

COMMONWEALTH OF KENTUCKY
ADAIR COUNTY FISCAL COURT
ADAIR COUNTY KENTUCKY
BUSINESS LICENSE ON ALL BUSINESSES, TRADES,
OCCUPATIONS AND PROVISIONS OPERATING WITHIN
THE COUNTY OF ADAIR, KENTUCKY
ORDINANCE NO. February 27, 2024

AN ORDINANCE RELATING TO THE IMPOSITION AND ADMINISTRATION OF A BUSINESS LICENSE REQUIREMENT BY PERSONS AND BUSINESS ENTITIES CONDUCTING BUSINESSES, OCCUPATIONS AND PROFESSIONS WITHIN ADAIR COUNTY, KENTUCKY.

WHEREAS, the County of Adair, Kentucky desires to comply with business license.

NOW, therefore, be it ordained by the Adair County Fiscal Court of the County of Adair, Kentucky as follows: Ordinance No. February 27, 2024 is hereby enacted and read in full as follows:

Sections:

1. Definitions
2. License required
3. Application
4. Standards for issuance
5. Date and duration of license
6. License not transferrable
7. License certificate to be displayed
8. Revocation or suspension
9. Appeal and review
10. Exemptions
11. Penalty
12. Severability

1. DEFINITIONS

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

"**BUSINESS.**" Carrying on, transacting or exercising, for gain or economic benefit, either directly or indirectly enterprise, trade, activity, profession, or undertaking, of any nature, including the collection of rent from real property within the County of Adair, conducted by an individual, partnership, firm, joint venture, association, corporation or any other entity; but shall not include the usual activities of boards of trade, chambers of commerce, trade associations or unions, community chest funds or foundations, corporations or associations organized and operated exclusively for religious, charitable, scientific, literary, educational 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 purposes.

"PERSON." Any natural person, partnership, firm, joint venture, fiduciary, association or corporation. Whenever PERSON is used in any clause prescribing and imposing a penalty in the nature of a fine, the work, as applied to a partnership or other form of unincorporated enterprise shall mean the partners or members thereof and as applied to corporations, shall mean the officers and directors thereof.

"RECEIPTS." Money or other property of value.

2. LICENSE REQUIRED

Every person and business entity engaged in any business in the County of Adair shall be required to apply for and obtain an occupational license from the County of Adair for any business or in the event of a change of business status. Licensees are required to notify the County of any changes in address, the cessation of a business, or any other changes which render the information supplied to the County in the license application inaccurate.

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this ordinance or any other ordinance of the county without first applying for and obtaining a license from the County of Adair or other duly authorized issuing authority. The fee for a license shall be \$50.00 and shall be paid by each applicant when applying for a business license. Thereafter the fee is due annually by January 31st of each year with the exception of the year of 2024 when the fee shall be due by April 1, 2024.

3. APPLICATION

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the County of Adair in writing upon forms to be furnished by the county and shall contain:

- (1) Name of applicant and of each officer, partner, or business associate;
- (2) Parent company, corporation name (if different than applicant name);
- (3) Present occupation and local site address of business;
- (4) Primary corporate/business address;
- (5) Nature or type of intended business or enterprise;
- (6) Period of time for which license is desired;
- (7) Description of the merchandise to be sold, if for a vendor;
- (8) Such other information concerning applicant and business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) It shall be unlawful knowingly to make any false statement or representation in the license application.

4. STANDARDS FOR ISSUANCE

The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant has done or possesses any of the following will constitute valid reasons for disapproval of an application:

- (1) Has been convicted of a crime of moral turpitude; or
- (2) Has made willful misstatements in the application; or
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character.

5. DATE AND DURATION OF LICENSE

- (A) A license shall not be valid beyond the expiration date therein specified.
- (B) In no event shall a license be granted to any business or any person for a longer time than one year.

6. LICENSE NOT TRANSFERRABLE

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred.

7. LICENSE CERTIFICATE TO BE DISPLAYED

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the license.

8. REVOCATION OR SUSPENSION

(A) Any license may be revoked by the legislative body at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state, or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the legislative body may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

9. APPEAL AND REVIEW

In case any applicant has been denied a license, or if his/her license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the legislative body from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the County Judge Executive's office who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The County Judge Executive's office shall notify and all members of the Fiscal Court of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the legislative body members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the legislative body present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

10. EXEMPTIONS

- (A) The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from licensing and/or license taxes pursuant to state or federal law.
- (B) Farmers and participants in the Farmers' Market are exempt.
- (C) Garbage haulers are required to pay a license fee in the amount of \$50 per Ordinance Relating to Regulating Private Haulers of Garbage for Residential and Commercial Customers for Adair County, Kentucky and shall not be required to pay any additional business license fees to the County of Adair.
- (D) Festivals are exempt.

11. PENALTY

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

12. SEVERABILITY

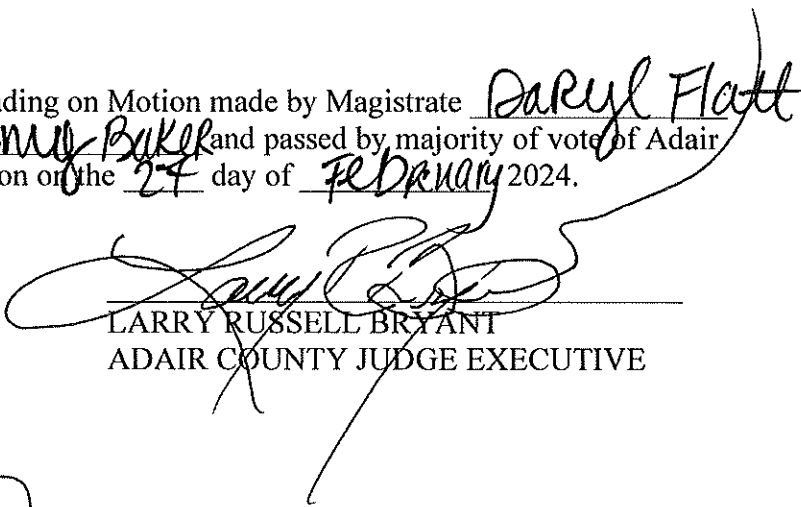
Each section and each provision of each section of this ordinance are severable and if any provision, section, paragraph, sentence or part thereof, or the application thereof to any person licensee, class or group is held by a court of law to be unconstitutional or invalid for any reason, such holding shall not affect or impair the remainder of this ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of the rest.

This Ordinance shall be effective: February 27, 2024

Introduced for the first reading on Motion made by Magistrate Chris Reeder
seconded by Magistrate Daryl Flatt and passed by majority of vote of the Adair
Fiscal Court in duly assembled session on the 12 day of December 2023.

LARRY RUSSELL BRYANT
ADAIR COUNTY JUDGE EXECUTIVE

Introduced for the second reading on Motion made by Magistrate Daryl Flatt
and seconded by Magistrate Sammy Baker and passed by majority of vote of Adair
Fiscal Court in duly assembled session on the 27 day of February 2024.



LARRY RUSSELL BRYANT
ADAIR COUNTY JUDGE EXECUTIVE

ATTEST:



ADAIR COUNTY FISCAL COURT CLERK