

ORDINANCE NO. 13-03

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING THE CITY'S OCCUPATIONAL LICENSE TAX ORDINANCE RELATING TO THE FAILURE TO MAKE PAYMENT OF THE OCCUPATIONAL LICENSE TAX

WHEREAS, the City of Richmond has long since adopted an ordinance mandating that persons and entities doing business within the City procure a City business license, file with the City occupational license tax returns, and make payment of the occupational license taxes mandated by the ordinance; and

WHEREAS, the Board of Commissioners for the City of Richmond finds it to be in the public interest that persons and entities doing business within the City who fail to make payment of the mandated occupational license tax not continue to do business within the City until such taxes have been paid; and

WHEREAS, the ordinance in its present form provides for the revocation of the business license of any person or entity who shall have failed to make payment of the occupational license tax, but the ordinance does not expressly prevent such persons or entities from obtaining a new business license under a new name;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the City of Richmond that:

Section I

Section 110.12 of Chapter 110, as same is codified in the City's Code of Ordinances, is hereby amended to add a new provision therein under sub-section (K), same to read as follows:

(5) No entity (the "New Entity") related to an entity which has failed to make payment in full of occupational license taxes (the "Delinquent Entity"), including net profit as well as payroll taxes, shall be issued a City of Richmond business license until such occupational license taxes of the Delinquent Entity shall have been paid in full.

There shall be a rebuttable presumption that the New Entity is related to a Delinquent Entity within the meaning of the foregoing provision if any of the following conditions exist as to the New Entity:

- (a) The New Entity (i) includes, whether as an owner, partner, limited partner, member, manager, shareholder, officer, director, or joint venturer, any person, or the parent, child, sibling, or spouse of any person, who was an owner, partner, limited partner, member, manager, shareholder, officer, director, or joint venturer as to the

Delinquent Entity, and (ii) the New Entity is engaged in the same sort of business as was the Delinquent Entity;

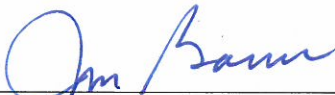
- (b) The New Entity (i) includes, whether as an owner, partner, limited partner, member, manager, shareholder, officer, director, or joint venturer, any person, or the parent, child, sibling, or spouse of any person, who was an owner, partner, limited partner, member, manager, shareholder, officer, director, or joint venturer as to the Delinquent Entity, and (ii) any person who was an owner, partner, limited partner, member, manager, shareholder, officer, director, or joint venturer in the Delinquent Entity is an employee of or contractor for the New Entity.
- (c) Any person who was an owner, partner, limited partner, member, manager, shareholder, officer, director, or joint venturer in the Delinquent Entity is an incorporator, organizer, or agent for service of process as to the New Entity.

Any entity denied a business license under the foregoing provisions shall have the right to request a hearing as to the denial before the City Manager. A request for such a hearing shall be made within ten days of the denial, with the day following the day of the denial being the first of such ten days; any request shall be in writing and delivered to the City Clerk. The City Manager shall have the right to require the production of and to inspect all documents of the New Entity and of the Delinquent Entity pertinent to the relationship issue.


DATE OF FIRST READING: February 12, 2013
MOTION BY: Commissioner Baird
SECONDED BY: Commissioner Newby

DATE OF SECOND READING: February 26, 2013
MOTION BY: Commissioner Baird
SECONDED BY: Commissioner Blythe

VOTE	YES	NO
Commissioner Baird	x	
Commissioner Blythe	x	
Commissioner King	x	
Commissioner Newby	x	
Mayor Barnes	x	



Mayor Barnes

ATTEST: 

City Clerk