

BE IT RESOLVED AND ORDAINED by the Jefferson County Commission (the "Commission") that the following ordinance is hereby ordained and adopted:

Ordinance No. 1801

JEFFERSON COUNTY ENTITY BUSINESS LICENSE TAX

Section 1. Definitions and Rules of Construction.

(a) For purposes of this Ordinance, the following terms or phrases shall have the respective meanings ascribed by this section, except where the context clearly indicates otherwise:

(1) Act 67-406. Act No. 406 enacted at the 1967 Regular Session of the Legislature of Alabama, which authorized the County's levy of business license taxes and under which such taxes were levied by the County until January 1, 2010, pursuant to the provisions of the Prior License Code.

(2) Act 2009-811. Act No. 2009-811 enacted at the 2009 Special Session of the Legislature of Alabama, which authorized the County's levy of business license taxes and under which such taxes levied by the County on and after January 1, 2010, pursuant to the Prior License Code.

(3) Business Activity. The carrying on or practice of any business, vocation, occupation, work, calling or profession for profit by a Licensable Entity, subjecting the Licensable Entity to the County's licensing and taxing authority under the Enabling Act.

(4) Business License. A certificate to be issued by the County to each Licensable Entity for each Fiscal Year in respect of its Business Activity for each of its Licensable Business Locations, as and to the extent required hereby, evidencing payment by such entity of the License Tax hereby levied and other applicable charges imposed pursuant hereto in respect of all its Licensable Business Locations. Such certificate shall not be construed to legalize any illegal activity or to authorize, or imply authorization for, any activity at any place or site within the County the authorization or location of which is subject to land use, health or safety, zoning, environmental or other governmental regulatory requirements.

(5) Business Entity. Any Corporation, partnership, limited liability company, limited liability partnership, trust, estate, or any other form of private business organization other than a Sole Proprietorship.

(6) Commission. The Jefferson County Commission or any other governing body of the County that may succeed to the functions of the Commission.

(7) Corporation. Any corporation organized under the laws of the United States or any state or political subdivision thereof or under the laws of any foreign country or political subdivision thereof, including any association or joint stock company.

(8) County. Jefferson, County, Alabama, a political subdivision of the State of Alabama, and includes its successors and assigns.

(9) Enabling Act. Act No. 2011-662 enacted at the 2011 Regular Session of the Legislature of Alabama, which Act confers upon the Commission the taxing authority implemented by this Ordinance.

(10) Fiscal Year. The fiscal year of the County beginning October 1 of each calendar year and ending on the next succeeding September 30.

(11) Governmental Entity. The United States of America, every department and agency thereof, and every corporation or other entity created or controlled thereby; the State of Alabama, every municipality and county thereof, and every public corporation, board, authority, commission, or other agency created under the laws thereof or organized with the approval of the governing body of one or more political subdivisions thereof; and every state and territory of the United States and every foreign country and every agency or entity created or controlled by any thereof.

(12) Gross Receipts. The revenue (without subtraction of any costs or expenses incurred and including any federal excise tax or other taxes collected in respect of sales or services) from all sources and all lines of business of a Licensable Entity arising from Business Activity in the County in the regular course of such entity's trade or business, including Business Activity carried on or practiced at or through all its Licensable Business Locations in the County, and including revenue from tangible and intangible property if the acquisition, management or disposition of the property constitutes an integral part of such entity's regular trade or business operations in the County, in all cases in respect of which the Licensable Entity is not otherwise required by law to pay a tax levied by the State of Alabama pursuant to the provisions of any of Sections 40-16-4, 40-21-50, 40-21-52, 40-21-53, 40-21-56, or 40-21-60 of the Code of Alabama 1975, as amended; provided, however, that such term shall not include receipts from the casual sale of the Licensable Entity's business assets or of the capital stock of a subsidiary thereof.

(13) Individual. A Natural Person other than a Sole Proprietorship.

