



**CODE ENFORCEMENT/ORDINANCE
COMMITTEE**

**REGULAR MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MONDAY, JUNE 1, 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 May 4, 2026, meeting
- 3. PUBLIC PARTICIPATION**
- 4. ORDINANCE REVIEW/DISCUSSION**
 - A. Fire Code Adoption
 - B. Solid Waste Ordinance Review
 - C. Multi-Family Residential Development Moratorium Ordinance
 - D. Business License Discussion
- 5. OTHER BUSINESS DEEMED NECESSARY**
- 6. NEXT MEETING: July 6, 2026**
- 7. ADJOURN**

CODE ENFORCEMENT/ORDINANCE COMMITTEE MEETING

May 4, 2026, 4:30 p.m.

City Hall, Council Chamber

1705 Main Street, Daphne, AL 36526

MEETING MINUTES

MEMBERS PRESENT: Councilman Coleman, Councilman Roberts, Councilwoman Messinger, Councilwoman Green and Councilman Hughes

MEMBERS ABSENT: Councilwoman Conaway and Councilman Olen

ALSO PRESENT: Patrick Dungan, City Attorney; Christina Brazell, Code Enforcement; Mayor LeJeune; Cindy Beaudreau, City Clerk; Troy Strunk, City Development; Bobby Purvis, Public Works; Chief Tacon, Fire; Kelli Reid, Finance; Connie Chapman, Revenue; Randy Jones, Solid Waste; Ben Davis, Recreation; Emma Coleman, Junior Councilmember; Lakyn Coggin, Junior City Council; 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 4:31 p.m.

2) APPROVE MINUTES FROM THE April 6, 2026 Meeting

3) PUBLIC PARTICIPATION

Gilberto Colon, Havenwood Circle, proposed new stop signs in Lake Forest and will present his proposal at the Public Safety meeting.

4) ORDINANCE REVIEW/DISCUSSION

A) Revisions to the Park Ordinance

Ben Davis, Recreation, presented the revised Park Ordinance which was amended to include a new section stating that 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.

**MOTION by Councilman Hughes to recommend to Council to approve the Revised Park Ordinance. Seconded by Councilwoman Green.
MOTION CARRIED UNANIMOUSLY.**

B) Business License Discussion

Councilwoman Messinger shared an issue that was brought to her attention regarding the 24-hour grace period for unlicensed workers and suggested a cease and desist along with a ticket.

Rene Pollet, Pro One Painters, shared his experience with Code Enforcement, the removal of signs in his neighborhood and his frustration with the 24-hour grace period. Mr. Pollet offered his time to the city to help find a solution.

Discussion continued related to the varying grace periods for different types of work, protecting customers and businesses and the different types of jobs requiring permits and worker's comp.

This topic will be added to next month's meeting for further discussion.

5) OTHER BUSINESS DEEMED NECESSARY

6) NEXT MEETING

The next meeting is scheduled for Monday, June 1, 2026 at 4:30 p.m.

7) ADJOURN

There being no further business to discuss, the Council adjourned at 5:04pm.

**CITY OF DAPHNE
ORDINANCE 2019-33**

FIRE PREVENTION CODE FOR THE CITY OF DAPHNE

AN ORDINANCE TO REPEAL ORDINANCE NO. 2012-41 AND ADOPT THE 2018 INTERNATIONAL FIRE CODE WITH AMENDMENTS THERETO FOR THE CITY OF DAPHNE, ALABAMA.

WHEREAS, the ~~2018~~2024 edition of the International Fire Code including Appendix Chapters A, B, C, D, E, F, H, I and N copyrighted by the International Code Council, with amendments thereto, has heretofore been on file in the Office of the City Clerk of the City of Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne has determined that it is in the best interest of the health, safety, and welfare of its citizens to adopt the ~~2018~~2024 edition of the International Fire Code, as amended herein.

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

SECTION 1. ADOPTION OF THE INTERNATIONAL FIRE CODE, EDITION 2018

~~A.~~

Section 101.1 shall be deleted in its entirety and replaced with the following:

101.1 Title. These regulations shall be known as the Fire Code of ~~Daphne~~, **The City of Daphne** hereinafter referred to as “this code.”

B.

Section 103.1 shall be deleted in its entirety and replaced with the following:

103.1 General.

~~Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.~~

Creation of Agency

The City of Daphne Bureau of Fire Prevention is hereby created and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.

C.

Section 103.2 Appointment of the Fire Code Official shall be deleted in its entirety.

D.

Section ~~105.6.32~~ **105.5.36** shall be deleted in its entirety and replaced with the following:

~~105.6.32~~ **105.5.36** Open Burning

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization.

No waste materials, rubbish, trees, bushes or brush cleared for construction or demolition of buildings or structures shall be disposed of by burning on the premises or in the immediate vicinity by the owner, the contractor, or any other person, unless a permit or other proper authorization has been obtained to burn said waste materials in an approved waste burner/incinerator.

The permit for each approved waste burner/incinerator shall be \$75.00.

E.

Section 105.7.1 shall be deleted in its entirety and replaced with the following:

105.7.1 Fixed Fire Extinguishing Systems Installation

~~No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention.~~

~~No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.~~

~~No person shall be issued a permit to install fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.~~

~~Any modifications made to a fixed system including adding additional flow points will require an installation permit.~~

~~A complete plan/drawing of the system and the devices that are being protected shall be submitted before a permit is issued and a copy shall be placed in the control box.~~

~~The technician who actually performs the installation of the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.~~

~~The Fire Code Official shall require certain operational tests upon final inspection.~~

Section 105.1.2.2 insert “Unauthorized work

- 1) Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled plus \$100.”

E.1.

Section 105.7.1.1 shall be deleted in its entirety and replaced with the following:

105.7.1.1 Servicing Fixed Fire Extinguishing Systems

~~No person shall engage in the business of servicing or inspecting fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year in which it is issued.~~

~~No person shall service or inspect a fixed fire extinguishing system without obtaining a current City of Daphne business license.~~

~~No person shall be issued a permit to service or inspect fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL 36526 listed as a Certificate Holder.~~

~~Any modifications made to a fixed system including adding additional flow points will require an installation permit.~~

~~A complete plan/drawing of the system and the devices that are being protected shall be submitted before a permit is issued and a copy shall be placed in the control box.~~

~~The technician who actually performs the work of servicing or inspecting the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.~~

~~A permit is not required for follow up inspection or service, if a permit was received for that system in the same year. However a report shall be furnished to the Bureau of Fire Prevention upon completion of work being done.~~

~~**The permit fee for servicing a fixed fire extinguisher system shall be \$75.00.**~~

F.

Section 105.7.7 shall be deleted in its entirety and replaced with the following:

105.7.7 Fire Alarm System Installation

~~No person shall install a fire alarm system without having the plans stamped by a licensed Engineer and reviewed by the Fire Code Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.~~

~~Stamped drawings from a licensed Engineer are required for any additions to an existing system.~~

~~There is accepted from the requirements of this Section installations in any building with single station detectors only.~~

~~Installer must possess a State Fire Alarm Permit issued by the State Fire Marshal's office.~~

~~Any person or entity who designs fire alarm systems must possess a State Fire Alarm Permit issued by the State Fire Marshal's office.~~

~~Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.~~

~~Multi-Tenant Buildings. In multi-tenant buildings requiring automatic fire sprinkler systems, and where no fire alarm is required by Section 907, each tenant shall have at least one notification device (horn/strobe) to provide audible and visual notification upon activation of the listed sprinkler monitoring system.~~

~~Any multiple-family residential development that has a fire sprinkler system shall have a horn/strobe device located on the front side of the building visible from the roadway.~~

~~A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make and connections to the fire alarm system.~~

~~Upon final inspection, the NFPA Fire Alarm System Record of Completion form must be properly filled out and submitted to the Fire Code Official and a fire alarm system test must be performed in the presence of the Fire Code Official.~~

~~All fire alarm circuit disconnecting means shall have a red marking and shall be identified as "Fire Alarm".~~

~~Fire Alarm Control Units (FACU) will be located at the entrance of the building or provide an annunciator panel at the entrance and also indicate the location of the main panel.~~

~~**The permit fee for installing a fire alarm system shall be \$75.00.**~~

F.1.

Section 105.7.7.1 shall be deleted in its entirety and replaced with the following:

105.7.7.1 Servicing Fire Alarm Systems

No person shall engage in the business of servicing fire alarm systems without obtaining a permit from the Fire Code Official. The permit is good only for that calendar year of which it is issued. There is exception from the requirements of Section 105.7.7.1 installations of the following types:

- ~~(1) — One and two family dwellings~~
- ~~(2) — Any buildings with single station detectors only.~~

- ~~(3) — Owners of buildings may maintain their own systems as long as their maintenance person is certified by the manufacturer of the installed equipment or has National Institute for Certification in Engineering Technologies (NICET) level II in fire alarms.~~

~~No person shall be issued a permit to modify, repair, test or service fire alarm systems who does not possess a State of Alabama Fire Alarm Permit issued by the State Fire Marshal's office.~~

~~A service tag or sticker shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the company's name, address, phone number, name of the technician performing the service, date and the type of service performed.~~

~~The permit fee to service a fire alarm system shall be \$75.00.~~

G.

