



**CODE ENFORCEMENT/ORDINANCE
COMMITTEE**

**REGULAR MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MONDAY, MAY 4, 2026 at 4:30 PM**

*Councilman Benjamin Hughes
Councilwoman Jennifer Green
Councilman Steve Olen
Councilman Oliver Roberts, Chairperson*

*Councilwoman Tommie Conaway
Councilman Joel Coleman
Councilwoman Stephanie Messinger*

- 1. CALL TO ORDER/ROLL CALL**
- 2. APPROVE MINUTES**
 - A. Review the minutes from the April 6, 2026, meeting
- 3. PUBLIC PARTICIPATION**
- 4. ORDINANCE REVIEW/DISCUSSION**
 - A. Revisions to the Park Ordinance
 - B. Business License Discussion
- 5. OTHER BUSINESS DEEMED NECESSARY**
- 6. NEXT MEETING: June 1, 2026**
- 7. ADJOURN**

CODE ENFORCEMENT/ORDINANCE COMMITTEE MEETING

April 6, 2026, 4:30 p.m.

City Hall, Council Chamber

1705 Main Street, Daphne, AL 36526

MEETING MINUTES

MEMBERS PRESENT: Councilwoman Conaway (arrived at 4:45pm), Councilman Roberts, Councilwoman Messinger, Councilman Olen, Councilwoman Green, Councilman Hughes

MEMBERS ABSENT: Councilman Coleman

ALSO PRESENT: Jay Ross, City Attorney; Alex Bischoff, Code Enforcement; Mayor LeJeune; Cindy Beaudreau, City Clerk; Troy Strunk, City Development; Bobby Purvis, Public Works; Chief Tacon, Fire; Vickie Hinman, Human Resources; Jensen Carrell, Human Resources; Kelli Reid, Finance; Schuyler Smith, Junior Councilmember; and Jessica Linne, Assistant City Clerk.

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilman Roberts called the meeting to order at 4:30 p.m.

2) APPROVE MINUTES FROM THE February 2, 2026 Meeting

3) PUBLIC PARTICIPATION

4) ORDINANCE REVIEW/DISCUSSION

Jensen Carrell presented on the revisions to the Employee Handbook.

**MOTION by Councilman Hughes to recommend to Council to approve the Ordinance Revising the Employee Handbook. Seconded by Councilwoman Messinger.
MOTION CARRIED UNANIMOUSLY.**

5) OTHER BUSINESS DEEMED NECESSARY

6) NEXT MEETING

The next meeting is scheduled for Monday, May 4, 2026 at 4:30 p.m.

7) ADJOURN

There being no further business to discuss, the Council adjourned at 4:46pm.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2026-__**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF
THE CITY OF DAPHNE RELATING TO DAPHNE CITY PARK RULES AND
REGULATIONS**

WHEREAS, the City of Daphne owns and maintains public parks and recreational facilities for the use and enjoyment of the public; and

WHEREAS, the City has an interest in ensuring that such facilities are used in a manner that protects public safety, preserves park resources, and accommodates recreational programming and other authorized uses; and

WHEREAS, from time to time, individuals and businesses seek to conduct commercial activities within City parks and recreational facilities; and

WHEREAS, Section 220 of the Constitution of Alabama of 1901 provides that no person or entity shall be permitted to use the streets or public places of a municipality for the operation of any private enterprise without first obtaining the consent of the proper municipal authorities; and

WHEREAS, the City Council finds that such commercial activities should occur only with prior approval of the City and in accordance with conditions established by the City to ensure compatibility with other uses of park facilities; and

WHEREAS, the City Council desires to amend Section 15-10(a) of the Code of Ordinances to clarify that unauthorized commercial activity, and failure to comply with City-imposed conditions on approved activities, constitutes a violation of the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, as follows:

SECTION 1. AMENDMENT TO SECTION 15-10(a)

Section 15-10(a) of the Code of Ordinances of the City of Daphne, Alabama, is hereby amended to read as follows, with a new subsection (30):

(a) *General park rules.*

- (1) City parks will open at sunrise and close at sunset, with the exception of parks which have lighting specifically designed for night activities and not merely parking.
- (2) No alcoholic beverages are allowed in any parks.
- (3) No tobacco or electronic smoking devices are allowed in any park. Tobacco products include but are not limited to cigarettes, cigars, e-cigarettes, smokeless tobacco, chewing tobacco, snuff or vaping.

- (4) No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries to the maximum extent allowable by law.
- (5) No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.
- (6) It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.
- (7) Fires are allowed in cooking grills in designated areas only. Open “camp” fires, outside grills and personal grills are prohibited.
- (8) No person shall distribute or disseminate leaflets, pamphlets or other printed material or promotional materials, through the use of any mechanical device in a park for soliciting or advertising, except upon prior written consent of the city. No person shall carry on or conduct any business or service within a park without the prior written approval of the city.
- (9) All camping activities shall be confined to designated areas in a park with prior city approval.
- (10) Small tents are permitted, but must be secured to the ground. The use of stakes to secure a tent is prohibited.
- (11) Hitting golf balls at any city park is strictly prohibited.
- (12) No person shall launch, land or leave unattended any boat, canoe, raft or other watercraft upon any water, bay, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any watercraft in a designated swimming area or other prohibited area or in violation of Alabama State Law.
- (13) No person shall use any marine areas or marine facilities, including, but not limited to, boat launches, docks, piers, wharfs, landings, moorings, floats, or shorelines within the limits of a park for commercial purposes or for commercial watercraft. For purposes of this section, “commercial watercraft” shall mean and include any and all boats, houseboats, motorboats, yachts, cruisers, inflatables, barges, vessels, canoes, rafts, jet skis, wet bikes and/or any other watercraft that is self-propelled or designed to be propelled by the use of internal combustion engines or electric motors.
- (14) No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the city.
- (15) No person shall be allowed to use and/or add bubbles or soap products to any splash pad. Balloons and animals are strictly prohibited at all splash pads.
- (16) No person shall fish in a park in violation of Alabama State Law or in any area designated as “no fishing”.

- (17) No person shall operate a bicycle except on designated bikeways and roadways in a park.
- (18) No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be fifteen (15) mph within the parks. For purposes of this rule, “motorized vehicle” shall mean and include any and all automobiles, motorcycles, all-terrain vehicles, whether two (2), three (3) or four (4) wheel; mobile trailers; trucks; truck tractors; semitrailers; trailers; and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon any trail, path, road, or highway.
- (19) No person shall launch, operate, or land within or upon any city park any remote control airplane, unmanned aircraft system (i.e. “drone” or “quad-copter”), or other unmanned aerial device (excluding kites) unless authorized by prior written consent of the city, except that certain areas may be designated appropriate landing places for law enforcement or official government aviation equipment. Exempted from the restrictions of this provision are:
 - a. Any sports field located at Al Trione Sports Complex that is not otherwise occupied or in use; and
 - b. Any other fields (and the airspace immediately above such fields) approved for such purposes by the Daphne City Council.
- (20) Any person who obtains a special event permit may use a drone to photograph their special event in the park during the course of the event. For hobby or recreational use, unmanned aircraft, including but not limited to drones, quad-copters, and remote control planes, may only occur on fields located at Al Trione Sports Complex that are not otherwise occupied or in use and any other fields approved for such purposes by the Daphne City Council. Operation of any unmanned aircraft must be done so as to not be flown within one hundred (100) feet of people, power lines, buildings, or light fixtures.
- (21) No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.
- (22) No person shall remove, leave or deposit any animal, living or dead, in a park, and any animal so taken or left will be considered contraband and subject to seizure and confiscation.
- (23) No person shall intentionally feed any species of wildlife within a park.
- (24) No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six (6) feet in length. All dogs must be under the control and within sight of owners/custodians at all times. All owners/custodians are legally and financially responsible for their dog’s behavior. All users of the park do so at their own risk and assume all liability.