(14) Licensable Business Location. A building, structure, office, house, shed, tent, tract of land, lot or other physical place where Business Activity is conducted by a Licensable Entity in the County, provided that such term shall also include vehicles, trailers and temporary stands from which food or other products are regularly sold or out of or through which services constituting Business Activity are provided, such as taxi cabs, lawn services vehicles and trailers, etc., including delivery or repair service vehicles operated in the County.

(15) Licensable Entity. Any Business Entity or Sole Proprietorship engaging in Business Activity in the County and upon which the License Tax is imposed by Section 3 of this Ordinance.

(16) License Measure. That amount of the Gross Receipts of a Licensable Entity (including Gross Receipts from all of its Licensable Business Locations in the County) for the applicable Tax Computation Period that is subject to the License Tax as determined in accordance with the provisions of Section 3 of this Ordinance.

(17) License Tax. The privilege or license tax authorized by the Enabling Act and levied hereby on each Licensable Entity pursuant to this Ordinance for the privilege of conducting Business Activity in the County.

(18) Natural Person. Any individual human being.

(19) Prior License Codes. Jefferson County Ordinance No. 1 adopted on September 10, 1968, as amended through Ordinance No. 1172 adopted on January 24, 1989, and Jefferson County Ordinance No. 1791 adopted on December 22, 2009, all pertaining to the previous levies of business license taxes by the County.

(20) Revenue Director. The Director of Revenue of the County or other officer or employee of the County responsible for collecting the License Tax for the County; provided that for purposes of evaluating the requests and problems of any Licensable Entity, this term shall be deemed to include any employee of the County's Department of Revenue authorized to act for the Revenue Director, subject to the right of appealing such employee's decision to the Revenue Director.

(21) Sole Proprietorship. Any Natural Person who solely conducts, other than through a separate legal entity owned by him, any Business Activity the carrying on of which renders him subject to the License Tax levied hereby.

(22) State. The State of Alabama.

(23) Tax Computation Period. The annual accounting period of a Licensable Entity ending immediately prior to each October 1 on which the entity's License Tax shall be due hereunder, provided that, in the case of a Licensable Entity in existence or engaging in Business Activity in the County for less than a full twelve month period prior to any such October 1, the Tax Computation Period shall be the actual period of days during which the entity was engaging in Business Activity prior thereto.

(b) For the purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the following rules of construction shall apply:

(1) Words of masculine, feminine or neuter gender shall mean and include the correlative words of other genders, and words importing the singular number shall mean and include the plural number, and vice versa.

(2) All captions or headings of articles, sections or other subdivisions in this Ordinance are used for reference only and in no way limit or describe the scope or intent of, or in any way affect, the meaning of this Ordinance.

(3) The terms "include", "including" and similar terms shall be construed as if followed by the phrase "without limitation".

(4) The terms "hereby," "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular article, section or other subdivision thereof.

Section 2. Findings and Determinations by the Commission. As the basis for the exercise of the taxing authority conferred upon the Commission by the Enabling Act, the Commission hereby finds and determines (a) that recent rulings of the Supreme Court of Alabama in respect of the repeal of Act 67-406 in 1999 by the Legislature of Alabama and the insufficiency of the notice to apply for enactment of Act 2009-811 as required by the Constitution of Alabama of 1901, as amended, have rendered the provisions of the Prior License Codes ineffective to levy business license taxes in the County, resulting in a denial to the County of the revenues heretofore derived therefrom, (b) that the Enabling Act, enacted by the Legislature of Alabama and approved by the Governor of Alabama in response to those rulings, authorizes the Commission to levy, impose and collect, commencing October 1, 2011, a license or privilege tax upon any person (as defined therein) for engaging in Business Activity in the County measured by Gross Receipts in respect of which such person is not otherwise required by law to pay a State tax pursuant to the provisions of any of Sections 40-16-4, 40-21-50, 40-21-52, 40-21-53, 40-21-56, or 40-21-60 of the Code of Alabama 1975, and (c) that the levy of the License Tax herein provided for is necessary and in the best interests of the citizens of the County in order to provide funds with which to pay a portion of the costs of essential County services necessary for the protection of the health, welfare and safety of the citizens of the County.

