

Hurstbourne, KY Code of Ordinances

CHAPTER 112: BUSINESS LICENSING

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§ 112.01 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 City, 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; nor shall it include Home Occupations, which are separately regulated under Chapter 117 of the City of Hurstbourne Codified Ordinances.

“**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.

(Ord. 13-01, passed 2-26-13)

§ 112.02 LICENSE REQUIRED.

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this code or any other ordinance of the city without first applying for and obtaining a license from the City Clerk or other duly authorized issuing authority. The fee for a license shall be \$75.00.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.03 RENTAL.

Registration of rental dwellings: Application shall include:

(A) The address of the rental dwelling. The number of rental dwelling units.

(B) The name, residence address, business address, business phone number and personal phone number of the owner and/or the local agent, if applicable. The address where the owner and/or the local agent, if applicable, will accept notices or orders from the city. Designation of local agent: If the owner of a rental dwelling, or a responsible member or officer of the owner, does not reside within 60 miles of the city, the owner shall designate a responsible local agent who shall be legally responsible for operating such rental dwelling in compliance with this article, this code of ordinances, and other applicable laws or regulations. All official notices may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

(C) Verification that all state and city taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re-registration under this section.

(D) Inaccurate or incomplete registration information: it shall be a violation of this article for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.

(E) All rental property must be kept in compliance with the City of Hurstbourne Code of Ordinances, as well as Metro Louisville Ordinances, as a condition of operating a rental property in the City of Hurstbourne. Each rental dwelling shall provide measures acceptable to the city to prevent any excessive noise at any property line. Each rental dwelling shall provide measures acceptable to the City to prevent violations of the city's parking ordinance by Tenants of the rental unit.

(Ord. 13-01, passed 2-26-13)

§ 112.04 APPLICATION.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the City of Hurstbourne in writing upon forms to be furnished by the city 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.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.05 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) 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.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.06 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.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.07 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.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.08 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.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.09 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.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.10 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his 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 City Clerk who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The City Clerk shall notify the Mayor and all members of the legislative body 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.

(Ord. 11-07, passed 6-14-11)

§ 112.11 EXEMPTIONS.

The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from municipal licensing and/or license taxes pursuant to state or federal law.

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)

§ 112.99 PENALTY.

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

(Ord. 11-07, passed 6-14-11; Am. Ord. 13-01, passed 2-26-13)