are not otherwise classified shall pay a business license fee equal to three (3%) percent of gross receipts of the business done by the utility in the municipality during the preceding year as provided by §11-51-129 of the *Code of Alabama, 1975*. This section shall not affect any existing contract between the City and any public utility operating therein, except those of contracts which relate to the amount or basis of the business license fee imposed by the City on such utility.

## **SECTION 9. Other License Requirements**

- a. No City business license shall be issued to any business that is regulated by the State of Alabama without evidence that the business owner possesses a current State License to provide services of the type so regulated. Businesses regulated by the State of Alabama include but are not limited to: General contractors, Electrical contractors, Plumbing contractors, Heating/Air Conditioning contractors, Exterminators and Landscapers, and Real Estate Firms and/or Agents for sale/rental.
- b. Day Care Center

A day care center is defined as any person(s) providing care, for compensation, to more than six (6) children during part of, or all of, the day, but less than 24 hours, apart from their own parents or guardians. A business license shall be issued only upon presentation of proof that the applicant is licensed to operate a day care center as may be required by the State of Alabama and upon proof that the premises meet City fire, safety and health standards and zoning requirements and upon approval of the Revenue Official.

c. Day Care Home

A day care home is defined as any person(s) providing care, for compensation, to more than two (2) but less than six (6) children other than his or her children, in his or her own home during part of, or all of the day, but less than 24 hours, apart from their own parents or guardians. A business license shall be issued upon presentation of proof that the applicant is licensed to operate a day care home as may be required by the State of Alabama and upon proof that the premises meet City fire, safety and health standards and zoning requirements. Foster homes registered with the State of Alabama are not required to obtain a city business license.

d. Restaurant/Catering Service

A business license shall not be issued to any establishment where meals and/or snacks are prepared and/or served without presentation of a valid State Health Permit.

e. Rental of Residential Property

This section applies to the rental or leasing of real property for residential purposes, including but not limited to apartments, houses, duplex, condominiums, or any portions thereof. Each owner of residential real property in the City, who rents or leases such property to others as lessor, whether directly or through an agent, shall obtain a business license from and pay a business license fee to the City. The license provided in Section Z shall be due and payable at the beginning of each year. The business license fee may be paid by the owner's agent from proceeds on said unit but shall be delinquent if not paid on or before the last day of the month in which due as provided herein.

f. Rental of Commercial Property

This section applies to the rental or leasing of real property for commercial purposes, including but not limited to stores, restaurants, offices, warehouses, or any portions thereof in which business may be conducted. Each owner of commercial real property in the City, who rents or leases such property to others as the lessor, whether directly or through an agent, shall obtain a business license from and pay a business license fee to the City. The business license fee provided for in Section Z shall be due and payable at the beginning of each year. The business license fee may be paid by the owner's agent from proceeds of rental on said unit but shall be delinquent if not paid on or before the last day of the month in which due as provided herein.

g. Transient Merchant

License with approval of the heads of each department of the City including the health department in the case of food.

**SECTION 10. 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 municipality upon being requested to do so.

**SECTION 11. Duty to file report**

- a. It shall be the duty of every person subject to such license tax to render to the municipality 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 municipality determines that the amount of business license tax reported on 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 municipality 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 municipality, 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 the tax due, plus any applicable penalty and interest.
- e. (1). If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the municipal license 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 of the municipality shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives and the representatives of the municipality to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to their respective positions.  
(2). If a petition for review is not timely filed, or is timely filed, and upon further review the license officer determines that the preliminary assessment is due to be upheld in whole or in part, the municipality may make the assessment final in the amount of business license tax due as computed by the license officer, with applicable interest and penalty computed to the date of entry of the final assessment. The license officer shall, whenever practicable, complete his or her review of the taxpayer's petition for review and applicable law within 90 days following the later of the date of filing of the petition or the conference, if any.  
(3). 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 (\$500.00). In either case, at the option of the taxing jurisdiction a copy of the final assessment may be delivered to the taxpayer by personal delivery. The final assessment shall include statement information the taxpayer of his or her right to appeal the final assessment to Circuit Court within 30 days from the date of the entry of the final assessment.

## **SECTION 12. Duty to permit inspection and produce records**

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

- a. Permit the designee of the municipality to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said municipal designee to gain such information as may be necessary or convenient for determining the proper license classification and determining the correct amount of license fee.
- b. To furnish information during reasonable business hours, at the licensee's place of business, in the municipality or 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 federal income tax returns.

## **SECTION 13. Unlawful to obstruct**

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 municipality in carrying out the purposes of this ordinance.

#### **SECTION 14. Privacy**

- a. It shall be unlawful for any person connected with the administration of this ordinance to divulge 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 or any part of the license form, or 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 taxing jurisdiction, or upon order of any court, or as otherwise allowed 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 may be disclosed to the municipality 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 15. 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 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 16. Lien for non-payment of license tax**

On all property, both real and personal, used in the business, the municipality shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by *Code of Alabama*, 1975 §11-51-44.

#### **SECTION 17. 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 of 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 18. Civil penalties**

In addition to the remedies provided by *Code of Alabama*, 1975 §11-51-150 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 19. 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.