Section 3. Levy of License Tax.

(a) In addition to all other taxes of every kind now imposed by law, there is hereby levied, and shall be imposed and collected as herein provided, a privilege or license tax to be known as the Jefferson County Entity Business License Tax (hereinabove defined as the "License Tax"), on every Business Entity and Sole Proprietorship engaging in Business Activity in the County during each Fiscal Year commencing with the Fiscal Year beginning October 1, 2011, in such amounts and for such periods as shall be determined in accordance with the applicable provisions of the Enabling Act and this Ordinance. The License Tax shall be imposed on all Business Entities and Sole Proprietorships not exempted by subsection (m) of this Section of this Ordinance.

(b) The License Tax for all Licensable Entities engaged in any business in the County on October 1 of each year, commencing October 1, 2011, shall be due and payable on that date, and the privilege obtained from the payment of such tax shall apply to the full Fiscal Year beginning on such October 1. Any License Tax not paid on or before the first day of the Fiscal Year for which it is due shall be delinquent if not paid by the then immediately succeeding

November 1, provided that in respect of License Tax due October 1, 2011, said tax shall not be deemed delinquent until after December 31, 2011.

(c) Before or at the beginning of each Fiscal Year, each Licensable Entity shall submit to the Revenue Director an application for a Business License or Licenses for such Fiscal Year in such form and accompanied by such information as shall enable the Gross Receipts of the Licensable Entity for its then immediately preceding Tax Computation Period to be utilized for purposes of computation of the License Tax and fees due hereunder. The application shall list the respective addresses of each of the Licensable Entity's Licensable Business Locations operating in the County and shall specify as well the principal address of the Licensable Entity. The validity of the information provided by the Licensable Entity and used in making such computation shall be verified by a sworn, notarized affidavit of an authorized officer or the proprietor of the Licensable Entity submitting the application for the Business License. The full amount of the License Tax due shall be paid to the County (using a form of payment authorized by the Revenue Director) when the completed and sworn application for Business License and notarized affidavit is submitted to the Revenue Director. Upon receipt of the said application, payment and affidavit, the Revenue Director shall issue a Business License to the Licensable Entity, and if applicable a Business License for each of its Licensable Business Locations, but the issuance and granting thereof is expressly conditional upon the truth and accuracy of such sworn statement, and the same shall be revocable by the Revenue Director as inadvertently and mistakenly granted and issued whenever it shall be made satisfactorily evident to the Revenue Director that the said sworn notarized affidavit is false or incorrect or that the holder of such Business Licenses has not paid the correct amount of License Tax.

(d) Regardless of the amount of License Tax that may be computed for any Fiscal Year or part thereof based on the Gross Receipts of a Licensable Entity, a minimum License Tax of \$25.00 is hereby imposed on each Licensable Entity for each Fiscal Year, and such minimum License Tax shall be paid only once even if the Licensable Entity has more than one Licensable Business Location. This minimum License Tax shall be applicable even if the computation of the License Tax made pursuant to other provisions of this Section 3 should result in a License Tax less than \$25.00.

(e) For every Licensable Entity, the License Tax shall be levied at the rate of and computed as one-fortieth of one percent (0.025% or .00025) of the Licensable Entity's License Measure, subject, however, to the limitation that the License Tax payable by any one Licensable Entity shall not exceed the sum of \$15,000.00, regardless of the number of Licensable Business Locations of such Licensable Entity.

