ORDINANCE NO. 2007-02

BUSINESS LICENSE CODE OF THE TOWN OF COLLINSVILLE, ALABAMA FOR THE 15 MONTH PERIOD BEGINNING OCTOBER 1, 2007 AND ENDING DECEMBER 31, 2008 AND FOR THE CALENDAR YEAR 2009 AND EACH SUBSEQUENT YEAR THEREAFTER

SCHEDULE OF LICENSES AND FEES

BE IT ORDAINED BY THE TOWN OF COUNCIL OF THE TOWN OF COLLINSVILLE, ALABAMA, AS FOLLOWS:

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SECTION 1. Levy of Tax.

Pursuant to Chapter 51, Title 11, *Code of Alabama 1975, as amended* 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 October 1, 2007 and ending December 31, 2008, and for the 2009 calendar year and 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, or the police jurisdiction, by whatever name called.

SECTION 2. Definitions.

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

[1] BUSINESS. Any commercial or industrial activity or any enterprise, trade, profession, 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 a municipality.

[2] BUSINESS LICENSE. An annual license issued by the municipality for the privilege of doing any kind of business, trade, profession, or any other activity in the municipality, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent the taxpayer's business license tax or other financial information is listed thereon.

[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] DEPARTMENT or DEPARTMENT OF REVENUE. The Alabama Department of Revenue, as created under Section 40-2-1 et seq.

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

[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: All taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayer to the taxing authority, whether state, local or federal, including utility gross receipts levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; or reimbursements to professional employer organizations of federal, state or local payroll taxes or unemployment insurance contributions; but no other deductions or exclusions from gross receipts shall be allowed except as provided in this article.

(b) A different basis for calculating the business license may be used by the municipality with respect to certain categories of taxpayers as prescribed in Section 11-51-90B.

(c) For a utility or other entity described in Section 11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the municipality during the preceding year that are taxed under Article 3 of Chapter 21 of Title 40, except that nothing herein shall affect any existing contract or agreement between a municipality and a utility or other entity. The gross receipts derived from the furnishing of utility services shall not be subject to further business license taxation by the municipality.

(d) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowing, the sale of a capital asset, the repayment of the principal portion of a loan, the issuance of stock or other equity investments, or capital contributions, or the undistributed earnings of subsidiary entities.

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

[8] LICENSE OFFICER or MUNICIPAL LICENSE 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.

[9] LICENSE YEAR. The calendar year.

[10] MUNICIPALITY. Any town or city in this state that levies a business license tax from time to time. The term shall also include the town's or city's police jurisdiction, where the business license tax is levied in the police jurisdiction.

[11] PERSON. Any individual, association, estate, trust, partnership, limited liability company, corporation, or other entity of any kind, except for any nonprofit corporation formed under the laws of Alabama which is operated to enable municipalities that become members of such nonprofit corporation to finance or refinance capital projects and related undertakings, on a cooperative basis, and whose board of directors or other governing body consists primarily of elected officials of the municipality.

[12] TAXING JURISDICTION. Any municipality that levies a business license tax, whether or not a business license tax is levied within its police jurisdiction, or the Department of Revenue acting as agent on behalf of a municipality pursuant to Section 11-51-180 et seq., as the context requires.

[13] TAXPAYER. Any person subject to or liable under this chapter for any business license tax; any person required to file a return with respect to, or pay or remit the business license tax levied under this chapter or to report any information or value to the taxing jurisdiction; or any person required to obtain, or who holds any interest in, any business license issued by the taxing jurisdiction; or any person

that may be affected by any act or refusal to act by the taxing jurisdiction under this chapter, or to keep any required by this chapter.

[14] U.S.C. The applicable title and section of the United States Code, as amended from time to time.

[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 *Code of Alabama*, 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 ten dollars ($10.00) 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 Alabam*a 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. <u>License shall be location specific</u>.

(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 **except** amounts covered by gross receipts. All receipts not

accounted for in gross receipts are taxed at the rate charged for each line of business. No portion is untaxed.

(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.

(d) Nothing herein shall be construed as exempting businesses from payment of a license on the basis of a lack of physical location.

SECTION 5. Restriction on transfer of license.

No license shall be transferred except with the consent of the council or other governing body of the municipality or of the director of finance or other chief revenue officer or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another. 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 purposes of this chapter, unless (1) the change requires the taxpayer to obtain a new federal employer identification number or Department of Revenue taxpayer identification number or (2), in the discretion of the municipality, the subject license is one for the sale of alcoholic beverages. Nothing in this section shall prohibit a municipality from requiring a new business license application and approval for an alcoholic beverage license.