#### **SECTION 20. 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 21. Procedure for denial of new applications**

- a. The municipal designee shall have the authority to investigate all applications and may refer any application to the municipal governing body for a determination of whether such license should or should not be issued.
- b. If the municipal governing body denies the issuance of any license referred to it, the municipal clerk shall promptly notify the applicant of the municipal governing body’s decision.
- c. If said applicant desires to appear before the municipal governing body to show cause why said license should be issued, he shall file a written notice with the municipal clerk, said notice to be filed within two (2) weeks from the date of mailing by the municipal clerk of the notice of the denial of such license by the municipal governing body.
- d. Upon receipt of said notice the municipal clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the municipal governing body 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 counsel, or both, and the municipal governing body shall proceed to hear any evidence which may be presented both for and against the issuance of said license.
- f. If the municipal governing body 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 municipality 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 22. 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 municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance or of any ordinance of

the municipality, 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 municipal governing body 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 municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the municipal governing body 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 municipal governing body 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 municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.

### **SECTION 23. Refunds On Overpayments**

- a. Any taxpayer may file a petition for a refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax has been entered by the municipality, 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 a refund shall be filed with the municipality within two years from the date of payment of the business license tax, which is the subject of the petition.
- c. The municipality shall either grant or deny a petition for a refund within six months from the date the petition is filed unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality'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 municipality 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 municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality, together with interest to the extent provided for in §11-51-192. If the municipality determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, 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 municipality, 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 the county in which the municipality denying the petition for refund is located. 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 appropriate circuit court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

### **SECTION 24. Delivery License – State Regulated**

- 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 municipality if the taxpayer meets all of the following criteria:
  - (1) Other than deliveries, the taxpayer has no other physical presence within the municipality or its police jurisdiction.

- (2) The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise.
  - (3) Such delivery and set-up and installation are performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, 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 10 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all appropriate business licenses from the municipality for the entire license year.
- b. Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction 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 municipality for 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 municipality.

**SECTION 25. License classifications**

NAICS	Category Description	Type Description	Payment Schedule
111998	Farming and Crop Production	Farming, nursery fruit growers	Schedule A- when not Exempt 11-51-105
112990	Animal Production	Animal, dairy, cattle, sheep, chicken	Schedule A - when not Exempt 11-51-105
113110	Forestry & Logging Production	Forestry, logging timber	Schedule A - when not Exempt 11-51-105
114119	Fishing, hunting, trapping Production	Fishing, hunting, supplies & equipment	Schedule A - when not Exempt 11-51-105
115114	Support for Agriculture & Forestry Production	Cotton ginning, farm mgmt	Schedule A –when not Exempt 11-51-105
211111	Mining	Oil, gas, extraction, natural gas, crude	Schedule C - when not state regulated
212299	Mining (except oil &	Mining activities	Schedule C -when

	gas)		not state regulated
213112	Mining Support	Oil & gas operations	Schedule C -when not state regulated
221122	Utilities	Electric power	State Regulated 11-51-129 (Max)
221210	Utilities	Natural gas	State Regulated 11-51-129 (Max)
221310	Utilities	Water, sewage	State Regulated 11-51-129 (Max)
236114	Contractor	Homebuilder	E
236115	Contractor	General Contractors	E
236118	Contractor	Handyman	E
236220	Contractor	Commercial Bldg Construction	E
237110	Contractor	Water & Sewer Utility Construction	E
237310	Contractor	Heavy Construction Highway, Bridge	E
238110	Contractor	Concrete & foundations	E
238130	Contractor	Framing	E
238140	Contractor	Masonry Contractor	E
238150	Contractor	Glass & Glazing	E
238160	Contractor	Roofing	E
238210	Contractor	Electrical (certified)	E
238220	Contractor	HVAC (certified)	E
238221	Contractor	Plumbing (certified)	E
238222	Contractor	Gas fitter (certified)	E
238290	Contractor	Other bldg equip contractors	E
238310	Contractor	Drywall & insulation	E
238320	Contractor	Painting & wall covering	E
238330	Contractor	Flooring Contractor	E
238340	Contractor	Tile, marble,terrazzo	E
238350	Contractor	Finish carpentry & cabinetry	E
238910	Contractor	Site preparation & excavation	E
238990	Contractor	All other specialty trade contractor	E
311613	Manufacturing	Rendering and meat byproduct Act 91-198	\$ 15.00
311812	Manufacturing	Food - Bakery	C
311991	Manufacturing	Animal processing	C
312121	Manufacturing	Draperies	C
312132	Manufacturing	Beer/Wine	O