- (25) It shall be unlawful for any person to allow any dog, cat or other pet under his or her ownership, care, custody, or control to defecate in a park without removing the defecation to a proper trash receptacle.
- (26) No person shall allow any dog, cat or other pet under his or her ownership, care, custody, or control to disturb, annoy or harass any patrons of the park, wildlife, or other pets.
- (27) No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).
- (28) Any person operating a food truck at any city park must do so in compliance with City Ordinance 2022-21, as it may be amended from time to time.
- (29) The following items are strictly prohibited at all city parks:
 - a. Any inflatable devices, including but not limited to bounce houses and water slides.
 - b. Metal detectors.
 - c. Any glass bottle or glass container.
- (30) No person, firm, or entity shall conduct or engage in any commercial activity within any City park or recreational facility except with the prior written approval of the City. Any approved commercial activity shall be subject to all conditions imposed by the City, including but not limited to restrictions on location, scheduling, and manner of use. Failure to obtain such approval, or failure to comply with any conditions imposed by the City, shall constitute a violation of this section.**

SECTION 2. INCORPORATION IN THE CODE OF ORDINANCES.

The provisions of this Ordinance shall be included in and incorporated in the Code of Ordinances of Daphne, Alabama, as an addition or amendment thereto, and shall be renumbered, if appropriate, to conform to the uniform numbering system of the Code.

SECTION 3. SEVERABILITY.

The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this Ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the Council without the incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective upon its adoption and publication as provided by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA on this the ___ day of _____, 2026.**

Robin LeJeune, Mayor

ATTEST:

Cindy Beaudreau, City Clerk

ORDINANCE NO. 2002 – 26

SCHEDULE OF BUSINESS LICENSES AND FEES
CITY OF DAPHNE , ALABAMA
FOR THE YEAR 2003 AND EACH SUBSEQUENT YEAR THEREAFTER

WHEREAS, Ordinance No. 1993-28 is hereby repealed in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DAPHNE ALABAMA , as follows:

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SECTION 1. Levy of Tax.

Pursuant to the *Code of Alabama*, the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the municipality for the year beginning January 1, 2003, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee for the privilege of doing any kind of business, trade, profession or other activity in the municipality.

SECTION 2. Definitions.

Unless the context clearly requires otherwise, the following terms shall have the following meaning as set forth below:

[1] BUSINESS. Means and includes all activities engaged in or caused to be engaged in within the municipality, including any commercial or industrial enterprise, trade, profession, occupation, calling or livelihood, including the lease or rental of residential or nonresidential real estate, and every other kind of activity whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, but shall not include services rendered by an employee to his or her employer.

[2] BUSINESS LICENSE. An annual license issued by the municipality for the privilege of doing any kind of business, trade, profession or other activity in the municipality, by whatever name called.

[3] BUSINESS LICENSE REMITTANCE FORM. Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

[4] DESIGNEE. An agent or employee of the municipality authorized to administer and/or collect the municipality's business license taxes, which may include another taxing jurisdiction, the Department of Revenue, or a "private auditing firm" as defined in Section 40-2A-3 of the *Code of Alabama*.

[5] CORPORATE LIMITS. Corporate limits mean the corporate limits of the municipality.

[6] GROSS RECEIPTS. The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

- (a) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: sales or seller's use tax; utility gross receipts taxes levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; State, County or municipal excise or sales taxes on the sale of gasoline or other motor fuels; or municipal sales or excise taxes on the sale of tobacco or tobacco products or liquor or alcoholic beverages.
- (b) A different basis for calculating the business license may be used with respect to certain categories of taxpayers as prescribed herein.
- (c) Gross receipts of those entities subject to levy and assessment of municipal license taxes under section 11-51-129 shall be limited to the gross receipts derived from the furnishing of utility services within the municipality during the preceding year. The term "gross receipts"

for purposes of this clause {c} shall be defined, and construed, in accordance with Section 40-21-90(3).

[7] LICENSE FORM. Any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called.

[8] LICENSEE. Any taxpayer or other persons issued a business license under this ordinance and/or the person responsible for the payment of the license tax.

[9] REVENUE OFFICER. The municipal employee charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

[10] LICENSE YEAR. License year means the calendar year.

[11] PERSON. Person means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or any other legal entity.

[12] SCHEDULE OF LICENSES. Schedule of licenses or schedule refers to the classifications included herewith, which describes the various business activities subject to this business license ordinance and specifies the applicable license tax rate for each activity.

[13] TAXPAYER. Taxpayer means any person, firm, corporation, or other legal entity liable under this ordinance for any business license tax levied by the municipality.

[14] WILLFULLY. An act is done willfully when it is done voluntarily, with a conscious motion of the will. Willfulness does not require knowledge that the conduct was unlawful.

[15] OTHER TERMS. Other capitalized or specialized terms used in this ordinance, and not defined above, shall have the same meanings ascribed to them in Section 40-2A-3, of the *Alabama Code*, unless the context therein otherwise specifies.

SECTION 3. License term; minimums.

The license term and the minimum amount for a business license are as follows:

- (a) *Full Year.* Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full. Unless otherwise specified in the enclosed schedules, the minimum annual license shall be \$ 100.00.
- (b) *Half Year.* Every person who commences business on or after July 1st, shall be subject to and shall pay one-half (1/2) the annual license for such business for that calendar year.
- (c) *Issue Fee.* For each license issued there shall be an issue fee collected of five dollars (\$5.00) and said issue fee shall be collected in the same manner as the license tax.
- (d) *Annual Renewal.* Except as provided in subsections (i) or (ii), the business license shall be renewed annually on or before the 31st day of January each year.
 - (i) If the due date for payment of any business license falls on a weekend or a holiday recognized by the municipality from time to time, the due date shall automatically be extended until the next business day.
 - (ii) Insurance company annual license renewals shall be renewed in accordance with Section 11-51-122 of the *Code of Alabama* which states that each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the municipal code.

(iii) On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the municipality. Licensees are required to furnish the municipality any address changes for their business prior to December 1st in order for them to receive their notice.

(iv) Business license renewal payments received by the municipality shall be applied to the current renewal only when any and other debts the licensee owes to the municipality are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

SECTION 4. License shall be location specific.

(a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the carrying on of such business only at the place designated.