~~Section 105.7.8 shall be deleted in its entirety and replaced with the following:~~

105.7.8 Fire Pumps Installation

~~Any person who installs fire pumps must be licensed by the Alabama State Fire Marshal's Office and approved by the Fire Code Official.~~

~~No person shall install a fire pump without first obtaining a permit from the Bureau of Fire Prevention.~~

~~Installer must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.~~

~~Installer must have fire pump plans reviewed by the Fire Code Official before commencing installation.~~

~~All testing of the fire pump shall comply with NFPA 25. The Fire Code Official may require certain operational test upon final inspection.~~

~~The permit fee to install a fire pump shall be \$75.00.~~

G.1.

~~Section 105.7.8.1 shall be added to read as follows:~~

105.7.8.1 Servicing Fire Pumps

~~Any person who services, test or inspects fire pumps must be licensed by the Alabama State Fire Marshal's Office and approved by the Fire Code Official.
No person shall service, test or inspect a fire pump without first obtaining a permit from the Bureau of Fire Prevention.~~

~~The Person/Business who obtains the permit must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder~~

~~**The permit fee to service, test or inspect a fire pump shall be \$75.00.**~~

H.

Section 105.7.26 shall be added to read as follows: _____

105.7.26 Portable Fire Extinguisher Service

~~No person shall engage in the business of servicing portable fire extinguishers without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.~~

~~No person shall service portable fire extinguishers without obtaining a current City of Daphne business license.~~

~~No person shall be issued a permit to service a portable fire extinguisher that does not possess a manufactures service manual for the type of extinguisher being serviced, and have the proper training. They shall have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400 Daphne, AL 36526 listed as a Certificate Holder.~~

~~The technician who actually performs the work of servicing the portable fire extinguishers shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.~~

~~**The annual permit fee for portable fire extinguisher service shall be \$75.00.**~~

I.

Section 105.7.27 shall be added to read as follows:

105.7.27 Install Automatic Fire Sprinkler Systems

~~No person shall install, modify or repair an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.~~

~~Any person who installs or maintains fire sprinkler systems (hereinafter called in Section 402.35 "installer") must be certified by the Alabama State Fire Marshal's Office, and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne,~~

~~Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.~~

~~Installer must possess a current City of Daphne business license.~~

~~Installer must have sprinkler plans stamped by a licensed Engineer and must be reviewed by the Fire Code Official before commencing installation.~~

~~Upon final inspection, the National Fire Protection Association (NFPA) Contractor's Material and Test Certificate for Aboveground Piping must be properly completed and submitted to the Bureau of Fire Prevention.~~

~~The Fire Code Official shall be present during the final inspection of the sprinkler system.~~

~~Relocating more than three (3) sprinkler heads or adding any heads in an existing fire sprinkler system shall require a permit from the Bureau of Fire Prevention and stamped drawings from an Engineer.~~

~~**The permit fee for each automatic fire sprinkler system installation shall be \$75.00.**~~

I.1.

Section 105.7.27.1 shall be added to read as follows:

105.7.27.1 Servicing Fire Sprinkler Systems

~~No person shall service or inspect an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.~~

~~Any person who services or maintains fire sprinkler systems must be certified by the Alabama State Fire Marshal's Office, and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.~~

~~No person shall perform maintenance or testing on fire sprinkler systems unless said person is certified by the Alabama State Fire Marshal's office and approved by the Fire Code Official.~~

~~Installer must possess a current City of Daphne business license.~~

~~**The permit fee for servicing a fire sprinkler system shall be \$75.00.**~~

~~The permit shall be valid only for the calendar year in which it is issued.~~

J.

Section 105.7.28 shall be added to read as follows:

105.7.28 Additional Permits

~~All permit requirements shall be followed.~~

~~Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled plus \$100.~~

~~It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.~~

~~All checks and money orders shall be made out to the City of Daphne.~~

~~All certifications whether they are manufacture or NICET must be current and not have expired.~~

~~General requirements for a permit are as follows:~~

- ~~1. Current city of Daphne Business license.~~
- ~~2. Current one million dollar (\$1,000,000) general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526.~~
- ~~3. Approved by the Fire Code Official.~~
- ~~4. Current Approved Training Certificates.~~
- ~~5. Permit fee of \$75.00~~

K.

Section ~~110.4~~ **113.4** shall be deleted in its entirety and replaced with the following:

110.4 113.4 Violation penalties

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, repairs, or does work in violation of the approved construction documents or any directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Fire Code Violation, punishable by a fine as determined by the Municipal Court Judge or by imprisonment as determined by the Municipal Court Judge, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. ~~See Section 105.7.28 for applicable exceptions.~~

K.1.

Section ~~112.4~~ **114.4** shall be deleted in its entirety and replaced with the following:

112.4 114.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable and subject to penalties as determined by the Municipal Court Judge.

L.

Section 307.2.1 shall be deleted in its entirety and replaced with the following:

307.2.1 Authorization

Open burning shall only be allowed once a calendar month per address/ location during the months that outdoor burning is allowed by the State Air Quality Agencies. A permit must be obtained before any burning starts and all provisions of the burn permit shall be followed.

M.

Section 307.4.1 shall be deleted in its entirety and replaced with the following:

307.4.1 Bonfires

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Bonfire permits shall only be issued to organizations (Churches, Schools, and other Civic Groups) not to private individuals.

N.

Section 503.2.5 shall be deleted in its entirety and replaced with the following:

503.2.5 Dead ends

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus per the provisions in accordance with Appendix D, Table D103.1. and figure D103.4. A Geo grid type material may be used for the turnaround but must be outlined along the edges of the area to be used.

O.

~~That portion of Section 505.1 of the International Fire Code that reads “Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches” shall be struck and replaced with “numbers shall be a minimum of 5 inches high with a minimum stroke width of 0.5 inches.”~~

Section 505.1 shall be removed and replaced with the following:

New and existing buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 5 inches high with a maximum stroke width of ½ inch. Where required by the *fire code official*, address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

P.

Section 506.1 shall be deleted in its entirety and replaced with the following:

506.1 Key boxes

Key boxes shall be installed in all buildings having two or more units/suites, or having an automatic fire sprinkler system, fire alarm system or any alarm that generates a fire department response. The Fire Code Official shall also have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official.

P.1.

~~Section 506.1.1 shall be deleted in its entirety and replaced with the following:~~

~~506.1.1 Locks~~

~~An approved lock shall be installed on gates or similar barriers where required by the Fire Code Official. If gate access is required by the Fire Code Official, it shall be by a key switch of an approved type.~~

Q.

~~Section 507.5.1.1 shall be deleted in its entirety and replaced with the following:~~

~~507.5.1.1 Hydrant for Fire Sprinkler Systems and Standpipe Systems~~

~~Building equipped with a standpipe or fire sprinkler system installed in accordance with Chapter 9 shall have a fire hydrant within 100 feet of the FDC (fire department connection).~~

R.

~~Section 508.5.7 shall be added to read as follows:~~

~~508.5.7 Hydrant Outlet Location~~

~~Hydrants shall be installed with the center of the outlet cap nut at least 18 inches above the adjoining final grade.~~

S.

Section 901.2.1.1 add "All sprinkler and fire alarm design drawings submitted to the fire department for review shall abide by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors' fire protection position statement. NICET certification does not replace the requirement for professional licensure. The designing of fire protection and detection systems is engineering and as such must be designed by or under the direct supervision of professional engineers qualified to design fire protection and detection systems. Only fire protection and detection designs that have been signed and sealed by a qualified Alabama licensed professional engineer shall be approved for construction."

Section 901.2.1.2 insert "Contractor Qualification Requirements. Copies of applicable permits, certifications, current Daphne Business License and a current one million dollar (\$1,000,000)

general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526 shall be submitted to the Fire Marshal for review.

1) Restaurant Fixed Extinguishing Systems:

- The qualifier must possess manufacturer certification (which restricts them to that manufacturer) and/or NAFED/ICC certification (which would allow them to be unrestricted and service, maintain, or install any system).

2) Sprinkler Systems:

- Must possess a current sprinkler permit through the Alabama State Fire Marshal's Office and applicable NICET certification.

3) Fire Alarm Systems:

- Must possess a fire alarm permit through the Alabama State Fire Marshal's Office and applicable NICET certification.
Must possess a minimum of NICET II to perform technician work, or work under the direct supervision of a NICET II.

4) Portable Fire Extinguishers:

- Current certificate of training on portable fire extinguishers in compliance with NFPA 10."

Section 905.3.1 shall be deleted in its entirety and replaced with the following:

905.3.1 Building height

Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. A class I, Manual Wet, standpipe system shall be installed in building where the floor level is of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access.

F. Appendices

The following appendices to the International Fire Code, 2024 Edition, are hereby adopted as part of the Daphne Fire Code:

Appendix A, Board of Appeals

Appendix B, Fire Flow Requirements for Buildings

Appendix C, Fire Hydrant Locations and Distribution

Appendix D, Fire Apparatus Access Roads

Section D107.1 Shall be deleted in its entirety and replaced with the following:

It is recommended that developments of one- or two-family dwellings where the number of dwelling units exceeds 30, be provided with two separate and approved fire apparatus access roads.

