

ORDINANCE NUMBER 12-21-06
LICENSE ORDINANCE

An ordinance to provide a license schedule for the year of 2001, beginning January 1, 2001, and ending December 31, 2001, and for each year thereafter, successively and continuously, respectively for the divers businesses, trades, and professions engaged in and carried on in the City of Rainsville, Alabama; to provide a fee for issuance of said Ordinance and to provide penalties for its violation; to repeal any other ordinance or parts in conflict herewith.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RAINSVILLE, ALABAMA, AS FOLLOWS:

SECTION 1: License Schedule:

The following be and is hereby enacted and declared to be the schedule of licenses for the term beginning January 1, 2001, and ending December 31, 2001, and for each and every year thereafter, successively and continuously, respectively for the divers businesses, occupations, trades and professions engaged and carried on in the City of Rainsville, Alabama, and each and every person, firm or corporation (hereafter collectively or individually referred to as person) herein enumerated shall take out and pay for a license or licenses in such manner and sum herein provided for the year respectively in which they engage in such business, occupation, trade or profession as follows, to-wit:

1. Abstractors or abstract companies other than attorney		75.00
2. Accountant -	Public	75.00
	Certified	125.00
3. Advertising - advertising agency, contracting of advertising except local papers, bill poster, sign tacking, or distributing handbills or samples, or poster, each person or firm, per year		75.00
3.01 Advertising - billboards, per pole (support)		100.00
4. Agents - Selling books other than Bibles, per year		30.00
5. Agents - Selling fruit trees or shrubbery		50.00
6. Antiques		50.00
7. Architect or superintendent of construction		160.00
8. Attorney		200.00
9. Auction Sales	per week	50.00
	per day	25.00
	per year	110.00
10. Automobile or mobile home dealers or agents		85.00
11. Automobile auction on yearly basis only		220.00
12. Automobile accessories - dealers in, where not in connection with automobile agent		75.00

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13. Automotive seller or dealer	120.00
14. Auto Garage whether in connection with a dealer or not	75.00
14.01 Auto windshield repair/and all glass/window installation	50.00
15. Auto Salvage	75.00
16. Automobile or truck leasing	75.00
17. Bakeries	30.00
18. Bakeries - Agents, delivering bakery products manufactured elsewhere	100.00
19. Banks	200.00
20. Barber Shop - First Chair	35.00
Each Additional Operator	100.00
21. Beauty Shop - First Operator	35.00
Each Additional Operator	10.00
22. Billiard or pool tables, first table, standard size whether coin operated or not	165.00
Each additional table, whether in use or not	55.00
(Such license will not permit minors to play, gambling or the storage, selling, or drinking of intoxicating liquor or alcoholic beverages on the premises, which things are hereby prohibited and the license for this activity may be revoked by the Mayor of the City of Rainsville, Alabama, without refund of any part of the license fee paid if prohibited actions occur.)	
23. Bonds or stock brokers, potato brokers, or agents thereof	110.00
23.01 Bonding/Bail bond business	100.00
24. Bottling companies or agents thereof; wholesale or retail, or selling from trucks or taking orders and delivering from trucks	150.00
25. Bowling alleys for public use	First Alley 75.00
	Each Additional Alley 15.00
26. Brokers, retail or wholesale, selling from trucks or taking orders and delivering from trucks	50.00
27. Butchers or meat markets	60.00
28. Butchering for public	60.00
29. Building Supplies - when stock does not exceed \$1,000.00	10.00
30. Bus Companies, or other carriers of freight, passengers or commodities between	

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the City of Rainsville, Alabama, and other points within the State of Alabama		35.00
31. Blacksmith work		20.00
32. Bicycle repair		25.00
33. Candy or confectionery manufacturers or agents therefore selling to merchants		35.00
34. Cameras, accessories or film		15.00
35. Cards - dealers in playing cards		5.00
36. Circuses, menageries, museum, dog or animal show, wild west theatricals or minstrels under canvas, carnivals and street fairs	Per day	110.00
37. Cabinet Shop		60.00
38. Camper Sales		75.00
39. Catering Service		75.00
40. Carpet Golf		35.00
40.01 Cash register/similar business machines - sales or rentals or service		100.00
41. Clothes - dealers in second hand clothing		55.00
41.01 Chimney cleaning		50.00
42. Cigarette dealers		15.00
42.01 Crane service/equipment rentals		75.00
42.02 Child care center - state approved	home center (1-6 children) day care center (6 or more)	60.00 120.00
43. Clean-Up Shops - Cars		50.00
44. Collection Agency		40.00
45. Cola or coke dealers		35.00
46. Cotton seed buyers, whether licensed merchant or not		5.00
47. Cotton buyers, whether licenses merchant or not		10.00
48. Computer sales and/or services		75.00
49. Concrete Ready Mix		150.00
50. Chemical Supply		25.00

