

# ***BUSINESS LICENSE AND RELATED TAXES***

*City of Homewood*  
*Est. 1926*



CITY CLERK  
Melody Salter

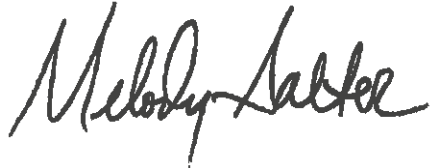
MAYOR  
Scott McBrayer

COUNCIL PRESIDENT  
Bruce Limbaugh

# Welcome to the City of Homewood

Thank you for choosing the City of Homewood as your place to conduct business. We are excited to welcome you into our community. This informational booklet will walk you step by step through the process of opening your new business within the City of Homewood. Here you will find the requirements for opening your business and ensuring a successful start to your new business venture. After reviewing the booklet, please see the Frequently Asked Questions Section in the back for answers to many of the questions you may have about applying for a City of Homewood Business License. The City Clerk's office is available for any other questions you may have regarding starting your business. Please feel free to contact us.

We truly appreciate your business,

A handwritten signature in black ink that reads "Melody Salter". The signature is written in a cursive, flowing style.

Melody Salter

City Clerk

# ***WELCOME TO HOMEWOOD***

## **Helpful information for the City of Homewood:**

The business license office hours: 8:00 a.m. -4:30 p.m. Monday through Friday. Business License year runs from January 1<sup>st</sup> through December 31<sup>st</sup>. Penalties will be imposed on renewal payments received on March 2<sup>nd</sup> and after.

## **Important Numbers:**

<b>Mayor's Office</b>	<b>332-6103</b>
<b>City Clerk</b>	<b>332-6107</b>
<b>Business License Dept.</b>	<b>332-6111</b>
<b>Police Dept.</b>	<b>332-6219</b>
<b>Fire Dept.</b>	<b>332-6154</b>
<b>Municipal Court</b>	<b>332-6267</b>
<b>Street &amp; Sanitation</b>	<b>332-6816</b>
<b>Engineering, Planning, &amp; Zoning</b>	<b>332-6829</b>
<b>Building &amp; Inspections</b>	<b>332-6800</b>
<b>Permits Issued: (Monday – Friday 7:00 a.m. – 4:30 p.m. )</b>	
<b>Landscaping</b>	<b>332-6161</b>
<b>Library</b>	<b>332-6637</b>
<b>Park &amp; Recreation</b>	<b>332-6702</b>
<b>Senior Center</b>	<b>332-6500</b>
<b>Chamber of Commerce</b>	<b>871-5631</b>

**Jefferson County Health Department  
1400 6<sup>th</sup> Avenue South  
Birmingham, AL 35233  
Phone: 205-933-9110**

**ABC Board  
211 Summit Parkway, Suite 106  
Homewood, AL 35209  
Phone: 205-942-7955**

**State of Alabama Sales & Use Tax Division  
Phone: 334-353-7718  
Web site for forms: [www.ador.state.al.us](http://www.ador.state.al.us)**

**Federal Tax ID Number  
1-800-829-3676**

**This information is furnished by the City Clerk's office in order to assist you in obtaining a business license.**

## Requirements for Retail/Wholesale Businesses

1. Business License Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.) All applications are subject to Fire Dept. and Zoning verifications.
2. Security Statement for Police & Fire\* (If located in Homewood Only)
3. Contact State of Alabama Sales & Use Tax Division for Sales Tax Information

### Additional Requirements:

Sales Tax Number from the State Department of Revenue is required. Please note: The State of Alabama collects the sales tax for the City of Homewood. Your State Sales Tax Number will also act as your City of Homewood Sales Tax Number. You are not required to have a separate Sales Tax Number within the City of Homewood. The sales tax rate for the City of Homewood is nine (9)% percent. Three (3) % percent is specified for the City of Homewood. You will find the required Sales Tax Forms on the State of Alabama Sales and Use Tax Division Web site at [www.ador.state.al.us](http://www.ador.state.al.us).

\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire.

## **Requirements for Service Businesses**

1. **Business License Application\*** (The first time application fee is typically \$110 for a full year and \$60 for a half year license.) All applications are subject to Fire Dept. and Zoning verifications.
2. **Security Statement for Police & Fire\*** (If located in Homewood Only)

**\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire.**

## **Requirements for Restaurant Businesses Not Serving Alcohol**

1. Business License Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.) All applications are subject to Fire Dept. and Zoning verifications.
2. Security Statement for Police & Fire\* (If located in Homewood Only)
3. Contact State of Alabama Sales & Use Tax Division for Sales Tax Information

### **Additional Requirements:**

Please note: **A Jefferson County Health Department Permit** is required before a business license can be issued.

Sales Tax Number from the State Department of Revenue is required. Please note: The State of Alabama collects the sales tax for the City of Homewood. Your State Sales Tax Number will also act as your City of Homewood Sales Tax Number. You are not required to have a separate Sales Tax Number within the City of Homewood. The sales tax rate for the City of Homewood is nine (9)% percent. Three (3) % percent is specified for the City of Homewood. You will find the required Sales Tax Forms on the State of Alabama Sales and Use Tax Division Web site at [www.ador.state.al.us](http://www.ador.state.al.us).

\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire.

## Requirements for Restaurant/ Businesses Serving Alcohol

1. Business License Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.) All applications are subject to Fire Dept. and Zoning verifications.
2. Security Statement for Police & Fire\* (if located in Homewood Only)
3. Contact State of Alabama Sales & Use Tax Division for Sales Tax Information

### Additional Requirements:

- Please note: A **Jefferson County Health Department Permit** is required before a business license can be issued.
- Any business selling alcohol must apply through the **ABC Board** and **approval** must be granted through the Homewood City Council. The ABC Board Application is **not available** through the City Clerk's office. ABC Board Applications must be obtained through the ABC Board. For detailed information on applying for a Liquor license, please see the City Clerk.
- If approved, the City Clerk's office will provide you with copies of the **Monthly Liquor Tax Form\***, which must be submitted each month so taxes can be collected based on monthly liquor purchases, excluding beer. The total amount of tax due the City of Homewood for each calendar month, as provided for, at the rate of 10% of the purchases.
- Any businesses selling alcohol is also required to have a **Liquor Bond\*** in the amount of \$3,000.
- **Sales Tax Number** from the State Department of Revenue is required. Please note: The State of Alabama collects the sales tax for the City of Homewood. Your State Sales Tax Number will also act as your City of Homewood Sales Tax Number. You are not required to have a separate Sales Tax Number within the City of Homewood. The sales tax rate for the City of Homewood is nine (9)% percent. Three (3) % percent is specified for the City of Homewood. You will find the required Sales Tax Forms on the State of Alabama Sales and Use Tax Division Web site at [www.ador.state.al.us](http://www.ador.state.al.us).

\*Please see the Form Section for copies of the Business License Application, the Security Statement for Police and Fire, the Monthly Liquor Tax Form, and the Liquor Bond Form.



## **Requirements for Professional Businesses**

1. Business License Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.) All applications are subject to Fire Dept. and Zoning verifications.
2. Security Statement for Police & Fire\* (If located in Homewood Only)

### **Additional Requirements:**

Please note: A copy of the applicable **Professional State License** is also required. If the State of Alabama requires a certificate or license for your profession, you must provide a copy of your current certificate or license before a business license can be issued.

\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire.

## **Requirements for General Contractors**

1. **Business License Application\*** (The first time application fee is typically \$210 for a full year and \$110 for a half year license.) All applications are subject to Fire Dept. and Zoning verifications.
2. **Security Statement for Police & Fire\*** (If located in Homewood Only)

### **Additional Requirements:**

**Residential:** Must have **State of Alabama Card** from Home Builders License Board or **State of Alabama General Contractors License**.

**Commercial:** Must have **State of Alabama General Contractors License**.

\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire.

## Requirements for Peddlers/Itinerant Dealers

1. See Section 6-23.5(d).
2. Security Statement for Police & Fire\* (If located in Homewood Only)
3. Contact State of Alabama Sales & Use Tax Division for Sales Tax Information

### Additional Requirements:

**Please note:** All Peddlers and Itinerant Dealers must provide a **letter from property owner granting permission** to conduct business on his or her property.

All Peddlers and Itinerant Dealers must fill out **Solicitors & Itinerant Dealers Registration**, which must be received from the Homewood Police Department, (must be completely filled out and must be approved by Chief of Police and City Clerk (**20 day waiting period** is required)

**Door to Door Peddlers must also follow specifications outlined in Section 6-23.5(d).**

Sales Tax Number from the State Department of Revenue is required. Please note: The State of Alabama collects the sales tax for the City of Homewood. Your State Sales Tax Number will also act as your City of Homewood Sales Tax Number. You are not required to have a separate Sales Tax Number within the City of Homewood. The sales tax rate for the City of Homewood is nine (9)% percent. Three (3) % percent is specified for the City of Homewood. You will find the required Sales Tax Forms on the State of Alabama Sales and Use Tax Division Web site at [www.ador.state.al.us](http://www.ador.state.al.us).