- (b) Every person dealing in two or more of the articles, or engaging in two or more of the businesses, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business.
- (c) A taxpayer subject to the license authorized by this ordinance that is engaged in business in other municipalities, may account for its gross receipts so that the part of its gross receipts attributable to its branch offices will not be subject to the business license imposed by this ordinance. To establish a bona fide branch office, the taxpayer must demonstrate proof of all following criteria:
- (i) The taxpayer must demonstrate the continuing existence of an actual facility located outside the police jurisdiction in which its principal business office is located, such as a retail store, outlet, business office, showroom, or warehouse, to which employees and/or independent contractors are assigned or located during regular normal working hours.
 - (ii) The taxpayer must maintain books and records, which reasonably indicate a segregation or allocation of the taxpayer's gross receipts to the particular facility of facilities.
 - (iii) The taxpayer must provide proof that separate telephone listings, signs, and other indications of its separate activity are in existence.
 - (iv) Billing and/or collection activities relating to the business conducted at the branch office or offices are performed by an employee or other representative, of the taxpayer who has such responsibility for the branch office.
 - (v) All business claimed by a branch office or offices must be conducted by and through said office or offices.

(vi) The taxpayer must supply proof that all applicable business licenses with respect to the branch office or offices have been issued.

(vii) The facility or facilities claiming to be classified as a branch office or offices must have been operating continuously on a monthly basis for the 12 months prior to the date on which business licenses are due and payable.

SECTION 5. Restriction on transfer of license.

No license shall be transferred except with the consent of the municipal governing body and no license shall be transferred to reflect a change of address of the taxpayer within the municipality more than once and never from one business to another business. Provided that a mere change in the name or ownership of a taxpayer that is a corporation, partnership, limited liability company or other form of legal entity now or hereafter recognized by the laws of Alabama shall not constitute a transfer for the purposes of this section, unless the change requires the taxpayer to obtain a new federal employer identification number or Department of Revenue taxpayer identification number.

SECTION 6. Unlawful to do business without a license.

It shall be unlawful for any person to willfully engage in any business within the corporate limits unless such person has been issued and holds a current business license that has not been revoked or suspended. Each day that a person does business without such a license shall constitute a separate offense.

SECTION 7. License must be posted.

Every license shall be posted in a conspicuous place, where said business, trade or occupation is carried on, and the holder of the license shall immediately show same to the designee of the municipality upon being requested so to do.

SECTION 8. Duty to file report.

- (a) It shall be the duty of every person subject to such license tax to render to the municipality on such forms as may be required, a sworn statement showing the total business done, amount of sales, gross receipts and gross sales, stock, value of furniture and other equipment, capital invested, number of helpers or employees, amount of space occupied, or other factor described in the schedule, one or several, as the case may require, for the ascertainment of the classification of such person for license taxation purposes and the correct amount of license tax to which he is subject.

- (b) If the municipality determines that the amount of business license tax reported on or remitted with any business license remittance form is incorrect, if no business license remittance form is filed within the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the correct amount of business license tax, including any applicable penalty and interest.

- (c) If the amount of business license tax remitted by the taxpayer is undisputed by the municipality, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipality shall enter a final assessment for the amount of the tax due, plus any applicable penalty and interest.
- (d) The municipality shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class U.S. mail or certified U.S. mail with return receipt requested, or, in the sole discretion of the municipality, deliver the preliminary assessment to the taxpayer by personal delivery.
- (e) (1) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the revenue officer within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the revenue officer of the municipality shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives and the representatives of the municipality to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to the assessment. The revenue officer shall issue findings of fact and law within 60 days following the conference, which shall promptly upon issuance be mailed or delivered to the taxpayer, consistent with the procedures set forth in subsection (d) above.
- (2) If the taxpayer disagrees with the revenue officer's findings of fact and law, the taxpayer may appeal to the municipal governing body, by filing a notice of

appeal with the revenue officer within 30 days after the findings have been issued. The appeal shall be in writing and shall set forth in reasonable detail the grounds on which the taxpayer disagrees with the revenue officer's findings of fact and law.

- (3) If a petition for review: a. is not timely filed, or b. is timely filed, and upon further review the revenue officer, or the finance director or city council, as the case may be, determines that the preliminary assessment is due to be upheld in whole or in part, the taxing jurisdiction shall make the assessment final in the amount of business license tax due as computed by the taxing jurisdiction, with applicable penalty and interest.

- (4) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address (i) by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments of business license tax of five hundred dollars (\$500.00) or less, or (ii) by certified U.S. mail with return receipt requested in the case of assessments of business license tax of more than five hundred (\$500.00). In either case, at the option of the taxing jurisdiction a copy of the final assessment may be delivered to the taxpayer by personal delivery.

SECTION 9. Duty to permit inspection and produce records.

Upon demand by the designee of the municipality, it shall be the duty of all licensees to:

- (a) Permit the designee of the municipality to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said municipal designee to gain such information as may be necessary or convenient for determining the proper license classification, and determining the correct amount of license tax;
- (b) To furnish information during reasonable business hours, at the licensee's place of business, in the municipality, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information from which the correct license tax classification of such person may be ascertained and the correct amount of license tax to which he is subject may be determined, including exhibition of bank deposit books, bank statements, copies of sales tax returns to the State of Alabama, copies of Alabama income tax returns and federal income tax returns.

SECTION 10. Unlawful to obstruct.

It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this ordinance; nor shall any person, agent, servant or employee of such person obstruct or interfere with the designee of the municipality in carrying out the purposes of this ordinance.

SECTION 11. Privacy.

- (a) It shall be unlawful for any person connected with the administration of this ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports and memoranda of the taxpayer made pursuant to the provisions of this ordinance, except to the mayor, the municipal attorney or others authorized by law to receive such information described herein.
- (b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the taxing jurisdiction, or upon order of any court, or as otherwise allowed in this ordinance.
- (c) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the municipality council upon their written request through the Mayor's office. It shall be unlawful for any person to violate the provisions of this section.

SECTION 12. Failure to file assessment.

- (a) In any case where a person subject to paying a license tax as provided herein fails to do so, the municipal designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.
- (b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount of any such assessment, and of his right to appear before the municipal

governing body on a day named not less than twenty (20) days from the date of notice and to show cause why such assessment shall not be made final. Such appearance may be made by agent or attorney.

- (c) If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgement of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount as is determined by the municipality to be correct. If upon such hearing the municipal designee finds a different amount due than that originally assessed, he/she shall make the assessment final in the correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.

- (d) A notice by the United States mail, addressed to the taxpayer's last known place of business, shall be sufficient. Any assessment made by the designee of the municipality shall be prima facie correct upon any appeal.

SECTION 13. Lien for non-payment of license tax.

On all property, both real and personal, used in the business, the municipality shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by *Alabama Code*, Section 11-51-44 (1975).

SECTION 14. Criminal penalties.

Any person found guilty of violating any of the provisions of this ordinance shall be fined in an amount not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), and may also be sentenced to imprisonment for a period of not exceeding six (6) months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

SECTION 15. Civil penalties.

In addition to the remedies provided by *Alabama Code*, Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits for which a license may be revoked or suspended under this ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The municipality, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

SECTION 16. Penalties and interest.

- (a) All licenses not paid within thirty (30) days from the date they fall due shall be increased by fifteen (15) percent for the first thirty (30) days they shall be delinquent, or fraction thereof, and shall be measured by an additional fifteen (15) percent for a delinquency of sixty (60) or more days, but this provision shall not be deemed to authorize the delay of thirty (30) days in the payment of the license due, which may be enforced at once.
- (b) In the case of persons who began business on or after the first day of the calendar year, the license for such "new business" shall be increased by fifteen (15) percent for

the first fifteen (15) days they shall be delinquent, and shall be measured by an additional fifteen (15) percent for a delinquency of forty-five (45) days or more.