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51. Communications tower	500.00
51.01 Contractors - general or sub-contractors doing work with journeymen in any building trade, paper hanging, painting, paving, landscaping or insulation installation	75.00
52. Chiropractors	125.00
53. Dairy Products - Home Delivery	70.00
54. Dance Halls...Teenage recreation only...All other prohibited	75.00
54.01 Diet/Weight control centers	75.00
55. Dancing Studio	40.00
56. Dentist	200.00
57. Dry Cleaners	75.00
58. Electric light, power companies and gas companies - 3% of gross income in City of Rainsville, Alabama, during the previous year	
59. Electric Supply and plumbing supply dealers where not in connection with a business where license is paid on basis of amount of stock	50.00
59.01 Electrical equipment service and repair	75.00
60. Exterminators, each person or firm engaged in the business in selling insecticides, disinfectants or engaged in the business of termite exterminating in any manner	75.00
61. Electrical Contractors	75.00
62. Factories	500.00
63. Farms Suppliers - Retail	75.00
64. Feed Store - Hay, grain or produce dealers	25.00
65. Fertilizer Wholesale Dealers	75.00
66. Finance companies and check cashing services	125.00
67. Fireworks - State Approved	75.00
68. Florist Agent - Taking orders and delivering	75.00
69. Florist	75.00
69.01 Flower outlet - artificial	300.00
70. Flying jenny, merry-go-round or rides of any kind	75.00

70.01. Freight delivery/hauling	200.00
71. Fruit Stands - must be in building or private property	35.00
72. Fruit & Produce Dealers, if not raised by seller, selling to merchants	25.00
73. Fruit Peddlers selling retail on streets	Per day 10.00
74. Fruit juices from cans or bottles when not connected with store or café	5.00
75. Furniture, household furnishings, blankets, supplies, materials or commodities sold direct to consumer	125.00
76. Gins, oil mills, grist mills, flour mills or saw mills or other mills, machine shops	50.00
77. Gasoline Service Station	first pump 15.00 each additional pump 10.00
78. Gasoline, butane, propane or other like products and oil companies or agents selling wholesale or retail from vehicles or on streets	150.00
79. Hatchery	125.00
79.01 Heating/cooling equipment	125.00
80. Harness and Shoe Shop, Repair Shop, Saw Sharpening	25.00
80.01 Housemoving	125.00
81. Milk, ice cream, dairy products, dealers or agents	100.00
82. Games of chance	Each machine 25.00
83. Insulation	75.00
84. Income tax preparation	75.00
85. Insurance companies	

(a) Fire or Marine, \$4.00 on each \$100.00 and major fraction thereof, of gross premiums, less return premiums on policies issued during the preceding year on property located in the City of Rainsville; provided that new companies shall pay a flat minimum of \$20.00 license before being allowed to do business which there shall be an adjustment at the expiration of the year on the basis set out above.

(b) All other insurance companies than those included in sub-section of (a) of this section each \$10.00, plus \$1.00 on each \$100.00 and major fraction thereof of the gross premiums, less return premiums received during the preceding year on policies issued during said year, in said City; provided that new companies shall pay a flat minimum license of \$20.00 covering both items above on which there shall be an adjustment on the basis at the expiration of the year.

(c) On December 31 of each year or within 60 days thereafter each insurance company which did any business in the City of Rainsville during any part of the preceding year shall, furnish the Mayor or City Clerk a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year as provided under this article and shall accompany such statement with the amount of license tax due according to section 11-51-120 and 11-51-121, 1975 Code of Alabama - as amended.

Failure to furnish such statement or to pay such sum shall subject the company and its agents to such penalties as the ordinance of the City of Rainsville has prescribed for doing business therein without a license.