\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire. Also please see **Section 6-23.5(d)\* and Section 6-50 through 6-69.**

## **Requirements for Pawn Shops/Gold and Silver Dealers**

1. Business License Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.) All applications are subject to zoning approval.
2. Security Statement for Police & Fire\* (If located in Homewood Only)
3. Contact State of Alabama Sales & Use Tax Division for Sales Tax Information

### **Additional Requirements:**

**Please note:** Gold and Silver Dealers must fill out a Precious Metal Application, which must be received from the Homewood Police Department.

Sales Tax Number from the State Department of Revenue is required. Please note: The State of Alabama collects the sales tax for the City of Homewood. Your State Sales Tax Number will also act as your City of Homewood Sales Tax Number. You are not required to have a separate Sales Tax Number within the City of Homewood. The sales tax rate for the City of Homewood is nine (9)% percent. Three (3) % percent is specified for the City of Homewood. You will find the required Sales Tax Forms on the State of Alabama Sales and Use Tax Division Web site at [www.ador.state.al.us](http://www.ador.state.al.us).

\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire. Also, please see **Sections 6-251 through 6-265.**\*

## **Requirements for Non-Profit Businesses**

1. Business License Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.) All applications are subject to Fire Dept. and Zoning verifications.
2. Security Statement for Police & Fire\* (If located in Homewood Only)

### **Additional Requirements:**

**Please note: Proof of non-profit status is required. If proof of non-profit status is provided, then the license fee is waived; however, a \$10.00 issuance fee is required.**

\*Please see the Form Section for copies of the Business License Application and the Security Statement for Police and Fire.

## **Requirements for Other Businesses**

### **BAIL BONDSMAN**

Must have \$25,000 Surety Bond

Copy of Jefferson County License

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

### **BEAUTICIAN**

Must have a copy of the owner's or manager's State Cosmetology license (with picture on license)

If Manager's license is provided, must have copy of contract between manager and owner signed by both if owner is not a cosmetologist.

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

### **DAY CARE**

Must have State Approved (DHR )License for day care (copy) & copy of Jefferson County License

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

### **DEMO PERMITS**

If commercial, must have statement from Health Department stating no asbestos before issuing Demo Permit

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

### **ELECTRICIANS**

Current \$10,000 bond (must be on our form)\*

Current State of AL Master Electrician Card

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

### **HEATING & AIR CONDITIONING CARD**

State of Alabama Heating & Air Conditioning Card

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

### **PLUMBERS & GASFITTERS**

Current \$10,000 bond (must be on our form)\*

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

Copy of Master Plumbers and/or Gasfitters Master Card

**WE DO NOT ACCEPT ANY CARD EXCEPT STATE OF ALABAMA CARD**

**TREE SURGEONS & LANDSCAPERS**

Must have a State of Alabama Permit

Application\* (The first time application fee is typically \$110 for a full year and \$60 for a half year license.)

## Frequently Asked Question (FAQs)

1. **Q:** What is the fee for a City of Homewood Business License?

**A:** The first time full- year rate for most businesses is \$110. This is comprised of a \$100 flat rate as well as \$10 issuance fee. The first time half-year rate for most businesses is \$60. This is comprised of a \$50 flat rate as well as \$10 issuance fee. The first time full-year rate for General Contractors is \$210.

2. **Q:** Where do I apply for a City of Homewood Business License?

**A:** You may apply for a City of Homewood Business License at the City Clerk's Office located on the 2<sup>nd</sup> floor of Homewood City Hall, 2850 19<sup>th</sup> Street South.

3. **Q:** Can I apply for a City of Homewood Business License online?

**A:** No; however, the application can be downloaded and printed from the City of Homewood Web site at <http://www.homewoodal.net/assets/business-license-application.pdf>

4. **Q:** What is my City of Homewood Tax Number?

**A:** The State of Alabama collects the sales tax for the City of Homewood. Your State Sales Tax Number will also act as your City of Homewood Sales Tax Number. You are not required to have a separate Sales Tax Number within the City of Homewood.

5. **Q:** What is the percentage of Sales Tax for the City of Homewood?

**A:** The sales tax rate for the City of Homewood is nine (9)% percent. Three (3)% percent is specified for the City of Homewood.

6. **Q:** Can the City Clerk's Office provide me with an ABC Board Application for applying for a liquor license?

**A:** No. The ABC Board Application is **not available** through the City Clerk's office. ABC Board Applications must be obtained through the ABC Board.

7. **Q:** When do I renew my City of Homewood Business License?

**A:** Business Licenses are due and payable on January 1. Business Licenses are issued per calendar year, expiring on December 31.

8. **Q:** How much will it cost to renew my City of Homewood Business License each year?

**A:** Most business license renewals are based on your reported gross receipts. Your renewal form provides a space for you to provide your gross receipts. The renewal form will also outline how to calculate the amount owed based on your gross receipts.



## City of Homewood Business License Ordinance Number 2341

### Chapter 6 - BUSINESS LICENSES, TAXES AND REGULATIONS <sup>[18]</sup>

#### ARTICLE I. - IN GENERAL

#### ARTICLE IV. - PRECIOUS METALS PURCHASES AND SALES

#### ARTICLE XI. - PAWNBROKERS AND SECONDHAND DEALERS

---

#### FOOTNOTE(S):

<sup>[18]</sup> **Cross reference**— Alcoholic beverage licenses, §§ 3-9 et seq., 3-21 et seq.; finance and taxation, Ch. 9; massage parlor regulations, § 14-3; display of merchandise, § 18-3; as to blasting permit, § 5-10 et seq.; permits for pyrotechnic displays, § 10-5; taxation generally, § 9-20 et seq.; license for taxicabs, § 20-20 et seq.; advertising of alcoholic beverages, § 3-6. (Back)

### ARTICLE I. - IN GENERAL <sup>[19]</sup>

Sec. 6-1. - Levy of tax.

Sec. 6-2. - Definition of terms.

Sec. 6-3. - License term; minimum license.

Sec. 6-4. - License shall be location specific.

Sec. 6-5. - Restriction on transfer of license.

Sec. 6-6. - Unlawful to do business without a license.

Sec. 6-7. - License must be posted.

Sec. 6-8. - Duty to file report.

Sec. 6-9. - Duty to permit inspection and produce records.

Sec. 6-10. - Unlawful to obstruct municipal designee.

Sec. 6-11. - Privacy of information.

Sec. 6-12. - Assessment for failure to file.

Sec. 6-13. - Lien for non-payment of license tax.

Sec. 6-14. - Criminal penalties.

Sec. 6-15. - Civil penalties.

Sec. 6-16. - Penalties.

Sec. 6-17. - Prosecutions unaffected.

Sec. 6-18. - Procedure for denial of new applications.

Sec. 6-19. - Procedure for revocation or suspension of license.

Sec. 6-20. - Refunds on overpayments.

Sec. 6-21. - Delivery license.

Sec. 6-22. - License classifications codes.

Sec. 6-23. - License fee schedules.

Sec. 6-24. - Validity of checks.

Sec. 6-25. - Exchange of information.

Sec. 6-26. - License fees in police jurisdiction.

Sec. 6-27. - False statements.

Sec. 6-28. - Effective date.

Sec. 6-29 - Severability.

Sec. 6-29.1 - Farmers permit required.

Sec. 6-29.2 - Amendments.

Sec. 6-29.3 - Statute of limitations.

Sec. 6-29.4. - Provisions separable as to invalidity.

Sec. 6-29.5. - Administrative fees.

**Sec. 6-1. - Levy of tax.**

Pursuant to the Code of Alabama, 1975, the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the City of Homewood, Alabama, for the year beginning January 1, 2008, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee as described in this article for the privilege of doing any kind of business, trade, profession or other activity in the City of Homewood, or the police jurisdiction.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-2. - Definition of terms.**

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

*Business.* Any commercial or industrial activity or any enterprise, trade, profession, occupation, or livelihood, including the lease or rental of residential or non-residential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within the City of Homewood or its police jurisdiction.

*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.

*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.

*Department or Department of Revenue.* The Alabama Department of Revenue, as created under § 40-2-1 et seq., Code of Alabama, 1975.

*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 § 40-2A-3 of the Code of Alabama, 1975.

*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 § 11-51-90B, Code of Alabama, 1975.
- (c) For a utility or other entity described in § 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.

*License form.* Any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called, issued by the City of Homewood.

*License officer or revenue officer, or city clerk.* The city clerk, or her agent or designee, charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

*License year.* The calendar year.