312212	Manufacturing	Beverage – Soft drinks	C
313112	Manufacturing	Mills, textile, fabric, yarn	C
314129	Manufacturing	Screening & cloth not covered in 313	C
315999	Manufacturing	Apparel Manufacturing	C
316993	Manufacturing	Leather and allied products	C
321999	Manufacturing	Wood & wood products	C
322229	Manufacturing	Paper, pulp	C
323110	Manufacturing	Commercial printing - on purchased stock	C
323113	Manufacturing	Screen printing – on purchased stock	C
323114	Manufacturing	Print Shop	D
324199	Manufacturing	Petroleum & coal manufacturing	C
325998	Manufacturing	Chemical & industrial gas	C
326291	Manufacturing	Plastic and tires, hoses, belts	C
327320	Manufacturing	Concrete (Ready Mix)	C
327331	Manufacturing	Brick, block, concrete	C
331521	Manufacturing	Metal, iron, steel, aluminum, copper	C
332710	Manufacturing	Machine Shop	C
332812	Manufacturing	Powder Coating	C
332999	Manufacturing	Fabricating shops	C
333514	Manufacturing	Tool & Die	C
333990	Manufacturing	Machinery (HVAC, office, industrial)	C
334419	Manufacturing	Computer & electronic mfg.	C
335211	Manufacturing	Electrical equipment (appliance)	C
336301	Manufacturing	Auto, trucks, etc.	C
337121	Manufacturing	Upholstered Furniture	C
337129	Manufacturing	Furniture, cabinets,	C
339999	Manufacturing	All other	C
421730	Wholesale	HVAC Supplies	F
421990	Wholesale	Merchant wholesalers (durable)	F
422990	Wholesale	Non-durable goods paper, apparel, grocery, beverages, dairy	F
423110	Wholesale	New & Used Automobile & other <u>motor</u> vehicles	J
423120	Wholesale	Auto Parts, etc	F

423390	Wholesale	Construction Materials	F
423450	Wholesale	Medical & Dental Supplies & Equipment	F
423510	Wholesale	Metal Scrap Center	F
423720	Wholesale	Plumbing Supplies	F
423740	Wholesale	Refrigeration	F
423830	Wholesale	Industrial Supplies	F
423850	Wholesale	Service Equipment	F
423860	Wholesale	Golf Carts, <u>motorized</u> passenger	F
423910	Wholesale	Golf Carts (except motorized passenger)	F
423920	Wholesale	Fireworks	\$1,000.00
423990	Wholesale	Fire Extinguisher Sales & Service	F
424130	Wholesale	Plastic Bags	F
424210	Wholesale	Drugs	F
424490	Wholesale	Merchants	F
424690	Wholesale	Chemical & allied products	F
424720	Wholesale	Gasoline Distributor	F
424810	Wholesale	Beer Distributor	O
424820	Wholesale	Wine Distributor	O
424830	Wholesale	Beer & Wine Distributor	O
424920	Wholesale	Book/Periodical/Newspaper	F
424940	Wholesale	Tobacco Products	F
425120	Wholesale	Merchandise agents & brokers	B
441110	Retail	New & used car dealer	J
441112	Retail	Auto Sales – Miscellaneous	J
441210	Retail	Recreational Vehicles Dealers - Motor Homes, RV & Travel Trailers	J
441222	Retail	New & Used Boat Dealers	J
441228	Retail	New & Used Motorcycle, ATV, Golf Carts & all other <u>motor</u> vehicle dealer	J
441310	Retail	Automobile parts & accessories	D
441320	Retail	Tire Dealer	D
442110	Retail	Furniture	D
442210	Retail	Flooring	D
443112	Retail	Household appliances	D
444130	Retail	Building material & home centers	D

445110	Retail	Supermarket & grocery	G
445120	Retail	Convenience	G
445230	Retail	Produce market	G
445299	Retail	All other Specialty Stores	D
445310	Retail	Beer off premise	O
445311	Retail	Package store	\$650.00 Plus O
445312	Retail	Wine off premise	O
446110	Retail	Pharmacies & personal care	D
446191	Retail	Health Food Stores	D
447110	Retail	Gasoline with or without convenience store	D
448130	Retail	Clothing & accessories	D
448140	Retail	Clothing Store – Family	D
448310	Retail	Jewelry stores	D
451110	Retail	Sporting goods	D
451111	Retail	Pistols & knives	\$200.00
451120	Retail	Hobby, toy, books & music	D
451211	Retail	Bookstores, new & used	D
452910	Retail	Department stores & supercenters	D
452999	Retail	Going out of business after 60 days	\$25.00 per day
453110	Retail	Florist	D
453210	Retail	Office supplies	D
453220	Retail	Used merchandise	D
453910	Retail	Pets & Pet Supplies	D
453930	Retail	Manufactured homes	J
453991	Retail	Tobacco Stores	D
453997	Retail	Fireworks	\$1,000.00
453998	Retail	All other retail	D
454112	Retail	Internet Auction/Sales	D
454210	Retail	Vending Machine Operators	D
454312	Retail	Propane & butane	D
454319	Retail	Firewood	D
454390	Retail	Peddlers/itinerant and transients	\$250.00
454391	Retail	Direct Selling at Businesses	E
454392	Retail	Transient Merchant	U
482110	Transportation	Rail transportation	11-51-124
484110	Transportation	Truck terminal	State Regulated