(f) Each Licensable Entity's License Measure applicable for the computation of License Tax for each Fiscal Year shall include, subject to the provisions of subparagraph (n) of this Section, the entirety of the Licensable Entity's Gross Receipts from all of its Licensable Business Locations operating in the County for its applicable Tax Computation Period and all of its lines of business, provided however, that when a Licensable Entity is engaged in more than one line of business for one or more of which a State business license tax is required to be paid pursuant to the provisions of any of Sections 40-16-4, 40-21-50, 40-21-52, 40-21-53, 40-21-56 or 40-21-60 of the Code of Alabama 1975, as amended, but for one or more of which no State business license tax is required to be paid pursuant to the provisions of any of Sections 40-16-4,

40-21-50, 40-21-52, 40-21-53, 40-21-56 or 40-21-60 of the Code of Alabama 1975, as amended, the License Measure shall include only that portion of the Licensable Entity's Gross Receipts respecting which such Licensable Entity is not required to pay any such State business license tax.

(g) In no event shall the same revenues constituting Gross Receipts for the purpose hereof for the same Tax Computation Period be utilized as part of the License Measure referable to the Business Licenses of two or more Licensable Entities, whether derived from separate lines of business or otherwise. Unless a Licensable Entity timely requests and receives from the Revenue Director an appropriate reduction in its License Measure to eliminate any such duplication, the Revenue Director shall have no responsibility to make any inquiry into whether any reduction in Gross Receipts for any such duplication shall be applicable, nor shall the County have any liability to refund any amount of License Tax collected in respect thereof.

(h) A Licensable Entity that, by reason of the date of its legal creation or its commencement of business after October 1, 2011, has no 12-month Tax Computation Period ended before the commencement of a Fiscal Year, shall be required to obtain a Business License or Licenses for that portion of such Fiscal Year (which may be the entire Fiscal Year) remaining after the date of its creation or commencement of business, whichever first occurs, for which it shall pay a License Tax determined in accordance with this subsection (h). Each such Licensable Entity shall, upon its commencement of business, submit an application for Business License to the Revenue Director in such form and accompanied by such financial information and pro-forma projections of anticipated Gross Receipts as shall be prescribed by the Revenue Director. Such application and its accompanying financial information and pro-forma projections shall be supported by a sworn affidavit of the authorized officer or proprietor of the Licensable Entity that such application, information and projections have been prepared in good faith and to the best knowledge of the affiant fairly represent the anticipated Business Activity and Gross Receipts of the Licensable Entity for the then current Fiscal Year. The License Tax shall be computed as one-fortieth of one percent (*i.e.*, 0.025% or .00025) of the License Measure projected to be received by the Licensable Entity during the part of the current Fiscal Year (which may be the entire Fiscal Year) remaining after its commencement of Business Activity in the County, but in no event shall the tax payable by such Licensable Entity in connection with the issuance of Business Licenses for all its Licensable Business Locations be less than \$25 or more than \$15,000.00 for said portion of such Fiscal Year. For subsequent Fiscal Years the License Tax for such Licensable Entity shall be determined in accordance with the ordinary procedures prescribed by this Ordinance.

(i) If a Licensable Entity becomes subject to the License Tax as the result of acquiring or merging with a Business Entity conducting Business Activity in the County that has already paid the License Tax for the then current Fiscal Year, no additional License Tax for such Fiscal Year shall be required of such acquiring or merged entity, and it shall succeed, for that Fiscal Year, to the Business License or Licenses of the entity that was acquired or merged with all rights appurtenant thereto, provided that such succeeding Business Entity shall notify the Revenue Director of such acquisition or merger within 45 days of the effective date thereof.

(j) The failure of any Licensable Entity to pay when due a License Tax or any fees or charges due hereunder to which it is subject shall accrue a liability for the same, and such entity

may not conduct business in the County, at or through any of its Licensable Business Locations or otherwise, until the tax and all applicable penalties, charges and interest accrued thereon shall have been paid. However, while the failure of any Licensable Entity to pay a License Tax and such fees, charges and interest for which it is liable shall not subject the Licensable Entity to any criminal penalties, the Licensable Entity shall nevertheless be subject to judicial process instituted by the Revenue Director, as otherwise provided by law and by this Ordinance, to determine the correct amount of the License Tax and to collect the same.

(k) No refund of any License Tax paid or any portion thereof shall be made to any Licensable Entity that is legally dissolved before the end of the Fiscal Year for which such License Tax was paid or that, although not legally dissolved, ceases to engage in any Business Activity in the County before the end of such Fiscal Year.