*Municipality.* The City of Homewood, Alabama, an Alabama municipal corporation. The term shall also include the city's police jurisdiction, where the business license tax is levied in the police jurisdiction.

*Person.* Any individual, association, estate, trust, partnership, limited liability company, corporation, or other entity of any kind, except for any non-profit corporation formed under the laws of Alabama which is operated to enable municipalities that become members of such non-profit 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.

*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 § 11-51-180 et seq., Code of Alabama, 1975, as the context requires.

*Taxpayer.* Any person subject to or liable under this article 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 article 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 article, or to keep anything required by this article.

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

*Other terms.* Other capitalized or specialized terms used in this ordinance, and not defined above, shall have the same meanings ascribed to them in § 40-2A-3, of the Code of Alabama, unless the context therein otherwise specifies.

**Sec. 6-3. - License term; minimum license.**

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.
- (b) *Half year.* Every person who commences business on or after July 1st, shall be subject to and shall pay one-half (½) 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 subsection (i) or (ii) below, the business license shall be renewed annually and received by the municipality 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 § 11-51-122 of the Code of Alabama, 1975, 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 this article.
  - (iii) On or before December 31st 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 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 by this article.

*(Ord. No. 2341, § 1. 12-17-2007)*

**Sec. 6-4. - License shall be location specific.**

- (a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the carrying on of such business only at the place designated.
- (b) Every person dealing in two (2) or more of the license classifications, or engaging in two (2) or more of the businesses, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business.
- (c) A taxpayer subject to the license authorized by this article 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 article. 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 or 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 and that all applicable taxes have been paid.
- (d) Nothing herein shall be construed as exempting businesses from payment of a license on the basis of a lack of physical location.
- (e) No provisions of this Code shall be applied:
- (i) So as to impose any unlawful tax or unlawful burden on interstate commerce or on activity of the state or federal governments; or
  - (ii) In any manner which is repugnant to or violates any provision of the United States or Alabama constitutions.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-5. - Restriction on transfer of license.**

No license shall be transferred except with the consent of the city council or of the city clerk 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 (1) 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 one (1), the change requires the taxpayer to obtain a new federal employer identification number or Department of Revenue taxpayer identification number or two (2), in the discretion of the municipality, the subject license is one (1) 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.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-6. - 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 section of the article passed hereunder fixing a license shall be punishable up to the maximum amount allowed by Alabama State Law, at the discretion of the court trying the same. Each day without procuring a license as required by this article shall constitute a separate offense.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-7. - 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.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-8. - 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 (1) 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 and to be paid to the municipality.
- (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.
- (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.
- (e) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the city clerk within thirty (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 city clerk 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.
- (i) (ii) If a petition for review is not timely filed, or is timely filed, and upon further review the city clerk 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 city clerk, with applicable penalty computed to the date of entry of the final assessment. The city clerk shall, whenever practicable, complete his or her review of the taxpayer's petition for review and applicable law within ninety (90) days following the later of the date of filing of the petition or the conference, if any.
- (iii) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address (i) by either first class U.S. Mail or certified U.S. Mail with return receipt requested in the case of assessments of business license tax of five hundred dollars (\$500.00) or less, or (ii) by certified U.S. Mail with return receipt requested in the case of assessments of business license tax of more than five hundred dollars(\$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 thirty (30) days from the date of the entry of the final assessment.

*(Ord. No. 2341, § 1, 12-17-2007)*



**Sec. 6-9. - Duty to permit inspection and produce records.**

Upon demand by the city clerk or her designee of the municipality, it shall be the duty of all licensees to:

- (a) Permit the city clerk or her 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 city clerk or her 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, of 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.
- (c) Where the amount of license required to be paid for engaging in any business is graduated according to the amount of business, or the amount of gross receipts, gross purchases, gross sales, or according to the amount or value of stock on hand, and where a maximum flat sum which shall be paid as a license is provided for engaging in such business, any person engaging in such business shall be liable for the maximum license provided for engaging in such business, unless he has in his possession the records, books, papers, and reports necessary to determine the classification to which he belongs, and unless he exhibits the same for inspection as required by this section, and unless the same disclose that the person belongs in a classification lower than the classification required to pay the maximum license. Where the amount of license required to be paid for engaging in any business is graduated according to the amount of business, or the amount of gross receipts, gross purchases, gross sales or according to the amount of value of stock on hand, and where no maximum flat sum shall be paid for engaging in such business is provided for, then in such event if the holder of a license of the city has not in his possession or under his control in the city or the police jurisdiction thereof, true and intelligible books or accounts, invoices, papers, reports or memoranda correctly reflecting the data and information necessary for determination of the classification to which he belongs for assessment of correct amount of license tax, or if, having in his possession or under his control such books, invoices, papers, reports and/or memoranda, he shall refuse to submit and exhibit the same for inspection and examination as required by this article, or if he shall fail or refuse to throw open any portion of his place of business to the city clerk or authorized designee as this section requires, then in either event, it shall be the duty of the city clerk to ascertain the license tax classification of such person from the best information and data obtainable and to assess against such person the correct license tax according to the classification thus ascertained. When the classification of such person and the amount of license tax due from him or her shall have been ascertained and fixed by the city clerk, it shall be the duty of such city clerk to mail to such person notice of such determination and to demand of such person immediate payment of the amount of tax ascertained to be due from him or her, less any amount such person may have theretofore paid upon the tax to be due. If the amount of tax demanded be not paid within ten (10) days of the mailing of such demand, the city clerk shall notify such person by registered mail and/or hand delivery and signed receipt obtained that at a time and place specified in said notice he or she will apply to the city council for revocation of such person's license. At the time and place as specified such person may appear before the council in person and by counsel, one (1) or both, and shall show cause, if any there be, why said license should not be revoked. Upon such hearing, and for all other purposes, the decision and determination of the city clerk as to classification and the amount of license tax due shall be deemed correct and final unless and until it shall be satisfactorily shown that such decision and determination is incorrect. Where the license sells beer and/or spirituous and vinous liquors, and intermingles the receipts from such sales with receipts of his other business without keeping a separate intelligible record of each the beer and/or spirituous and vinous liquor sales, it shall be the duty of the city clerk to use the best information she can obtain and therefrom make a reasonable estimate of the receipts from the beer and/or spirituous and vinous liquor sales; that estimate is to be final as to the total amount of receipts or sales allocable to beer and/or spirituous and vinous liquors, except the licensee through written application to the city clerk

may request a hearing before the city council for the purpose of reviewing the city clerk's estimate, and the council then making a final fixation of the allowable amount of receipts from the sale of beer and/or spirituous and vinous liquors, to be issued in the final computation of the various license due by the licensee.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-10. - Unlawful to obstruct municipal designee.**

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 article; nor shall any person, agent, servant or employee of such person obstruct or interfere with the city clerk or her designee of the municipality in carrying out the purposes of this article.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-11. - Privacy of information.**

It shall be unlawful for any person connected with the administration of this article 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 article, except to the city clerk, the municipal attorney or others authorized by law to receive such information described herein.

(a)

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 article.

(b)

Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the municipality council upon their written request through the city clerk's office. It shall be unlawful for any person to violate the provisions of this section.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-12. - Assessment for failure to file.**

(a)

In any case where a person subject to paying a license tax as provided herein fails to do so, the city clerk or her 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 city clerk or her 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 city clerk or her designee of the municipality shall be prima facie correct upon any appeal.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-13. - 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, § 11-51-96, Code of Alabama, 1975.

*(Ord. No. 2341, § 1, 12-17-2007)*



**Sec. 6-14. - Criminal penalties.**

Any person found guilty of violating any of the provisions of this article in addition to being required to pay the appropriate license fees as defined by this article shall be fined as provided by § 11-51-93 of the Code of Alabama, 1975, as amended, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

Any police officer or code enforcement officer of the city is hereby authorized to cause a complaint to be filed in the municipal court alleging a violation of any provision of this article against any person found to be in violation of this article, which complaint shall be heard and tried in the municipal court in the same manner as other violations of municipal ordinances of this city are heard and tried.

Additionally, any violation of this ordinance may be enforced by the issuance of the UNTCC as provided in article II of Chapter 8 of the Code of Ordinances of the City of Homewood, as amended.

*(Ord. No. 2341, § 1, 12-17-2007; Ord. No. 2388, § 1, 5-11-05)*

**Sec. 6-15. - Civil penalties.**

In addition to the remedies provided by, § 11-51-150, Code of Alabama, 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 article is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The City of Homewood, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same, pursuant to § 11-51-150, Code of Alabama, 1975. The municipality may file in the circuit court, in the county in which said petitioning municipality is situated a petition to enjoin the operation and conduct any business, occupation, trade or profession subject to a municipal privilege license or excise tax imposed by the petitioning municipality and which is delinquent in whole or in part. Said petition shall be verified by the mayor, city clerk, police officer or by any other governing official or by any employee of the municipality authorized to receive or collect said license or tax.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-16. - Penalties.**

(a)

All licenses not paid within thirty (30) days from the date they are due shall be increased by fifteen (15) percent for the first thirty (30) days they shall be delinquent, or fraction thereof, and shall be increased 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 increased by an additional fifteen (15) percent for a delinquency of forty-five (45) days or more.