86. Insurance Agent	85.00
86.01 Itinerant peddler, door to door to roadside per day	25.00
87. Janitorial service and carpet cleaning	50.00
88. Jewelers - Same as Merchant License	
89. Job printing, whether in connection with newspaper or not	75.00
90. Kindergarten	75.00
91. Landscaping	75.00
92. Laundries - coin operated	75.00
92.01 Locksmith	50.00
93.0 Livestock barn	100.00
93.01 Lithographing	50.00
94. Lunch stands, not in connection with hotel or restaurant	35.00
95. Merchants - Based on gross annual sales (not otherwise specifically covered in this ordinance) shall be licensed as follows:	
Gross sales	
\$0 to 200,000	150.00
200,000 to 500,000	300.00
500,000 to 1,000,000	500.00
1,000,001 to 2,000,000	1,000.00
2,000,001 to 3,000,000	1,500.00
3,000,001 to 4,000,000	2,000.00
4,000,001 and up	2,500.00
95.01 Marine equipment and supplies	75.00
96. Meat Packing and Processing Plants	75.00
96.01 Miscellaneous	75.00

97. Machinery, Farm Implements, including tractors License Ordinance 2001 Page Seven	150.00
98. Milling Company	75.00
99. Monuments and Tombstone	75.00
100. Motion Picture Theater	125.00
101. Musical Instruments or Phonograph, mechanically operated musical instruments operated in a store or public place, each	10.00
102. Jukebox	10.00
103. Magazine Sales at grocery stores	25.00
104. Meat truck or wagons or other conveyances delivering meats, cured or fresh to regularly licensed merchants	75.00
104.01 Manufacturing - per number of employees	
Less than 25	125.00
25 to 50	225.00
51 to 100	325.00
101 to 150	425.00
151 and over	500.00
105. Newspaper - published weekly or daily	125.00
106. Nursery or greenhouse	50.00
107. Optometrist	125.00
108. Parts store - auto parts - same as merchant	
108.01 Palm reader	500.00
109. Pawn Shop	75.00
109.01 Portable restrooms	75.00
110. Photographers or studio	100.00
111. Photo - fast service	25.00
112. Physician or surgeon	200.00
113. Plumber	75.00
114. Poultry and Egg Wholesale	75.00
115. Paint Shop and Body Shop	75.00
116. Real estate agents handling sales, rentals or collection	
Broker	75.00
Agent	35.00

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135.01 Snow cone shop		50.00
136. Seed cleaning		25.00
136.01 Steam/pressure cleaner		75.00
137. Sock or hosiery mill	Based on number of employees	
	25 - less	100.00
	26 - 50	200.00
	51 - more	400.00
138. Storage buildings (mini or regular warehouses)		75.00
139. Telephone Exchange or companies, local or long-distance business whether in connection with exchange or not		
	local	500.00
	long distance	150.00
139.01. Telephone - cellular (sales or service)		500.00
140. Tailor or dressmaker		25.00
141. Tire recapping shops and repair service		50.00
142. Trailer court		50.00
	each trailer space	10.00
143. Tuxedo rental		50.00
143.01 Tanning salon	first tanning bed	30.00
	Each additional bed	10.00
144. TV satellite dish sales/rental/service		75.00
144.01 T. V. satellite reception/broadcast service		500.00
145. TV video rental		25.00
	plus merchant license	
145.01 Trade day/flea market	base fee	30.00
	per vendor	5.00
146. Undertaker - Mortician or funeral parlor		200.00
147. Upholstery		50.00
148. Oxygen and welding supplies		50.00
149. Uniform rental and linen service		75.00
150. U-Wash for cars		50.00
151. Vending machine and popcorn machines		5.00

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151.01 Video and arcade games and any coin operated game per game	25.00
152. Watch repair or tinker	50.00
153. Wrecker Service	50.00
153.01 Wrestling events and other commercial sports	50.00
154. Wholesale Companies (unless otherwise specified)	125.00
155. Veteran - Disabled exempted	25.00
156. Veterinarian	125.00

SECTION 2: Due Date

All licenses under this schedule are due and payable January 1, 2001, and the first calendar day of each year subsequent thereto, and delinquent February 1, 2001, and the first day of February in each year subsequent thereto.

