

ORDINANCE 2001-13

AN ORDINANCE LEVYING AND IMPOSING LICENSE FEES FOR PRIVILEGE OF ENGAGING IN BUSINESS, OCCUPATIONS, TRADES AND PROFESSIONS IN THE CITY OF RUSSELLVILLE, KENTUCKY, MEASURED BY TWO PERCENT (2%) OF THE AMOUNTS EARNED WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, ON AND AFTER THE SIXTH DAY OF JANUARY, 1972, DEFINING WORDS, PHRASES AND TERMS; PRESCRIBING REGULATIONS AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND COLLECTION OF SUCH LICENSE FEES; REQUIRING THE FILING OF RETURNS AND THE GIVING OF INFORMATION BY ALL THOSE SUBJECT TO SUCH LICENSE TAX; PROVIDING THAT THE LICENSE FEES COLLECTED SHALL BE PAID INTO THE GENERAL FUND OF THE CITY OF RUSSELLVILLE FOR PAYMENT OF GENERAL GOVERNMENTAL EXPENSES AND FOR CAPITAL IMPROVEMENTS AS MAY BE DIRECTED BY THE CITY COUNCIL; PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Russellville has previously enacted Ordinance 72-1 which has been the "Occupational License Fee - Net Profits License" legislation of the City since 1972; and,

WHEREAS, Ordinance 72-1 has been amended several times over the years in order to accommodate changing times and needs for the City; and,

WHEREAS, City Council of Russellville, Kentucky, deems it necessary and proper for Ordinance 72-1 and all of its amendments to be repealed in their entirety, to be replaced with one Ordinance which incorporates the intentions and purposes of Ordinance 72-1 and its amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY:

SECTION I. LICENSE FEES: ON WHOM IMPOSED.

There is hereby levied and imposed an annual license fee upon all persons, associations, corporations or other entities in any business, occupation, trade, profession or other activity in the City of Russellville, Kentucky, for the privilege of engaging in such business, occupation, trade, profession or other activity, which license fee shall be measured by and be equal to two percent (2%) of the gross salaries, wages, commissions and other compensations earned in the City and the net profits of all business, professions or occupations from activities conducted in the City on and after the sixth day of January, 1972.

Where such salaries, wages, commissions and other compensations or net profits are earned for work done or services performed or rendered both within and without the City, said license fee shall be measured by such part of the salaries, wages and commissions and other services performed or rendered in the City. Such license fee shall be computed by obtaining the percentage that the compensation or net profits for work performed or services rendered within the city bears to the total compensation earned.

SECTION II. EXCEPTED ACTIVITIES.

1. No license fee under this ordinance shall be required of domestic servants employed in private homes.

2. The following business activities are exempt from the payment of a license tax to a city by provisions of the Kentucky Revised Statutes and are not subject to the net profits license tax levying here in:

- a. State or national banks, trust companies or combined banks and trust companies and title insurance companies organized and doing business in this state in accordance with KRS 92.300 if they pay both an ad valorem tax and a tax to the city on the fair cash value of the shares of stock as provided in KRS 136.270.
- b. Manufacturing establishments, which have heretofore or are hereafter by ordinance exempt from city taxation for a period not exceeding five years immediately following their establishment as an inducement to their location within the City of Russellville as

- g. "Occupation, trade, professions or other activity": shall mean and include the doing of any kind of work, the rendering of any kind of personal service or the holding of any kind of position or job within the city of Russellville, Kentucky by any clerk, laborer, tradesman, manager, official or other employee, including any non-resident of the City of Russellville who is employed by an employer as defined in this ordinance, where the relationship between the individual performing the services and the person for whom such services are rendered is, as to those services and the person for whom such services are rendered is, as to those services, the legal relationship of employer and employee, including also a partner of a firm or an officer of a firm or a corporation, and shall also include and mean the holding of any kind of office or position, either by election or appointment, by the Federal, State, County or City officer or employee, where the services of such official or employee are rendered within the City of Russellville.
- h. "Employee": shall mean and include any person engaging in or following any trade, occupation, profession or activity within the meaning of sub-section (g) of Section 3 of this ordinance. Those individuals receive a W-2 and have the occupational tax removed from their wages. In the event the employer does not withhold the tax from his or her wages, that individual must file his or her own return and make payment.
- i. "Employer": shall mean and include any individual, person, partnership, association, corporation, governmental body or unit or administrative agency, or any other entity, who or that employees one or more persons on a salary, wage, commission or other compensation basis.
- j. "Salaries, wages, commission and other compensations": shall mean and include the total gross amount of all salaries, wages, commissions, bonuses, share of net partnership receipts or withdrawals, corporate dividends paid in lieu of salaries or wages, and any and all other payments or other consideration which a person receives from, or is entitled to, for any work done or personal services rendered in any trade,