(c)

All delinquent accounts (both license taxes and penalties) shall also be charged pursuant to § 40-1-44, Code of Alabama, 1975.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-17. - Prosecutions unaffected.**

The adoption of this article 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 article; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this article be affected in any manner by its adoption.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-18. - Procedure for denial of new applications.**

(a)

The city clerk or her designee shall have the authority to investigate all applications and may refer any application to the city council for a determination of whether such license should or should not be issued.

- (b) If the city council denies the issuance of any license referred to it, the city clerk shall promptly notify the applicant of the city council decision.
- (c) If said applicant desires to appear before the city council to show cause why said license should be issued, he shall file a written notice with the city clerk, said notice to be filed within two (2) weeks from the date of mailing by the city clerk of the notice of the denial of such license by the city council.
- (d) Upon receipt of said notice the city clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the city council 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 city council shall proceed to hear any evidence which may be presented both for and against the issuance of said license.
- (f) If the city council 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.

*(Ord. No. 2311, § 1, 12-17-2007)*

**Sec. 6-19. - 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 city council for the violation by the licensee, his agent, servant, or employee of any provision of this article 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 city council 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 city council 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 city council 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 city council 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.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-20. - Refunds on overpayments.**

- (a) Any taxpayer may file a petition for refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax has been entered by the municipality, a petition for refund of all or a portion of the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.
- (b) A petition for refund shall be filed with the municipality within two (2) years from the date of payment of the business license tax, which is the subject of the petition.
- (c) The municipality shall either grant or deny a petition for refund within six (6) months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality's decision concerning the petition for refund by first class U.S. Mail or by certified U.S. Mail, return receipt requested, sent to the taxpayer's last known address. If the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.

(d)

If the petition is granted or the municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality. If the municipality determines that a refund is due, the amount of overpayment may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.

(e)

A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the clerk of the circuit court of the county in which the municipality denying the petition for refund is located. Said notice of appeal must be filed within two (2) 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 (2) years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

*(Crd. No. 2341, § 1, 12-17-2007)*

**Sec. 6-21. - Delivery license.**

(a)

In lieu of any other type of license, a taxpayer may at its option purchase for one hundred dollars (\$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:

(i)

Other than deliveries, the taxpayer has no other physical presence within the municipality or its police jurisdiction;

(ii)

The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise;

(iii)

Such delivery, 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;

(iv)

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 (\$75,000.00) during the license year;

(v)

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;

(vi)

If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within ten (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 dollars (\$75,000.00) 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.

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.

*(Ord. No. 23-11, § 1, 12-17-2007)*

**Sec. 6-22. - License classifications codes.**

Act 2006-586 of the 2006 Regular Session of the Alabama Legislature known as the "Municipal Business License Reform Act of 2006" require identification (sector/subsector) numbers based upon the North American Industrial Classification System (NAICS) as a part of the periodic reporting requirements for every business. For municipal business license purposes, each taxpayer must be minimally classified as required. The descriptions listed beside each NAICS code incorporate examples of each category; however these examples are not all inclusive. A business is classified and licensed based upon the business activity or activities which it conducts within the city. Each business will be placed in the NAICS sector/sub-sector which best matches its activity or activities and shall pay a license tax based upon the corresponding schedule assigned to its description unless otherwise specified. The city clerk or her designee may assign additional digits of each NAICS code for reporting purposes and proper administration of this article.

CODE	2002 NAICS TITLES/ BUSINESS LICENSE CODES	SCHEDULE
221122	<b>Utilities</b> —Electric power or light company	6-23(j)(1)a.
221210	<b>Utilities</b> —Natural gas company	6-23(j)(1)c.
224140	<b>Utilities</b> —Cable television	6-23(j)(1)d.
221310	<b>Utilities</b> —Water, sewage treatment, steam, and other	6-23(j)(1)b.
236220	<b>Contractors</b> —General contractors, comm. bldg., residential, subdivisions	6-23(c)(1)
237990	<b>Contractors</b> —Heavy construction, highway, bridge, street, water, sewer	6-23(c)(1)
237210	<b>Developers, subdividers</b> —Except cemeteries	6-23(c)(1)
238220	<b>Contractors</b> —Specialty trade—Plumbing	6-23(c)(2)
238210	<b>Contractors</b> —Specialty trade—Electrical contractors	6-23(c)(2)
238221	<b>Contractors</b> —Specialty trade—Heating and air conditioning; mechanical	6-23(c)(2)
238110	<b>Contractors</b> —Specialty trade—Water well drilling and irrigation	6-23(c)(2)
238211	<b>Contractors</b> —Specialty trade—Security systems	6-23(c)(2)
238111	<b>Contractors</b> —Specialty trade—Not otherwise classified in this table	6-23(c)(2)
311991	<b>Food mfg</b> —Meat, seafood, grain, fruit, dairy, animal, poultry processing	6-23(f)(2)
311813	<b>Food mfg</b> —Bakeries, baking on premises and retail sale not for immediate consumption	6-23(f)(1)
312212	<b>Beverage mfg</b> —All types of soft drinks, bottled water, breweries, ice	6-23(f)(1)
313112	<b>Textile mfg</b> —Fabric, yarn, carpet, canvas, rope, twine, fabric mills	6-23(f)(1)
314129	<b>Other mfg</b> —Mill operations not covered in 313, rugs, linen, curtains	6-23(f)(1)
315999	<b>Apparel mfg</b> —Women, men, children, hosiery, lingerie outerwear, accessories	6-23(f)(1)
316993	<b>Leather and allied products mfg</b> —Shoes, luggage, handbag, related products, all footwear	6-23(f)(1)
321999	<b>Wood mfg</b> —Sawmills, wood preservation, veneer, trusses, millwork	6-23(f)(1)
322129	<b>Paper mfg</b> —Pulp, paper, and converted products, stationary, tubes, cores	6-23(f)(1)
323117	<b>Printing</b> —Screen, quick, digital, books, lithographic, handbills, comm.	6-23(f)(1)
324199	<b>Petroleum and coal mfg</b> —Asphalt, grease, roofing, paving products	6-23(f)(1)
325998	<b>Chemical mfg</b> —Of fertilizer, wood,	6-23(f)(1)

	pesticide, paint, soap, and resin	
326291	<b>Plastic and rubber mfg</b> —Tires, pipe, hoses, belts, bottles, sheet, wrap, film	6-23(f)(1)
327331	<b>Non-metallic mfg</b> —Clay, glass, cement, lime, pottery, ceramic, brick, tile	6-23(f)(1)
331521	<b>Primary metal mfg</b> —Iron, steel, aluminum, wire, copper, foundries	6-23(f)(1)
332999	<b>Metal fabrication</b> —Cutlery, structural, ornamental, machine shops	6-23(f)(1)
333990	<b>Machinery mfg</b> —Office machinery, industrial, engines, farm, HVAC	6-23(f)(1)
334419	<b>Computer and electronic mfg</b> —Audio, video, circuit boards, peripherals	6-23(f)(1)
335112	<b>Appliance mfg</b> —Small appliance, lighting, electrical, battery, freezer	6-23(f)(1)
336112	<b>Transportation mfg</b> —Mfg auto, truck, trailer, motor home, boat, ship, and motorcycle	6-23(f)(1)
337129	<b>Furniture mfg</b> —Cabinets, office, household, beds, kitchen	6-23(f)(1)
339999	<b>Miscellaneous mfg</b> —Misc. manufacturing, medical, dental, jewelry, sporting goods, toys, signs, all other	6-23(f)(1)
421990	<b>Wholesale trade</b> —Durable, vehicle, machinery, equipment, furniture	6-23(f)(1)
422720	<b>Wholesale trade</b> —Non-durable, wholesale gasoline distributor	6-23(f)(1)
422990	<b>Wholesale trade</b> —Non-durable, paper, apparel, grocery, beverages, dairy	6-23(f)(1)
441140	<b>Motor vehicle parts and accessories</b> —Auto, motorcycles, boats, parts and accessories	6-23(f)(1)
441110	<b>Motor vehicles</b> —New and/or used automobiles, motorcycles, boats, etc, dealerships and lots	6-23(f)(1)
442110	<b>Furniture</b> —Furniture, home furnishings, stores, floor coverings, window	6-23(f)(1)
443111	<b>Electronic and appliance store</b> —Household, radio, television, computers	6-23(f)(1)
444190	<b>Building materials and gardening equipment dealers</b> —Hardware, paint, home center, wallpaper, nursery	6-23(f)(1)
445110	<b>Food and beverage stores</b> —Grocery, convenience store, markets	6-23(f)(1)
722410	<b>010 Lounge Retail Liquor Class I</b> —State regulated through ABC.	6-23(b)
722110	<b>011 Lounge Retail Liquor (Package Store)</b> —State regulated through ABC	6-23(b)
722416	<b>020 Restaurant Retail Liquor</b> —State regulated through ABC	6-23(b)
722411	<b>031 (Club Liquor Class I)</b> —State regulated through ABC	6-23(b)
722412,	<b>032 (Club Liquor Class II)</b> —State regulated through ABC	6-23(b)
445121	<b>040 Beer</b> —On/off premise—State	6-23(b)



