

ORDINANCE NO. 323 SERIES 2026

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 113:

OCCUPATIONAL LICENSE TAX, THE CITY OF WEST BUECHEL CODE OF ORDINANCES

WHEREAS, the City of West Buechel acknowledges the critical role of small businesses in driving local economic growth, creating jobs, and enhancing the overall vitality of the community;

WHEREAS, revisions to the occupational license tax ordinance are necessary to streamline processes, reduce administrative burdens for small businesses, and promote greater compliance with the City's tax regulations;

WHEREAS, revisions to the ordinance are intended to further incentivize small business participation in city-sponsored events, thereby enhancing civic engagement, strengthening community bonds and promoting collaborative partnerships;

WHEREAS, additional language has been incorporated into the ordinance to clarify definitions and procedures related to gross receipts and occupational license fees, ensuring transparency and consistency in tax administration;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST BUECHEL, JEFFERSON COUNTY, KENTUCKY THAT:

CHAPTER 113: OCCUPATIONAL LICENSE TAX

SECTION

- 113.01 Definitions
- 113.02 License application required
- 113.03 Occupational license tax payment required
- 113.04 Apportionment
- 113.05 Employers to withhold
- 113.06 Returns required
- 113.07 Extensions
- 113.08 Refunds
- 113.09 Federal audit provisions
- 113.10 Administrative provisions
- 113.11 Information to remain confidential
- 113.12 Use of occupational license tax
- 113.99 Penalty

§ 113.01 DEFINITIONS

As used in this chapter, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended.

"BUSINESS" Any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. "BUSINESS" shall not include the usual activities of board trade, chambers of commerce, trade association, or unions, or other associations performing services usually performed by trade associations or unions. "BUSINESS" shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group, or association, inures to the benefit of any private shareholder or other person.

"BUSINESS ENTITY" Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

"CITY" The City of West Buechel, Kentucky.

"COMPENSATION" Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

- 1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and
- 2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

"CONCLUSION OF THE FEDERAL AUDIT" The date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity(s) federal income tax return become final and unappealable.

"EMPLOYEE" Any person who renders services to another person or any business entity for compensation, including officer of a corporation and any officer, employee, or elected official of The United States, a state, or any political subdivision of a state, or any agency of instrumentality of any one or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

"EMPLOYER" The person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:

- 1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "EMPLOYER" means the person having control of the payment of such wages; and
- 2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "EMPLOYER" means such person.

"FINAL DETERMINATION OF THE FEDERAL AUDIT" The revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

"FISCAL YEAR" An accounting period of 12 months ending on the last day of any month other than December.

"GROSS RECEIPTS" All revenues or proceeds derived from the sale, lease, or rental of goods or services, or property by a business entity reduced by the following:

- 1) Sales and excise taxes paid; and
- 2) Returns and allowances

"INTERNAL REVENUE CODE" The Internal Revenue Code in effect with the federal tax law in place at the start of the tax year, and any amendments made subsequent to that date.

"OCCUPATION, TRADE, PROFESSION OR OTHER ACTIVITY" The doing of any kind of work, the rendering of any kind of personal service, or the holding of any kind of position or job within the city, by any clerk, laborer, tradesman, manager, official or other employee, including any nonresident of the city who is employed by an employer where the relationship between the individual performing the services and the person for whom the services rendered is, as to those services, the legal relationship of employer and employee, including also a partner of a firm or officer of a firm or corporation if the partner or officer receives a salary for his or her personal services rendered in the business of that firm or corporation, and shall include and mean the holding of any kind of office position, either by election or appointment, by a federal, state, county, or city officer or employee, where the services of that official or employee are rendered within the city.

"PAYROLL" The total wages, salaries and other personal service compensation, except for severance pay.

"PERSON" Every natural person, whether a resident or nonresident of the city. Whenever the word "PERSON" is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

"RETURN" or "REPORT" Any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the city.

"SALES REVENUE" Receipts from the sale, lease, or rental of goods, services, or property.

"TAX DISTRICT" Any city of the first to fifth class, county, urban county, charter county, consolidated local government, school district, special taxing district, or any other statutorily created entity with the

authority to levy net profits, gross receipts, or occupational license taxes; provided, however, that the tax district for the purposes of this chapter shall be the city.

“TAXABLE GROSS RECEIPTS” In case of a business entity having payroll or sales revenues both within and without the city means gross receipts as defined in this section, and as apportioned under § 113.04.

“TAXABLE GROSS RECEIPTS” In case of a business entity having payroll or sales revenues only within the city means gross receipts as defined in this section.

“TAXABLE YEAR” The calendar year or fiscal year ending during the calendar year, upon the basis of which net income is computed.

(ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.02 OCCUPATIONAL LICENSE APPLICATION REQUIRED

Every person and business entity engaged in any business in the City of West Buechel shall be required to apply for and obtain an occupational license from the City of West Buechel before the commencement of business or in the event of a change of business status. Licensees are required to notify the city of any changes in address, the cessation of business, or any other changes that render the information supplied to the city in the license application inaccurate.

- (A) Corporations, partnerships, limited liability entities (including single member limited liability entities), and other business receiving income from the rental of real property shall be considered to be in the business of renting real property and are required to obtain a business license and file a gross receipts return for each year of operation within the boundaries of the city.
- (B) Individuals or fiduciaries (acting on behalf of an individual(s) or deceased persons) that receive rental income ONLY from the rental of residential real property AND whose annual gross rental receipts (as determined by your tax year) is less than \$50,000 are not deemed to be in the business of renting real property and are not required to obtain a business license or file a gross receipts return with the City.
- (C) Individuals or fiduciaries (acting on behalf of an individual(s) or deceased persons) that receive rental income from commercial real property shall be considered to be in the business of renting real property and are required to obtain a business license and file a gross receipts return for each year of operation within the boundaries of the city. The \$50,000 or less gross rental receipt exclusion mentioned in the prior paragraph does not apply to the rental of commercial real property. For purposes of individuals or fiduciaries (acting on behalf of an individual(s) or deceased persons) commercial real property includes but is not limited to:
 - 1. Apartment buildings containing four (4) or more units
 - 2. Structures that were originally constructed as residential but have been either zoned as commercial OR have a tenant that is or operates a commercial business
 - 3. Warehouses
 - 4. Hotel buildings
 - 5. Office buildings
 - 6. Restaurants

7. Retail property
8. Other commercial property of any kind

At any time, individuals or fiduciaries (acting on behalf of an individual(s) or deceased persons) become subject to filing based on receiving rental income from commercial real property as described above then all real property rental activities, including the rental income received from residential real property without regard to the \$50,000 gross receipts rule, will be required to obtain a business license and file a gross receipts return. Once individuals or fiduciaries (acting on behalf of an individual(s) or deceased persons) become subject to the requirement to obtain a business license and file a gross receipts return based on having gross rental receipts in excess of \$50,000 from residential real property they will remain subject to these filing requirements in future years until the real property being reported is disposed of even if gross receipts fall below \$50,000 in any given year.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 225-2009, passed - -09; Am. Ord. 227-2009, passed - -09; Am. Ord. 237-2011, passed 6-21-2011; Am. Ord. 247-2013, passed - -; Am. Ord. 269-2017, passed 3-14-17)

§ 113.03 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED

- (A) Except as provided in division (b) of this section, every person or business entity engaged in any business for profit and any person or business entity that makes a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the city an annual occupational license tax for the privilege of engaging in such activities within the city.
 - (1) Employee Withholdings: The following income has been specifically defined as taxable wages, commission or salary and is subject to the occupational license fee:
The occupational license tax shall be measured by 1.5% of all wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee; and,
 - (2) Gross Receipts: The following income is specifically determined to be subject to the occupational license fee:
The gross receipts tax shall be measured by 0.25% of the gross receipts from all annual receipts, whether the business was conducted inside or outside of the city by a resident or nonresident business entity, or \$100.00, whichever is greater.
- (B) The maximum tax liability under this ordinance shall be assessed as follows:
 - (1) For each employee \$50,000.00.
 - (2) For each business entity, there shall be a \$1,000,000.00 maximum liability for the portion of the occupational license tax which is measured by gross receipts.
- (C) The occupational license tax imposed in this section shall not apply to the following persons or business entities:
 - (1) Any bank, trust company, combined bank and trust company, combined trust, banking and title insurance company organized and doing business in this state, any savings and loan association whether state or federally chartered;
 - (2) Any compensation received by members of the Kentucky National Guard for active-duty training, unit training assemblies and annual field training;

- (3) Any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections;
- (4) Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly nonpublic service who are also engaged in public service activity are required to pay a license fee on their gross receipts derived from the nonpublic service activities apportioned to the city;
- (5) Persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business of manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their gross receipts derived from the manufacturing or trafficking in alcoholic beverages;
- (6) Life insurance companies incorporating under the laws of and doing business in the Commonwealth of Kentucky.
- (7) Persons and businesses who participate in events sponsored or held by the City, which are designed to foster civic engagement and strengthen community bonds.

(Ord. 191-2004/191-2004, passed 4-6-04; Am. Ord. 225-2009, passed - -09; Am. Ord. 227-2009, passed - -09; Am. Ord. 252-2014, passed - - ; Am. Ord. 269-2017, passed 3-14-17)

§113.04 APPORTIONMENT OF GROSS RECEIPTS

- (A) Except as provided in division (B) of this section, gross receipts shall be apportioned to the city by multiplying the gross receipts by a fraction, the numerator of which is the payroll factor plus the sales factor, and the denominator of which is two (2).
- (1) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.
- (2) (a) The sales factor is a fraction, the numerator of which is the total sales of the business entity in the city during the tax period, and the denominator of which is the total sales of business entity everywhere during the tax period.
- (b) Sales of tangible personal property are in the city if:
 - 1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or
 - 2. The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchaser is the United States government.
- (c) Sales, other than sales of tangible personal property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity

within the city and the denominator of which is the total time spent performing that income producing activity.