- (c) All delinquent accounts (both license taxes and penalties) shall also be charged simple interest at the rate of one (1) percent per month.

SECTION 17. Prosecutions unaffected.

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

SECTION 18. Procedure for denial of new applications.

- (a) The municipal designee shall have the authority to investigate all applications and may refer any application to the municipal governing body for a determination of whether such license should or should not be issued.
- (b) If the municipal governing body denies the issuance of any license referred to it, the revenue officer shall promptly notify the applicant of the municipal governing body's decision.
- (c) If said applicant desires to appear before the municipal governing body to show cause why said license should be issued, he shall file a written notice

with the revenue officer, said notice to be filed within two (2) weeks from the date of mailing by the revenue officer of the notice of the denial of such license by the municipal governing body.

- (d) Upon receipt of said notice the revenue officer shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the municipal governing body and shall give the notice of the date, time and place of said hearing to the applicant.
- (e) The applicant shall be given the opportunity to appear personally, or through his counsel, or both, and the municipal governing body shall proceed to hear any evidence which may be presented both for and against the issuance of said license.
- (f) If the municipal governing body determines from the evidence presented that in order to either provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the municipality said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fees.

SECTION 19. Procedure for revocation or suspension of license.

- (a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance or of any ordinance of the municipality, or any statute of the State of Alabama relating to the business for

which such license is issued; and shall also be subject to revocation by the municipal governing body if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the municipal governing body if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.

- (b) The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.
- (c) The municipal governing body shall set a time for hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.

SECTION 20. Refunds On Overpayments

- (a) Any taxpayer may file a petition for refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax has been entered by the municipality, a petition for refund of all or a portion of

the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.

- (b) A petition for refund shall be filed with the municipality within two years from the date of payment of the business license tax, which is the subject of the petition.
- (c) The municipality shall either grant or deny a petition for refund within six months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality's decision concerning the petition for refund by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. If the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.
- (d) If the petition is granted or the municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality, together with interest to the extent provided for in Section 11-51-92. If the municipality determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.

- (e) A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the clerk of the circuit court of the county in which the municipality denying the petition for refund is located. Said notice of appeal must be filed within two years from the date the petition was denied. The circuit court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the appropriate circuit court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

SECTION 21. Delivery License.

- (a) In lieu of any other type of license, a taxpayer may at its option purchase for \$ 100.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the municipality if the taxpayer meets all of the following criteria:
- (1) Other than deliveries, the taxpayer has no other physical presence within the municipality;
 - (2) The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise;
 - (3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer;

- (4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars (\$75,000) during the license year;
- (5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered;
- (6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within 10 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all appropriate business licenses from the municipality for the entire license year and without regard to this section.
- (g) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.
- (h) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.
- (i) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.
- (j) The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama or other provisions of law, nor does the purchase of a

delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

SECTION 22. License classifications.

<u>CODE</u>	<u>NAICS TITLE AND SUGGESTED LICENSE GROUPING</u>	<u>SCHEDULE</u>
111998	Farming - agriculture, crop production, nursery, fruit, growers,	F
112990	Animals - dairy, cattle, ranching, sheep, raising chickens, poultry	F
113110	Forestry - logging, forestry, timber track operations, timber mgt,	D
114119	Fishing & hunting - hunting and trapping, finfish, shellfish, supplies,	E
115114	Agriculture support - cotton gins, farm mgt, post-harvest activities,	F
211111	Oil and gas extraction - natural gas liquid extraction, crude extraction,	C
212299	Mining - (except for oil and gas) all related mining activities,	C
213112	Mining support services - for oil and gas mining activities, oil/gas wells,	C
221122	Utilities - electric power or light company - state regulated	G
221210	Utilities - natural gas company - state regulated	G
221310	Utilities - water, sewage treatment, steam, and other	
G		
233320	Contractors - <u>general contractors</u> , comm bldg, residential, subdivisions,	E
233321	Contractors - <u>general contractors</u> - itinerant not local	T
234990	Contractors - <u>heavy construction</u> , highway, bridge, street, water, sewer,	D

234991	Contractors - <u>heavy construction</u> - itinerant not local	T
235110	Contractors - <u>specialty trade</u> - plumbing, heating & air conditioning	E
235210	Contractors - <u>specialty trade</u> - painting and wall covering	E
235310	Contractors - <u>specialty trade</u> - electrical contractors	E
235410	Contractors - <u>specialty trade</u> - masonry and stone contractors	E
235420	Contractors - <u>specialty trade</u> - drywall, acoustical & insulation	E
235430	Contractors - <u>specialty trade</u> - tile, marble, terrazzo & mosaic	E
235510	Contractors - <u>specialty trade</u> - carpentry contractors	E
235520	Contractors - <u>specialty trade</u> - floor coverings/all types	E
235610	Contractors - <u>specialty trade</u> - roofing, siding & sheet metal	E
235710	Contractors - <u>specialty trade</u> - concrete contractors	E
235810	Contractors - <u>specialty trade</u> - water well drilling & irrigation	E
235910	Contractors - <u>specialty trade</u> - structural steel erection	E
235920	Contractors - <u>specialty trade</u> - glass and glazing contractors	E
235930	Contractors - <u>specialty trade</u> - excavation and site development	E
235940	Contractors - <u>specialty trade</u> - wrecking and demolition	E
235950	Contractors - <u>specialty trade</u> - building equipment & mechanical install	E
235990	Contractors - <u>specialty trades contractors</u> - non-general & non-heavy,	D
235991	Contractors - <u>specialty trades contractors</u> - itinerant not local	T
311991	Food mfg - meat, seafood, grain, fruit, dairy, animal, poultry processing,	F
312100	Beverage mfg - all types of soft drinks, bottled water, breweries, ice,	E
312121	Beer - off premise - state regulated through ABC	H

312122	Beer - on premise - state regulated through ABC	H
312131	Wine - state regulated through ABC	H
312132	Beer & Wine - wholesale distributor	H
312141	Alcohol - state regulated through ABC	H
313112	Textile mfg - fabric, yarn, carpet, canvas, rope, twine, fabric mills,	E
314129	Other mfg - mill operations not covered in 313, rugs, linen, curtains	E
315999	Apparel mfg - women, men, children, hosiery, outerwear, accessories,	D
316993	Leather mfg - shoes, luggage, handbag, related products, all footwear,	D
321999	Wood mfg - sawmills, wood preservation, veneer, trusses, millwork,	F
322229	Paper mfg - pulp, paper, and converted products, stationary, tubes, cores,	E
323112	Printing - screen, quick, digital, books, lithographic, handbills, comm.	D
324199	Petroleum and coal mfg - asphalt, grease, roofing, paving products,	C
325998	Chemical mfg - of fertilizer, wood, pesticide, paint, soap, resin, plastic	C
326291	Plastic & rubber mfg - tires, pipe, hoses, belts, bottles, sheet, wrap, film,	D
327331	Nonmetallic mfg - glass, cement, lime, pottery, ceramic, brick, tile,	C
331528	Primary metal mfg - iron, steel, aluminum, wire, copper, foundries	C
332999	Metal fabrication - cutlery, structural, ornamental, machine shops,	D
333990	Machinery mfg - office machinery, industrial, engines, farm, HVAC,	C
334419	Computer & electronic mfg - audio, video, circuit boards, peripherals,	C
335211	Appliance mfg - small appliance, lighting, electrical, battery, freezer,	C
336112	Transportation mfg - mfg auto, truck, trailer, motor home, boat, ship,	D
337129	Furniture mfg - cabinets, office, household, beds, medical, kitchen,	C