	regulated through ABC	
455122	<b>050 Beer</b> —Off premise—State regulated through ABC	6-23(b)
455131	<b>060 Table Wine</b> —On/off premise—State regulated through ABC	6-23(b)
455131	<b>070 Table Wine</b> —On premise only—State regulated through ABC	6-23(b)
455142	<b>080 Liquor Wholesale</b> —State regulated through ABC	6-23(b)
455141	<b>090 Wholesale Beer Only</b> —State regulated through ABC	6-23(b)
492217	<b>100 Wholesale Table Wine</b> —Only state regulated through ABC	6-23(b)
455132	<b>110 Wholesale Table Wine &amp; Beer</b> —State regulated through ABC	6-23(b)
493190	<b>120 Warehouse license</b> —State regulated through ABC	6-23(b)
493190	<b>130 Additional warehouse</b> —Wine, Beer or Both state regulated through ABC	6-23(b)
722413	<b>140 Special events retail</b> —State regulated through ABC	6-23(b)
722414	<b>150 Special events</b> —30 days or less state regulated through ABC	6-23(b)
722415	<b>160 Special retail</b> —More than 30 days state regulated through ABC	6-23(b)
492219	<b>170 Retail common carrier</b> —State regulated through ABC	6-23.1
312410	<b>200 Manufacturer</b> —State regulated through ABC	6-23(b)
999110	<b>210 Importer</b> —State regulated through ABC	6-23(b)
999110	<b>220 Brewpub</b> —State regulated through ABC	6-23(b)
445310	<b>Package stores</b> —Selling beer, wine and liquor plus general mdse	6-23(b)
446110	<b>Health and personal care stores</b> —Drug, pharmacy, cosmetic, optical, health food	6-23(f)(1)
447110	<b>Gasoline retail</b> —Selling gasoline with or without convenience stores	6-23(f)(1)
448140	<b>Clothing and accessories</b> —Men, women, children, infant, shoe, jewelry	6-23(f)(1)
451110	<b>Sporting goods and hobbies</b> —Toy, fish, gun, books, games	6-23(f)(1)
452990	<b>General merchandise stores</b> —Department, warehouse clubs, superstores	6-23(f)(1)
452991	<b>General merchandise stores</b> —Private, membership	6-23(f)(1)
453391	<b>Close out sale</b>	6-23(f)(5)
53310	<b>Used merchandise stores</b> —Books, miscellaneous, consignment, flea mkt, antiques	6-23(f)(1)
453390	<b>Yard sale/garage sale</b>	6-23(f)(3)
453220	<b>Miscellaneous retailers</b> —Florist, gift, novelty, pet, art, and tobacco	6-23(f)(1)
453221	<b>Miscellaneous retailers</b> —Not elsewhere classified	6-23(f)(1)

454113	<b>Non-store retailers</b> —Vending machine operators, mail order, not magazines and/or newspapers	6-23(i)(1)
454212	<b>Non-store retailers</b> —Magazines and/or newspapers for circulation and distribution daily and weekly in the city (carriers excepted)	6-23(i)(1)
454110	<b>Non-Store retailer</b> —Peddlers and itinerant dealers, solicitor, canvasser	6-23(f)(5)
454120	<b>Non-Store retailer</b> —Day vendor license, organized daily event	6-23(f)(5)
484121	<b>Truck transportation</b> —Local, long-distance, freight, moving, and storage	6-23(i)(1)
485510	<b>Passenger transportation</b> —Charter and other vehicle transit services (subject to all applicable ordinances)	6-23(i)(1)
485320	<b>Passenger transportation</b> —Taxi cabs, limousine service, buggy charters (subject to all applicable ordinances)	6-23(i)(1)
492110	<b>Couriers</b> —Couriers and local messengers	6-23(i)(1)
492120	<b>Delivery</b>	See Section 6-21 of this Ordinance
493190	<b>Warehousing and storage</b> —Distribution, household, refrigerated, special	6-23(f)(1)
511120	<b>Publishing industries except internet</b> —Newspaper, book, periodical, databases, software	6-23(f)(1)
512131	<b>Motion pictures</b> —Theatres, videos, recording, drive-ins, sound studios	6-23(i)(1)
515112	<b>Broadcasting</b> —Radio and television stations	6-23(i)(1)
517110	<b>Telecommunications</b> —Telephone local per 11-51-128	6-23(j)(1)e.
517110	<b>Telecommunications</b> —Telephone long distance per 11-51-128	6-23(j)(1)e.
517212	<b>Telecommunications</b> —Cellular and other wireless, paging	6-23(j)(1)e.
517310	<b>Telecommunications</b> —Resellers of service	6-23(j)(1)e.
519512	<b>Information services and data processing</b> —Providing, storing, processing, access to information	6-23(i)(1)
522110	<b>Bank main office</b> —Not branch location or ATM	6-23(d)(1)
522210	<b>Bank branch or atm</b> —Not main office of bank	6-23(d)(1)
522120	<b>Savings and loans</b> —Not branch location or ATM	6-23(d)(1)
522220	<b>S&amp;L branch or atm</b> —Not main office of S&L	6-23(d)(1)
522292	<b>Mortgage company</b>	6-23(d)(4)
522298	<b>Pawn shop</b> —Whether title pawn or merchandise	6-23(f)(1)
522320	<b>Credit services</b> —Companies and activities related to credit and mediation	6-23(d)(3)
523120	<b>Securities, commodity</b> —Brokerage, portfolio, investment, bonds, stocks,	6-23(d)(4)



	other financial services	
524210	<b>Insurance company and/or its agents</b> —Casualty, fire, and/or marine premiums	6-23(e)
524220	<b>Insurance company and/or its agents</b> —Health, allied and all other premiums	6-23(e)
525110	<b>Funds, trusts, other financial agencies</b> —Funds, plans, and/or programs organized to pool securities or other assets for others, other than the Alabama Municipal Funding Corp	6-23(d)(3)
531110	<b>Real estate</b> —Apartment and condo rental/leasing	6-23(h)(3)
531111	<b>Real estate</b> —Single family residential rental/leasing	6-23(h)(1)
531120	<b>Real estate</b> —Non-residential (including commercial, office, retail, agricultural) leasing/rental (except mini-warehouses)	6-23(h)(1)
531210	<b>Real estate</b> —Brokers, management, appraisers	6-23(h)(1)
531211	<b>Real estate</b> —Agents	6-23(h)(1)
531130	<b>Warehousing</b> —Self-storage, mini-warehouses	6-23(i)(1)
532299	<b>Rental and leasing</b> —Auto, truck, trailer, RV, all tangible property	6-23(i)(1)
532230	<b>Rental and leasing</b> —Movie and video rental	6-23(i)(1)
541110	<b>Attorney/lawyers</b> —Individual and/or firm professional license	6-23(g)(1)
541211	<b>Accountant/CPAs</b> —Individual and/or firm professional license	6-23(g)(1)
541310	<b>Architect</b> —Individual and/or firm professional license except landscape architect	6-23(g)(1)
541320	<b>Architect, landscape</b> —Individual and/or firm professional license	6-23(g)(1)
541330	<b>Engineer</b> —Individual and/or firm professional license	6-23(g)(1)
541370	<b>Surveyor</b> —Individual and/or firm professional license	6-23(g)(1)
541511	<b>Computer programmer</b> —Individual and/or professional firm license	6-23(g)(1)
541922	<b>Photographer</b> —Studios, portrait, commercial, services	6-23(g)(1)
541940	<b>Veterinarian</b> —Individual and/or firm professional license	6-23(g)(1)
541410	<b>Interior decorator</b> —Interior decorating services, interior design consultation	6-23(g)(1)
541810	<b>Advertising</b> —Agency, posters, pamphlets	6-23(g)(1)
541850	<b>Advertising</b> —Billboard display advertising services	6-23(i)(1)
541920	<b>Professional associations</b>	6-23(g)(1)
541001	<b>Professional services</b> —Not Elsewhere Classified— scientific, technical	6-23(g)(1)
551110	<b>Management companies</b> —Offices,	6-23(k)