			37-3-33 When not State Regulated \$100.00
484220	Transportation	Freight carrier, long distance, moving & storage	H
484410	Transportation	Motor vehicle towing	D
485210	Transportation	Bus terminal	State Regulated 37-3-33 When not State Regulated – P plus B
485220	Transportation	Taxicabs, limousine, and charters	P plus B
485311	Transportation	Taxicab driver	\$35.00
485321	Transportation	Limousine driver	\$35.00
492110	Transportation	Couriers, messenger services, delivery	\$300.00
492210	Transportation	Local Delivery	G
492490	Transportation	Truck terminal	\$25.00 per truck up to \$500.00
493110	Warehouse	Warehouse – No Gross Receipts - Storage for General Merch. Only	W
511100	Broadcasting	Newspaper, periodical, book, except internet	G
511130	Broadcasting	Publishing	D
511140	Broadcasting	Directories	D
512199	Broadcasting	Motion pictures, theatres, recording studio	D
515112	Broadcasting	Radio station	D
515120	Broadcasting	Television station	D
516110	Broadcasting	Publications or broadcasting for internet	D
517110	Telecommunications	Local service	State Regulated 11-51-128 (Max)
517111	Telecommunications	Long distance service	State Regulated 11-51-128 (Max)
517212	Telecommunications	Cellular & other wireless	D
517312	Telecommunications	Resellers of Service	D
517510	Telecommunications	Cable television	5%
519190	Telecommunications	Information services	D
522110	Financial	Bank, main	State Regulated-N
522111	Financial	Bank, branch	State Regulated-N
522112	Financial	ATM (Not at Bank)	State Regulated-N
522120	Financial	Savings & Loan	State Regulated-N
522220	Financial	Auto finance	B



522291	Financial	Consumer Lending/ Credit Services	H
522298	Financial	Pawnshop	\$150.00 plus D
522310	Financial	Mortgage & Nonmortgage loans	H
523120	Financial	Stocks, bonds & investments	H
524111	Insurance	Agent Office	B
524113	Insurance and/or its agents	Life & <u>other</u>	Schedule L -State Regulated 11-51-120/123
524126	Insurance and/or its agents	Fire and marine	Schedule K -State Regulated 11-51-120/123
525920	Insurance	Funds, trusts, other financial vehicles	H
531110	Real estate	Rental of <u>Residential</u> bldgs. & dwellings	Z
531112	Real Estate	Rental of residential bldgs. & dwellings <u>Short Term</u>	Z
531120	Real estate	Rental of <u>non-residential</u> bldgs.	Z
531122	Real Estate	Rental of <u>Residential &amp; Non-Residential</u>	Z
531130	Real estate	Mini storage & self-storage	A
531190	Real estate	Mobile home park	B
531210	Real Estate	Agents and brokers	B
531211	Real estate	Real Estate Office	B
531311	Real estate	Management	B
531320	Real estate	Real estate appraisal	B
531390	Real Estate	Other Activities related to Real Estate	B
532112	Rental & leasing	Automobile	D
532120	Rental & Leasing	Truck, Utility Trailer & RV (Rec. Vehicles)	H
532220	Rental & leasing	Apparel	H
532230	Rental & leasing	Video and disc	H
532284	Rental & leasing	Golf Cart	H
532291	Rental & leasing	Home Health Equipment	H
532299	Rental & leasing	Furniture and all other	H
532310	Rental & leasing	General rental centers	H
532400	Rental & leasing	Equipment	H
532490	Rental & Leasing	Tractor & Garden Eq.	H
541110	Professional services	Attorney	B
541191	Professional services	Title & settlement	B

541210	Professional services	Accounting	B
541213	Professional services	Tax Preparation	B
541214	Professional services	Payroll services	B
541219	Professional services	Bookkeeping	B
541310	Professional services	Architect (certified)	B
541330	Professional services	Engineering & drafting	B
541340	Health care services	Therapists	B
541350	Professional services	Inspection services	B
541370	Professional services	Surveying & mapping	B
541391	Health care services	Podiatrists	B
541410	Professional services	Interior design	B
541430	Professional services	Art Studio	B
541512	Professional services	Computer systems consulting & design	B
541690	Professional services	Energy Consultant	B
541810	Professional services	Advertising agent & agency	D
541812	Professional services	Advertise by phone	\$75.00 per phone
541850	Professional services	Display advertising	H
541890	Professional services	Services related to advertising	F
541921	Professional services	Photography & artist	B
541940	Professional services	Veterinary	B
541990	Professional services	All other	B
551114	Services	Management of companies	B
561110	Services	Office Admin Services	B
561310	Services	Employment placement agency ( <u>not</u> their employees)	B
561330	Service	Professional Employer Org. (their employees and they do the payroll, etc.)	B
561410	Services	Document preparation	B
561431	Services	Private Mail Center	B
561439	Services	Business service centers	B
561440	Services	Collection agency	B
561491	Services	Repossession	B
561499	Services	Office with no gross receipts	S
561510	Services	Travel agency	B
561611	Services	Investigation & detective	B
561612	Services	Security guard and patrol	\$150.00 per company plus

			\$50.00 each security guard
561613	Services	Armored car	B
561621	Services	Security systems & Fire Extinguishers	E
561622	Services	Locksmith	E
561710	Services	Exterminating (certified)	E
561720	Services	Janitorial & cleaning	E
561730	Services	Lawn care	E
561731	Services	Landscaping (certified)	E
561733	Services	Tree Service	E
561740	Services	Carpet cleaning	E
561790	Services	Pressure washing	E
561910	Services	Packaging & labeling	E
561990	Services	All other	E
562110	Waste collection	Waste Collection	E
562111	Waste collection	Franchise	F
562212	Waste collection	Landfill & recycling	F
562991	Waste collection	Septic Tank & Related Services	E
562992	Waste collection	Portable Toilets	E
611000	Schools	Education & training	B
611110	Schools	Kindergarten	B
611410	Schools	Business School	B
611610	Schools	Performing Arts Studio	B
611620	Health care services	Sports & recreation	B
621111	Health care services	Physician	B
621210	Health care services	Dentist	B
621310	Health care services	Chiropractor	B
621320	Health care services	Optometrists	B
621340	Health care services	Therapists	B
621399	Health care services	All other	B
621492	Health care services	Kidney dialysis center	B
621493	Health care services	Medical clinic	B
621511	Health care services	Medical lab	B
621610	Health care services	Home Health care	B
621910	Health care services	Ambulance	D
622110	Nursing & residential care	Hospitals	B
623110	Nursing & residential care	Nursing home (state licensed)	B
623311	Social assistance	Assisted living (state certified)	B