339999	Miscellaneous mfg - specialty mfg not defined in separate categories	B
421990	Wholesale trade - <u> durable</u> , vehicle, machinery, equipment, furniture,	E
422720	Wholesale trade - wholesale gasoline distributor	F
422990	Wholesale trade - <u>non-durable</u> , paper, apparel, grocery, beverages, dairy,	E
441310	Motor vehicle & parts - auto, motorcycles, boats, parts, accessories,	C
441311	Motor vehicles - new and/or used - dealerships and lots	D
442290	Furniture - furniture, home furnishings, stores, floor coverings, window,	C
443112	Electronic & appliance store - household, radio, television, computers,	B
444130	Building materials - hardware, paint, home center, wallpaper, nursery,	C
445120	Food & beverage stores - grocery, convenience store, markets,	F
445310	Package Stores - selling beer, wine and liquor plus general mdse	D
446199	Health care stores - drug, pharmacy, cosmetic, optical, health food	C
447110	Gasoline Retail - selling gasoline with or without convenience stores	E
448190	Clothing & accessories - men, women, children, infant, shoe, jewelry,	B
451120	Sporting goods & hobbies - toy, fish, gun, books, games	B
452110	General merchandise stores - department, warehouse clubs, superstores,	C
453310	Used Merchandise Stores - books, miscellaneous, consignment, flea mkt	F
453998	Miscellaneous retailers - florist, gift, novelty, pet, art, tobacco, used mdse	B
454390	Non-store retailers - vending machine operators, direct selling, mail order	D
454391	Non-Store Retailer - peddlers license / local peddler	I
454392	Non-Store Retailer - peddlers license / itinerant peddler	T
481111	Air transportation - airline tickets, shipping, freight, charters service	B

482110	Rail transportation - transportation, ticket offices, state regulated	11-51-124
483212	Water transportation - coastal, freight forwarders, inland, passenger	B
484122	Truck transportation - local, long-distance, freight, moving, and storage	C
484230	Truck transportation - terminal - state regulated	37-3-33
485113	Passenger transportation - charter and other vehicle transit services	B
485114	Passenger transportation - bus terminals state regulated	37-3-33
485320	Passenger transportation - taxi cabs, limousine service, buggy, charters,	J
485321	Passenger transportation - number of taxis, cabs, limousines, or buggys	J
487990	Sightseeing - scenic and sightseeing, land, air, water, special trans	A
492210	Couriers - couriers and local messengers, services, local delivery services,	C
493110	Warehousing and storage - distribution, household, refrigerated, special,	F
511199	Publishing industries - newspaper, book, periodical, databases, software	B
512131	Motion pictures - theatres, videos, recording, drive-ins, sound studios,	A
513100	Broadcasting - radio and television stations	B
513310	Telecommunications - telephone local per 11-51-128	K
513320	Telecommunications - telephone long distance per 11-51-128	K
513322	Telecommunications - cellular and other wireless, paging,	K
513330	Telecommunications - resellers of service	K
514190	Information services - all types of information services	A
521110	Bank Main Office - not branch location or ATM	U
521111	Bank Branch or ATM - not main office of bank	U
522120	Savings and Loans - not branch location or ATM	U

522121	S&L Branch or ATM - not main office of S&L	U
522298	Pawn Shop - whether title pawn or merchandise	A
522390	Credit services - companies and activities related to credit and mediation,	B
523999	Securities, commodity - brokerage, portfolio, investment, other	A
524126	Insurance Company - casualty, fire, and/or marine premiums 11-51-120/123	
524128	Insurance Company - health, allied and all other premiums 11-51-120/123	
524292	Agent Office - administration of third parties, pension funds, annuities, etc	B
525990	Funds, trusts, other financial agencies - agents, agencies, investments,	A
531390	Real estate - offices, agents, brokers, management, appraisers,	B
532490	Rental and leasing - auto, truck, trailer, RV, all tangible property,	C
532230	Rental and leasing - movie and video rental	D
541110	Attorney/Lawyers - individual and/or firm professional license	A
541211	Accountant/CPAs - individual and/or firm professional license	A
541310	Architect - individual and/or firm professional license	A
541330	Engineer - individual and/or firm professional license	A
541360	Surveyor - individual and/or firm professional license	A
541511	Computer Programmer - individual and/or professional firm license	A
541921	Photographer - studios, portrait, commercial, services	A
541940	Veterinarian - individual and/or firm professional license	A
541990	Professional Services Not Elsewhere Classified - scientific, technical,	A
551110	Management companies - offices, enterprises, regional, corporate,	B
561439	Administrative services - answering, employment, office, sec., travel,	C

561710	Exterminating services - exterminating company and its services	E
561720	Janitorial firm - janitorial cleaning services - individual or firm	F
562998	Waste management - companies, trucks, septic tanks, landfill, services,	F
611699	Educational services - technical, computer, sports, services, business,	D
621111	Physician - individual and/or firm professional license	A
621200	Dentist - individual and/or firm professional license	A
621310	Chiropractor - individual and/or firm professional license	A
621320	Optometrist - individual and/or firm professional license	A
621491	HMO - medical centers and services	B
621498	Outpatient Care Centers - all other types of services	C
621910	Ambulance - ambulance company and/or services	D
622110	Hospitals - surgical, substance abuse, psychiatric, general care, special,	C
623110	Nursing care - residential care facility, day care, assisted living	C
623312	Nursing Home - care for elderly and continuing care facilities	D
624229	Social assistance - shelters, vocational, child care, abuse, emergency,	E
711219	Arts and sports - dance, musical, teams, tracks, promoters, agents,	B
711310	Special Events - promoter or activity - see schedule for rates	L
712190	Museums - museums and historical sites, zoos, botanical gardens, parks,	C
713990	Amusement - arcades, golf clubs, marinas, fitness, bowling centers,	B
721110	Accommodations - hotels, motels and similar facilities	C
721191	Accommodations - bed and breakfast inns and services	D
721214	Accommodations - trailer parks, RV parks, and travel parks	E

721310	Accommodations - rooming houses and boarding houses	E
722110	Restaurant - full service restaurant facility	D
722211	Restaurant - limited facility or service	D
722320	Caterers - and/or mobile food services	C
722410	Drinking Establishment - club, lounge, bar or other	B
811118	Repairs and maintenance - auto, paint/body, carwash, other vehicular,	C
811219	Repairs and maintenance - all electronic equipment	B
811412	Repairs and maintenance - all appliances, home & garden equipment	D
812199	Personal Services - hair, skin, barber, beautician, diet, nail, tanning,	B
812990	Fortune Teller or Clairvoyant - individual reader license	M
910001	Category for number of - vending machines for all types vending	N
910002	Category for number of - pool tables	O
910003	Category for number of - amusement devices and/or games	P
910004	Category for number of - buses, taxis, trucks, or other equipment	Q
910005	Category for number of - employees as a basis for calculating license	R
910006	Category for number of - square feet used for calculating license amount	S
999111	Unclassified miscellaneous business services not elsewhere classified	C
999222	Unclassified miscellaneous personal services not elsewhere classified	B

SECTION 23. License Fee Schedules.