(d) For purposes of this section "SALES" shall mean all gross sales less returns and allowances for the sale of merchandise, services, or both, computed by the method of accounting properly utilized by the licensee for federal income tax purposes.

(e) If either factor under division (a) or (b) is absent, then the business apportionment percentage shall be equal to the remaining percentage determined under division (a) or (b). A factor is not deemed to be absent merely because none of the licensee's receipts arose inside the city or because none of the wages paid by the licensee were for services performed or rendered inside the city.

(B) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one (1) or more of the factors;

(3) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the city; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of gross receipts.

(C) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within the city bears to the total wages and compensation paid or payable. In order for the city to verify the accuracy of a taxpayer's reported percentages under this subsection, the taxpayer shall maintain adequate records.

(D) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to this chapter. The occupational license tax imposed in this chapter is assessed against income before it is "passed through" these entities to the owners.

(E) If any business entity dissolves, ceases to operate, or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the city.

(F) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the federal government and shall employ the same methods of accounting required for federal income tax purposes.

(Ord. 191-2004, passed 4-6-04)

§ 113.05 EMPLOYERS TO WITHHOLD

Every employer shall, on or before January 31st of each year, furnish the City Clerk with a list of employees in such form as the employer may choose, setting forth the following information in respect to the preceding calendar year: name; address; and gross wages paid. Additionally, each employer or business shall furnish a list of all contract laborers used by the employer or business during the preceding year to the extent that the contractor has been issued a Form W-2 or Form 1099.

- (A) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under § 113.03. Amounts withheld shall be paid to the city in accordance with this section.
- (B) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1st, and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the city, and pay to the city, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city.
- (C) Every employer who fails to withhold or pay to the city any sums required by this chapter to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.
- (D) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under this section. If the employer withholds but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.
- (E) Every employer required to deduct and withhold tax under this section shall annually on or before February 28th of each year complete and file on a form furnished or approved by the city a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information, as determined by the city, shall be submitted.
- (F) Every employer shall furnish each employee with a statement on or before January 31st of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.
- (G) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.

- (H) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid or payable to one or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the city, nor the cessation of holding any corporate office, shall discharge that liability; provided that the personal and individual liability shall apply to each and every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this subsection unless such person had authority to collect, truthfully account for, or pay over the tax imposed by this ordinance at the time that the taxes imposed by this ordinance become or became due.
- (I) Notwithstanding subsections (G) and (H) of this section, every employee receiving compensation in the city subject to the tax imposed under § 113.03 shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this chapter from the employee, such employee or employees shall be responsible for filing with the [city, county, school district] each quarter in the same manner as if they were the employer.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.06 RETURNS REQUIRED

- (A) All business entity returns for the preceding taxable year shall be made by April 15th of each year, except returns made on the basis of a fiscal year, which shall be made by the 15th day of the fourth month following the close of the fiscal year. Blank forms for returns shall be available online.
- (B) Every business entity shall submit a copy of its federal income tax return at the time of filing its occupational license tax return within the city. Whenever, in the opinion of the city, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof. The city may also require copies of reports of adjustments made by the federal government.
- (C) Every business entity subject to a occupational license tax governed by the provisions of this ordinance shall keep records, render under oath statements, make returns, and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the city may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the city deems sufficient to determine the tax liability the business entity.
- (D) The city may require, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.
- (E) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.07 EXTENSIONS

- (A) The city may grant any business entity an extension of not more than six (6) months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.
- (B) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due on the return, but not been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.
- (C) Every business entity making payments of \$2000 or more to persons other than employees for services performed within the city are responsible for maintaining the records of those payments and for completing IRS Form 1099 on or before February 28th, of the year following the close of the calendar year in which such compensation was paid.
- (D) Persons or business entities not required to remit a Form 1099 remain liable to the city to remit equivalent information for any compensation made to persons or business entities that are not employees.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.08 REFUNDS

- (A) Where there has been an overpayment of tax under § 113.06, a refund or credit shall be made to the employer to the extent of overpayment only if a written application for refund or credit is received by the city from the employer within two (2) years from the date the overpayment was made.
- (B) An employee who has compensation attributable to the activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted to this city, the occupational license tax on the compensation attributable to activities performed outside the city, may file for a refund within two (2) years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.
- (C) Where there has been an overpayment of Occupational tax upon business levied under § 113.03, a refund or credit shall be made to any person or business entity to the extent of overpayment only upon a written application for refund or credit to the city within two (2) years from the date that overpayment was made.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.09 FEDERAL AUDIT PROVISIONS

- (A) As soon as practicable after each return is received, the city may examine and audit the return. If the amount of tax computed by the city is greater than the amount returned by the business

entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the city within five (5) years from the date the return was filed, except as otherwise provided in this subsection.