624190	Social assistance	Other Individual & Family Services – Private Probation operated office	B
624410	Social assistance	Child day care services, sitting service & day cares	B
711190	Recreation	Carnival, circus, rodeo, per week (traveling shows)	\$1,000.00
711310	Recreation	Fair association, per week	\$1,000.00
711199	Recreation	Festival – Rainbow City Event Only	\$250.00
712190	Recreation	Museums, historical sites, zoos	D
713120	Recreation	Amusement Arcade	M
713910	Recreation	Golf course	D
713930	Recreation	Marina	D
713940	Recreation	Fitness center	D
713950	Recreation	Bowling center	D
713990	Recreation	All other	D
713991	Recreation	Wrestling & boxing	\$50.00 per day
713992	Recreation	Concerts	\$500.00
721110	Accommodations	Hotels & motels	H
721211	Accommodations	Trailer parks	B
721310	Accommodations	Boarding house	B
722110	Food or alcohol service	Restaurant, full service	B
722111	Food or alcohol service	Restaurant retail liquor	O
722112	Food or alcohol service	Wine, retail on	O
722113	Food or alcohol service	Beer, retail on	O
722114	Food or alcohol service	Club –I Retail liquor	O
722115	Food or alcohol Service	Club II – Retail liquor	O
722117	Food or alcohol service	Retail common carrier	O
722211	Food or alcohol service	Restaurant, limited – Fast Food	B
722213	Food or alcohol service	Ice Cream Parlor	B
722320	Food or alcohol service	Caterer	B
722330	Food or alcohol service	Mobile food service	B
722410	Food or alcohol service	Lounge retail liquor	O

722411	Food or alcohol service	Special events liquor less than 7 days	O
722412	Food or alcohol service	Special events liquor more than 7 days	O
722413	Food or alcohol service	Cabaret	\$250.00
722414	Food or alcohol service	Gross receipts--Beer, wine, misc.	G
722415	Food or alcohol service	Package store	O
722416	Food or alcohol service	Wine, retail off	O
722417	Food or alcohol service	Beer, retail off	O
722515	Food Service no alcohol	Coffee Shop -on premise brewing	B
811111	Repair	Automobile	H
811121	Repair	Auto body repair	H
811122	Repair	Auto Glass	H
811191	Repair	Oil change & lube shop	H
811192	Repair	Automobile detailing & cleaning (car wash)	H
811211	Repair	Electronics	H
811212	Repair	Office machine	H
811310	Repair	Industrial equipment/Welding	H
811411	Repair	Small engine – Home & Garden	H
811412	Repair	Household appliances	H
811420	Repair	Furniture & reupholstery	H
811490	Repair	All other	H
812111	Personal services	Barber shop	D
812112	Personal services	Beauty salon	D
812113	Personal services	Nail salon/Spa	D
812191	Personal services	Diet & weight reducing center	D
812196	Personal Services	Massage Establishment	Initial license \$100.00 – thereafter AA
812197	Personal services	Massage therapist (certified)	Initial license \$50.00 thereafter AA
812198	Personal services	Tanning	D
812199	Personal services	Electrolysis & tattoo	D
812210	Personal services	Funeral home	B
812220	Personal services	Cemetery	B

812310	Personal services	Coin operated Laundromats	H
812320	Personal services	Dry cleaning & laundry	A
812331	Personal services	Linen Supply	H
812910	Personal services	Pet grooming & boarding	D
812930	Personal services	Vehicle parking	D
812990	Personal services	Bail bonding	B
812991	Personal services	Fortuneteller, clairvoyant	U
910110	Category for number of	Vending machines for all types vending	M
910120	Category for number of	Pool tables	M
910130	Category for number of	Amusement devices and/or games	M
920110	Category for number of	Employees as basis for calculating fee	S
930110	Category for number of	Square feet as basis for calculating fee	W
999000	Unclassified miscellaneous	Business services not elsewhere classified	H
999099	Unclassified miscellaneous	Business not elsewhere classified	A
999100	Unclassified miscellaneous	Personal services not elsewhere classified	B
999101	Unclassified miscellaneous	Business not elsewhere classified	C
999102	Unclassified miscellaneous	Business not elsewhere classified	D
999103	Unclassified miscellaneous	Business not elsewhere classified	E
999104	Unclassified miscellaneous	Business not elsewhere classified	F
999105	Unclassified miscellaneous	Business not elsewhere classified	G
999106	Unclassified miscellaneous	Business not elsewhere classified	I
999107	Unclassified miscellaneous	Business not elsewhere classified	J
999108	Unclassified miscellaneous	Business not elsewhere classified	P
999109	Unclassified miscellaneous	Business not elsewhere classified	R
999110	Unclassified miscellaneous	Business not elsewhere classified	S
999111	Unclassified miscellaneous	Delivery Fee	Schedule Q - State Regulated Q