SECTION 3: Delinquent Penalty

That at any time after February 1, 2001, and the first day of February in each year subsequent thereto, there shall be due and collected on all delinquent licenses an additional fee equal to ten percent (10%) of the original amount of license and after March 1, 2001, and the first day of March in each year subsequent thereto, there shall be due and collected on all delinquent licenses an additional fee equal to twenty percent (20%) of the original amount of license. Penalties may be paid prior to arrest in lieu of penalty for violating this ordinance. In cases where licenses remain unpaid as of May 1, 2001, or the first day of May in each year subsequent thereto, the place of business shall be closed.

SECTION 4: Fee for Issuing

That at the time of taking out and paying for said license, there shall be paid a fee of \$5.00 for the issuance of each license to the License Clerk, or other such authority, for the use of the City.

SECTION 5: Each Line of Business Demands Separate License

That any person, firm, company or corporation dealing in two or more of the articles, or engaged in two or more of the businesses, trades, vocations, occupations, or professions, enumerated in Section 1 of this ordinance covering separate licenses, shall pay for and take out a license for each item enumerated.

SECTION 6: License Based on Value of Volume

That in all cases where the amount to be paid for license depends upon the capital invested, or the value of the goods, or stocks, or amount of sales receipts, or income, it shall be the duty of the applicant for such license to render to the License Clerk a sworn statement of such facts upon which the amount of the license depends, and the License Clerk shall not be required to receipt for any money paid for such license, nor to issue such license until said proof is furnished.

SECTION 7: Term for Which License is Issued

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That the foregoing schedule of licenses shall be for the calendar year, and that a full amount thereof shall be charged and collected, provided that where the license is issued after July 1st, one half (½) of the annual rate shall be charged and collected (this is not to apply to those subjects for which daily, weekly, or monthly licenses are provided). No license issued under this schedule shall extend beyond December 31, 2001, or beyond the 31st day of December of each year subsequent thereto for which the license is issued.

SECTION 8: Unlawful to Do Business Before Obtaining License

That it shall be unlawful for any person, firm, company or corporation to engage in any of the aforesaid businesses, trades, vocations, occupations, or professions in this City during the year 2001, or during any license year subsequent thereto, from and after the passage of this ordinance as required by law, without first having procured license therefor.

SECTION 9: Hourly Workers

That persons who are hired on a part-time, seasonal, occasional, or casual basis to perform work or a service which would require a license if the worker were engaged in said business, occupation or profession at a full-time basis, shall be required to purchase a business license of the appropriate profession, business, or occupation that would customarily perform the work and/or services being performed. Hourly workers who are on the payroll of a firm, corporation or business and are entitled to the same compensation and fringe benefits as other hourly workers on the payroll of the employer are not required to hold a business license; however, nothing within this ordinance shall be construed to authorize hourly workers to perform services which would otherwise require a particular occupational license issued by the State of Alabama, or an instrumentality thereof.

SECTION 10: Transfer of License

That no license issued under the foregoing schedule of licenses shall be transferred, except by the consent of the Revenue Department of the City of Rainsville; and such consent shall not take effect nor be valid until such transfer be endorsed across the face of the license receipt by the License Clerk, and no license shall be transferred, at any event, more than once, and never from one entity to another.

SECTION 11: Salaried Professional Employees

When any person claims any concession on kind of professional license provided for in this code because of such person being either the employer or the employee, such person shall not be exempt from payment of the license provided in the Ordinance until both the employer and employee have furnished to the License Clerk sworn affidavits or other evidence satisfactory to the License Clerk setting out all the facts and conditions on regard to the employment, with such facts and conditions being as would ordinarily substantiate the employment claim.

SECTION 12: False Oath to Procure License

It shall be unlawful for any person to give, submit, exhibit, or present to the City of Rainsville, the License Clerk, the City Clerk, or to any license inspector or collector of the City, any false, deceptive or misleading statement, affidavit, certificate, book or record entry, or other document relating to the amount of capital invested, the value of goods, stocks or merchandise, the amounts or volume of sales, receipts or commissions, the number of employees, those who are not employees, those who are not employees, the number of vehicles used, or any other date or record of information required by the License ordinance of the City of Rainsville to determine the amount of the license due.