(l) Any Business Entity that converts itself to another form of business organization and any Sole Proprietorship converted to a Business Entity after the payment of the License Tax for any Fiscal Year (in each case the new business organization being the successor to the predecessor Business Entity or Sole Proprietorship, as the case may be) may operate on the basis of such predecessor's previously paid License Tax and its previously-issued Business License or Licenses until the end of such Fiscal Year upon payment of a transfer fee of twenty-five dollars (\$25.00), but without payment of additional License Tax, provided that an authorized officer of the successor business organization, within 45 days of the effective date of such conversion submits to the Revenue Director an affidavit stating that, for all purposes of this Ordinance, the successor expects to conduct a business of the same nature and magnitude as the predecessor Business Entity or Sole Proprietorship, as the case may be.

(m) The following entities shall not constitute Licensable Entities and shall not be subject to any License Tax levied under this Ordinance (except under certain conditions as hereinafter provided):

- (1) a Governmental Entity;
- (2) Individuals;
- (3) any Business Entity or Sole Proprietorship the activities of which are not for profit, but only to the extent the business, vocation, occupation, work, calling or profession of such Business Entity or Sole Proprietorship are carried on otherwise than for profit;
- (4) any financial institution subject to the tax levied by Section 40-16-4 of the Code of Alabama 1975; and
- (5) any insurer or insurance company that is exempt from license or privilege taxation by the County pursuant to Section 27-4A-5 of the Code of Alabama 1975.

(n) A Licensable Entity that is also required to purchase a license from the State of Alabama under the provisions of Title 40, Chapter 12, Article 2, Code of Alabama 1975, as amended, may in the determination of its License Tax due for each Fiscal Year, or other applicable period, at its option either (1) deduct from its License Measure otherwise applicable

one-half (1/2) of the amount of such receipts derived from the sale of merchandise or services covered by said State license by such person from Business Activity conducted in the County, or (2) deduct from the amount of the Entity Business License Tax due one-half (1/2) of the amount paid by such person for the State business license for the preceding license year, excluding fees, interest and penalties, issued under the provisions of Title 40, Chapter 12, Article 2, Code of Alabama 1975, as amended.

(o) A Licensable Entity may, in the determination of its License Tax due for each Fiscal year or other applicable period during which it shall be subject to the License Tax hereunder, deduct from its License Measure any interest, dividends and other passive income (with the exception of rental income) otherwise includable in its License Measure.

Section 4. Automatic Penalty for Delinquent License Tax.

The failure of any Licensable Entity to pay any License Tax until after the same shall have become delinquent, in accordance with any provision of this Ordinance, shall subject such Licensable Entity to an automatic penalty of fifteen percent (15%) of the amount of the delinquent tax; provided that the Revenue Director may waive said penalty for good cause shown.

Section 5. Business License Issuance Fee.

In addition to such License Tax as shall be due at the time of issuance of any Business License hereunder, the Revenue Director is hereby authorized to charge each Licensable Entity, in connection with the issuance of each Business License for each of the Licensable Entity's Licensable Business Locations hereunder, an issuance fee in the amount of \$25.00 for each Business License issued to cover a portion of the postage, handling and administrative costs incurred in connection therewith. Said issuance fee shall also be authorized to be charged in connection with any change in the location of a Licensable Business Location as well as a Licensable Entity's commencement of Business Activity at any new Licensable Business Location during any Fiscal Year. No separate issuance fee and Business License shall be required in connection with the Licensable Business Locations of a Licensable Entity otherwise issued a Business License hereunder to the extent said locations constitute delivery or service vehicles (except in the case of taxicabs and street vendors) unless the Revenue Director shall reasonably determine that the issuance thereof is necessary to the effective enforcement of the provisions of this Ordinance.

Section 6. Powers of Revenue Director Respecting the Levy, Collection and Enforcement of License Tax.