999112	Unclassified miscellaneous	Business not elsewhere classified	T
999113	Unclassified miscellaneous	Business not elsewhere classified	U
999114	Unclassified miscellaneous	Business not elsewhere classified	V
999115	Unclassified miscellaneous	Business not elsewhere classified	W
999116	Unclassified miscellaneous	Business not elsewhere classified	Z

**SECTION 26. License Fee Schedules**

**SCHEDULE "A"**

**\$125.00** plus an additional amount of **\$1.25 per \$1,000.00** of gross receipts.

**SCHEDULE "B" - If gross receipts are:**

Less than	\$10,000(gross receipts)	<b>\$125.00</b>
\$10,000	and less than \$50,000	<b>\$225.00</b>
\$50,000	and less than \$100,000	<b>\$350.00</b>
\$100,000	and less than \$300,000	<b>\$500.00</b>
\$300,000	and less than \$500,000	<b>\$700.00</b>
\$500,000	and less than \$700,000	<b>\$900.00</b>
\$700,000	and less than \$1,000,000	<b>\$1,150.00</b>
Over	\$1,000,000	<b>\$1150.00 plus an additional amount of \$1.00 per \$1,000.00 on all gross receipts over \$1,000,000.00</b>

**SCHEDULE "C" - If gross receipts are:**

Less than	\$100,000 (gross receipts)	<b>\$150.00</b>
\$100,000	and less than \$750,000	<b>\$150.00 plus an additional amount of \$1.00 per \$1,000.00 on all gross over than \$750,000.00</b>
<b>\$100,000.00 but less</b>		
Over	\$750,000	<b>\$800.00 plus an additional amount of \$.65 per \$1,000.00 on all gross receipts over \$750,000.00</b>

**SCHEDULE "D" - If gross receipts are:**

Less than	\$20,000 (gross receipts)	<b>\$125.00</b>
Over	\$20,000	<b>\$125.00 plus an additional amount of \$1.00 per \$1,000.00 of gross receipts over \$20,000.00</b>

**SCHEDULE "E" - If gross receipts are:**

Less than	\$20,000 (gross receipts)	<b>\$125.00</b>
Over	\$20,000	<b>\$125.00 plus an additional amount of \$1.50 per \$1,000.00 of gross receipts over \$20,000.00</b>

**SCHEDULE "F" - If gross receipts are:**

Less than	\$25,000 (gross receipts)	<b>\$125.00</b>
\$25,000	and less than \$500,000	<b>\$125.00 plus an additional amount of \$1.00 per \$1,000.00 on all gross receipts over \$25,000.00 but less than \$500,000.00</b>
Over	\$500,000	<b>\$600.00 plus an additional amount of \$.75 per \$1,000.00 of gross receipts over \$500,000.00</b>

**SCHEDULE “G” - If gross receipts are:**

Less than	\$20,000 (gross receipts)	\$125.00
\$20,000	and less than \$500,000	\$125.00 plus an additional amount of \$1.00 per \$1,000.00 on all gross receipts over \$20,000.00 but less than \$500,000.00
Over	\$500,000	\$605.00 plus an additional amount of \$.65 per \$1,000.00 of gross receipts over \$500,000.00

**SCHEDULE “H” - If gross receipts are:**

Less than	\$20,000 (gross receipts)	\$125.00
Over	\$20,000	\$125.00 plus \$1.50 per \$1,000.00 of gross receipts over \$20,000.00

**SCHEDULE “I”- If gross receipts are:**

Less than	\$30,000 (gross receipts)	\$125.00
\$30,000	and less than \$200,000	\$325.00
\$200,000	and less than \$400,000	\$575.00
Over	\$400,000	\$575.00 plus an additional amount of \$.75 per \$1,000.00 of gross receipts over \$400,000

**SCHEDULE “J”- If gross receipts are:**

Less than	\$500,000	\$1,000.00
Over	\$500,000	\$1,000.00 plus an additional amount of \$.60 per \$1,000.00 of gross receipts over \$500,000.00

**SCHEDULE “K”**

INSURANCE, FIRE AND MARINE: Each fire and marine insurance company, shall pay a license of **\$4.00 on each \$100.00** or major fraction thereof of gross premiums, less returned premiums, received on policies issued during the preceding year on property located in the City, provided that new companies shall pay a flat minimum license of **\$20.00 (or max allowed)**, on which there shall be an adjustment on the above basis at the expiration of the year.

**SCHEDULE “L”**

INSURANCE, OTHER THAN FIRE, MARINE AND FRATERNAL: Each insurance company other than fire, marine and fraternal shall pay a license of **\$20.00 (or max allowed) plus \$1.00 on each \$100.00** and major fraction thereof of gross premiums, less returned premiums, received during the preceding year on policies issued during such year to citizens and resident of the City.