Appendix E, Hazard Categories

Appendix F, Hazard Ranking

Appendix H, Hazardous Materials Management plan and Hazardous Materials Inventory Statement Instructions

Appendix I, Fire Protection Systems-Noncompliant Conditions

Appendix N, Indoor Trade Shows and Exhibitions

SECTION 2: ORDINANCES REPEALED

Ordinance ~~2012-41~~ **2019-33** shall be repealed in its entirety and replaced with the provisions of this Ordinance. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY

If any provision of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not in any way affect the remaining portions hereof, which shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE THIS 15th DAY OF July 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

Summary of changes to Fire Ordinance for 2024

- **Appendices:** Appendices are not enforceable unless they are adopted by the AHJ.

 - **Creation of Agency:** This section establishes the Authority of the Fire code official to enforce the code. And must be altered to have the Dept's name in the code section.

 - **Open Burning:** Code numbers have changed

 - **105.7.1:** This section is being moved to 901, which discusses submittal requirements for all fire protection systems. The permit fees will remain the same for each permit, but have been removed from the ordinance.
 - **110.4:** changing the code number to reflect the current reference in 2024, which is **113.4**

 - **112.4: Same as above**

 - **503.2.5:** This is already covered in Appendix D

 - **505.1:** We changed the requirement from 4" letters to 5." (**no change**)

 - **506.1.1:** This already says that the lock has to be approved by the Fire code official; there is no need to specify which type of lock.

 - **507.5.1.1:** Added sprinkler verbiage so that a hydrant is within 100' of any FDC (**No Change**)

 - **508.5.7:** This was added in the 2018 edition but was not necessary because it was already covered in NFPA 24. Furthermore, this section or code # doesn't exist in the 2024 IFC.

 - **901.2.1.1:** This section adds all the previous information from 105 of the 2018 ordinance and places it in the correct area of the 2024 IFC. No information is changed, just relocated to flow better.

 - **903.4.4:** This section was added so that, in the case of a multi-tenant building that only had a sprinkler monitoring system, all occupants would be notified if the sprinkler was activated. (**DELETED; it is already covered in the 2024 edition**)
- T(Appendices):** Already stated in the beginning section but this includes the verbiage from changing the requirement of 2 entrances to recommended.

Sec. 12-31. - Definitions.

For the purpose of this division, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

...

Garbage receptacle. The term "garbage receptacle" shall mean a container ~~that is provided by the City of Daphne and commercially available~~ approved for use as a garbage container, consisting of either ~~which is~~ (a) a not greater than thirty-five ~~sixty-four~~ (3564) gallon ~~capacity or less than thirty (30) gallon capacity~~ semi-automated receptacle, or (b) a ninety-six (96) gallon semi-automated ~~garbage cart~~ receptacle, ~~as approved by the City of Daphne. The receptacle shall be free of jagged or sharp edges and shall be watertight and of impervious material, provided with a tight-fitting cover suitable to protect the contents from flies, insects, rats, and other animals, and which shall not have any inside structures, such as inside bands or reinforcing angles or anything within that would prevent the free discharge of the contents. In no event shall metal drums be used as garbage receptacles.~~

...

Sec. 12-33. - Requirements for garbage removal.

(a) *Residential.* All residents and occupants of residential units in Daphne, Alabama, shall be required to have accumulations of garbage removed and disposed of by: (1) the City of Daphne Solid Waste Department or a contractor to whom the City of Daphne has granted a franchise, (2) transporting to approved bulk containers or approved disposal sites, or (3) obtaining a permit from the health department to transport to a landfill. The City of Daphne will provide an initial ninety-six (96) gallon semi-automated or sixty-four (64) gallon semi-automated garbage receptacle.

(b) ...

(c) ...

(d) *Placement.* All garbage must be placed at the curbside within six (6) feet of the street ~~before 7:00 a.m. on~~ no later than midnight preceding the scheduled collection ~~day~~ ~~scheduled for pick up~~. No garbage shall be placed at the curbside more than twenty-four (24) hours prior to the day scheduled for pick up. If trash and garbage are scheduled for collection on the same day, materials should be neatly placed in separate areas of the curbside. Containers shall be removed from the curbside within twelve (12) hours after collection has occurred. Any garbage receptacle placed that does not follow these guidelines may not be collected. Please note that your collection time may vary from day to day.

Sec. 12-34. - Preparation and receptacle requirements.

(a) ...

(b) *Location of receptacles; residential.* Garbage receptacles shall be placed at ground level, within six (6) feet from the roadway on the property of the residential unit or commercial establishment which has accumulated the garbage, and shall not be kept upon city, county, or public property or neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property be vacant or

improved except that it may be kept on the city right-of-way. In the case of multiple garbage receptacles, each garbage receptacle shall be placed at least four (4) feet from any other garbage receptacle. Such placement of garbage receptacles shall be easily accessible to the code enforcement officer for inspection and to employees of the contractor for collection.

- (1) Garbage shall be neatly placed so as to allow convenient passage of persons and vehicles on the roadway. At no time shall a receptacle or garbage be placed in a street, drainage ditch, storm drain, or gutter, nor should it be placed near trees, power lines, street signs, or near utility, cable, or telephone equipment. If garbage is placed near service equipment and damage occurs to said equipment due to collection efforts, the property owner shall be responsible for all necessary repairs or replacements.
 - (2) Ownership of and responsibility for garbage material shall remain with the producer until collected.
- (c) *Minimum receptacle specifications.*
- (1) *Receptacles required.* All garbage must be placed in bags and the bags placed in garbage receptacles as defined herein. Such receptacles shall be in sufficient number to hold all garbage produced between regular collections.
 - (2) *Commercial receptacle exceptions.* Garbage from commercial establishments may be stored or collected in a container designed for mechanical pickup provided that such container and the location of such container have been approved by the code enforcement officer.
 - (3) *Improper receptacles.* Any container used for the collection or storage of garbage failing to meet the requirements of this section shall be clearly marked or identified by ~~an agent of the contractor or~~ a code enforcement officer, which marking or identification shall legibly specify in what manner the container fails to meet the requirements of garbage receptacles. Any container so tagged must be replaced with an acceptable ~~container~~ garbage receptacle within five (5) days after notification by the code enforcement officer. The ~~contractor~~ City will not be responsible for ~~removing~~ collecting garbage that is not properly prepared and placed in approved garbage receptacles.
- (d) ...

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2026-20**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE’S
GARBAGE COLLECTION ORDINANCE NO. 2017-59, AS CODIFIED IN CHAPTER
12, ARTICLE III, DAPHNE CODE OF ORDINANCES**

WHEREAS, Ordinance 2017-59 established regulations governing the collection of garbage in the City of Daphne (the “City”), and those regulations are codified in Article III of Chapter 12 of the Daphne Code of Ordinances, as previously amended; and

WHEREAS, the City Council finds that the orderly and efficient collection of garbage is necessary to protect the public health, safety, and welfare of the residents of the City of Daphne; and

WHEREAS, the City desires to update its garbage collection regulations to reflect current solid waste collection practices, including the use of City-approved semi-automated receptacles and related placement requirements; and

WHEREAS, the City Council further finds that clarification of the City’s garbage receptacle requirements, collection placement deadlines, and related operational rules will assist residents, City staff, and collection personnel in the consistent administration and enforcement of the Garbage Collection Ordinance; and

WHEREAS, the City Council therefore finds it necessary and appropriate to amend Division 1, Article III, Chapter 12 of the Daphne Code of Ordinances, commonly referred to as the City’s Garbage Collection Ordinance, to promote efficient garbage collection and continued protection of public health and safety.

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

**SECTION 1. AMENDMENT TO ORDINANCE 2017-59, SECTION II
(CHAPTER 12, ARTICLE III, DIVISION 1, SEC. 12-31) –
DEFINITIONS**

Section I of Ordinance 2017-59, as codified at Section 12-31 of Division 1, Article III, Chapter 12 of the Daphne Code of Ordinances, is hereby amended by repealing and replacing the definition of “Garbage receptacle” in its entirety with the following:

Garbage receptacle. The term “garbage receptacle” shall mean a container provided by the City of Daphne and approved for use as a garbage container, consisting of either (a) a sixty-four (64) gallon semi-automated receptacle, or (b) a ninety-six (96) gallon semi-automated receptacle.