561710	enterprises, regional, corporate <b>Exterminating services</b> — Exterminating company and its services	6-23(i)(1)
561720	<b>Janitorial firm</b> —Janitorial cleaning services—individual or firm	6-23(i)(1)
561320	<b>Landscaping services</b> —Including landscape installation, maintenance, lawn maintenance, etc.	6-23(c)(2)
561110	<b>Administrative services</b> —Answering, employment, office, sec., travel	6-23(k)
561310	<b>Employment agency</b>	6-23(i)(1)
561440	<b>Collection agency</b>	6-23(i)(1)
561621	<b>Security alarm services</b>	6-23(i)(1)
61510	<b>Travel agencies/travel agents</b>	6-23(i)(1)
561611	<b>Detective agency, detective, private investigator</b> —Police check required	6-23(i)(1)
561001	<b>Services</b> —Not otherwise classified in this table	6-23(l)(1)
562119	<b>Waste management</b> —Companies, trucks, septic tanks, landfill, services	6-23(i)(1)
611710	<b>Educational services</b> —Technical, computer, sports, services, business, home tutoring, schools	6-23(g)(3)
621491	<b>HMO</b> —Medical centers and services	6-23(g)(2)
621420	<b>Outpatient care centers</b> —All other types of services	6-23(g)(2)
541610	<b>Physician/doctor</b> —Individual and/or firm professional license	6-23(g)(1)
541611	<b>Dentist</b> —Individual and/or firm professional license	6-23(g)(1)
541612	<b>Chiropractor</b> —Individual and/or firm professional license	6-23(g)(1)
541613	<b>Podiatrist</b> —Individual and/or firm professional license	6-23(g)(1)
541614	<b>Optometrist</b> —Individual and/or firm professional license	6-23(g)(1)
541615	<b>Professionals, scientific, technical</b> — Services not elsewhere classified	6-23(g)(1)
621610	<b>Nursing care</b> —Health, home health or day care	6-23(g)(2)
621910	<b>Ambulance</b> —Ambulance company and/or services	6-23(i)(1)
622110	<b>Hospitals</b> —Surgical, substance abuse, psychiatric, general care, special	6-23(g)(2)
623110	<b>Nursing home</b> —Continuing care facilities	6-23(g)(2)
623311	<b>Assisted living facilities</b> —With or without on-site nursing facilities	6-23(g)(2)
624130	<b>Social assistance</b> —Shelters, vocational, child care, abuse, emergency	6-23(g)(2)
711110	<b>Arts and sports</b> —Dance, musical, teams, tracks, promoters, agents	6-23(i)(1)
711120	<b>Special events</b> —Promoter or activity	6-23(i)(1)
713120	<b>Amusement</b> —Arcades, golf clubs, marinas, fitness/gymnasium facilities, health club, bowling centers	6-23(i)(1)
721110	<b>Accommodations</b> —Hotels, motels	6-23(h)(4)

	and similar facilities	
722110	<b>Restaurant</b> —Full/limited service restaurant facility, cafe, deli, cafeteria	6-23(f)(1)
722320	<b>Caterers</b> —And/or mobile food services	6-23(i)(1)
722410	<b>Drinking establishment</b> —Club, lounge, bar or other	6-23(b)
811111	<b>Repairs and maintenance</b> —Auto, paint/body, carwash, other vehicular	6-23(i)(1)
811211	<b>Repairs and maintenance</b> —All electronic equipment	6-23(i)(1)
811412	<b>Repairs and maintenance</b> —All appliances, home and garden equipment	6-23(i)(1)
811490	<b>Alterations, tailoring</b>	6-23(i)(1)
812112	<b>Personal services</b> —Hair, skin, barber, beautician, diet, nail, tanning, funerals	6-23(i)(1)
812990	<b>Bail bonding services</b>	6-23(i)(1)
812320	<b>Dry cleaning/laundry</b> —Full service, pickup and delivery	6-23(i)(1)
812310	<b>Dry cleaning/laundry</b> —Coin operated and self-service	6-23(f)(1)
812990	<b>Fortune teller or clairvoyant</b> —Individual reader license	6-23(i)(1)
910110	<b>Category for number of</b> —Vending machines for all types vending	6-23(f)(1)
910210	<b>Category for number of</b> —Pool tables	6-23(i)(1)
910310	<b>Category for number of</b> —Amusement services and/or games	6-23(i)(1)
920110	<b>Category for number of</b> —Employees as a basis for calculating license	6-23(i)(1)
999110	<b>Unclassified miscellaneous business</b> —Not elsewhere classified	6-23(a)
999210	<b>Unclassified miscellaneous personal</b> —Not elsewhere classified	6-23(a)
923110	<b>Administration of human resource programs</b>	6-23(i)(1)
925110	<b>Administration of housing, urban community</b>	6-23(i)(1)
926110	<b>Administration of economic programs</b>	6-23(i)(1)

(Ord. No. 2341, § 1, 12-17-2007)

**Sec. 6-23. - License fee schedules.**

[Generally.] Each person, firm or corporation who as principal, agent or in any other capacity shall engage in or transact any trade, business, commerce, vocation or profession for gain or profit and for whom no other license is herein provided shall pay an amount equal to one-fifth (1/5) of one (1) percent of all gross annual receipts from the previous year with a minimum license of one hundred dollars (\$100.00).

**Sec. 6-23.1 Beer, wine, liquor.**

State of Alabama Code	Classification	Amount
040 (Beer On/Off Premise)	445401	\$75.00
050 (Beer Off Premise Only)	445400	50.00
060 (Table Wine On/Off Premise)	445501	75.00
070 (Table Wine Off Premise Only)	445500	75.00
010 (Lounge Retail Liquor Class I)	722410	250.00
011 (Lounge Retail Liquor — Class II (Package))	455122	250.00
031 (Club Liquor Class I)	722411	150.00
032 (Club Liquor Class II)	722412	375.00
080 (Liquor Wholesale)	455142	275.00
090 (Wholesale Beer Only)	455141	275.00
100 (Wholesale Table Wine Only)	492217	275.00
110 (Wholesale Table Wine & Beer)	422217	375.00
120 (Warehouse License)	493190	100.00
130 (Additional Warehouse Wine, Beer or Both)	493190	100.00
140 (Special Events Retail)	722413	100.00
150 (Special Events 30 days or less)	722414	75.00
160 (Special Retail More than 30 days)	722415	125.00
170 (Retail Common Carrier)	492219	75.00
200 (Manufacturer)	312140	275.00
210 (Importer)	999110	250.00
220 (Brewpub)	999110	500.00

In addition to the license amount above, the licensee shall pay an additional amount equal to ten (10) percent of the total gross purchase of all liquor for consumption on premises or an additional amount equal to three (3) percent of the total gross receipts of all liquor sold for off premises consumption, said amount to be paid monthly on the 15<sup>th</sup> day of each calendar month for each person licensed by the Alcohol Beverage Control Board to operate a lounge retail liquor license, restaurant retail liquor license, club liquor license class I, and club liquor license class II.

If a special retail license is valid for more than thirty (30) days, in addition to the appropriate amount set out above: The special retail licensee shall pay an additional amount equal to ten (10) percent of the total gross purchase of all liquor for consumption on premises or an additional amount equal to three (3) percent of the total gross receipts of all liquor sold for off premises consumption, said amount to be paid monthly on the 15<sup>th</sup> day of each calendar month.

For the purpose of this schedule 6-23(b), gross receipts from the sale of table wine, which are taxed under the Alabama Table Wine Act of 1980, and gross receipts from the sale of beer, on which the Uniform State Tax is paid, shall be deducted from the amount considered gross receipts hereunder.

Notwithstanding any other provision of this schedule 6-23(b), no license or privilege tax, or other charge for the privilege of doing business as a wine wholesaler, importer, or retailer, shall be collected by the city which shall exceed one-half (½) of the amount of the state license fee collected by the board for like privilege.

There shall be no proration of any license fee because of having operated only a part of a calendar year, except as permitted by state law.