SECTION 6. Unlawful to do business without a license.

It shall be unlawful for any person, taxpayer, or agent of a person or taxpayer to engage in businesses or vocations in the municipality for which a license is required without first having procured a license. A violation of this division of the ordinance passed hereunder fixing a license shall be punishable by a fine not to exceed the sum of five hundred ($500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day 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) 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.

(d) 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.

(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 municipal license 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 license 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 their respective positions..

(2) If a petition for review is not timely filed, or is timely filed, and upon further review the license officer determines that the preliminary assessment is due to be upheld in whole or in part, the municipality may make the assessment final in the amount of business license tax due as computed by the license officer, with applicable interest and penalty computed to the date of entry of the final assessment. The license officer shall, whenever practicable, complete his or her review of the taxpayer's petition for review and applicable law within 90 days following the later of the date of filing of the petition or the conference, if any.

(3) 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 then 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. The final assessment shall include a statement informing the taxpayer of his or her right to

appeal the final assessment to circuit court within 30 days from the date of the entry of the final assessment.

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 or the police jurisdiction, 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 municipal 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 judgment 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 *Code of Alabama*, 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 *Code of Alabama*, Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits or within its police jurisdiction 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.

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. <u>Procedure for denial of new applications</u>.

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

(d) Upon receipt of said notice, the municipal clerk 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

(b) 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.

(c) 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.

(d) 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. It the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.

(e) 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.

(f) 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 or its police jurisdiction;

(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.

(b) 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.

(c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.

(d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.

(e) 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

CODE	2002 NAICS TITLES / BUSINESS LICENSE CODES	SCHEDULE
111998	**Farming and Crop Production** – agriculture, crop production, nursery, fruit, growers,	G
112990	**Animal Production** – dairy, cattle, ranching, sheep, chickens, poultry	G
113110	**Forestry** – logging, forestry, timber track operations, timber mgt,	G
114119	**Fishing & hunting** – hunting and trapping, finfish, shellfish, supplies,	G
115114	**Agriculture support** – cotton gins, farm mgt, post-harvest activities,	E
211111	**Oil and gas extraction** – natural gas liquid extraction, crude extraction,	G
212299	**Mining** - (except for oil and gas) all related mining activities,	G
213112	**Mining support services** – for oil and gas mining activities, oil/gas wells,	G
221122	**Utilities** – electric power or light company - ORD.# 2008-04 Amendment	State Regulated
221210	**Utilities** – natural gas company	State Regulated
221310	**Utilities** – water, sewage treatment, steam, and other	State Regulated
236220	**Contractors** – general contractors, comm. bldg, residential, subdivisions: General Contractor - Each person, firm or corporation which, for a fixed price, commission, fee or wage, undertakes to construct, superintend, or engage in the construction, alteration, maintenance, repair, rehabilitation, remediation, reclamation, or demolition of any building, highway, sewer, structure, site work, grading, paving or project or any improvement where the cost of the undertaking is $50,000 in value. MUST BE LICENSED BY THE HOME BUILDERS LICENSURE BOARD OF AL. In addition, one who for a fixed price, fee, commission or wage exceeding $5,000.00 in value undertakes the construction or superintendents of construction, repair or renovation of a swimming pool is required to have a general contractor's license and must be licensed by the Home Builders Licensure Board. A residential home builder – one who constructs a residents or structure for sale or who, for a fixed price, commission, fee or wage undertakes or offers to undertake the construction or superintending the construction of any residents or structure which is not more than three floors in height and which does not have more than four units in an apartment complex or to repair, improve or re-improve thereof, to be used by another as a residence when the cost of the undertaking exceeds $10,000.00. MUST BE LICENSED BY THE HOME BUILDERS LICENSURE BOARD OF ALABAMA	G
237990	**Contractors** – heavy construction, highway, bridge, street, water, sewer,	G
238220	**Contractors** – specialty trade – plumbing, heating & air conditioning MUST BE STATE LICENSED BY APPROPRIATE STATE BOARD	G
238320	**Contractors** – specialty trade – painting and wall covering	G
238210	**Contractors** – specialty trade – electrical contractors MUST BE STATE LICENSED BY APPROPRIATE STATE BOARD	G