**SECTION 2. AMENDMENT TO ORDINANCE 2017-59, SECTION III
(CHAPTER 12, ARTICLE III, DIVISION 1, SEC. 12-33) –
REQUIREMENTS FOR GARBAGE REMOVAL**

Section III of Ordinance 2017-59, as codified at Section 12-33 of Division 1, Article III, Chapter 12 of the Daphne Code of Ordinances, is hereby amended by repealing and replacing subsections (a) and (d) in their entirety with the following:

- (a) *Residential.* All residents and occupants of residential units in Daphne, Alabama, shall be required to have accumulations of garbage removed and disposed of by: (1) the City of Daphne Solid Waste Department or a contractor to whom the City of Daphne has granted a franchise, (2) transporting to approved bulk containers or approved disposal sites, or (3) obtaining a permit from the health department to transport to a landfill. The City of Daphne will provide an initial ninety-six (96) gallon semi-automated or sixty-four (64) gallon semi-automated garbage receptacle.
- (b) ...
- (c) ...
- (d) *Placement.* All garbage must be placed at the curbside within six (6) feet of the street no later than midnight preceding the scheduled collection day. No garbage shall be placed at the curbside more than twenty-four (24) hours prior to the day scheduled for pick up. If trash and garbage are scheduled for collection on the same day, materials should be neatly placed in separate areas of the curbside. Containers shall be removed from the curbside within twelve (12) hours after collection has occurred. Any garbage receptacle placed that does not follow these guidelines may not be collected. Please note that your collection time may vary from day to day.

**SECTION 3. AMENDMENT TO ORDINANCE 2017-59, SECTION IV
(CHAPTER 12, ARTICLE III, DIVISION 1, SEC. 12-34) –
PREPARATION AND RECEPTACLE REQUIREMENTS**

Section IV of Ordinance 2017-59, as codified at Section 12-34 of Division 1, Article III, Chapter 12 of the Daphne Code of Ordinances, is hereby amended by repealing and replacing subsections (b) and (c) in their entirety with the following:

- (a) ...
- (b) *Location of receptacles; residential.* Garbage receptacles shall be placed at ground level, within six (6) feet from the roadway on the property of the residential unit or commercial establishment which has accumulated the garbage, and shall not be kept upon city, county, or public property or neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property be vacant or improved except that it may be kept on the city right-of-way. In the case of multiple garbage receptacles, each garbage receptacle shall be placed at least four (4) feet from any other garbage receptacle. Such placement of garbage receptacles shall be easily accessible to the code enforcement officer for inspection and to employees of the contractor for collection.
 - (1) Garbage shall be neatly placed so as to allow convenient passage of persons and vehicles on the roadway. At no time shall a receptacle or garbage be placed in a street, drainage ditch, storm drain, or gutter, nor should it be placed near trees, power lines, street signs, or near utility, cable, or telephone equipment. If garbage

is placed near service equipment and damage occurs to said equipment due to collection efforts, the property owner shall be responsible for all necessary repairs or replacements.

(2) Ownership of and responsibility for garbage material shall remain with the producer until collected.

(c) *Minimum receptacle specifications.*

(1) *Receptacles required.* All garbage must be placed in bags and the bags placed in garbage receptacles as defined herein. Such receptacles shall be in sufficient number to hold all garbage produced between regular collections.

(2) *Commercial receptacle exceptions.* Garbage from commercial establishments may be stored or collected in a container designed for mechanical pickup provided that such container and the location of such container have been approved by the code enforcement officer.

(3) *Improper receptacles.* Any container used for the collection or storage of garbage failing to meet the requirements of this section shall be clearly marked or identified by a code enforcement officer, which marking or identification shall legibly specify in what manner the container fails to meet the requirements of garbage receptacles. Any container so tagged must be replaced with an acceptable garbage receptacle within five (5) days after notification by the code enforcement officer. The City will not be responsible for collecting garbage that is not properly prepared and placed in approved garbage receptacles.

(d) ...

SECTION 4. 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 5. SURVIVAL AND REPEALER

All other provisions of Ordinance 2017-59 not amended or repealed by this Ordinance remain in full effect. All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective upon its due adoption by the City Council and publication as required by law.

ADOPTED AND APPROVED on this ____ day of _____, 2026.

Robin LeJeune, Mayor

ATTEST:

Cindy Beaudreau, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2026-19**

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE
ACCEPTANCE AND PROCESSING OF CERTAIN APPLICATIONS FOR MULTI-
FAMILY RESIDENTIAL DEVELOPMENT PENDING COMPREHENSIVE
REVISIONS TO THE CITY’S LAND USE AND DEVELOPMENT ORDINANCE**

WHEREAS, the City of Daphne is currently engaged in a comprehensive review and overhaul of its Land Use and Development Ordinance (“LUDO”), including provisions relating to zoning classifications, development standards, density, infrastructure impacts, stormwater management, and compatibility of land uses;

WHEREAS, the City Council has determined that the existing provisions of the LUDO applicable to multi-family residential development may require substantial revision as part of that ongoing process;

WHEREAS, the City Council finds that the acceptance and processing of new applications for multi-family residential developments during the pendency of the LUDO overhaul could result in projects being reviewed under standards that are likely to be materially revised in the near future;

WHEREAS, the City Council further finds that a temporary moratorium of limited duration and scope is necessary to allow the City sufficient time to complete and consider such revisions in an orderly manner and to protect the public health, safety, and general welfare; and

WHEREAS, the City Council finds that this temporary moratorium is a reasonable and narrowly tailored measure intended to preserve the status quo while the City completes its ongoing planning and ordinance revision efforts.

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

1. **Temporary Moratorium.** Effective immediately upon adoption of this Ordinance, the City shall not accept, process, or approve any application for rezoning, pre-zoning, site plan approval, master plan approval, planned development approval, or other development approval for any new multi-family residential development within the corporate limits of the City of Daphne. For purposes of this Ordinance, “multi-family residential development” shall include apartments, townhomes, condominiums, duplexes, and similar residential developments containing more than one dwelling unit on a single lot or unified development site.

2. **Exemptions.** This moratorium shall not apply to:

(a) applications determined by the City to be complete and accepted for review prior to the effective date of this Ordinance;

(b) applications currently pending before the Planning Commission or City Council as of the effective date of this Ordinance; or

(c) developments for which final site plan approval has already been granted prior to the effective date of this Ordinance.

3. **Effective Period.** The moratorium shall be effective immediately upon adoption and publication as required by law and shall remain in effect for a period of one hundred eighty (180) days unless sooner terminated or extended by action of the City Council.

4. **Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any provision of this Ordinance be pre-empted by State or Federal law or regulation, such decision of pre-emption shall not affect the validity of the remaining provisions of this Ordinance or its application to other persons or circumstances.

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**

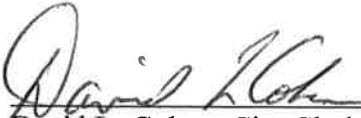

E. Harry Brown, Mayor

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. 2004-11**

**AMENDMENT TO ORDINANCE 2002-26
BUSINESS LICENSE**

BE IT ADOPTED BY THE CITY COUNCIL OF DAPHNE, ALABAMA that Ordinance 2002-26 should be amended as follows:

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 tax for the privilege of doing any kind of business, trade, profession or other activity in the municipality.

SECTION 2. Definitions.

[6] GROSS RECEIPTS: The gross amount received on the use, sale or exchange of property or capital or for the performance of services, from any transaction involving a business, 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:

(1) Any of the 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.

(2) Revenue that this state is prohibited from taxing pursuant to the

Constitution or laws of the United States or State of Alabama
Constitutions.

(3) Revenue received by a nonprofit organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. §501(c), as membership fees or dues or as a result of its fund-raising activities.

(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).

(d) Gross receipts as it applies to professionals shall include, but is not limited to, insurance agencies, real estate brokers, attorneys, doctors, accountants and/or any other profession which provides a service for a fee and/or a commission and shall be calculated on the gross sales, professional fees and/or charges, including only: salaries, retainers, fees, commissions and other payments for services rendered or property sold.

(e) Gross receipts as it applies to automobile dealerships and/or any other professions that hold stock, goods, merchandise, or any property on a floor plan design, shall be calculated on gross receipts only as defined in [6] and shall not include any amounts for any property being held on the floor plan.

(f) Gross receipts are calculated only on that portion of business or services performed or sold within the corporate limits of the City of Daphne, Alabama.

[16] FEE. The terms "fee" and "tax" are used interchangeably and shall mean the same for purposes of all sections herein.

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. Any business which previously existed in the municipality that reincorporates, restructures or obtains a new Federal Identification Number and otherwise maintains the same or similar business shall not constitute a new business and shall be subject to the enclosed schedules.

(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 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 to do so. If the business, trade or occupation incorporates the use of vehicles in its normal course of business including, but not limited to, lawn care and maintenance businesses or delivery carriers, each vehicle shall have clearly displayed the name of the business, trade or occupation and the telephone number of its main office or contact person.

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 premises by giving not less than twenty-four (24) prior notice 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 accounts, 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 exhibiting 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.

- (c) Inspection of all such materials may, at the option of the licensee, be produced in compiled form with the omission of any personal customer or client or patient information including, but not limited to; phone numbers, addresses, names. In a case of a medical provider, deletion to all reference to treatment or diagnosis.

SECTION 24. Exchange of information.

(a) The revenue officer may exchange tax returns, tax forms and other documents used in the preparation thereof 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, tax forms or other documents used in the preparation thereof so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under state or municipal law.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this the 19th day of April, 2004.