occupation or profession or any other activity including all deductions whether for tax, insurance or other. Amount paid to traveling salesmen or other workers as allowance or other expenses incurred in the business of the employer, except to the extent of the excess of such amounts over such expenses actually incurred and accounted for by the employer are excluded from the foregoing definition. Gross wages included any amount withheld for 401K, cafeteria plans, Sep or any other retirement plan, and medical savings accounts.

- k. "Net Profits": The net income from the operation of a business or enterprise after provision for all costs and expenses incurred in the conduct thereof, shall be the same as reported for Federal Income Tax purposes excluding items exempted under this ordinance, but without deduction of taxes based on income.
- l. "Licensee": shall mean and include any person required to file a return or to pay a minimum license fee under this ordinance.
- m. "Craft Vendors": shall mean any individual(s) who operate a booth, stand, table or tent during the Tobacco Festival, Flying Fish Festival, or other similar one-day events for the purpose of showing relic, homemade, natural, artificial, or other craft items of a similar nature to the general public.
- n. "Transient Contractor": Any individual, partnership, or corporation that does not have a permanent location in the City of Russellville and that does not do business on a continuous basis.
- o. "Independent Contractor": Where the individual is not subject to the direct control of another and may conduct the sale or service as he sees fit, receiving his payment in the form of commission from the sale or service. These individuals are considered self-employed and must make estimated payments.

The singular shall include the plural and vice versa, and the masculine shall include the feminine and the neuter.

SECTION IV. PAYMENT OF LICENSE FEES -- WITHHOLDING AND RETURN

- a. Each employer who employs one or more persons within the city shall deduct monthly, or more often than monthly, at the time of payment thereof, the license fee so deducted. Beginning with the January -March, 1972, quarter, the payment required to be made on account of deduction by employers shall be made quarterly, for the quarterly periods ending March 31, June 30, September 30 and December 31 of each year, on or before the last day of the month next following the quarter of said deduction, to the Treasurer. Employers withholding \$100.00 or more per month shall pay same monthly for the first two months of the quarter and pay the balance due including the third month of the quarter with the quarterly return. Said employer shall annually during the month of January, make a return to the Director of Finance in which is set forth the name and residence address of each employee of said employer during the preceding calendar year, giving the amount of salaries, wages, commissions or other compensations earned during the preceding year, by each such employee. Provided, however, that the failure or omission of any employer to deduct each license fee shall not relieve the employee from the payment of such license fee in compliance with such regulations with respect to making returns and payment thereof, as may be fixed in this ordinance or established by the Director of Finance.

- b. Each person subject to a license fee imposed by this ordinance shall, on or before the fifteenth day of the 4th month following the close of each year, make and file with The Director of Finance, a return, on a form which shall be furnished by or obtained from the Treasurer, setting forth the aggregate amount of salaries, wages, commissions, and other compensations or net profits during the preceding year. Provided, however, that where the entire license due under this ordinance has been withheld under the provisions here of, the Director of Finance may waive the filing of said return by said licensee; provide, further, that where the fiscal year of said return by business, profession or other activity differs from the calendar year and licensee files federal income tax returns for such fiscal years, the license tax shall be measured by the net profit of the fiscal year. It is the

intent of this ordinance that any license fee paid here under during any calendar or fiscal year is for the right to do business for that calendar or fiscal year.

- c. All taxpayers subject to pay annual license fee or net profits under Section 1 as defined in Section 3(k) shall in April, July, October and January pay to the Treasurer two per cent (2 %) of the net profits for the preceding quarter and such quarterly payments shall be credited on the final annual tax return for the calendar or fiscal year.
- d. The Director of Finance shall have the authority to extend the filing of said returns in his discretion. Such extension shall be upon the written request of the licensee. Provided, however, that any balance unpaid when payment is due under the terms of this ordinance shall bear interest at the rate of eighteen (18%) percent per annum until paid.