238140	**Contractors** – specialty trade – masonry and stone contractors	G
238310	**Contractors** – specialty trade – drywall, acoustical & insulation	G
238340	**Contractors** – specialty trade – tile, marble, terrazzo & mosaic	G
238350	**Contractors** – specialty trade – carpentry contractors	G
238330	**Contractors** – specialty trade – floor coverings/all types	G
238160	**Contractors** – specialty trade – roofing, siding & sheet metal	G
238110	**Contractors** – specialty trade – concrete contractors	G
237110	**Contractors** – specialty trade – water well drilling & irrigation	G
238120	**Contractors** – specialty trade – structural steel erection	G
238150	**Contractors** – specialty trade – glass and glazing contractors	G
238910	**Contractors** – specialty trade – excavation and site development	G
238910	**Contractors** – specialty trade – wrecking and demolition	G
238290	**Contractors** – specialty trade – building equipment & mechanical install	G
238130	**Contractors** – specialty trades contractors- non-general & non-heavy,	G
238990	**Contractors**- All other specialty contractors	G
311991	**Food mfg** – meat, seafood, grain, fruit, dairy, animal, poultry processing,	E
312212	**Beverage mfg** – all types of soft drinks, bottled water, breweries, ice,	E
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, lingerie outerwear, accessories,	E
316993	**Leather and allied products mfg** – shoes, luggage, handbag, related products, all footwear,	E
321999	**Wood mfg** – sawmills, wood preservation, veneer, trusses, millwork,	E
322229	**Paper mfg** – pulp, paper, and converted products, stationary, tubes, cores,	E
323110	**Printing** – screen, quick, digital, books, lithographic, handbills, comm.	E

324199	**Petroleum and coal mfg** – asphalt, grease, roofing, paving products,	E
325998	**Chemical mfg** – of fertilizer, wood, pesticide, paint, soap, and resin	E
326291	**Plastic & rubber mfg** – tires, pipe, hoses, belts, bottles, sheet, wrap, film,	E
327331	**Nonmetallic mfg** – clay, glass, cement, lime, pottery, ceramic, brick, tile,	E
331521	**Primary metal mfg** – iron, steel, aluminum, wire, copper, foundries	E
332999	**Metal fabrication** – cutlery, structural, ornamental, machine shops,	E
333990	**Machinery mfg –** office machinery, industrial, engines, farm, HVAC,	E
334419	**Computer & electronic mfg** – audio, video, circuit boards, peripherals,	E
335211	**Appliance mfg** – small appliance, lighting, electrical, battery, freezer,	E
336112	**Transportation mfg** – mfg auto, truck, trailer, motor home, boat, ship and motorcycle,	E
337129	**Furniture mfg** – cabinets, office, household, beds, kitchen,	E
339999	**Miscellaneous mfg** – Misc. Manufacturing, medical, dental, jewelry, sporting goods, toys, signs, all other.	E
421990	**Wholesale trade** – durable, vehicle, machinery, equipment, furniture,	G
422490	**Wholesale trade –** non-durable, paper, apparel, grocery, beverages, dairy	G
422720	**Wholesale trade** – non-durable, wholesale gasoline distributor	G
441310	**Motor vehicle parts** and accessories – auto, motorcycles, boats, parts and accessories,	G
441110	**Motor vehicles** - new and/or used automobiles, motorcycles, boats, etc … – dealerships and lots	G
442110	**Furniture** – furniture, home furnishings, stores, floor coverings, window,	G
443112	**Electronic & appliance store** – household, radio, television, computers,	G
444130	**Building materials** and gardening equipment dealers – hardware, paint, home center, wallpaper, nursery,	G
445120	**Food & beverage stores** – grocery, convenience store, markets,	G
445310	**Package Stores** – selling beer, wine and liquor plus general mdse	G