- (1) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.
 - (2) In the case of a return where a business entity understates gross receipts, or omits an amount properly includable in gross receipt, or both, which understatement or omission, or both, is in excess of twenty-five percent (25%) of the amount of gross receipts stated in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.
 - (3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this subsection, or six (6) months from the date the city receives the final determination of the federal audit from the business entity, whichever is later.
 - (4) The times provided in this subsection may be extended by agreement between the business entity and the city. For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.
- (B) Every business entity shall submit a copy of the final determination of the federal audit within thirty (30) days of the conclusion of the federal audit.
- (C) The city may initiate a civil action for the collection of any additional tax within the times prescribed in division (A) of this section.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.10 ADMINISTRATIVE PROVISIONS

- (A) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.
- (B) Any tax collected pursuant to the provisions of this ordinance may be refunded or credited within two (2) years of the date prescribed by law for the filing of a return of the date the money was paid to the city, whichever is the later, except that:
 - (1) In any case where the assessment period contained in § 113.09 has been extended by an agreement between the business entity and the city, the limitation contained in this subsection shall be extended accordingly.
 - (2) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this subsection or six (6) months from the conclusion of the federal audit, whichever is later.
 - (3) For the purposes of this section and division (A) of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.
- (C) The authority to refund or credit overpayments of taxes collected pursuant to this chapter is vested exclusively in the city.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.11 INFORMATION TO REMAIN CONFIDENTIAL

- (A) No present or former employee of any tax district shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the tax district or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the tax district from testifying in any court, or from introducing as evidence returns or reports filed with the tax district, in an action for violation of a tax district tax laws or in any action challenging a tax district tax laws.
- (B) The city reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the city if the Commissioner of Revenue of the Commonwealth of Kentucky grants to the city the reciprocal right to obtain information from the files and records of the Kentucky Revenue Cabinet and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting gross receipts or compensation of any person.
- (C) In addition, the city is empowered to execute similar reciprocity agreements as described in division (B) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this chapter.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.12 USE OF OCCUPATIONAL LICENSE TAX

All money derived from the license taxes under the provisions of this chapter shall be paid to the city and placed to the credit of the city's general revenue fund.

(Ord. 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

§ 113.99 PENALTY

- (A) A business entity subject to tax on gross receipts may be subject to a penalty equal to five percent (5%) of the tax due for each calendar month or fraction thereof if the business entity:
 - (1) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or
 - (2) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

- (3) The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).
- (B) Every employer who fails to file a return or pay the tax on or before the time prescribed under § 113.05 may be subject to a penalty in amount equal to five percent (5%) of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).
- (C) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of a month is counted as an entire month.
- (D) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.
- (E) The city may enforce the collection of the occupational tax due under §113.03 and any fee's, penalties, and interest as provided in divisions (A), (B), (C), and (D) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter.
- (F) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.
- (G) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this ordinance of a return, affidavit, claim or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.
- (H) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the city and required to be filed with the city by the provisions of this ordinance, or by the rules of the city or by written request for information to the business entity by the city.
- (I) Any person violating the provisions of § 113.11 by intentionally inspecting confidential taxpayer information without authorization, shall be subject to the fines and punishment as set forth in Kentucky Revised Statutes.

(Ord, 191-2004, passed 4-6-04; Am. Ord. 269-2017, passed 3-14-17)

SECTION I: Any provision of this ordinance, which is in conflict with any ordinance passed

Heretofore, except those specifically enumerated, is hereby repealed, and held for naught.

SECTION II: Should any section, clause, line, paragraph, or any other part of the ordinance be

Held unconstitutional or invalid for any reason, the same shall not affect the remainder of this ordinance.

SECTION III: This ordinance shall become effective upon its passage and shall be published as required by law.

First Reading: August 13, 2026

Second Reading: August 18, 2026

Adopted this 18th day of August 2026.

Results of the roll call vote are as follows:

	YES	NO	Abstain
Samantha Blanton	<u> X </u>	<u> </u>	
Linda Cook	<u> X </u>	<u> </u>	
Jerry Embry	<u> X </u>	<u> </u>	
Michael Bierbaum	<u> X </u>	<u> </u>	
Alyssa Holt	<u> X </u>	<u> </u>	
Ashley Stewart	<u> X </u>	<u> </u>	
Danielle Wood	<u> X </u>	<u> </u>	



Mayor Brenda Moore

Attest:



Gwen Brown

City Clerk