Schedule "A" – If gross receipts are:

More Than	but	Less than		
0		99,999	100	
100,000		199,999	346 + 2.72 per M in excess of	100,000
200,000		299,999	618 + 2.35 per M in excess of	200,000
300,000		399,999	853 + 2.21 per M in excess of	300,000
400,000		499,999	1,074 + 2.16 per M in excess of	400,000
500,000		599,999	1,290 + 2.11 per M in excess of	500,000
600,000		699,999	1,501 + 2.05 per M in excess of	600,000
700,000		799,999	1,706 + 2.00 per M in excess of	700,000
800,000		899,999	1,906 + 1.95 per M in excess of	800,000
900,000		999,999	2,101 + 1.89 per M in excess of	900,000
1,000,000	1,099,999		2,290 + 1.84 per M in excess of	1,000,000
1,100,000	1,199,999		2,274 + 1.79 per M in excess of	1,100,000
1,200,000	1,299,999		2,653 + 1.73 per M in excess of	1,200,000
1,300,000	1,399,999		2,826 + 1.68 per M in excess of	1,300,000
1,400,000	1,499,999		2,994 + 1.63 per M in excess of	1,400,000
1,500,000	1,999,999		3,157 + 1.60 per M in excess of	1,500,000
2,000,000	2,499,999		3,957 + 1.57 per M in excess of	2,000,000
2,500,000	2,999,999		4,742 + 1.55 per M in excess of	2,500,000
3,000,000	3,499,999		5,517 + 1.49 per M in excess of	3,000,000
3,500,000	3,999,999		6,262 + 1.44 per M in excess of	3,500,000
4,000,000	4,999,999		6,982 + 1.39 per M in excess of	4,000,000
5,000,000	5,999,999		8,372 + 1.33 per M in excess of	5,000,000
6,000,000	7,999,999		9,702 + 1.28 per M in excess of	6,000,000
8,000,000	10,999,999		12,262 + 1.23 per M in excess of	8,000,000
11,000,000	13,999,999		15,952 + 1.17 per M in excess of	11,000,000
14,000,000	57,999,999		19,462 + 1.12 per M in excess of	14,000,000
58,000,000	91,999,999		68,742 + 1.01 per M in excess of	58,000,000
92,000,000	Over 92MM		102,080 + .80 per M in excess of	92,000,000

Schedule "B" – If gross receipts are:

More Than but Less than

0	99,999	100		
100,000	199,999	300	+ 2.41 per M in excess of	100,000
200,000	299,999	541	+ 2.05 per M in excess of	200,000
300,000	399,999	746	+ 1.94 per M in excess of	300,000
400,000	499,999	940	+ 1.89 per M in excess of	400,000
500,000	599,999	1,129	+ 1.84 per M in excess of	500,000
600,000	699,999	1,313	+ 1.80 per M in excess of	600,000
700,000	799,999	1,492	+ 1.75 per M in excess of	700,000
800,000	899,999	1,668	+ 1.70 per M in excess of	800,000
900,000	999,999	1,838	+ 1.66 per M in excess of	900,000
1,000,000	1,099,999	2,004	+ 1.61 per M in excess of	1,000,000
1,100,000	1,199,999	2,165	+ 1.56 per M in excess of	1,100,000
1,200,000	1,299,999	2,321	+ 1.52 per M in excess of	1,200,000
1,300,000	1,399,999	2,473	+ 1.47 per M in excess of	1,300,000
1,400,000	1,499,999	2,620	+ 1.42 per M in excess of	1,400,000
1,500,000	1,999,999	2,762	+ 1.40 per M in excess of	1,500,000
2,000,000	2,499,999	3,462	+ 1.38 per M in excess of	2,000,000
2,500,000	2,999,999	4,152	+ 1.35 per M in excess of	2,500,000
3,000,000	3,499,999	4,827	+ 1.31 per M in excess of	3,000,000
3,500,000	3,999,999	5,482	+ 1.26 per M in excess of	3,500,000
4,000,000	4,999,999	6,112	+ 1.21 per M in excess of	4,000,000
5,000,000	5,999,999	7,322	+ 1.17 per M in excess of	5,000,000
6,000,000	7,999,999	8,492	+ 1.12 per M in excess of	6,000,000
8,000,000	10,999,999	10,732	+ 1.07 per M in excess of	8,000,000
11,000,000	13,999,999	13,942	+ 1.03 per M in excess of	11,000,000
14,000,000	57,999,999	17,032	+ .98 per M in excess of	14,000,000
58,000,000	91,999,999	60,152	+ .89 per M in excess of	58,000,000
92,000,000	Over 92MM	90,412	+ .70 per M in excess of	92,000,000

Schedule "C" – If gross receipt are:

More Than	but	Less than		
0		99,999	100	
100,000		199,999	259	+2.05 per M in excess of 100,000
200,000		299,999	464	+1.76 per M in excess of 200,000
300,000		399,999	640	+1.66 per M in excess of 300,000
400,000		499,999	806	+1.62 per M in excess of 400,000

500,000	599,999	968	+1.58 per M in excess of	500,000
600,000	699,999	1,126	+1.54 per M in excess of	600,000
700,000	799,999	1,280	+1.50 per M in excess of	700,000
800,000	899,999	1,430	+1.46 per M in excess of	800,000
900,000	999,999	1,576	+1.42 per M in excess of	900,000
1,000,000	1,099,999	1,718	+1.38 per M in excess of	1,000,000
1,100,000	1,199,999	1,856	+1.34 per M in excess of	1,100,000
1,200,000	1,299,999	1,990	+1.30 per M in excess of	1,200,000
1,300,000	1,399,999	2,120	+1.26 per M in excess of	1,300,000
1,400,000	1,499,999	2,246	+1.22 per M in excess of	1,400,000
1,500,000	1,999,999	2,368	+1.20 per M in excess of	1,500,000
2,000,000	2,499,999	2,968	+1.18 per M in excess of	2,000,000
2,500,000	2,999,999	3,358	+1.16 per M in excess of	2,500,000
3,000,000	3,499,999	4,138	+1.12 per M in excess of	3,000,000
3,500,000	3,999,999	4,698	+1.08 per M in excess of	3,500,000
4,000,000	4,999,999	5,238	+1.04 per M in excess of	4,000,000
5,000,000	5,999,999	6,278	+1.00 per M in excess of	5,000,000
6,000,000	7,999,999	7,278	+ .96 per M in excess of	6,000,000
8,000,000	10,999,999	9,198	+ .92 per M in excess of	8,000,000
11,000,000	13,999,999	11,958	+ .88 per M in excess of	11,000,000
14,000,000	57,999,999	14,598	+ .84 per M in excess of	14,000,000
58,000,000	91,999,999	51,398	+ .76 per M in excess of	58,000,000
92,000,000	Over 92MM	77,398	+ .60 per M in excess of	92,000,000

Schedule "D" – If gross receipts are:

More Than	but	Less than		
0		99,999	100	
100,000		199,999	211	+1.72 per M in excess of 100,000
200,000		299,999	383	+1.47 per M in excess of 200,000
300,000		399,999	530	+1.38 per M in excess of 300,000
400,000		499,999	668	+1.35 per M in excess of 400,000
500,000		599,999	803	+1.32 per M in excess of 500,000
600,000		699,999	935	+1.28 per M in excess of 600,000
700,000		799,999	1,063	+1.25 per M in excess of 700,000
800,000		899,999	1,188	+1.22 per M in excess of 800,000
900,000		999,999	1,310	+1.18 per M in excess of 900,000