SECTION V. RECORDS OF COLLECTION

It shall be the duty of the Director of Finance to collect the license fees imposed by this ordinance, to keep the records showing the amount of such fees and the date they were received by him from each licensee and employer and to periodically pay to the City of Russellville Treasurer such collections.

SECTION VI. ENFORCEMENT.

- A. The Director of Finance is hereby charged with the enforcement of provisions of this ordinance, and is hereby empowered to prescribe, adopt and promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of the provisions of this ordinance, including but not limited to provisions for the reexamination and correction of returns for which an underpayment or overpayment is claimed or found to have been made and the rules and regulations as promulgated by him shall be binding upon the licensee and employers. Provided, however, all such rules, regulations and decisions shall be subject to the consent and approval of the Mayor.
- B. Delinquent Accounts - The Director of Finance will

mail a delinquent notice to any account that is past due. This notice will give the delinquent account ten (10) days in which to respond to the Director of Finance.

- C. The Director of Finance or a representative appointed by him in writing, may examine the books, papers and records of any employee of any licensee in order to determine the accuracy of any return made, or if no return was made, to ascertain the amount of license fee imposed by the terms of this ordinance, when he deems this reasonably necessary for purpose incident to the performance of his duties here under. If the employee or licensee does not cooperate with the request from the Director, the Director may enforce this right by application to the appropriate court having jurisdiction over these matters.
- D. Nothing contained herein shall limit the right of the City of Russellville to seek enforcement of this Ordinance in any state or federal court.

SECTION VII. PENALTIES

All license fees imposed by this ordinance which remain unpaid after they become due shall bear interest at the rate of eighteen (18%) percent per annum and any person who fails to pay such license fee within thirty days after the due date, except as provided in Section 4 (d), shall also be charged a penalty of ten percent (10%) percent of the unpaid balance or \$25.00 whichever shall be greater. "Any person who shall fail, neglect, or refuse to make any return required by this ordinance or any employer who shall fail to withhold said license fee or to pay over to the city those so withheld under the terms of this ordinance or any person who shall refuse to permit the Director of Finance or any agent, or employee designated by him in writing, to examine books, records and papers pertaining to information required under this ordinance, or who shall knowingly make any incomplete, false or fraudulent return, or shall attempt to do anything whatever to avoid the full disclosure of the amount of earnings in order to avoid the payment of the whole or any part of the license fee shall become liable to the City for such fees as well as the interest and penalty there on and shall in addition, upon conviction, be subject to a fine of not less than \$25.00 nor more than \$100.00, for each offense". Such criminal penalties shall be in addition to the interest and penalties imposed above.

SECTION VIII. CONFIDENTIAL INFORMATION.

Any information gained by the Treasurer, Director of Finance, or any other official or agent or employee of the City as result of any returns, investigations, hearings or verifications required or authorized by this Ordinance shall be confidential, except in accordance with proper judicial order, and any person or agent divulging such information shall, upon conviction, be subject to a fine of not less than \$50.00 nor more than \$200.00, and shall be dismissed from employment by the City upon conviction. Provided, however, such person may disclose to the Commissioner of Revenue of the State of Kentucky or its duly authorized agent all such information and the right to inspect any of the books and records of the City if said Commissioner of Revenue of the State of Kentucky grants to the City the reciprocal right to obtain information from the files and records from the Department of Revenue of the State of Kentucky and maintains the privilege character of the information so furnished to him.

Each person filing a net profit license fee return shall provide a copy of the appropriate federal tax return forms which indicate profit or loss from a business or profession, rental income, partnership income, fiduciary/estate-trust income, corporate income and any other forms as determined necessary by the Chief Financial Officer with the net profit return filed with the Chief Financial Officer. The form(s) to be included with the Net Profits License Fee Return include, but are not limited to, the following federal forms:

1. Schedule C
2. Schedule E
3. Form 1041
4. Form 1065
5. Form 1120
6. Form 1120S

The City may request additional forms as it deems necessary to enforce this Ordinance.