CITY OF DAPHNE, ALABAMA


E. HARRY BROWN, MAYOR

ATTEST:


DAVID COHEN, CITY CLERK, CMC

**CITY OF DAPHNE
ORDINANCE NO.: 2004-16**

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SCHEDULE OF LICENSES AND FEES AMENDMENT

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WHEREAS, the City Council of the City of Daphne, Alabama hereto adopted Ordinance Number 2002-26 which provides a schedule of license fees and other requirements within the City, and;

WHEREAS, the City Council of the City of Daphne, Alabama wishes amended certain portions of Ordinance Number 2002-26:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT ORDINANCE NO. 2002-26 SHALL BE AMENDED AS FOLLOWS:

SECTION I. AMENDMENT TO SECTION 22 OF ORDINANCE NUMBER 2002-26

Section 22 of Ordinance 2002-26 entitled License Classifications is hereby amended to include the following:

<u>CODE</u>	<u>NAICS TITLE AND SUGGESTED LICENSE GROUPING</u>	<u>SCHEDULE</u>
4543293	Concession Stand (Food) - There shall be allowed not more than one (1) concession stand to be operated in front of any freestanding business which has a building frontage of at least four hundred (400) feet provided that the owner or operator of the concession stand obtains consent and written permission from the business owner or operator.	T
4543294	Temporary Vendors - No temporary structure will be granted a full year license. Temporary vendors must obtain prior approval by the Community Development department. Signage for such temporary vendors shall be attached to vehicle or trailer.	W

Schedule of Licenses and Fees Amendment
Page 2

SECTION II. AMENDMENT TO SECTION 23 OF ORDINANCE NUMBER 2002-26

Section 23 of Ordinance 2002-26 License Fee Schedules is hereby amended to include the following:

Schedule "W" - Temporary Vendors

Commercial Promoted Special Events (I.E., Rodeo, Wrestling, Boat Show, Car Shows, etc.)

One Day	\$250.00
Two Days	\$350.00
Three to seven days	\$500.00

* Each event requires separate license, limited to four (4) per calendar year.

Concession Stands (Temporary Vendors, Food and/or Souvenir)

One Day	\$ 75.00
Two Days	\$100.00
Three to seven days	\$125.00

* Each event requires separate license, limited to four (4) per calendar year.

SECTION III. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be 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. FULL FORCE AND EFFECT

All remaining provisions of Ordinance 2002-26 and all amendments thereto shall remain in full force and effect.

Schedule of Licenses and Fees Amendment
Page 3

SECTION V. REPEALER

All other Ordinances or parts thereof conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION VI. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon their approval and adoption by the City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 19th DAY OF April, 2004.


E. HARRY BROWN, MAYOR

ATTEST:


DAVID L. COHEN, CITY CLERK, CMC

**CITY OF DAPHNE
ORDINANCE NO.: 2004-44**

**AN AMENDED SCHEDULE OF BUSINESS LICENSES AND FEES
FOR THE YEAR 2005 AND EACH SUBSEQUENT YEAR THEREAFTER**

WHEREAS, the City of Daphne City Council heretofore enacted Ordinance 2002-26 which established a revised schedule of licenses and fees for businesses within the City of Daphne; and

WHEREAS, the City of Daphne City Council amended Ordinance 2002-26 by the enactment of Ordinance 2004-11 which amended among other things certain provisions of Sections One (1), Two (2), Three (3), Seven (7), and Twenty-Four (24); and

WHEREAS, the City of Daphne City Council believes it to be in the best interest of its citizens to now amend Section Twenty-Two (22) and Section Twenty-Three (23) of said Ordinance; and

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

SECTION 1: AMENDMENTS

That Sections Twenty-Two (22) and Twenty-Three (23) of Ordinance 2002-26 be and are hereby deleted and replaced as follows:

(A) SECTION 22: LICENSE CLASSIFICATION CODES

<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 mgmt	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 & 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, & other	G
233320	Contractors - <u>general contractors</u> , comm bldg, residential, subdivisions	D
233321	Contractors - <u>general contractors</u> -itinerant, residential/comm builder	T
234990	Contractors - <u>contractors</u> - repairs and maintenance	E
234991	Contractors - <u>heavy construction</u> - itinerant not local, steel work	T
235110	Contractors - <u>specialty trade</u> - plumbing	E
235111	Contractors - <u>specialty trade</u> - heating and 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	E
235991	Contractors - <u>specialty trades sub-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, & converted products, stationary, tubes, cores	E
323112	Printing - screen, quick, digital, books, lithographic, commercial	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, wallpaper, nursery	C
444110	Home Centers- super home centers	B
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	Department Store - department, warehouse clubs	B
453310	Used Merchandise Stores - books, miscellaneous, consignment, flea mkt	F
453998	Miscellaneous retailers - florist, gift, novelty, pet, tobacco, used mdse	B
454390	Non-store retailers - vending mach operators, direct selling, mail order	D
454391	Non-Store Retailer – Temp Vendors/Comml promoted special events	W
454392	Non-Store Retailer – Temporary Vendors/Concession Stands/Souvenir	W
454395	Non-Store Retailer – Temporary Vendors/Solicitor	Ord 1995-08
481111	Air transportation - airline tickets, shipping, freight, charters service	B
482110	Rail transportation - transportation, ticket offices, state reg.	11-51-124
483212	Water transportation - coastal, freight forwarders, inland, passenger	B
484122	Truck transportation - local, long-distance, freight, moving, & 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
488410	Wrecker Services – wreckers services	C
492210	Deliveries - couriers, 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, retailer	A
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 -check cashing, finance company	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 - admin. 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

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 - software engineer, networking, CAD	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
561621	Alarm Companies - sprinklers & security-monitoring and installation	E
561710	Exterminating services - exterminating company and its services	E
561720	Janitorial firm - janitorial cleaning services including carpet	F
561730	Landscaping – tree removal, irrigation sprinkler	E
561731	Lawn maintenance – tree trimming, lawn main., pressure washing	E
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

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, artist, gymnastics	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 - mobile food service/ice cream trucks	C
722330	Caterers - food service	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 - <u>employees</u> as a basis for calculating license	R
910006	Category for number of - <u>square feet</u> used for calculating license amount	S
999111	Unclassified miscellaneous <u>business</u> services not elsewhere classified	C
999222	Unclassified miscellaneous <u>personal</u> services not elsewhere classified	B

(B) SECTION 23: LICENSE FEE SCHEDULES

Schedule "A"

IF GROSS RECEIPTS ARE BETWEEN					
0	99,999	\$100	<i>(Minimum License Fee)</i>		
100,000	199,999	\$277	\$2.18	per M in excess of	\$ 100,000.00
200,000	299,999	\$494	\$1.88	per M in excess of	\$ 200,000.00
300,000	399,999	\$682	\$1.77	per M in excess of	\$ 300,000.00
400,000	499,999	\$859	\$1.73	per M in excess of	\$ 400,000.00
500,000	599,999	\$1,032	\$1.69	per M in excess of	\$ 500,000.00
600,000	699,999	\$1,201	\$1.64	per M in excess of	\$ 600,000.00
700,000	799,999	\$1,365	\$1.60	per M in excess of	\$ 700,000.00
800,000	899,999	\$1,525	\$1.56	per M in excess of	\$ 800,000.00
900,000	999,999	\$1,681	\$1.51	per M in excess of	\$ 900,000.00
1,000,000	1,099,999	\$1,832	\$1.47	per M in excess of	\$ 1,000,000.00
1,100,000	1,199,999	\$1,819	\$1.43	per M in excess of	\$ 1,100,000.00
1,200,000	1,299,999	\$2,122	\$1.38	per M in excess of	\$ 1,200,000.00
1,300,000	1,399,999	\$2,261	\$1.34	per M in excess of	\$ 1,300,000.00
1,400,000	1,499,999	\$2,395	\$1.30	per M in excess of	\$ 1,400,000.00
1,500,000	1,999,999	\$2,526	\$1.28	per M in excess of	\$ 1,500,000.00
2,000,000	2,499,999	\$3,166	\$1.26	per M in excess of	\$ 2,000,000.00
2,500,000	2,999,999	\$3,794	\$1.24	per M in excess of	\$ 2,500,000.00
3,000,000	3,499,999	\$4,414	\$1.19	per M in excess of	\$ 3,000,000.00
3,500,000	3,999,999	\$5,010	\$1.15	per M in excess of	\$ 3,500,000.00
4,000,000	4,999,999	\$5,586	\$1.11	per M in excess of	\$ 4,000,000.00
5,000,000	5,999,999	\$6,698	\$1.06	per M in excess of	\$ 5,000,000.00
6,000,000	7,999,999	\$7,762	\$1.02	per M in excess of	\$ 6,000,000.00
8,000,000	10,999,999	\$9,810	\$0.98	per M in excess of	\$ 8,000,000.00
11,000,000	13,999,999	\$12,762	\$0.94	per M in excess of	\$ 11,000,000.00
14,000,000	57,999,999	\$15,570	\$0.90	per M in excess of	\$ 14,000,000.00
58,000,000	91,999,999	\$54,994	\$0.81	per M in excess of	\$ 58,000,000.00
92,000,000	Over 92 MIL	\$81,664	\$0.64	per M in excess of	\$ 92,000,000.00