446110	**Health and personal care stores** – drug, pharmacy, cosmetic, optical, health food	G
447110	**Gasoline Retail -** selling gasoline with or without convenience stores 1ST PUMP EACH ADDITIONAL PUMP	 $50.00 $25.00
448190	**Clothing & accessories** – men, women, children, infant, shoe, jewelry,	G
451110	**Sporting goods & hobbies** – toy, fish, gun, books, games	G
452990	**General merchandise stores** – department, warehouse clubs, superstores,	G
453310	**Used Merchandise Stores** – books, miscellaneous, consignment	G
453220	**Miscellaneous retailers** – florist, gift, novelty, pet, art, tobacco, fireworks	G
454210	**Non-store retailers** – vending machine operators, direct selling, mail order	G
454390	**Other Direct Selling Establishment** – FLEA MARKETS Operators Vendor Spaces $4.00 per rentable space	 G
454391	**Non-Store Retailer** – other direct selling, peddler's license Fruit/Vegetable (temp location) selling retail on streets Temp Vendors/Commercial promoted special events	$150 yearly $25 daily
481111	**Air transportation** – airline tickets, shipping, freight, charters service	$300
482110	**Rail transportation** – transportation, ticket offices, state regulated 11-51-124	
484110	**Truck transportation** – local, long-distance, freight, moving, and storage	$150 per vehicle
484230	**Truck transportation** – terminal – state regulated 37-3-33	
485114	**Passenger transportation** – bus terminals state regulated 37-3-33	
485320	**Passenger transportation** – buses, taxicabs, limousine service, buggy, charters,	$100
492110	**Couriers** – couriers and local messengers, services, local delivery services,	$100
493110	**Warehousing and storage** – distribution, household, refrigerated, special, (This does not include mini-warehouses & self-storage units #531130)	S
511110	**Publishing industries except internet** – newspaper, book, periodical, databases, software	G
512131	**Motion pictures** – theatres, videos, recording, drive-ins, sound studios,	G
515112	**Broadcasting** – radio and television stations	G

517310	**Telecommunications** – telephone local per Section 11-51-128 Code of Al 1975	
517320	**Telecommunications** – telephone long distance per Section 11-51-128, Code of Al 1975	
517212	**Telecommunications** – cellular and other wireless, paging,	G
517315	**Telecommunications** – resellers of service	G
517510	**Cable & Other Program Distributions –** cable & satellite providers	$150
519190	**Information services** and data processing – providing, storing, processing, access to information	G
522110	**Bank Main Office** – not branch location or ATM	U
522111	**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	G
522390	**Credit services** – companies and activities related to credit and mediation, check cashing, money order issuance, travelers check services, western union	$150
523999	**Securities, commodity** – brokerage, portfolio, investment, other financial services	$150
524126	**Insurance Company and/or its agents** – casualty, fire, and/or marine premiums 11-51-120/123	
524128	**Insurance Company and/or its agents** – health, allied and all other premiums 11-51-120/123	
524210	**Agent Office** – administration of third parties, pension funds, annuities, etc	$150
525990	**Funds, trusts, other financial agencies** – Funds, plans, and/or programs organized to pool securities or other assets for others, other than the Alabama Municipal Funding Corp,	$150
531110	**Lessors of Residential Buildings and Dwellings –** houses, apartments, duplex, mobile home, buildings. All lease/rental buildings/dwellings must comply will all applicable building and housing codes required by the Town of Collinsville. Failure to comply will result in the revocation of license.	$50 Per Rental Unit
531120	**Lessors of Nonresidential Buildings** (except mini warehouses)	$100 Per Rental Unit

531130	**Rental and leasing** - Mini warehouses and self-storage units	S
531190	**Lessors of Other Real Estate Property – Mobile Home Park**	$15.00 per unit
531210	**Real estate** – offices, agents, brokers, management Must hold a license issued by the Alabama Real Estate Commission (This fee applies only to offices located in the Town Limits)	G
532230	**Rental and leasing** – movie and video rental	G
532310	**Rental and leasing** – auto, truck trailer, RV, all tangible property	G
532490	**Other Rental and Leasing –** commercial, industrial, communication towers (Any person firm or corporation that owns any tower or structure erected for the purpose of commercially using, leasing, renting or selling antenna or dish space for the receiving and/or broadcasting or relaying of wireless telephone, television, radio, microwave, or other communication signals. All towers must be permitted under other existing city ordinances prior to being licensed.)	$500
541110	**Attorney/Lawyers** – individual and/or firm professional license (This fee applies only to offices located in the Town Limits)	G
541111	**Physician –** individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541211	**Accountant/CPAs** – individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541213	**Tax Return Preparation Services** -	G
541310	**Architect** – individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541210	**Dentist** – individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541311	**Chiropractor** – individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541320	**Optometrist** – individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541330	**Engineer** – individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541360	**Surveyor** – individual and/or firm professional license (local) MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541511	**Computer Programmer** – individual and/or professional firm license	G
541810	**Advertising Agencies -**	G