SECTION IX. COMPUTATION OF PERCENTAGE WHICH THE SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION AND NET PROFITS FOR WORK PERFORMED ON SERVICES RENDERED WITHIN THE CITY BEARS TO THE TOTAL COMPENSATION EARNED, EXCEPTIONS AND RULES AS TO SPECIFIC INCOME.

1. The following money receipts are not deemed to be

"salaries, wages. Commissions and other compensations and net profits" within the meaning of this Ordinance, to wit:

- a. Old Age or Retirement payments.
- b. Periodical payments made to persons retired from services after reaching a specified age or after a started period of employment are not subject to the license fee.
- c. Disability, sickness and accident plans are not subject to the license fee Unemployment compensation payments by the Commonwealth of Kentucky or any agent are not subject the license fee.
- d. Death Benefits. Death benefits payable by an employer to the beneficiary of an employee or to his estate, whether payable in a single sum or otherwise, are not subject to the license fee.
- e. Benefits arising under Workmen's Compensation Act as compensation for disabilities sustained during the course of employment, together with any amount of damages received by suit or agreement on account of such disability are not subject to license fee.

2. INSURANCE: General Individuals engaged in the sale of insurance may be either employees or independent contractors, a determination which shall be governed by generally accepted principles of the accounting profession and the rules and regulations of the Internal Revenue Service.

a. **AGENCIES:** If an insurance office is located inside the City of Russellville, all net profits are subject to the Russellville License Fee. (See exception)

(Exception: Brokers may exclude from the Russellville License Fee only the actual time they are conducting business outside the City of Russellville. A detailed record must be kept and submitted to the City for work time physically spent outside the City. This record must accompany the Net Profit License Fee Return filed by April 15 of each year.

b. **SELF-EMPLOYED INSURANCE AGENTS BASED IN A RUSSELLVILLE OFFICE:** All commissions, bonuses, etc are subject to the Russellville License Fee. (See exception)

(Exception: All individuals who sell insurance may exclude from the Russellville License Fee work time actually spent outside the City. Detailed records must be kept and submitted to the City.

c. **GROUP INSURANCE COMMISSIONS:** Commissions paid on the sale of contracts of group insurance are subject if the group is located within the City of Russellville as a unit without regard to the residence of the writing agent.

d. **BONUSES AND INSURANCE PAYMENTS SUBJECT TO LICENSE FEES:** That proportionate part of all bonuses and incentive payments received by an Agent, which bears the same ratio to the total amount of commissions received by him on policies sold to residents, bears to the total amount of commissions received by him on all policies sold to both residents and non-residents is subject to the license fee.

3. INCOME RECEIVED FROM REAL ESTATE

- a. All individuals who derive income from any real estate must purchase a license to do business in the City of Russellville.
- b. The rent received from warehouse, apartment houses, hotels, motels, office buildings and structures rented for any commercial or business operation shall constitute a subject activity, and the net income there from is subject to the fee imposed by this ordinance.
- c. Rents from single dwellings or single apartments or other rental property not specifically set out above shall constitute a subject activity and the net income there from is subject to the fee imposed by this ordinance.
- d. All corporations engaged in the rental of real estate of partnership organized for that purpose shall be considered to be engaged in a subject activity.
- e. When any property falls within the classifications above given, the manner of its acquisitions, i.e., purchase gift, inheritance, fiduciary or as fiduciary montage in position etc., does not affect the subject of the income derived there from.

f. Where the property is located within the City Limits, the silence of the beneficiary is immaterial.

g. **BROKERS OR AGENCIES:** If a real estate office is located inside the City of Russellville, all net profits from that location are subject to the Russellville License Fee.

EXCEPTION: Brokers may exclude from the License Fee only the actual time they are conducting business outside the City of Russellville. A detailed record must be kept and submitted to the City for work time physically spent outside the City. This record must accompany the Net Profit License Fee Return filed by April 15 of each year.

h. **REAL ESTATE AGENTS:** Real estate Agents are Independent Contractors and must have a License In order to conduct business within the City of Russellville. All property sold within the City is subject to the License Fee. For the sale of property outside the City the determining factors shall be the amount of time spend in an office, at a place of public records, and at the place of closing the sale if any or all of these are within the City of Russellville. Only time spent outside the City is not subject to the license fee.

i. **REAL ESTATE AGENTS BASED IN A RUSSELLVILLE OFFICE:** All commissions, bonuses, etc., are subject to the Russellville License Fee.