Schedule "B"

IF GROSS RECEIPTS ARE BETWEEN					
0	99,999	\$100	<i>(Minimum License Fee)</i>		
100,000	199,999	\$240	\$1.93	per M in excess of	\$ 100,000.00
200,000	299,999	\$433	\$1.64	per M in excess of	\$ 200,000.00
300,000	399,999	\$597	\$1.55	per M in excess of	\$ 300,000.00
400,000	499,999	\$752	\$1.51	per M in excess of	\$ 400,000.00
500,000	599,999	\$903	\$1.47	per M in excess of	\$ 500,000.00
600,000	699,999	\$1,050	\$1.44	per M in excess of	\$ 600,000.00
700,000	799,999	\$1,194	\$1.40	per M in excess of	\$ 700,000.00
800,000	899,999	\$1,334	\$1.36	per M in excess of	\$ 800,000.00
900,000	999,999	\$1,470	\$1.33	per M in excess of	\$ 900,000.00
1,000,000	1,099,999	\$1,603	\$1.29	per M in excess of	\$ 1,000,000.00
1,100,000	1,199,999	\$1,732	\$1.25	per M in excess of	\$ 1,100,000.00
1,200,000	1,299,999	\$1,857	\$1.22	per M in excess of	\$ 1,200,000.00
1,300,000	1,399,999	\$1,978	\$1.18	per M in excess of	\$ 1,300,000.00
1,400,000	1,499,999	\$2,096	\$1.14	per M in excess of	\$ 1,400,000.00
1,500,000	1,999,999	\$2,210	\$1.12	per M in excess of	\$ 1,500,000.00
2,000,000	2,499,999	\$2,770	\$1.10	per M in excess of	\$ 2,000,000.00
2,500,000	2,999,999	\$3,322	\$1.08	per M in excess of	\$ 2,500,000.00
3,000,000	3,499,999	\$3,862	\$1.05	per M in excess of	\$ 3,000,000.00
3,500,000	3,999,999	\$4,386	\$1.01	per M in excess of	\$ 3,500,000.00
4,000,000	4,999,999	\$4,890	\$0.97	per M in excess of	\$ 4,000,000.00
5,000,000	5,999,999	\$5,858	\$0.94	per M in excess of	\$ 5,000,000.00
6,000,000	7,999,999	\$6,794	\$0.90	per M in excess of	\$ 6,000,000.00
8,000,000	10,999,999	\$8,586	\$0.86	per M in excess of	\$ 8,000,000.00
11,000,000	13,999,999	\$11,154	\$0.82	per M in excess of	\$ 11,000,000.00
14,000,000	57,999,999	\$13,626	\$0.78	per M in excess of	\$ 14,000,000.00
58,000,000	91,999,999	\$48,122	\$0.71	per M in excess of	\$ 58,000,000.00
92,000,000	Over 92 MIL	\$72,330	\$0.56	per M in excess of	\$ 92,000,000.00

Schedule "C"

IF GROSS RECEIPTS ARE BETWEEN					
0	99,999	\$100	<i>(Minimum License Fee)</i>		
100,000	199,999	\$207	\$1.64	per M in excess of	\$ 100,000.00
200,000	299,999	\$371	\$1.41	per M in excess of	\$ 200,000.00
300,000	399,999	\$512	\$1.33	per M in excess of	\$ 300,000.00
400,000	499,999	\$645	\$1.30	per M in excess of	\$ 400,000.00
500,000	599,999	\$774	\$1.26	per M in excess of	\$ 500,000.00
600,000	699,999	\$901	\$1.23	per M in excess of	\$ 600,000.00
700,000	799,999	\$1,024	\$1.20	per M in excess of	\$ 700,000.00
800,000	899,999	\$1,144	\$1.17	per M in excess of	\$ 800,000.00
900,000	999,999	\$1,261	\$1.14	per M in excess of	\$ 900,000.00
1,000,000	1,099,999	\$1,374	\$1.10	per M in excess of	\$ 1,000,000.00
1,100,000	1,199,999	\$1,485	\$1.07	per M in excess of	\$ 1,100,000.00
1,200,000	1,299,999	\$1,592	\$1.04	per M in excess of	\$ 1,200,000.00
1,300,000	1,399,999	\$1,696	\$1.01	per M in excess of	\$ 1,300,000.00
1,400,000	1,499,999	\$1,797	\$0.98	per M in excess of	\$ 1,400,000.00
1,500,000	1,999,999	\$1,894	\$0.96	per M in excess of	\$ 1,500,000.00
2,000,000	2,499,999	\$2,374	\$0.94	per M in excess of	\$ 2,000,000.00
2,500,000	2,999,999	\$2,686	\$0.93	per M in excess of	\$ 2,500,000.00
3,000,000	3,499,999	\$3,310	\$0.90	per M in excess of	\$ 3,000,000.00
3,500,000	3,999,999	\$3,758	\$0.86	per M in excess of	\$ 3,500,000.00
4,000,000	4,999,999	\$4,190	\$0.83	per M in excess of	\$ 4,000,000.00
5,000,000	5,999,999	\$5,022	\$0.80	per M in excess of	\$ 5,000,000.00
6,000,000	7,999,999	\$5,822	\$0.77	per M in excess of	\$ 6,000,000.00
8,000,000	10,999,999	\$7,358	\$0.74	per M in excess of	\$ 8,000,000.00
11,000,000	13,999,999	\$9,566	\$0.70	per M in excess of	\$ 11,000,000.00
14,000,000	57,999,999	\$11,678	\$0.67	per M in excess of	\$ 14,000,000.00
58,000,000	91,999,999	\$41,118	\$0.61	per M in excess of	\$ 58,000,000.00
92,000,000	Over 92 MIL	\$61,918	\$0.48	per M in excess of	\$ 92,000,000.00

Schedule "D"

IF GROSS RECEIPTS ARE BETWEEN					
0	99,999	\$100	<i>(Minimum License Fee)</i>		
100,000	199,999	\$169	\$1.38	per M in excess of	\$ 100,000.00
200,000	299,999	\$306	\$1.18	per M in excess of	\$ 200,000.00
300,000	399,999	\$424	\$1.10	per M in excess of	\$ 300,000.00
400,000	499,999	\$534	\$1.08	per M in excess of	\$ 400,000.00
500,000	599,999	\$642	\$1.06	per M in excess of	\$ 500,000.00
600,000	699,999	\$748	\$1.02	per M in excess of	\$ 600,000.00
700,000	799,999	\$850	\$1.00	per M in excess of	\$ 700,000.00
800,000	899,999	\$950	\$0.98	per M in excess of	\$ 800,000.00
900,000	999,999	\$1048	\$0.94	per M in excess of	\$ 900,000.00
1,000,000	1,099,999	\$1142	\$0.92	per M in excess of	\$ 1,000,000.00
1,100,000	1,199,999	\$1234	\$0.90	per M in excess of	\$ 1,100,000.00
1,200,000	1,299,999	\$1324	\$0.86	per M in excess of	\$ 1,200,000.00
1,300,000	1,399,999	\$1410	\$0.84	per M in excess of	\$ 1,300,000.00
1,400,000	1,499,999	\$1494	\$0.82	per M in excess of	\$ 1,400,000.00
1,500,000	1,999,999	\$1576	\$0.80	per M in excess of	\$ 1,500,000.00
2,000,000	2,499,999	\$1976	\$0.78	per M in excess of	\$ 2,000,000.00
2,500,000	2,999,999	\$2368	\$0.76	per M in excess of	\$ 2,500,000.00
3,000,000	3,499,999	\$2756	\$0.74	per M in excess of	\$ 3,000,000.00
3,500,000	3,999,999	\$3128	\$0.72	per M in excess of	\$ 3,500,000.00
4,000,000	4,999,999	\$3488	\$0.70	per M in excess of	\$ 4,000,000.00
5,000,000	5,999,999	\$4184	\$0.66	per M in excess of	\$ 5,000,000.00
6,000,000	7,999,999	\$4848	\$0.64	per M in excess of	\$ 6,000,000.00
8,000,000	10,999,999	\$6128	\$0.62	per M in excess of	\$ 8,000,000.00
11,000,000	13,999,999	\$7976	\$0.58	per M in excess of	\$ 11,000,000.00
14,000,000	57,999,999	\$9728	\$0.56	per M in excess of	\$ 14,000,000.00
58,000,000	91,999,999	\$34368	\$0.50	per M in excess of	\$ 58,000,000.00
92,000,000	Over 92 MIL	\$51504	\$0.40	per M in excess of	\$ 92,000,000.00

Schedule "E"