(a) The Revenue Director shall have power to implement the licensing and taxing authority conferred by this Ordinance and may adopt and enforce rules and regulations (i) for the enforcement of this Ordinance and the levy and collection of the License Tax, (ii) regarding the failure of a Licensable Entity to obtain a Business License and to pay License Tax in accordance herewith and other applicable law and rules and regulations and (iii) which provide reasonable penalties for intentional violations of the law and rules and regulations governing Business Licenses issued and License Taxes imposed pursuant to this Ordinance.

(b) The Revenue Director and/or the County may enforce the issuance of Business Licenses and the collection of a License Tax by pursuing one or more of the following remedies: (i) prosecuting an action for the collection of such License Tax in any court of competent jurisdiction; and/or (ii) obtaining an injunction from a court of competent jurisdiction against the continued failure of a Licensable Entity, or any representative thereof exercising executive authority over such entity, to obtain Business Licenses for each of its Licensable Business Locations to the extent herein required or pay the License Tax due hereunder.

(c) If the Revenue Director or the County is successful in any action brought in any court to enforce the payment of any License Tax, the County and/or Revenue Director shall be entitled to recover all expenses incurred in prosecuting such action, including the cost of attorneys, whether such attorneys are regular employees of the County or independent attorneys engaged specifically for such action.

(d) The Revenue Director shall be responsible for administering the issuance of all Business Licenses issued under this Ordinance and the collection of the License Taxes levied and all additional fees and charges imposed hereby in connection therewith. The proceeds of all License Taxes and such fees and charges shall, within twenty days after the end of each month during which the same shall be collected by the Revenue Director, be remitted to the County Treasurer for deposit into the County's General Fund and thereafter disbursed in accordance with appropriations made by the Commission for the lawful purposes and objects of expenditure for which such fund has been established.

Section 7. Lien for the Enforcement of License Tax.

Any person liable for any License Tax hereunder who neglects or refuses to pay the same, the amount thereof, including interest and penalty, together with any cost which may accrue in addition thereto, shall be subject to a lien in favor of the County upon all property and rights to property, real or personal, belonging to such person. Such lien shall not be valid against any mortgagee, purchaser in the usual course of trade or conventional judgment creditor with an actual money judgment or a decree of some court of law or equity who has an interest first in time. Once a notice of lien has been filed by the Revenue Director in the Office of the Judge of Probate of any county where such property is located, such lien shall be superior to any subsequent mortgagee, purchaser in the usual course of trade or conventional judgment creditor.

Section 8. Authority of Revenue Director for the Administration of License Tax.

(a) The Revenue Director shall have responsibility for the administration of the License Tax and of the provisions of this Ordinance, and may prescribe, adopt, promulgate and enforce, rules and regulations pertaining to such administration, including, without limitation, rules and regulations clarifying, construing and supplementing the provisions of this Ordinance in a manner not inconsistent with any of its provisions, and also providing for the examination, adjustment and other appropriate action regarding all returns and filings with respect to the License Tax.

(b) The Revenue Director shall have the responsibility to prepare suitable returns and forms for the proper administration and collection of the License Tax, including forms for the

application of a license by a Licensable Entity, for refunds claims for the erroneous overpayment of the License Tax, and for any other return or filing the Revenue Director deems necessary or appropriate for the proper administration and collection of the License Tax.

Section 9. Examination Procedures.