EXCEPTION: All individuals who sell real estate may exclude from the Russellville License Fee work time actually spent outside the City. Detailed records must be kept and submitted to the City.

4. ATTORNEYS-AT-LAW

a. **PARTNERSHIPS AND CORPORATIONS:** if the partnership or corporate office is located inside the City of Russellville, all net profits from that location are subject to the Russellville License Fee.

b. **ATTORNEYS BASED IN A RUSSELLVILLE OFFICE:** All

commissions, bonuses or fees are subject to the Russellville License Fee.

EXCEPTION: Attorneys may exclude from the Russellville License Fee only the actual time they are conducting business outside the City of Russellville. A detailed record must be kept and submitted to the City for work time physically spent outside the City. This record must accompany the Net Profit License Fee Return filed by April 15 of each year.

- c. **SOLE PROPRIETORS:** Any individuals who works both inside Russellville and outside Russellville must submit at the time of filing a Net Profit License Fee return a detailed record of work time spent outside the City of Russellville.
5. **TRADING SECURITIES:** When a person engages in buying and selling of stocks, bonds and other types of securities and such transactions are not isolated and few but are extended so as to constitute an activity, the net profits there from including dividends and interest are subject to the license fee.
6. **FIDUCIARY:** A fiduciary is a person who holds in trust property, monies or properties to which another person or persons and where a fiduciary is regularly engaged in a business or profession as a fiduciary, or engaged in business or profession and regarded as being incidental or collateral there to, the income of such fiduciary is subject to the license fee.
7. **INDEPENDENT CONTRACTOR:** An independent contractor is a person who, while performing services for another, is not under the direction and control of such other person as to the result to be accomplished by the work as to the details and means to the result is accomplished, such as authors, professional men, Plumbers, electricians, seamstresses, laundresses, tailors, registered nurses. The income received by such person is subject to this license fee on the net profit.
8. **TRUSTS:** Whenever a trust estate is engaged in enterprise, activity or business, which is productive of income, said activity or business, shall be considered subject to the license fee.

9. **CAPITAL GAINS:** Gains from the sale or exchange of "capital assets" are subject to the license tax to the same extent as taxed under the Internal Revenue Code and losses may be deducted from taxable income under this Ordinance.

10. **OTHER COMPENSATION:**

- a. Tips received by written and others are subject to the license fee and will be reported in the same manner as an independent contractor.
- b. Vacation and holiday benefits are subject to the license fee and the tax shall be withheld and paid by the employer.
- c. Payments made to employees by an employer at the time of the voluntary or involuntary separation of the employee from the service of the employer are subject to the license fee and the tax shall be withheld and paid by the employer.

11. **PEDDLERS:** Persons or groups who sell items door-to-door, roadside stands, or from a truck or automobile will be required to purchase a license. The charge for the license will be \$25.00 per year for any year in which they solicit sales in the City of Russellville.

12. **OTHER INDIVIDUALS:** Any individual who works both inside Russellville and outside Russellville must submit at the time of filing a Net Profit License Fee return a detailed record of work time spent outside the City of Russellville.

13. **COMPUTATION OF PERCENTAGES** that the Net Profits for work performed or services rendered within the City bears to the Total Compensation Earned.

- a. The net profits of businesses and professions from activities conducted in the City shall be computed as follows:

Multiply the entire net profit from all sources by a business allocation percentage to be determined by:

1. Determine the percent of sales and services by dividing receipts of sales and services rendered

within the City by Total Sales and Services rendered.

2. Determine the percent of wages, salaries and other personal service compensation by dividing wages, salaries and other personal service compensation earned within the City by total wages, salaries and other personal service compensation.
 3. Add together the percentage determined in accordance with subparagraphs (1) and (2) above and divide the total so obtained by two.
- b. Sales within the City shall be sales of merchandise delivered to a customer within the City or services performed within the City for a customer.
- c. The term "business" means an enterprise, activity or undertaking of any nature conducted for gain or profit, or conducted by an individual, co-partnership, association or any other entity, but shall not include the usual activities of Boards of Trade; Chambers of Commerce; Trade Association or Unions (or other associations performing the services usually performed by trade associations or unions); Community Chest Funds or Foundations; Corporations or Associations organized and operated exclusively for all religious, charitable, scientific, literary, education or civic purposes, or for the prevention of cruelty to children or animals; or clubs or fraternal organizations operated exclusively for social, literary, educational or fraternal purpose, where no part of the earnings or income or receipts for such units, groups, or associations inures to the benefit of any private shareholder or individual.

SECTION X. EQUAL IMPOSITION OF LICENSE TAX, MINIMUM NET PROFIT LICENSE TAX FEE AND REFUND OF OVERPAYMENT.

1. It is the purpose of this Ordinance to provide revenue for necessary capital improvements and the General Fund of the City of Russellville, in a fair and equitable manner, and it is not the intention of the City or of this Ordinance to impose or require an occupational license fee prohibited by law.

2. Persons, associations, corporations or other business entities involved in any business, occupation, trade, profession or other business activity within the City subject to the net profit tax here under shall file a Net Profit License Fee Return and pay the greater of two percent (2 %) of their net profit, gross wages, and gross salaries or a minimum fee of \$25.00. All calendar year taxpayers must file the Return by April 15; Fiscal year taxpayers must file the Return within three and one-half months after the close of their year. All new businesses will be required to file an application with the Director of Finance and pay a one-time License Fee of \$25.00 before commencing business in Russellville. A business changing names shall notify the License Division of the name change, but will not be required to pay a new license registration fee. This applies to a true name change only. Any change in entity or ownership shall require the completion of a new application and registration fee.
3. The Director of Finance is hereby empowered to adopt rules and regulations for the refund or credit on future tax liability in case of overpayment of the occupational license tax or in case the amount paid in during any tax year exceeds the amount owed due to withholding and /or quarterly estimated payments. If an error is discovered on a previously filed return, file an amended return with the City of Russellville. In order to receive a refund, the amended return must be filed within three years after the date you filed your original return or within 2 years after the date you paid the tax, whichever is later.
4. If you did not file a return, you must file within three (3) years from the date the return was originally due to get a refund. Provided however, all such rules and regulations and decisions related there to shall be subject to the consent and approval of the Mayor.

SECTION XI. BOND REQUIREMENT (TRANSIENT GENERAL CONTRACTOR)

In addition to the Registration Fee, General Contractors that do not meet the definition of a local business shall be required to post a cash bond of \$250.00 with the City at the time of registration. This bond will be held until all Net Profit

License Fee Returns and Employee Withholding requirements have been deemed met by the City.

Net operating losses (NOL) are not allowable deductions from income to arrive at taxable income. Each year is autonomous.

SECTION XII. SEVERABILITY: The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.

SECTION XIII. REPEAL OF EXISTING ORDINANCES: The provisions of the present Occupational License Ordinance as to coin operated machines, truck unloading, itinerant merchants, peddlers, transient workers, traveling salesmen, musicians, entertainers, circuses, carnivals and all other business activities not covered herein or on which it would be impracticable to collect percentage license fee, are not repealed.

All ordinances or parts of ordinances in conflict here with now in effect, requiring the payment of a license fee for the privilege of engaging in any trade, occupation or profession to the extent of said conflict, are hereby repealed.

Nothing in this section is intended to relieve any license of any fee or portion of a fee which has accrued and is owed to the City under existing ordinance before their repeal by the terms here of.

SECTION XIV. EFFECTIVE DATE: This ordinance shall become effective upon passage and publication as required by law.

FIRST READING conducted the 18th day of September, 2001.

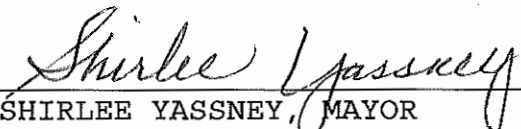
SECOND READING CONDUCTED AND PASSAGE by roll call vote this 2nd day of October, 2001.

AYES: Hankins, Kisselbaugh, Jones, Smith, Barrett

NAYS: none

ABSENT: Wren

ABSTAINING: none


SHIRLEE YASSNEY, MAYOR

ATTEST:


PEGGY JENKINS, City Clerk