

ORDINANCE NO. 2020 - 23

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT AMENDING CHAPTER 110 OF THE OCCUPATIONAL LICENSE SECTION OF THE BOONE COUNTY CODE OF ORDINANCES, HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 430.1 ON MAY 2, 1978 AND AMENDED BY ORDINANCES 430.1A (12-8-1992), 430.3 (10-21-1980), 430.4 (3-11-1986), 430.4A (2-20-1990), 430.5 (5-6-1986), 430.7 (4-21-1987), 2000-09 (5-16-2000), 03-08 (2-18-2003) and 07-27 (12-18-07).

WHEREAS, the Kentucky General Assembly enacted KRS 67.750 to 67.790 so that the assessment and payment of occupational license taxes can be administered more efficiently; and

WHEREAS, the Boone County Fiscal Court administers an occupational license fee for the pleasure of doing business within Boone County, Kentucky; and

WHEREAS, the Boone County Fiscal Court desires to amend its occupational license tax ordinance to administer its occupational license tax in an efficient manner while maintaining the existing occupational tax rate enacted by Ordinance 430.1 on May 2, 1978.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION I

That Boone County Fiscal Court hereby amends and modifies Boone County Fiscal Court Ordinance Section 110 (General Licensing and Certification Provisions) by adding the following:

REVOCAION OR SUSPENSION OF LICENSE

(A) Any license issued pursuant to this chapter may be revoked or suspended after notice and hearing, for any of the following causes:

- (1) Any false or intentionally misleading statement contained in the application for the license.
- (2) Any failure or refusal to perform or abide by any of the conditions of a Home Occupation License.
- (3) The criminal conviction of any of the persons listed on the license of a felony; a misdemeanor for which a jail sentence may be imposed; any other crime in which moral turpitude is involved; or any other crime which directly relates to a business of the type for which the license was issued. Provided, however, that in making the decision, the Administrative Hearing Panel shall consider:

- (a) The nature and seriousness of the crime for which the individual was convicted;
 - (b) The relationship of the crime to the purposes of regulating the business for which the license was issued;
 - (c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the operation of the business for which the license was issued; and
 - (d) The extent to which the individual has been successfully rehabilitated.
- (4) The revocation, suspension, or expiration without renewal of any license, permit, degree, certification, or other similar document, under the provisions of any applicable county ordinance, state or federal laws, which is a legal prerequisite to the conduct of or employment in the business for which application is made for the license hereunder.
- (5) Unlawful conduct, including but not limited to, federal law, state statute or county ordinance, by the owner or any employee of the business for which the license was issued.
- (6) Permitting or allowing the premises on which the licensed business is located, or the premises adjacent thereto under the control of the license holder, to be used for any unlawful purpose or in an unlawful manner or in a way that violates a County Ordinance.

(B) The County Administrator shall appoint an Administrative Hearing Panel which shall consist of a chairperson as appointed by the County Administrator and no fewer than three (3) other members appointed by the County Administrator who shall hold a hearing on the question of revocation or suspension of any license issued under the provisions of this chapter. The administrative hearing chairperson shall set a time and place for such hearing and shall notify the affected license holder in writing by certified mail or by personal service, of the time and place of said hearing not less than ten (10) days prior to the date set for the hearing. Such written notice shall set forth specifically the grounds alleged for the revocation or suspension and shall inform the license holder that the hearing may result in the revocation or suspension of the license. The order of the Hearing Panel on such revocation or suspension shall be final.

(C) Revocation or suspension of a license hereunder shall be in addition to the imposition of any other penalty prescribed by this chapter or any other ordinance, statute, or law.

(D) No person(s) who have had a licensed revoked shall be eligible to be issued a license pursuant to this chapter for a period of one (1) calendar year.

SECTION II

If any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

SECTION III


This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

First Reading – the 8th day of September, 2020

Second Reading - the 13th day of October, 2020

Adopted this 13th day of October, 2020. Yes 4 No 0

BOONE COUNTY FISCAL COURT


GARY W. MOORE, Judge-Executive
Boone County Fiscal Court

Attest:



Sharon Burcham,
Fiscal Court Clerk