1,000,000	1,099,999	1,428	+1.15 per M in excess of	1,000,000
1,100,000	1,199,999	1,543	+1.12 per M in excess of	1,100,000
1,200,000	1,299,999	1,655	+1.08 per M in excess of	1,200,000
1,300,000	1,399,999	1,763	+1.05 per M in excess of	1,300,000
1,400,000	1,499,999	1,868	+1.02 per M in excess of	1,400,000
1,500,000	1,999,999	1,970	+1.00 per M in excess of	1,500,000
2,000,000	2,499,999	2,470	+ .98 per M in excess of	2,000,000
2,500,000	2,999,999	2,960	+ .97 per M in excess of	2,500,000
3,000,000	3,499,999	3,445	+ .93 per M in excess of	3,000,000
3,500,000	3,999,999	3,910	+ .90 per M in excess of	3,500,000
4,000,000	4,999,999	4,360	+ .87 per M in excess of	4,000,000
5,000,000	5,999,999	5,230	+ .83 per M in excess of	5,000,000
6,000,000	7,999,999	6,060	+ .80 per M in excess of	6,000,000
8,000,000	10,999,999	7,660	+ .77 per M in excess of	8,000,000
11,000,000	13,999,999	9,970	+ .73 per M in excess of	11,000,000
14,000,000	57,999,999	12,160	+ .70 per M in excess of	14,000,000
58,000,000	91,999,999	42,960	+ .63 per M in excess of	58,000,000
92,000,000	Over 92MM	64,380	+ .50 per M in excess of	92,000,000

Schedule "E" – If gross receipts are:

More Than	but	Less than		
0		99,999	100	
100,000		199,999	170	+1.33 per M in excess of 100,000
200,000		299,999	303	+1.17 per M in excess of 200,000
300,000		399,999	420	+1.11 per M in excess of 300,000
400,000		499,999	531	+1.08 per M in excess of 400,000
500,000		599,999	639	+1.05 per M in excess of 500,000
600,000		699,999	744	+1.03 per M in excess of 600,000
700,000		799,999	847	+1.00 per M in excess of 700,000
800,000		899,999	947	+ .97 per M in excess of 800,000
900,000		999,999	1,044	+ .95 per M in excess of 900,000
1,000,000		1,099,999	1,139	+ .92 per M in excess of 1,000,000
1,100,000		1,199,999	1,231	+ .89 per M in excess of 1,100,000
1,200,000		1,299,999	1,320	+ .87 per M in excess of 1,200,000
1,300,000		1,399,999	1,407	+ .84 per M in excess of 1,300,000
1,400,000		1,499,999	1,491	+ .81 per M in excess of 1,400,000

1,500,000	1,999,999	1,572 + .80 per M in excess of	1,500,000
2,000,000	2,499,999	1,972 + .79 per M in excess of	2,000,000
2,500,000	2,999,999	2,367 + .77 per M in excess of	2,500,000
3,000,000	3,499,999	2,752 + .75 per M in excess of	3,000,000
3,500,000	3,999,999	3,127 + .72 per M in excess of	3,500,000
4,000,000	4,999,999	3,487 + .69 per M in excess of	4,000,000
5,000,000	5,999,999	4,177 + .67 per M in excess of	5,000,000
6,000,000	7,999,999	4,847 + .64 per M in excess of	6,000,000
8,000,000	10,999,999	6,127 + .61 per M in excess of	8,000,000
11,000,000	13,999,999	7,957 + .59 per M in excess of	11,000,000
14,000,000	57,999,999	9.727 + .56 per M in excess of	14,000,000
58,000,000	91,999,999	34,367 + .51 per M in excess of	58,000,000
92,000,000	Over 92MM	51,707 + .40 per M in excess of	92,000,000

Schedule "F" - If gross receipts are:

More Than	but	Less than		
0		99,999	100	
100,000		199,999	129 + 1.03 per M in excess of	100,000
200,000		299,999	232 + .88 per M in excess of	200,000
300,000		399,999	320 + .83 per M in excess of	300,000
400,000		499,999	403 + .81 per M in excess of	400,000
500,000		599,999	484 + .79 per M in excess of	500,000
600,000		699,999	563 + .77 per M in excess of	600,000
700,000		799,999	640 + .75 per M in excess of	700,000
800,000		899,999	715 + .73 per M in excess of	800,000
900,000		999,999	788 + .71 per M in excess of	900,000
1,000,000		1,099,999	859 + .69 per M in excess of	1,000,000
1,100,000		1,199,999	938 + .67 per M in excess of	1,100,000
1,200,000		1,299,999	995 + .65 per M in excess of	1,200,000
1,300,000		1,399,999	1,060 + .63 per M in excess of	1,300,000
1,400,000		1,499,999	1,123 + .61 per M in excess of	1,400,000
1,500,000		1,999,999	1,184 + .60 per M in excess of	1,500,000
2,000,000		2,499,999	1,484 + .59 per M in excess of	2,000,000
2,500,000		2,999,999	1,779 + .58 per M in excess of	2,500,000
3,000,000		3,499,999	2,069 + .56 per M in excess of	3,000,000
3,500,000		3,999,999	2,349 + .54 per M in excess of	3,500,000

4,000,000	4,999,999	2,619 + .52 per M in excess of	4,000,000
5,000,000	5,999,999	3,139 + .50 per M in excess of	5,000,000
6,000,000	7,999,999	3,639 + .48 per M in excess of	6,000,000
8,000,000	10,999,999	4,599 + .46 per M in excess of	8,000,000
11,000,000	13,999,999	5,979 + .44 per M in excess of	11,000,000
14,000,000	57,999,999	7,299 + .42 per M in excess of	14,000,000
58,000,000	91,999,999	25,779 + .38 per M in excess of	58,000,000
92,000,000	Over 92MM	38,699 + .30 per M in excess of	92,000,000

Schedule "G" - Electric Company and Gas Company

For selling or distributing electrical current or natural gas, an amount equal to three percent of the gross receipts of the business transacted in the municipality for the previous year for the sale or distribution of electrical current or natural gas from any point in or into the municipality.

Schedule "H" - Beer, Wine & Liquor

<u>State of Alabama Code</u>	<u>Classification</u>	<u>Amount</u>	<u>Licensing Notes</u>
040 (Beer On/Off Premise)	312121	75.00	
050 (Beer Off Premise Only)	312122	50.00	
060 (Table Wine On/Off Premise)	312131	75.00	
070 (Table Wine Off Premise Only)	312131	75.00	
010 (Lounge Retail Liquor Class I)	312121	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	312131	75.00	
011 (Package Store Liquor Class II)	312122	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	312131	75.00	

020 (Restaurant Retail Liquor)	312121	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	312131	75.00	
032 (Club Liquor Class II)	312121	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	313131	75.00	
110 (Wholesale Table Wine & Beer)	312132	375.00	Distributors License

Schedule "I" - Peddlers

Daily Rate	issued for single day sales activity	\$ 10.00
Weekly Rate	issued for week long sales activity	\$ 25.00
Monthly Rate	issued for month long sales activity	\$ 50.00
Yearly Rate	issued for annual sales activity	\$ 100.00

Schedule "J" - Taxi Cabs & Limousines

In addition to the license thereto, there shall be a decal affixed to each taxi cab or limousine and the cost of said decals shall be according to the following table:

1 taxi cab or limousine	\$ 50.00 per decal
All taxi cabs or limousines over 1	\$ 25.00 per decal

Schedule "K" - Telephones & Telecommunications

[each city or town must apply Code of Alabama 11-51-128 for telephones and establish other rates and/or schedules for various other telecommunications businesses]

Schedule "L" - Special Events Licenses

[SEE ORDINANCE 2000 -39]

Schedule "M" - Fortune Tellers

Annual license rate is \$ 1,000.00 and rate is reduced by \$ 25.00 each year until such time as the annual rate reaches \$ 500.00 and that becomes the minimum rate thereafter.

Schedule "N" - Vending Machines

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

1 to 5 machines vending any type merchandise or product	\$ 20.00 per decal
5 to 10 machines vending any type merchandise or product	\$ 10.00 per decal
all over 10 machines vending any type merchandise or product	\$ 5.00 per decal

Schedule "O" - Billiard and/or Pool Tables

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

For 1 to 2 billiard or pool tables	\$ 50.00 per decal
All billiard or pool tables over 2	\$ 25.00 per decal

Schedule "P" - Amusement Devices

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

For the first 10 machines	\$ 25.00 per decal
All machines over 10	\$ 10.00 per decal

Schedule "Q" - Buses, Trucks & Other Equipment

In addition to the license thereto, there shall be a decal affixed to each piece of equipment and the cost of said decals shall be according to the following table:

From 1 to 2 buses, trucks or other equipment	\$ 50.00 per decal
From 2 to 5 buses, trucks or other equipment	\$ 25.00 per decal
Over 5 buses, trucks or other equipment	\$ 10.00 per decal

Schedule "R" - Number of Employees

R-1	Where personnel are from 1 to 2 people.....	100.00
R-2	Where personnel are from 3 to 5 people.....	250.00
R-3	Where personnel are from 6 to 10 people.....	400.00
R-4	Where personnel are from 11 to 20 people.....	550.00
R-5	Where personnel are from 21 to 50 people.....	700.00
R-6	Where personnel are from 51 to 75 people.....	850.00
R-7	Where personnel is from 76 to 100 people.....	1,000.00
R-8	Personnel over 100 to be 1,000.00 + 50.00 per person over 100.	

Schedule "S" - Square Feet

S-1	From zero	to	5,000 Square Feet.....	100.00
S-2	From 5,000	to	10,000 Square Feet.....	200.00
S-3	From 10,000	to	20,000 Square Feet.....	300.00
S-4	From 20,000	to	30,000 Square Feet.....	400.00
S-5	From 30,000	to	40,000 Square Feet.....	500.00
S-6	From 40,000	to	50,000 Square Feet.....	600.00
S-7	From 50,000	to	60,000 Square Feet.....	700.00
S-8	From 60,000	to	70,000 Square Feet.....	800.00
S-9	From 70,000	to	80,000 Square Feet.....	900.00
S-10	From 80,000	to	90,000 Square Feet.....	1,000.00
S-11	From 90,000	to	100,000 Square Feet.....	1,200.00
S-16	From 100,000 up - 1,200.00 plus \$.01 per square foot over 100,000			

Schedule "T" - Itinerants

Itinerant businesses operating within the jurisdiction but located outside the jurisdiction, shall pay the itinerant rate for a business license and that rate shall be \$ 500.00.

Schedule "U" - Banks / Savings & Loans

Bank ATM Location	\$ 10.00
Bank Branch Location	\$ 10.00
Bank Main Office Facility	\$ 125.00

Savings & Loan ATM Location	\$ 10.00
Savings & Loan Branch Location	\$ 10.00
Savings & Loan Mail Office Facility	\$ 125.00

Schedule "V" - Delivery License

The rate for the delivery license is established in Section 21 and is: \$ 100.00

SECTION 24. Exchange of information.

- (a) The revenue officer may exchange tax returns, information, records, and other documents secured by the municipality, with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with county or state authorities. The revenue officer may charge a reasonable fee for providing such information or documents. Any tax returns, information, records, or other documents so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under state or municipal law.
- (b) Any such exchange shall be for one or more of the following purposes:
 - (1) Collecting taxes due.
 - (2) Ascertaining the amount of taxes due from any person.
 - (3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for, the payment of any tax to a state, county, or municipal agency.

- (d) Nothing herein shall prohibit the use of tax returns or tax information by the municipality in the proper administration of any matter administered by the revenue officer. The revenue officer may also divulge to a purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor may be liable pursuant to the Code of Alabama section 40-23-25, 40-23-82, or 40-12-224.

SECTION 25. License fees in Police jurisdiction.

Any person, firm, association, or corporation engaged in any business outside the municipality but within the police jurisdiction hereof shall pay one-half of the amount of the license imposed for like business within the municipality.

SECTION 26. Effective date.

This ordinance shall become effective on and after January 1, 2003.

SECTION 27. Severability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other

paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 28. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA THIS 3RD DAY OF SEPTEMBER, 2002**

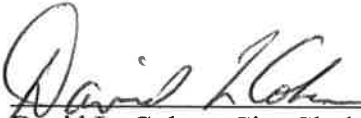

E. Harry Brown, Mayor

ATTEST:


David L. Cohen, City Clerk, CMC

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

I, David L. Cohen, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be true and exact copy of an Ordinance approved and adopted by the City Council of the City of Daphne, Alabama, at its regular meeting held on the 3rd day of September, 2002.


David L. Cohen, City Clerk, CMC

**CITY OF DAPHNE
ORDINANCE NO. 2011-45**

AN ORDINANCE TO AMEND ORDINANCE NO. 2002-26

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Business License Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, said revisions to the Business License Ordinance will enable the City to more easily enforce the Ordinance in order to benefit the health, safety, and welfare of its citizens;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:**

SECTION I: GENERAL PROVISIONS

That Section 2[1] of Ordinance 2002-26, for the purpose of defining “business”, be and is hereby deleted in its entirety and is replaced as follows:

BUSINESS: Any commercial or industrial activity or any exhibition, enterprise, trade, profession, vocation, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within the city or the police jurisdiction. The term shall include, without limitation, all individuals engaged in the activity and conduct for which state law authorizes or empowers the city to levy and collect a business license.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

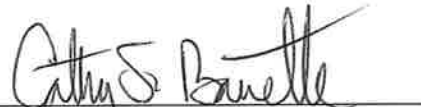
SECTION III: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 6TH DAY OF JUNE, 2011.

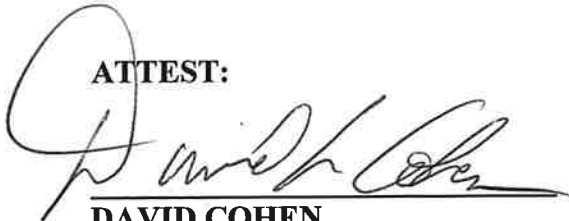


**CATHY S. BARNETTE,
CITY COUNCIL PRESIDENT**



**FRED SMALL,
MAYOR**

ATTEST:



**DAVID COHEN,
CITY CLERK, MMC**