**SCHEDULE "M" - Amusement Devices; Billiard and/or Pool Tables; Vending Machines**

AMUSEMENT MACHINES: The license fee for each amusement machine shall be according to the following table:

For the first 10 machines		\$50.00 per machine
All machines over 10	\$500 plus	\$ 10.00 per machine

BILLARD/POOL TABLES: The license fee for billiard/pool tables shall be according to the following table:

For each billiard/pool table		\$50.00 per table
------------------------------	--	-------------------

VENDING MACHINES: The license cost for machines vending any type of merchandise or product shall be according to the following table:

For 1 to 5 machines		\$ 20.00 per machine
For 6 to 10 machines	\$100.00 plus	\$ 10.00 per machine
All over 10 machines	\$150.00 plus	\$ 5.00 per machine

Decals are to be affixed to each amusement machine, vending machine, billiard/pool tables, and similar machines at a rate not to exceed the actual cost of the decals purchased by the city.



**SCHEDULE “N” – Banks/Savings & Loan**

Bank ATM Location	\$ 50.00
Bank Branch Location	\$ 10.00
Bank Main Office Facility	\$ 125.00
Savings & Loan ATM Location	\$ 10.00
Savings & Loan Branch Location	\$ 10.00
Savings & Loan Mail Office Facility	\$ 125.00

**SCHEDULE “O” – Beer, Wine & Liquor**

<u>State of Alabama Code</u>	<u>Classification</u>	<u>Amount</u>	<u>Licensing Notes</u>
Beer On/Off Premise	312121	\$75.00	
Beer Off Premise Only	312122	\$50.00	
Table Wine On/Off Premise	312131	\$ 75.00	
Table Wine Off Premise Only	312131	\$ 75.00	
Lounge Retail Liquor Class I	312121	\$ 75.00	All three codes are part
	312141	\$650.00	of the package plus the
	312131	\$ 75.00	business license code.
Package Store Liquor Class II	312122	\$75.00	All three codes are part
	312141	\$650.00	of the package plus the
	312131	\$75.00	business license code.
Restaurant Retail Liquor	312121	\$ 75.00	All three codes are part
	312141	\$650.00	of the package plus the
	312131	\$75.00	business license code.
Club Liquor Class I		\$75.00	All three codes are part
		\$800.00	of the package plus the
		\$75.00	business license code.
Club Liquor Class II	312121	\$ 75.00	All three codes are part
	312141	\$1,000.00	of the package plus the
	313131	\$75.00	business license code.
Wholesale Table Wine & Beer	312132	\$375.00	Distributors License
Wholesale Beer	424810	\$275.00	
Wholesale Wine	424810	\$275.00	
Warehouse License Fee		\$100.00	
Each warehouse in addition to the principal		\$100.00	
Manufacturer License Fee	312132	\$500.00	
Importer License Fee		\$500.00	
Liquor Wholesale License	424820	\$500.00	
Retail common carrier liquor license		\$150.00	
Special retail license for 30 days or less		\$100.00	
Special retail license of more than 30 days		\$250.00	
Special events retail license		\$150.00	

**SCHEDULE “P” – Buses, Trucks, Taxicabs, Limousines**

BUSES, TAXICABS & LIMOUSINES: The license fee for each bus, taxicab or limousine shall be according to the following table:

For one bus, taxicab or limousine	\$ 50.00 per vehicle
Each additional bus, taxicab or limousine	\$ 25.00 per vehicle

Decals are to be affixed to each bus, taxicab or limousine at a rate not to exceed the actual cost of the decals purchased by the city.

**SCHEDULE “Q” – Delivery License - State Regulated**

Less than \$10,000.00	Exempt
Over \$10,000 but less than \$75,000.00	\$100.00

Over \$75,000 exceeds or fails to meet criteria business shall purchase appropriate business licenses from the Municipality for the entire year - Section 24.

**SCHEDULE “R” – Itinerants**

Itinerant businesses operating within the jurisdiction shall pay an itinerant rate for a business license as follows: Base amount of \$35.00 plus \$1.75 per thousand of gross receipts on a per job basis.

**SCHEDULE “S” – Number of Employees**

R-1	Where personnel are from 1 to 2 people.....	125.00
R-2	Where personnel are from 3 to 5 people.....	275.00
R-3	Where personnel are from 6 to 10 people.....	425.00
R-4	Where personnel are from 11 to 20 people.....	575.00
R-5	Where personnel are from 21 to 50 people.....	725.00
R-6	Where personnel are from 51 to 75 people.....	875.00
R-7	Where personnel is from 76 to 100 people.....	1,025.00
R-8	Personnel over 100 to be 1,025.00 + 50.00 per person over 100.	

**SCHEDULE “T” – Fortune Tellers**

The annual license rate is \$1,000.00 and the rate is reduced by \$25.00 each year until such a time as the annual rate reaches \$500.00 and that becomes the minimum rate thereafter.

**SCHEDULE “U” – Peddlers/Transient Merchant**

**PEDDLER:** A peddler is a person who sells and makes immediate delivery of goods at any place in the City of Rainbow City other than at a business location that is a “fixed place of business”. A “fixed place of business” means the premises occupied in the City of Rainbow City for the particular purpose of conducting a business thereat and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to said business.