It shall be the duty of each person subject to the license tax imposed by this schedule 6-23(b), to keep full and complete records of all purchases, sales and deliveries of alcoholic beverages, from which records there can be readily obtained information as to the correct amount of license tax due to the city. As a part of such records, each wholesaler shall keep an individual ledger or card account for each of his customers (whether the customer's place of business is within or without the City of Homewood) and said ledger or card account shall show the correct name and address of each person to whom any alcoholic beverages are delivered together with the dates thereof and the number of cases sold or delivered and each wholesaler shall also keep as evidence of the foregoing a receipted delivery ticket signed by each purchaser or by his authorized agent. Each retailer shall keep an individual ledger or a card record showing the correct name and address of each person from whom he purchased alcoholic beverages, a delivery ticket showing each such

purchase, the date thereof and the number of cases purchased. The aforesaid records shall be kept posted currently and shall be preserved for not less than two (2) years. All of such records shall be opened for inspection and checking during such regular business hours as the city clerk or designee may request. In the event any wholesaler or retailer fails to keep such records or refuses to make same available for inspection or checking, the city clerk shall proceed to levy and collect the license tax as provided for in schedule 6-23(b) of this license code. Failure to keep any of the records required by this schedule or elsewhere in this code or by any amendment thereto, or refusal to make same available to the city clerk or duly authorized representative, shall constitute grounds for revocation of any license issued under this schedule 6-23(b).

The person liable for any license tax imposed by this schedule shall file with the city clerk on or before the final date on which the license tax may be paid without a penalty, such report or reports and in such form as the city clerk may prescribe evidencing the amount of business done and the amount of license due thereon.

Any person aggrieved by any decision of the city clerk in the enforcement of this schedule may appeal therefrom to the Council of the City of Homewood by filing with the city clerk, within five (5) days of the city clerk's decision, a letter addressed to the council, protesting such decision, and by contemporaneously delivering a copy of such protest to the city clerk and thereafter appearing and prosecuting such protest at the regular meeting of the council next following the filing of such protest or as directed by the city council. Failure to appeal shall constitute acceptance of the city clerk's decision and assent to the correctness thereof.

A city license shall be obtained for each board license held.

No license will be issued until the applicant and the location have been approved by the city council.

**Sec. 6-23.2 Contractors.**

(1)

*General contractors including commercial, homebuilders and remodelers*—Each person, firm or corporation including contractors maintaining an office within the City of Homewood. Minimum two hundred dollars (\$200.00). Plus an amount equal to one-tenth (1/10) of one (1) percent on all gross receipts from the previous year in excess of two hundred thousand dollars (\$200,000.00) not to exceed five hundred dollars (\$500.00).

(2)

*Contractors—Specialty trade: Air conditioning and heating, asphalt, paving, cabinet maker, electrical, excavating, fencing, flooring, furnace installation, insulation, painting, plumbing, roofing, septic tank installation, sheet metal, swimming pool, tree surgeon or pruning and sub-contractor and/or specialty trade contractors not previously listed.* Minimum one hundred dollars (\$100.00). Plus an amount equal to one-tenth (1/10) of one (1) percent on all gross receipts from the previous year in excess of one hundred thousand dollars (\$100,000.00) not to exceed three hundred dollars (\$300.00).

It shall be unlawful for any person, firm or corporation to engage in and/or perform any plumbing work, steamfitting and/or gasfitting and/or electrical work within the corporate limits of the city without first having obtained a permit in writing from the city to perform such plumbing, steamfitting, gasfitting and/or electrical work, or any other work requiring permits.

Any contractor who has not paid his city license who undertakes to do any part of the work contracted for by a general contractor shall be deemed to be a contractor specialty trade and shall pay the license prescribed by this section for the classification to which he is subject.

All general contractors shall furnish the building inspector or the license inspector with a full and complete list showing the names, addresses and license numbers of all contractors specialty trades to whom any work has been let or sublet to be done and will not allow any work to be done by such contractor specialty trade until the required license due by the contractor has been paid. The building inspector will furnish to each contractor a true and complete list of all dealers who have taken out and paid the city license for dealing in materials to be used by him on his contract and no contractor shall allow any lumber products or building materials of any kind to be delivered to him by any building material dealers whose name does not appear on such list, unless he is certified by the license department or the building inspector as having paid the city license due by him.

If all subcontracts have not been closed or awarded at the time application is made for a permit by the general contractor or the owner, the general contractor shall not allow any work to proceed by any contractor specialty trade until he has exhibited to such general contractor the city license for work to be done on such job, unless the subcontractor is certified by the license department or by the building inspector as having paid the city license due by him.

In the event that no general contract has been let by the owner, then the owner shall be subject to all the provisions of this subsection relating to general contractors.

When any license from the State of Alabama is required for any contractor, no license will be issued until the applicant has provided the city with the required State of Alabama certificate or proof of the issuance of the required state license or certificate.

**Sec. 6-23.3 Financial services.**

- (1) Each branch. Ten dollars (\$10.00); as set forth in § 11-51-130 Code Of Alabama, 1975.
- (2) Each person, firm or corporation engaged in the business of discounting or buying conditional sales contracts, drafts, acceptances, notes or mortgages executed, drawn or accepted by the buyer of a motor vehicle shall pay an amount equal to one-fifth (1/5) of one (1) percent of the gross amount of interest and carrying charges, including all commissions of every kind from the previous year with a minimum license of one hundred fifty dollars (\$150.00).
- (3) Each person, firm or corporation whose business is inquiring into and reporting upon credit or standing of person, firms, or corporations shall pay an amount equal to one-fifth (1/5) of one (1) percent of the gross receipts from the previous year with a minimum license of one hundred fifty dollars (\$150.00).
- (4) Each person, firm or corporation selling stocks, bonds, or other securities shall pay one hundred fifty dollars (\$150.00) plus amount equal to one-fifth (1/5) of one (1) percent of the gross annual commissions or fees received as a salary or bonus from the previous year with a minimum license of one hundred fifty dollars (\$150.00).
- (5) Each person, firm or corporation conducting or engaging in the money broker business shall pay an amount equal to one-fifth (1/5) of one (1) percent of the gross interest or gross brokerage fees collected from such business from the previous year with a minimum license of one hundred fifty dollars (\$150.00).
- (6) Each person, firm or corporation either as principal or agent, engaged in the business of lending money on notes secured by mortgage on real estate shall pay an amount one hundred fifty dollars (\$150.00) plus and amount equal to one-fifth (1/5) of one (1) percent of the gross interest, brokerage or commission fees received from the previous year with a minimum license of one hundred fifty dollars (\$150.00).

**Sec. 6-23.4 Insurance.** Insurance company annual license renewals shall be renewed in accordance with § 11-51-122 of the Code of Alabama, 1975, 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 as set out in § 11-51-120 and § 11-51-121, as amended, of the Code of Alabama. 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.

**Sec. 6-23.5 Merchants & business retail and wholesale, manufacturing, etc.**

- (1) Shall pay an amount equal to one-tenth (1/10) of one (1) percent of the gross receipts from the previous year with a minimum license of one hundred dollars (\$100.00).
- (2) Shall pay an amount equal to one-tenth (1/10) of one (1) percent of the gross receipts from the previous year with minimum license of one hundred dollars (\$100.00).
- (3) Sales will not be a disguise for doing business from residential areas and sales shall not be conducted for a period of more than three (3) consecutive days nor more than one (1) sale shall be allowed any six-month period from the same location. Reasonable signs may be posted advertising such sales no earlier than the beginning of the sale and said sign shall be removed no more than thirty-six (36) hours later. Ten dollars (\$10.00) per day.
- (4) Each person, firm or corporation who have no regular place in the city and who solicits orders or sells any type of merchandise to include selling from door to door or from store to store. Peddlers and itinerant dealers must have written permission by the owner or operator of businesses to sell from their private parking lots or from any portion of public right-of-way in front of said businesses and shall provide written proof of such to the city prior to the issuance of any license as requested herein shall pay:
  - a. Per day—Ten dollars (\$10.00).
  - b. Per week—Twenty-five dollars (\$25.00).
  - c. Per year—One hundred dollars (\$100.00).

Applicants for peddler and itinerant dealers license under this section must file with the city clerk a sworn application in writing on a form furnished by the city clerk which is subject to the approval and restrictions of the police department. No license shall be issued until the approval of the sworn application by the police chief has been received by the city clerk.

A surety bond, acceptable to the city clerk, in the amount of five thousand dollars (\$5,000.00) or no less than ten (10) percent of estimated sales, whichever is less, payable to the city, will be required for all peddlers and itinerant dealers prior to issuing a license pursuant to this section and pursuant to ordinances of the city.

d. EXEMPTION FROM ORDINANCE—Any person, firm or corporation who have no regular place of business in the city and who solicits orders or sells any type of merchandise on property owned, leased or controlled by the city, with the city's permission and at a city-sponsored event, and/or on property owned, leased or controlled by a 501(c)(3) non-profit organization, with the non-profit's permission and at a non-profit-sponsored event, and whose gross sales for any calendar year on property owned, leased or controlled by the city and/or a 501(c)(3) non-profit organization is less than fifteen hundred dollars (\$1,500.00), shall be exempt from all provisions of this chapter, including but not limited to any obligation to make application for a license, to post a surety bond, to be subject to a background investigation, or to pay any fees as required by this chapter.