SECTION 13: Place of Business Designated

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Each person desiring to engage in any trade, business, or occupation for which a license is required and for which a fixed place of business is required, shall designate the place at which trade, business or occupation is to be carried on, and the license to be issued thereunder shall designate such place; and, such license shall authorize the carrying on of such trade, business or occupation only at such place. For each place at which said trade, business or occupation is carried on, a separate license shall be paid and secured.

SECTION 14: Council's Power to Amend Schedule

That adoption of this schedule of licenses shall not waive or abridge the right of the City Council to alter, increase, decrease, revoke, waive or amend in any manner any of the above licenses at any time; and, when any increase is made, unless the same be paid within 15 days, the former license shall be revoked and no further business shall be carried on thereunder, nor shall it abridge the right of the City Council as to licensing other subjects that are not included in the schedule. And when any such change, increase or addition is made, the same shall be paid for the calendar year, if required, before July 1st and for a full half-year after July 1st, unless there is a daily, weekly, or monthly rate appertaining.

SECTION 15: Exemption of Interstate Commerce

That no provision of this ordinance shall be so construed as to tax interstate commerce, foreign, or federal business.

SECTION 16: Licensing in Police Jurisdiction

That any person, firm, company or corporation engaged in the business, occupation, trade or profession that is carried on without the corporate limits of the City of Rainsville, but within the police jurisdiction of the City of Rainsville, such person, firm, company, or corporation shall pay into the treasury of the City of Rainsville, a license fee for doing said business, occupation, trade, or profession, in the sum of one-half of the schedule listed in SECTION 1 hereof respectively.

SECTION 17: Penalty

That any person, firm, company, corporation, or agent thereof, violating any provision of this ordinance shall, upon conviction, be punished by a fine not to exceed \$500.00 for each offense, or by imprisonment not exceeding six (6) months, either or both, at the discretion of the court trying same, and that each day of violation shall constitute a separate offense.

SECTION 18: License Clerk

The Mayor shall appoint a License Clerk who shall work together with the Revenue Enforcement Officer/License Inspector, and who shall be in charge of the responsibility of the issuing of all licenses provided for by this Ordinance, shall maintain an accurate and appropriate record for the issuance of said licenses, and perform such other duties regarding the enforcement of said license ordinance as he/she may be directed from time to time by the Mayor.

SECTION 19: License Inspector

The mayor may designate a License Inspector who shall enforce the provisions of said Ordinance, and who shall have the authority to issue citations for the violations of this Ordinance, and the License Inspector may arrest persons charged with the violation of this Ordinance, provided however, that the License Inspector shall, prior to said arrest, comply with the Peace Officers Standards and Training Commission requirements. If said License Inspector is certified by the Peace Officers Standards Training Commission, he shall be authorized to wear a side arm

while performing his duties as License Inspector. Said License Inspector shall be paid an annual salary to be established by City Council. The Mayor may, in his discretion, designate one of the

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City police officers to serve as License Inspector who shall perform the duties as outlined above; however, nothing within this ordinance shall take away or otherwise diminish any rights of the police officer as established by the personnel policies of the City of Rainsville.

SECTION 20:

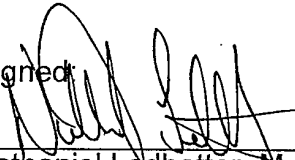
If any part, section, or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect, notwithstanding such holding.

SECTION 21:

This ordinance shall become effective January 1, 2001.

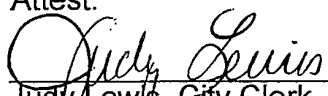
ADOPTED this 21st day of December, 2000.

Signed:



Nathaniel Ledbetter, Mayor

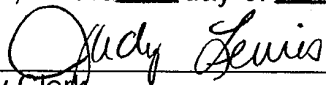
Attest:



Judy Lewis, City Clerk

CERTIFICATE OF PUBLICATION

The undersigned, Clerk of the City of Rainsville, Alabama, hereby certifies that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Rainsville, Alabama, held on the 21st day of December, 2000, at which a quorum was present and that the same was published by one insertion in the Weekly Post, a newspaper of general circulation published in the City of Rainsville, Alabama, on the 28 day of Dec, 2000.



City Clerk