**\$250.00**

**TRANSIENT DEALERS:** All persons, both principals and agents, who engage or conduct in this city, either in one location or in traveling from place to place, a temporary or transient business of selling or soliciting orders for the sale of goods, wares, or merchandise with the intention of continuing, in said business in the city for a period of not more than 180 days. (Ordinance No. 220)

**Schedule "V" - Special Events Licenses**

**Small event-** function or activity with projected gross receipts of less than \$5,000.00 **\$20.00 per day**

**Large event-** function or activity with projected gross receipts over \$5,000.00 **\$100.00 per day**

Location for special events license must be approved by the Zoning Administration/Building Inspector.

**SCHEDULE “W” – Square Feet of Building**

S-1	From zero	to	5,000 Square Feet.....	125.00
S-2	From 5,000	to	10,000 Square Feet.....	225.00
S-3	From 10,000	to	20,000 Square Feet.....	325.00
S-4	From 20,000	to	30,000 Square Feet.....	425.00
S-5	From 30,000	to	40,000 Square Feet.....	525.00
S-6	From 40,000	to	50,000 Square Feet.....	625.00
S-7	From 50,000	to	60,000 Square Feet.....	725.00
S-8	From 60,000	to	70,000 Square Feet.....	825.00
S-9	From 70,000	to	80,000 Square Feet.....	925.00
S-10	From 80,000	to	90,000 Square Feet.....	1,025.00
S-11	From 90,000	to	100,000 Square Feet.....	1,225.00
S-16	From 100,000 up	-	1,225.00 plus \$ .01 per square foot over 100,000	

**SCHEDULE “X” – Telephones & Telecommunications**

The amount of the license fee is state regulated. See §11-51-128 of the *Code of Alabama*, 1975.

**SCHEDULE “Y” – Utilities**

The amount of the license fee is state regulated. See §11-51-129 of the *Code of Alabama*, 1975. For those utilities covered, the license shall not exceed an amount equal to three (3%) percent of the gross receipts of the business transacted in the municipality for the previous year.

**SCHEDULE “Z” – Renting and/or Leasing Real Property**

Each person engaged in the business of renting or leasing real property to others, including but not limited to apartments, office spaces, buildings, and houses shall pay a license fee based on gross receipts as follows:

<b>Less Than</b>	<b>\$20,000 (gross receipts)</b>	<b>\$125.00</b>
<b>Over</b>	<b>\$20,000</b>	<b>\$125.00 plus an</b>
<b>additional amount equal to \$1.50 per 1,000.00 of gross receipts over \$20,000.00</b>		

**SCHEDULE “AA” – Massage Parlor/Massage Therapist**

The initial licensure shall be as follows:

Establishment	\$100.00
Massage Therapist	\$50.00

The fee to be charged for the annual business license shall be one hundred dollars (\$100.00) plus two percent (2%) of all gross receipts in excess of ten thousand dollars (\$10,000.00).

**SECTION 27. Exchange of information**

(a) The license officer may exchange tax returns, information, records, and other documents secured by the municipality, with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with county or state authorities. The license 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 license

officer. The license 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* §§40-23-25, 40-23-82, or 40-12-224.

**SECTION 28. Effective date**

This ordinance shall become effective on and after January 01, 2024.

**SECTION 29. Fees to increase every five (5) years**

All fees set out within this ordinance shall be increased every five years after the date of passage of this Ordinance. The amount of the increase shall increase to an amount equal to the “CPI Factor” times the amount of each fee set out within the ordinance. The “CPI Factor” is the percentage equal to a fraction, the numerator of which is the Index (as hereinafter defined) most recently published prior to the first day of October of the year of the increase (the “Numerator Index”) and the denominator of which is the Index most recently published prior to the first day of October five years prior thereto. The term “Index” shall mean the Consumer Price Index, U. S. City Average, All Items and Major Group Figures for Urban Wage Earners and Clerical Workers (CPI-U 1982-84 + 100), published by the Bureau of the Labor Statistics of the United States Department of Labor. In the event that the new fee amount is not an even dollar figure, the figure derived from the computation shall be rounded up to the next even dollar.

**SECTION 30. 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 municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 31. Repealer**

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

**PASSED AND ADOPTED ON THIS THE 11TH DAY OF DECEMBER, 2023.**

\_\_\_\_\_  
Joe Taylor, Mayor

\_\_\_\_\_  
Anita Bedwell, Council member

\_\_\_\_\_  
Randy Vice, Council member

\_\_\_\_\_  
Jeff Prince, Council member

\_\_\_\_\_  
Jameson Jenkins, Council member

---

Clark Hopper, Council member

ATTEST:

---

Beth Lee, City Clerk/Treasurer

**CERTIFICATION OF ADOPTION**

I, Beth Lee, City Clerk/Treasurer of the City of Rainbow City, Alabama do hereby certify that the above and foregoing copy of Ordinance No. 580 is a true and correct copy of such Ordinance that was duly adopted by the City Council of Rainbow City in regular session assembled on the 11<sup>th</sup> day of December 2023 and is recorded in the official minutes of said City.

---

Beth Lee, City Clerk/Treasurer

**CERTIFICATION OF PUBLICATION**

I, Beth Lee, City Clerk for the City of Rainbow City, Alabama, do hereby certify that Ordinance No. 580 was duly posted at the Rainbow City Municipal Building, Local Joe's, and the Rainbow City Library on the 12<sup>th</sup> day of December 2023, in accordance with the provisions of *Code of Alabama*, 1975, §11-45-8.

---

Beth Lee, City Clerk/Treasurer