IF GROSS RECEIPTS ARE BETWEEN					
0	99,999	\$100	<i>(Minimum License Fee)</i>		
100,000	199,999	\$136	\$1.06	per M in excess of	\$ 100,000.00
200,000	299,999	\$242	\$0.94	per M in excess of	\$ 200,000.00
300,000	399,999	\$336	\$0.89	per M in excess of	\$ 300,000.00
400,000	499,999	\$425	\$0.86	per M in excess of	\$ 400,000.00
500,000	599,999	\$511	\$0.84	per M in excess of	\$ 500,000.00
600,000	699,999	\$595	\$0.82	per M in excess of	\$ 600,000.00
700,000	799,999	\$678	\$0.80	per M in excess of	\$ 700,000.00
800,000	899,999	\$758	\$0.78	per M in excess of	\$ 800,000.00
900,000	999,999	\$835	\$0.76	per M in excess of	\$ 900,000.00
1,000,000	1,099,999	\$911	\$0.74	per M in excess of	\$ 1,000,000.00
1,100,000	1,199,999	\$985	\$0.71	per M in excess of	\$ 1,100,000.00
1,200,000	1,299,999	\$1,056	\$0.70	per M in excess of	\$ 1,200,000.00
1,300,000	1,399,999	\$1,126	\$0.67	per M in excess of	\$ 1,300,000.00
1,400,000	1,499,999	\$1,193	\$0.65	per M in excess of	\$ 1,400,000.00
1,500,000	1,999,999	\$1,258	\$0.64	per M in excess of	\$ 1,500,000.00
2,000,000	2,499,999	\$1,578	\$0.63	per M in excess of	\$ 2,000,000.00
2,500,000	2,999,999	\$1,894	\$0.62	per M in excess of	\$ 2,500,000.00
3,000,000	3,499,999	\$2,202	\$0.60	per M in excess of	\$ 3,000,000.00
3,500,000	3,999,999	\$2,502	\$0.58	per M in excess of	\$ 3,500,000.00
4,000,000	4,999,999	\$2,790	\$0.55	per M in excess of	\$ 4,000,000.00
5,000,000	5,999,999	\$3,342	\$0.54	per M in excess of	\$ 5,000,000.00
6,000,000	7,999,999	\$3,878	\$0.51	per M in excess of	\$ 6,000,000.00
8,000,000	10,999,999	\$4,902	\$0.49	per M in excess of	\$ 8,000,000.00
11,000,000	13,999,999	\$6,366	\$0.47	per M in excess of	\$ 11,000,000.00
14,000,000	57,999,999	\$7,782	\$0.45	per M in excess of	\$ 14,000,000.00
58,000,000	91,999,999	\$27,494	\$0.41	per M in excess of	\$ 58,000,000.00
92,000,000	Over 92 MIL	\$41,366	\$0.32	per M in excess of	\$ 92,000,000.00

Schedule "F"

IF GROSS RECEIPTS ARE BETWEEN					
0	99,999	\$100	<i>(Minimum License Fee)</i>		
100,000	199,999	\$103	\$0.82	per M in excess of	\$ 100,000.00
200,000	299,999	\$186	\$0.70	per M in excess of	\$ 200,000.00
300,000	399,999	\$256	\$0.66	per M in excess of	\$ 300,000.00
400,000	499,999	\$322	\$0.65	per M in excess of	\$ 400,000.00
500,000	599,999	\$387	\$0.63	per M in excess of	\$ 500,000.00
600,000	699,999	\$450	\$0.62	per M in excess of	\$ 600,000.00
700,000	799,999	\$512	\$0.60	per M in excess of	\$ 700,000.00
800,000	899,999	\$572	\$0.58	per M in excess of	\$ 800,000.00
900,000	999,999	\$630	\$0.57	per M in excess of	\$ 900,000.00
1,000,000	1,099,999	\$687	\$0.55	per M in excess of	\$ 1,000,000.00
1,100,000	1,199,999	\$750	\$0.54	per M in excess of	\$ 1,100,000.00
1,200,000	1,299,999	\$796	\$0.52	per M in excess of	\$ 1,200,000.00
1,300,000	1,399,999	\$848	\$0.50	per M in excess of	\$ 1,300,000.00
1,400,000	1,499,999	\$898	\$0.49	per M in excess of	\$ 1,400,000.00
1,500,000	1,999,999	\$947	\$0.48	per M in excess of	\$ 1,500,000.00
2,000,000	2,499,999	\$1,187	\$0.47	per M in excess of	\$ 2,000,000.00
2,500,000	2,999,999	\$1,423	\$0.46	per M in excess of	\$ 2,500,000.00
3,000,000	3,499,999	\$1,655	\$0.45	per M in excess of	\$ 3,000,000.00
3,500,000	3,999,999	\$1,879	\$0.43	per M in excess of	\$ 3,500,000.00
4,000,000	4,999,999	\$2,095	\$0.42	per M in excess of	\$ 4,000,000.00
5,000,000	5,999,999	\$2,511	\$0.40	per M in excess of	\$ 5,000,000.00
6,000,000	7,999,999	\$2,911	\$0.38	per M in excess of	\$ 6,000,000.00
8,000,000	10,999,999	\$3,679	\$0.37	per M in excess of	\$ 8,000,000.00
11,000,000	13,999,999	\$4,783	\$0.35	per M in excess of	\$ 11,000,000.00
14,000,000	57,999,999	\$5,839	\$0.34	per M in excess of	\$ 14,000,000.00
58,000,000	91,999,999	\$20,623	\$0.30	per M in excess of	\$ 58,000,000.00
92,000,000	Over 92 MIL	\$30,959	\$0.24	per M in excess of	\$ 92,000,000.00

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
	312141	650.00	of the package plus the
	312131	75.00	business license code
011 (Package Store Liquor Class II)	312122	75.00	All three codes are part
	312141	650.00	of the package plus the
	312131	75.00	business license code
020 (Restaurant Retail Liquor)	312121	75.00	All three codes are part
	312141	650.00	of the package plus the
	312131	75.00	business license code
032 (Club Liquor Class II)	312121	75.00	All three codes are part
	312141	650.00	of the package plus the
	313131	75.00	business license code
110 (Wholesale Table Wine & Beer)	312132	275.00	Distributors License

Schedule "I" - Peddlers

[SEE ORDINANCE 2004-16]

Schedule "J" - Taxi Cabs & Limousines

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

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

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 "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.

Peddlers license/itinerant license [SEE ORDINANCE 2004-16]

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

for the first \$75,000. Above \$75,000 refer to Schedule "B".

SECTION 2: REPEALER

All City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed. All other portions of Ordinance 2002-26 and Ordinance 2004-11 not expressly referred to herein shall remain the same.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence or part thereof separately and independently of each other.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective on January 1, 2005 after the date of its approval and adoption by the City Council of the City of Daphne and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this the 15th day of November, 2004.

**THE CITY OF DAPHNE
AN ALABAMA MUNICIPAL CORPORATION**



**GREG BURNAM
COUNCIL PRESIDENT**

Time Signed: 11/16/04 10:40 A.M.



**FRED SMALL
MAYOR**

Time Signed: 11/16/04 11:05 A.M.

ATTEST:



DAVID COHEN, CITY CLERK, MMC

**AN ORDINANCE AMENDING THE LICENSE CODE OF THE CITY OF DAPHNE
ADOPTED BY ORDINANCE #1993-28**

**BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THAT ORDINANCE NO. 1993-28 SHALL BE AMENDED AS FOLLOWS:**

SECTION 1: Section 1 of Ordinance 1993-28 License Schedule 351 and 273 is hereby amended to provide for changes in the classifications enumerated herein and to set such sums for such licenses. Any such businesses, vocations, occupations and professionals shall pay and take out such licenses as herein provided by amendment:

351 Temporary Vendors - No temporary structure will be granted a full year license. Signage for such temporary vendors will be attached to vehicle or trailer. Commercial promoted special events and temporary vendors will be charged as follows:

- (1) COMMERCIAL PROMOTED SPECIAL EVENTS (I.E., Rodeo, Wrestling, Boat Show, Car Shows etc.)

Only one Day	\$250.00
Two Days	\$350.00
Three to seven days	\$500.00

* Each event requires separate license, limited to four (4) per calendar year.

- (2) CONCESSIONS STANDS (Temporary Vendors)
(Food and/or Souvenir)

Only one Day	\$ 75.00
Two Days	\$100.00
Three to seven days	\$125.00

* Each event requires separate license, limited to four (4) per calendar year.

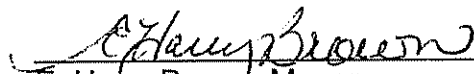
273 PALMIST, ASTROLOGIST (PER YEAR) \$500.00

SECTION 2: Severability. The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrases, clause, sentence, paragraph or section of the Code shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not effect any other paragraphs and sections, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 3: Full Force and Effect. Except as specifically repealed, all remaining provisions of Ordinance 1993-28 and all amendments thereto shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE. Provision of this amendment shall be effective and operative on and after January 1, 2001.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 4th DAY OF December, 2000.



E. Harry Brown, Mayor

ATTEST:



Ruth P. Martin, City Clerk, CMC

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, Ruth P. Martin, City Clerk of the City of Daphne, Alabama do hereby certify the foregoing to be a 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 4th day of December, 2000.