(a) The Revenue Director or his duly authorized agents, during normal business hours, shall have the right to inspect all or any portions of the place or places of business of any Licensable Entity and to examine the relevant books and records, which may include the relevant Alabama or federal income tax returns, of any Licensable Entity that may be liable for License Tax pursuant to this Ordinance and to conduct such audits and investigations as may be necessary to determine the accuracy of any application, return or other document submitted by or on behalf of an entity liable for taxes hereunder, or if no application, return or other document has been submitted, to ascertain the amount of any License Tax, fees, charges and other amounts owed by any such person under this Ordinance for any Tax Computation Period. Every Licensable Entity may be required to provide, upon demand of the Revenue Director or his duly authorized agents, during normal business hours, the means, facilities and opportunity, including reasonable cooperation, to conduct such examinations and investigations as shall be lawful and necessary to determine its liability, if any, for the License Tax and other amounts due under the provisions of this Ordinance. The Revenue Director and his duly authorized agents, during normal business hours, shall have the right to examine under oath any person concerning any application, return or other document filed with the Revenue Director, and otherwise with respect to the liability of any Business Entity or Sole Proprietorship for License Tax or other amounts due under this Ordinance; and further, the Revenue Director and his duly authorized agents, during normal business hours, shall have the right to compel the production of books and records and the attendance of all persons, whether as parties or witnesses, whom they reasonably believe to have knowledge relevant to any such examination or investigation through any and all appropriate judicial proceedings. If a Licensable Entity fails to provide the amount of its Gross Receipts or other information requested by the Revenue Director or its duly authorized agents needed in the judgment of the Revenue Director to compute the Licensable Entity's License Tax and fees as required by this Ordinance, the Revenue Director may estimate the License Tax due (as well as any fees, penalties or other charges due hereunder) based on the most accurate and reasonably obtainable information available to the County, and only upon payment of such License Tax and fees, penalties and charges as so determined shall the Revenue Director issue a Business License or Licenses to such Licensable Entity.

(b) It shall be unlawful for any person to give, submit, exhibit or present to the Revenue Director, or his duly authorized agents responsible for the administration of this Ordinance, any false, deceptive or misleading statement, affidavit, certificate, book or record entry, or other document relating to any information required by this Ordinance to allow the Revenue Director to determine the amount of any License Tax, fees or other charges due.

Section 10. Penalties and Interest With Respect to Overdue Taxes.

(a) The Revenue Director shall charge simple interest at the rate of 12% per annum (1% per month) on the amount of any License Tax not paid when due and shall be authorized to collect the same from any delinquent Licensable Entity.

(b) The Revenue Director may assess, in addition to the automatic penalty provided for in Section 4 hereof, penalties on any Licensable Entity in an amount not exceeding five percent (5%) of the amount of any delinquent License Tax owed by such entity for each month that such delinquent tax shall remain unpaid, and shall be authorized to collect the same from any delinquent Licensable Entity. Any provision of this section to the contrary notwithstanding, no penalty described in this subsection (b) shall be assessed which, in cumulative amount, exceeds twenty-five percent (25%) of the amount of the delinquent License Tax.

Section 11. Taxpayer Information To Be Kept Confidential. Any information gained by the County or any past or present official or employee thereof as a result of any returns, investigations, hearings, or verifications required or authorized by this Ordinance, including information derived from a federal or state income tax return, shall be kept confidential and shall not be disclosed to any persons other than the Revenue Director and his authorized employees except for official purposes and except in accordance with proper judicial order or as otherwise provided by law.

Section 12. Power to Change License. Nothing herein shall abridge the right and power of the Revenue Director to revise the amount of License Tax payable, retroactive to the October 1 for any Fiscal Year in respect of which the applicable statute of limitations for collection of License Tax has not then run, regarding any Business License previously issued, or the right and power of the Revenue Director to revoke any Business License at any time, based upon the application of the provisions hereof and of the Enabling Act or a Licensable Entity's failure to comply with the provisions hereof and of the Enabling Act. When any increase in License Tax payable is so determined, unless the same is paid in thirty days, the Licensable Entity's Business License or Licenses shall be revoked and no further business may be carried on thereunder.

Section 13. Employer/Employee Relationships. Whenever any Natural Person that the Revenue Director determines to be engaging in Business Activity claims exemption from License Tax as provided for in this Ordinance because such person is an employee and not the owner of a Sole Proprietorship, such person shall not be considered exempt from payment of License Tax as an Individual as and to the extent provided for in this Ordinance, unless and until both said person and his employer have furnished to the Revenue Director, upon request, sworn affidavits or other evidence satisfactory to the Revenue Director, setting out all the facts and conditions as shall, to the satisfaction of the Revenue Director, substantiate the employment claim.