541921	**Photographer** – studios, portrait, commercial, services	G
541940	**Veterinarian** – individual and/or firm professional license MUST BE LICENSED BY APPROPRIATE STATE BOARD	G
541990	**Professional Services Not Elsewhere Classified** – scientific, technical, interpreters	G
551990	**Management companies** – offices, enterprises, regional, corporate,	G
561491	**Repossession Services-** automobiles, boats, furniture, appliances, etc.	$150
561499	**Administrative services-** answering, employment, office, secretary,	G
561510	**Travel Agencies** – travel, tour, accommodation services	G
561621	**Security Systems Services** – alarms, monitoring Must be licensed by the Alabama Electronic Security Board	G
561622	**Locksmiths –** shops, services, sales, repairs Must be certified by the Alabama Electronic Security Board	G
561623	**Locksmiths – Automobile** – Does not require certification.	G
561710	**Exterminating services** – exterminating company and its services	G
561720	**Janitorial firm** – janitorial cleaning services – individual or firm Less than $10,000 Over $10,000	 $50 G
561730	**Landscaping Services –** installing trees, shrubs, plants, gardens, lawns, retaining walls, care and maintenance of such, MUST BE CERTIFIED BY THE DEPARTMENT OF AGRICULTURE	G
561731	**Lawn Maintenance –** Mowing, trimming, routine maintenance of lawns or yards Less than $10,000 Over $10,000	 $50 G
562111	**Solid Waste Collection** – garbage pick-up and hauling services (Must have franchise with the Town of Collinsville)	$750
562212	**Landfills** – solid waste disposal, sludge disposal, trash disposal,	G
562991	**Septic Tank-** pumping, cleaning, installation, renting of portable toilets (Must be state license by Alabama On Site Waste Water Board)	G
562998	**Waste management** – grease traps, sewer clean-outs, storm basin, tank cleaning, disposal services	G

611699	**Educational services** – technical, computer, sports, services, business,	G
621111	**Offices of Physicians**- individual and/or firm - private or clinics, centers	G
621210	**Offices of Dentist –** individual and/or firm - private or clinics, centers	G
621310	**Chiropractor –** individual and/or firm – private or clinics, centers	G
621320	**Optometrist** – individual and/or firm- private or clinics, centers	G
621491	**HMO** – medical centers and services	G
621498	**Outpatient Care Centers** – all other types of services	G
621610	**Home Healthcare Services** – skilled nursing and personal care services in the home	G
621910	**Ambulance** - ambulance company and/or services (private operated)	G
622110	**Hospitals** – surgical, substance abuse, psychiatric, general care, special,	E
623110	**Nursing Care Facilities** – Nursing homes - residential care facility, skilled nursing and rehabilitation care	E
623312	**Home for Elderly** – care for elderly and continuing care facilities without skilled nursing care	E
624110	**Social assistance** – shelters, vocational, childcare, abuse, emergency assistant services, rehabilitation services	$100
624410	**Child Day Care Services** – Day care center, pre-school centers	
	1-6 Children	$75
	7-12 Children	$125
	13-24 Children	$200
	25 and up	$275
711310	**Arts and sports** – dance companies, musical, teams, tracks, promoters, agents, boxing events, beauty pageants, rodeos, festivals, circus, non-school sports events – Special Events	$150 1ST Day $75 ea additional
712110	**Museums** – museums and historical sites, zoos, botanical gardens, parks,	$100
713120	**Amusement** – arcades	$100 Plus $35 per machine
	Each person, firm, or corporation engaged in the business of owning or operating an arcade or game room in the Town of Collinsville shall first consult with the Police Chief of the Town of Collinsville and seek approval of the Collinsville Town Council. (Pool tables- See category #910002)	
713940	**Fitness Centers, Health Spas, Recreational Sports Centers**	G

713990	**All Other Musical and Recreational Industries -**		$150
721110	**Accommodations** – hotels, motels and similar facilities		G
721191	**Accommodations** – bed and breakfast inns and services		G
721211	**Accommodations** – RV parks, and travel trailer parks, campsites		G
721310	**Accommodations** – rooming houses and boarding houses		G
722110	**Restaurant** – full service restaurant facility		R
722211	**Restaurant** – limited facility or service-(fast food, drive-in)		R
722320	**Caterers** – and/or mobile food services		R
722330	**Mobile Food Services**- (mobile) food stands, snack stands		R
722410	**Drinking Establishment** – club, lounge, bar or other		G
811111	**General Automotive Repair**- engine replacement, repair		G
811118	**Repairs and maintenance** – auto, paint/body, carwash, tune-up		G
811192	**Car wash, detailing**		G
811219	**Repairs and maintenance** – all electronic equipment		G
811412	**Repairs and maintenance** – all appliances, home & garden equipment		G
812111	**Barber Shops -**	Per Chair	$50
812112	**Beauty Salons-**	Per Chair (including nail chair)	$75
812113	**Nail Salons**		G
812197	**Tanning Beds/Salon**	Per Bed	$30
812199	**Other Personal Services** – diet center, tattoo, body piercing, massage		$500
812210	**Funeral Homes & Funeral Services** – Must have state license		G
812310	**Coin-Operated Laundries & Drycleaners**		G
812320	**Drycleaners and Laundry Services (except coin-operated)**		G
812332	**Industrial Launderers and Uniform Supply**		G

812930	**Parking Lots and Garages**	G
812990	**All Other Personal Services** – bail bonding, wedding planner,	$250
812991	**Fortune Teller** or Clairvoyant – individual reader license	$1000
910001	**Category for number of** – vending machines for all types vending	$25
910002	**Category for number of** – pool tables $250 first $100 ea additional Must be approved by the Town Council and operated only inside the corporate limits	
910003	**Category for number of** – amusement devices and/or games	$35
920005	Category for number of – **employees** as a basis for calculating license	E
930006	Category for number of – **square feet** used for calculating license amount	S
999111	Unclassified miscellaneous **business** services not elsewhere classified **wrecker services, meter readers, inventory computing, etc**	G
999222	Unclassified miscellaneous **personal** services not elsewhere classified	G

SECTION 23. License fee Schedules.

SCHEDULE "D" - Delivery

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

SCHEDULE "E" – Number of Employees

25 or Less	$100.00	
26-50	$250.00	
51-100	$350.00	
101-150	$450.00	
151-500	$550.00	
501 -999	$650.00	
1000- and up	$900.00	+ $1.00 per employee in excess of 1,000

SCHEDULE "G" – If Gross Receipts are:

More Than	but Less Than	
0	75,000	100.00
75,001	200,000	150.00
200,001	500,000	400.00
500,001	800,000	500.00
800,001	1,000,000	600.00
1,000,001	2,000,000	1,100.00
2,000,001	3,000,000	1,600.00
3,000,001	4,000,000	2,100.00
4,000,001	and up	2,500.00 +$.35 per M in excess of 4,000,001 or any part thereof

SCHEDULE "R" –If Gross Receipts are:

More Than	but Less Than	
0	25,000	50.00
25,001	150,000	100.00
150,001	300,000	200.00
300,001	500,000	300.00
500,001	800,000	400.00
800,001	1,000,000	500.00
1,000,001	and up	600.00 + $.25 per M in excess of 1,000,001

SCHEDULE "S"

S-1	From zero	to	5,000 Square Feet 75.00
S-2	From 5,001	to	10,000 Square Feet 100.00
S-3	From 10,001	to	20,000 Square Feet 150.00
S-4	From 20,001	to	30,000 Square Feet 200.00
S-5	From 30,001	to	40,000 Square Feet 250.00
S-6	From 40,001	to	50,000 Square Feet 300.00
S-7	From 50,000	to	60,000 Square Feet 400.00
S-8	From 60,001	to	70,000 Square Feet 500.00
S-9	From 70,001	to	80,000 Square Feet 600.00
S-10	From 80,001	to	90,000 Square Feet 700.00
S-11	From 90,001	to	100,000 Square Feet 800.00
S-12	From 100,001 up	-	$900.00 plus $.01 per square foot over 100,000

SCHEDULE "U" – Banks/Savings and 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 Main Office Facility	$125.00

SECTION 24. Exchange of Information

(a) The license 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 license 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.

(c) 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 license officer. The license 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 October 6, 2007.

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.

Adopted and approved this the 1st day of October, 2007.

Mayor

ATTEST:

City Clerk

CERTIFICATION

I, Peggy Wright, the duly appointed Town Clerk of the Town of Collinsville, Alabama, hereby certify that the foregoing Ordinance No. **2007-02** was adopted by the Mayor and Town Council in regular session on the 1st day of October 2007.

Peggy Wright, Town Clerk

CERTIFICATE OF PUBLICATION

I, Peggy Wright, the duly appointed Town Clerk of the Town of Collinsville, Alabama, hereby certify that the foregoing Ordinance No. **2007-02**, entitled, The Business License Code of the Town of Collinsville, was adopted on the 1st day of October, 2007 and that the ordinance was posted in four public places located within the corporate limits of the Town of Collinsville, to wit:

1. Collinsville Post Office
2. Town Hall
3. Collinsville Public Library
4. Collinsville Water & Sewer Board

Done this the 2nd day of October 2007.

Peggy Wright, Town Clerk

(Seal)