Ruth P. Martin, City Clerk, CMC

**CITY OF DAPHNE
ORDINANCE NO.: 2005-25**

=====

SCHEDULE OF LICENSES AND FEES AMENDMENT

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WHEREAS, the City Council of the City of Daphne, Alabama hereto adopted Ordinance Number 2002-26 which provides a schedule of license fees and other requirements within the City, and;

WHEREAS, the City Council of the City of Daphne, Alabama has amended said Ordinance by virtue of that Ordinance No. 2004-16, amending certain portions of said Ordinance, and

WHEREAS, the City Council of the City of Daphne, Alabama wishes to amend certain portions of Ordinance Number 2002-26:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT ORDINANCE NO. 2002-26 SHALL BE AMENDED AS FOLLOWS:

SECTION I. AMENDMENT TO SECTION 22 OF ORDINANCE No. 2002-26

Section 22 of Ordinance 2002-26 entitled License Classifications is hereby amended to include the following:

CODE NAICS	TITLE AND SUGGESTED LICENSE GROUPING	SCHEDULE
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454329	<i>Concession Stand (Food) Yearly License-</i> There shall be allowed no more than two (2) concession stands to be operated in front of any freestanding business provided that the owner or operator of the concession stand obtains written consent and permission from the business owner or operator. There shall be no more than 3 concessions stands to be operated in any strip mall or shopping mall provided, provided that said vendor shall first obtain written permission from the mall management office plus the owner/operator of the individual store in front of where the vendor will operate. In any event, said vendor shall comply with all local ordinances and state laws applicable to the operation of it's business and present proof of compliance prior to the issuance of the requested business license.	T
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NAICS
CODE

454329 A, *Temporary Vendors (Less than 1 year) –*
B & C

VENDOR DESCRIPTION

W

(a) DEFINITION: Temporary Vendor shall mean any seller or provider of goods or services operating out of a non-permanent structure, or out of a trailer, vehicle, cart or other described apparatus capable of being transported from one location to another.

(b) No temporary structure will be granted a full year license, and in no event shall a temporary license be granted for a period of time greater than 6 months in duration. There shall be allowed no more than two (2) concession/vendor stands allowed in front of any freestanding business provided that the owner or operator of the concession/vendor stand obtains prior written consent and permission from the business owner or operator. There shall be no more than 3 concession/vendor stands allowed in any strip mall or shopping mall. Said concession/vendor operator shall first obtain written permission from the mall management office plus the owner/operator of the individual store in front of where the vendor will operate.

(c) All concession/vendor operators shall comply with all local ordinances and state laws applicable to the operation of it's business and present proof of compliance prior to the issuance of the requested business license.

(d) All Temporary concession/vendor operators must obtain prior written approval from the City of Daphne Community Development Department and written permission from any store owner upon whose property said Vendor is to operate. In the event said vendor desires to set up in front of a store located in a strip mall or other similar style shopping center, said vendor shall first obtain written permission from the mall management office plus the owner/operator of the individual store where the operation will take place, in addition to compliance with any and all local ordinances and applicable state laws. Proof of such compliance must first be presented prior to the issuance of said requested license.

(e) Signage for such temporary vendors shall be attached to the vendor's vehicle or trailer.

SECTION II. AMENDMENT TO SECTION 23 OF ORDINANCE NO. 2002-26

Section 23 of Ordinance 2002-26 License Fee Schedules is hereby amended to include the following:

Schedule "W" - Temporary Vendors

NAICS CODE	DESCRIPTION	AMOUNT DUE
454329 A	Commercial Promoted Special Events (i.e., Rodeo, Wrestling, Boat Show, Car Shows, etc.)*	
	One Day	\$250.00
	Two Days	\$350.00
	Three to seven days	\$500.00

* Each event requires separate license, limited to four (4) per calendar year.

454329 B	<p><i>Temporary Vendors</i> (Concession Stands, Food, Plants, Souvenir, etc.)</p> <p>(a) DEFINITION: Temporary Vendor shall mean any seller or provider of goods or services operating out of a non-permanent structure, or out of a trailer, vehicle, cart or other described apparatus capable of being transported from one location to another.</p> <p>(b) Each Temporary Vendor shall deposit against sales tax, the amount of \$100.00 (non-refundable) to the City in addition to the license fee prescribed herein, and for each solicitor or vendor, said deposit shall be credited to any sales tax owing, and subsequently returned to the licensee if the City determines that all sales tax due has been paid, or applied by the licensee as his or her deposit for licenses issued in future months.</p>	
	ONE MONTH	\$50.00
454329 C	Mardi Gras Parade Cart, Vendors (per cart)	\$250.00
	Mardi Gras Vendor Trailers, Tents, Street side (i.e., Food, Memorabilia, T-Shirts, etc)	\$500.00
	NOTE: Said business license shall be in lieu of any sales tax due, and shall be valid during the Mardi Gras parade season.	

- Each event requires separate license, limited to four (4) per calendar year.

SECTION III. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be 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. FULL FORCE AND EFFECT

All remaining provisions of Ordinance 2002-26 and all amendments thereto shall remain in full force and effect.

SECTION V. REPEALER

All other Ordinances or parts thereof conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION VI. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon their approval and adoption by the City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 17th day of May, 2005.


**GREG BURNAM
COUNCIL PRESIDENT**

Date & Time Signed: 5-17-05 7:35


**FRED SMALL
MAYOR**

Date & Time Signed: 5-18-05 8:05

ATTEST:


DAVID COHEN, CITY CLERK, MMC

**CITY OF DAPHNE
RESOLUTION NO: 2005-41**

**A RESOLUTION DISSOLVING PRIOR GRANTING OF "GRANDFATHER" STATUS
TO SNO BALL SHACK**

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City by establishing equal licensing criteria for all Temporary Vendors by equal taxation and licensing provisions within the City of Daphne; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that the prior granting of "grandfather" status to the "Sno Ball Shack," by a past administration was done for imminent and immediate aggrieved reasons presented by the owners thereof, thereby rendering said business not subject to the Business License Code Ordinance of the City of Daphne; and

WHEREAS, the City Council desires to amend its current business license code to fairly and conformly license and tax all Temporary Vendors doing business within the City of Daphne, the Council deems it necessary to rescind the previous granting of grandfathered status to the "Sno Ball Shack" and that such action will best serve the citizens and business owners of the City of Daphne by treating all business owners, temporary vendors and the like equally;

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

That the Memorandum dated January 21, 2001 directed to the Revenue Agent for the City of Daphne by former Mayor Harry Brown, declaring that the Sno Ball Shack, Tax I.D. #5352, owned by Mr. and Mrs. Eidie is grandfathered and not subject to the amended Business License Code Ordinance 2000-39, dated 12/18/00, be and is hereby rescinded and deemed for naught.

APPROVED AND ADOPTED this 17th day of May, 2005.



GREG BURNAM,
COUNCIL PRESIDENT


Date & Time Signed: 5-17-05 7:35 p.m.



FRED SMALL, MAYOR

Date & Time Signed: 5-18-05 8:05

ATTEST:



DAVID COHEN, CITY CLERK, MMC

**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.

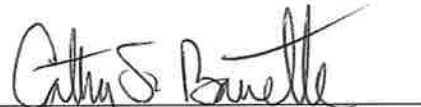
SECTION III: SEVERABILITY

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.

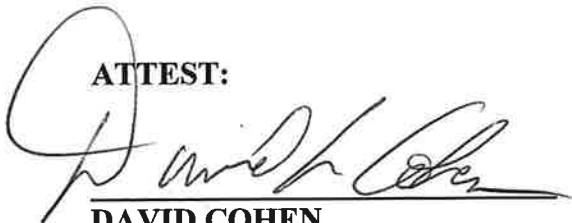


**CATHY S. BARNETTE,
CITY COUNCIL PRESIDENT**



**FRED SMALL,
MAYOR**

ATTEST:



**DAVID COHEN,
CITY CLERK, MMC**

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-70**

**AMENDMENT TO ORDINANCE NO. 2004-11 (BUSINESS LICENSE ORDINANCE)
TO MODERNIZE CERTAIN REQUIREMENTS RELATING TO
LICENSE TERM AND MINIMUM AMOUNT**

WHEREAS, the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne's Business License Ordinance are necessary to modernize certain requirements relating to the license term and minimum amount for any business license.

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

SECTION 1. AMENDMENT TO ORDINANCE 2004-11 - LICENSE TERM AND MINIMUMS

Section 13-253 of Chapter 13, Article XII of the Code of Ordinances of the City of Daphne, Alabama is hereby amended by repealing subsections (b) and (c) in their entirety and replacing them with the following:

- (b) *Half year.* In case the license of any business, trade, occupation or profession is based on a flat rate and is taken out after July 1, only one-half (½) of the license shall be charged and collected, except for those whose gross receipts are in excess of \$100,000.
- (c) *Issue fee.* For each license issued there shall be an issue fee collected in an amount equal to the maximum amount allowable by the Department of Revenue, which shall be adjusted every five (5) license years by an amount equal to the percentage increase in the U.S. Department of Labor's Producer Price Index, with the base year being 2006. The said issue fee shall be collected in the same manner as the license fee.

SECTION 2. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are severable. 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 4. 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, with an effective date of January 1, 2023.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 3rd DAY OF January, 2023.



Robin L. LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk