

ORDINANCE 2003-16

AN ORDINANCE AMENDING 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", BY PROVIDING A NEW SECTION AUTHORIZING CONCURRENT JURISDICTION FOR VIOLATIONS TO BE WITHIN THE CODE ENFORCEMENT BOARD POWERS, AND AUTHORIZING THE CODE ENFORCEMENT BOARD TO SEEK LEGAL ACTION AGAINST VIOLATORS OF THIS ORDINANCE; PROVIDING FOR CIVIL PENALTIES FOR VIOLATIONS; AND PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

WHEREAS, City of Russellville has previously adopted Ordinance 2001-13, the heading of which is found above, and which is incorporated by reference as is fully rewritten herein; and

WHEREAS, City Council desires to amend this Ordinance to grant concurrent jurisdiction to the Code Enforcement Board of Russellville, Kentucky, and authorizing the Code Enforcement Board to seek judicial action by the City Attorney; and

WHEREFORE, City Council deems this Ordinance to be in the best interests of the health, safety and welfare of the citizens of Russellville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, as follows:

I. THE AMENDMENTS.

1. Section VI of Ordinance 2001-13 is hereby amended to create two (2) new sub-parts to read as follows:

E. The Code Enforcement Board of Russellville, Kentucky is granted concurrent jurisdiction to decide all

cases based on a Citation issued by a Code Enforcement Officer for violation of this Ordinance.

F. In order to assist in enforcement of this Ordinance, the Code Enforcement Board may authorize the City Attorney of Russellville to file a legal action to collect fines, foreclose on Judgment Liens, and to seek injunctive relief against a violator to prohibit future business activity by a taxpayer who fails to comply with the terms of this Ordinance.

2. Section VII of Ordinance 2001-13 is hereby amended, separating the section into two (s) sub-parts, one of which is new, to read as follows:

A. 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.

B. Violation of this Ordinance is a civil offense. The maximum civil penalty that may be imposed is \$100.00 for each offense, and each day the Ordinance is violated may be considered a separate offense. If one who violates this Ordinance does not contest a citation, then the penalty for such violation shall be \$25.00, and each day the Ordinance is violated may be considered a separate offense.

2. SEVERABILITY. The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegal it 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.

3. REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

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

FIRST READING conducted the 4th day of November, 2003.

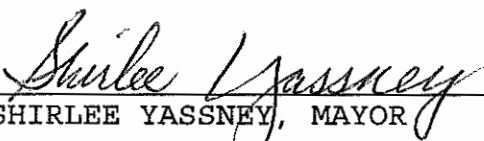
SECOND READING AND PASSAGE by roll call vote on the 18th day of November, 2003.

Ayes:

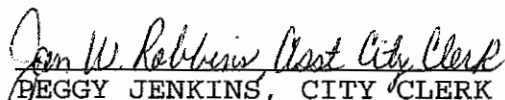
Nays:

Abstaining:

Absent:


SHIRLEE YASSNEY, MAYOR

ATTEST:


PEGGY JENKINS, CITY CLERK