Section 14. Person Selling Out or Quitting Business to File Return; Part of Purchase Money to be Withheld. Any Business Entity or Sole Proprietorship subject to the provisions hereof that shall sell out its business or stock of goods, or shall quit business, shall notify the Revenue Director within thirty (30) days, by letter or final return, that the business has ceased operation and attach thereto a copy of the sales contract or bill of sale, if the business was sold or transferred, detailing the purchase or transfer of ownership, and his successor in business shall be required to withhold sufficient of the purchase money to cover such amount of License Tax as shall be due and unpaid until such time as the former owner shall produce a receipt from the Department showing that the License Tax has been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above-

provided, the License Tax shall be due and unpaid after the 30-day period allowed, he shall be personally liable for the payment of the License Tax accrued and unpaid on account of the operation of the business by the former owner. If, in such cases, the Department deems it necessary in order to collect the taxes due the County, it may make a jeopardy assessment as provided in Title 40 Chapter 29 of the Code of Alabama 1975, as amended.

Section 15. False Oath to Procure Business License. It shall be unlawful for any person to give, submit, exhibit or present to the County, the Revenue Director or his authorized agent, examiner, auditor or representative, any false deceptive or misleading statement, affidavit, certificate, book or record entry, or other document relating to a Licensable Entity's Gross Receipts utilized to determine the amount of License Tax due.

Section 16. Revocation.

(a) Any Business License issued hereunder to any Licensable Entity shall be subject to revocation by the Revenue Director for the violation of any provision of this Ordinance, or of any other ordinance of the County, or any statute of the State of Alabama, relating to the business for which such Business License is issued; and shall also be subject to revocation by the Revenue Director if, in connection with the issuance or renewal of any Business License, the Licensable Entity or an agent thereof filed in connection therewith any application, affidavit, statement, or other document containing any untrue or misleading statement or omission of a material fact.

(b) The conditions hereinabove set forth as grounds for the revocation of a Business License shall constitute grounds for the Revenue Director refusing to renew a Business License.

Section 17. Appeal Procedure. In respect of any decision made by the Revenue Director hereunder in regard to the amount of License Tax due from any Licensable Entity, the issuance, modification, revocation or denial of a Business License pursuant to this Ordinance any Business Entity, Sole Proprietorship or Individual disagreeing with such decision may request a hearing before the Revenue Director or his delegate. The Revenue Director or his delegate shall set a time for hearing on the matter and a notice of such hearing shall be given to the aggrieved person at least 30 days before the day set for such hearing. At the hearing, the Revenue Director shall hear all evidence that may be offered bearing upon the question to be considered. Such decision may be appealed in the manner provided for by law in respect of the determination of County taxes generally, other than ad valorem taxes.

Section 18. Business License to be Exhibited; Penalty for Failure to Comply. Each Business License shall be posted in a conspicuous place at, in or on each Licensable Business Location where Business Activity of a Licensable Entity is carried on, as and to the extent herein required, and the Licensable Entity holding such Business License or his agent shall immediately show such Business License to the Revenue Director, a designated employee of the County Department of Revenue, or any law enforcement officer of the County upon being requested to do so. If a Licensable Entity fails to produce a required Business License to the Revenue Director, a designated employee of the Department of Revenue, or any law enforcement officer of the County upon demand, a citation fee of \$25.00 may be entered and served.

Section 19. Severability. In the event that any section or provision of this Ordinance shall be held invalid or unenforceable, such holding shall not invalidate or adversely affect the remainder of this Ordinance, it being hereby declared that should any such section or provision be held invalid or unenforceable, the Commission would have adopted this Ordinance without such invalid or unenforceable section or provision.

Section 20. Effective Date. This Ordinance shall be effective as of October 1, 2011, and shall authorize the levy and collection of License Taxes on and after that date.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 9-27-11
MINUTE BOOK: 162
PAGE(S): 236-242