(5) Each person, firm or corporation making an announcement or advertisement by means of billboards, posters, circulars, newspapers, books, notices, pamphlets, placards, handbills, or radio, or advertising in any other way a sale of goods or merchandise as a closing out sale, going out of business sale, final wind-up sale or any sale tending to disclose to the public that the goods or merchandise are offered for sale at lower prices due to the fact that such person is terminating his business in its present location, by complying with the Section 8-13-1 et seq., Code of Alabama, 1975, shall pay a license as follows: First two (2) weeks of sale twenty-five dollars (\$25.00); third week and each week thereafter of sale, per day five dollars (\$5.00).

#### Sec. 6-23.6 *Professions and vocations.*

(1)

Accountants, architects, attorneys, dentists, physicians, veterinarians and any other professional vocation not specifically named herein. Each person, or where a partnership each member of a firm, or a professional corporation (as defined by Act 514 of the 1983 Session of the Legislature of Alabama) shall pay an amount equal to two-fifths (2/5) of one (1) percent of the first one hundred thousand dollars (\$100,000.00) gross annual receipts from the previous year plus one-fifth (1/5) of one (1) percent gross annual receipts on the next one hundred thousand dollars (\$100,000.00) plus one-tenth (1/10) of one (1) percent gross annual receipts over two hundred thousand dollars (\$200,000.00) or any of the professions licensed under this section whose compensation is based of salary alone shall pay two-fifths (2/5) of one (1) percent of gross annual salary from the previous year with a minimum license of one hundred dollars (\$100.00). No license shall be required of any of the professions for the first two (2) years of practice of his profession. The two-year period exemption herein provided shall date from the first authorization or admission to practice no matter in which state of territory or district the first authorization or admission occurred.

(2)

Retirement homes, nursing homes, hospitals, clinics & infirmaries each person, firm or corporation engaged in the operation of hospitals, retirements homes nursing homes, infirmaries, and/or healthcare center/clinic shall pay an amount equal to one-tenth (1/10) of one (1) percent of all gross receipts from the previous year with a minimum license of one hundred dollars (\$100.00).

(3)

Each person, firm or corporation operating a school or any kind including academic, business, colleges, beauty, barber, dance, kindergartens and day care centers, nurserys, etc. shall pay an amount equal to two-fifths (2/5) of one (1) percent of the first one hundred thousand dollars (\$100,000.00) of all gross receipts from the previous year, in addition to one-tenth (1/10) of one (1) percent of all gross receipts in excess of one hundred dollars (\$100.00), with a minimum license of one hundred dollars (\$100.00).



**Sec. 6-23.7 Real estate.**

**(1)**

Each person, firm or corporation engage in the business of real estate as agent, broker, developer, sales agent or rental agent, other than the rental or leasing of apartments or condos as owner or agent, for each person. One hundred dollars (\$100.00).

**(2)**

Each person, firm or corporation engaged in the business of appraising the value of lands and buildings shall pay an amount equal to two-fifths (2/5) of one (1) percent of gross annual receipts from the previous year with a minimum license of one hundred dollars (\$100.00).

**(3)**

Each person, firm or corporation engage in the business of leasing or renting apartments or condos as owner or agent shall pay one (1) percent of gross annual rents from previous year with a minimum license of one hundred dollars (\$100.00).

**(4)**

Each person, firm or corporation engaged in the operation of a hotel and/or motel or similar facilities shall pay one-tenth (1/10) of one (1) percent of gross annual rents from the previous year with a minimum license of one hundred dollars (\$100.00).

**Sec. 6-23.8 Services.**

**(1)**

Pay an amount equal to one-fifth (1/5) of one (1) percent of gross receipts during the preceding year with a minimum license of one hundred dollars (\$100.00).

**(2)**

Each person, firm or corporation operating, maintaining service, providing space, or selling merchandise through vending machines shall pay an amount equal to one-tenth (1/10) of one (1) of the gross receipts from the previous year with a minimum license of one hundred dollars (\$100.00).

If the person operating or maintaining for operation by others any automatic vending machine as hereinabove described, qualifies for an occupational license (ordinarily termed Industrial Location), as provided for in Act 393, adopted in the 1947 regular session of the legislature of the State of Alabama, approved September 16, 1947, a license shall be paid in an amount equal to one-tenth (1/10) of one (1) of the first fifty thousand dollars (\$50,000.00) or less of gross receipts received from the operation of such machine in the previous year.

Receipts from vending machines owned or operated by the individual business where the machines are located shall be included in the gross receipts of the primary business and no additional vending machine license will be required.

**Sec. 6-23.9 Utilities and franchises.**

**(1)**

**a.**

Each person, firm, company or corporation engaged in the business of selling or distribution of electric current power shall pay an amount equal to three (3) percent of the gross receipts of the business transacted by such person, firm, company, or corporation in the city during the preceding year from the sale of such electric current power sold or distributed within the city.

**b.**

Each person, firm, company or corporation engaged in business of supplying water for public domestic use in the city shall pay an amount equal to three (3) percent of the gross receipts of the business transacted by such person, firm, company or corporation in the city for the preceding calendar year from supplying water from any point or points in the city for any purpose.

**c.**

Each person, firm, company or corporation engaged in the business of selling or distribution of natural gas in the city shall pay an amount equal to three (3) percent of the gross receipts of the business transacted by such person, firm, company or corporation in the city during the preceding calendar year from the sale of gas sold or distributed within the city.



d.

Each person, firm or corporation engaged in the business of providing audio, video, digital or other forms of electronic or electrical signals which are transmitted to subscribing members of the public in the city shall pay an amount equal to five (5) percent of the gross receipts of the business transacted by such person, firm, company or corporation in the city for the preceding calendar year for supplying/transmitting of cable signals in the city.

e.

Each person, firm, company or corporation operating a telephone exchange in the city shall pay a license tax on a per capita basis as set forth in § 11-51-128, Code of Alabama, 1975, recompiled. Each person, firm, company or corporation operating a long distance telephone service in the city shall pay a license tax on a per capita basis as set forth in § 11-51-128, Code of Alabama, 1975, recompiled.

(k)

Each person, firm or corporation maintaining an office within the city of homewood for the support of their own firm or corporation shall pay an amount equal to one-fifth (1/5) of one (1) of the gross annual payroll of the homewood office from the previous year with a minimum license of one hundred dollars (\$100.00).

*(Ord. No. 2341, § 1 12-17-2007)*

**State law reference—** Method of procedure in any injunction proceeding provided for in § 11-51-150 of the Code of Ala. 1975, §§ 11-51-151—11-51-160, Code of Ala. 1975.

#### **Sec. 6-24. - Validity of checks.**

Wherever a license or license receipt shall be issued in return for any check, the same shall not be valid or of any force or effect, unless such check shall be duly paid upon presentation to the drawee.

*(Ord. No. 2341, § 1. 12-17-2007)*

#### **Sec. 6-25. - Exchange of information.**

(a)

The city clerk or her designee 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 city clerk or her designee 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 (1) or more of the following purposes:

(i)

Collecting taxes due.

(ii)

Ascertaining the amount of taxes due from any person.

(iii)

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 city clerk or her designee. The city clerk or her designee 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 §§ 40-23-25, 40-23-82, or 40-12-224, Code of Alabama, 1975.

*(Ord. No. 2341, § 1. 12-17-2007)*

#### **Sec. 6-26. - 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 (½) of the amount of the license imposed for like business within the municipality.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-27. - False statements.**

It shall be unlawful for any person to knowingly and willfully make any false written affidavit, certificate or statement as to the amount of stock on hand or volume of gross receipts, gross payrolls, revenues or business, or amount of capital invested in business or number of employees or vehicles used, or place or location of business, or type of business and to file such affidavit with the city clerk or any license collector, inspector, or any deputy license inspector or collector for the purpose of defrauding or misleading the city, by procuring a license for a less sum or location than is lawfully due from the affiant or his principal.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-28. - Effective date.**

This ordinance shall become effective on and after January 1, 2008.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-29 - Severability.**

The sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any phrase, clause, sentence, paragraph or sections of this article 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.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-29.1 - Farmers permit required.**

It shall be unlawful for any farmer or other person engaged in the production of farm products to sell within the corporate limits of the city or within the police jurisdiction thereof any articles produced by such person without first having acquired a certificate signed by a county demonstration agent and dated sixty (60) days prior to the time of such selling or offering for sale, to the effect that such person, or his principal, is a bona fide grower of the kind of farm products which such person is selling or offering for sale.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-29.2 - Amendments.**

The adoption of this schedule of licenses shall not abridge the right of the council to change, alter, increase, decrease or revoke any of the licenses set out in this article at any time. When any increase is made by the city council unless the increase is paid in thirty (30) days the license shall be revoked and no further business carried on thereunder; nor shall it abridge the right of the council to require a license for any business, occupation, traffic, calling, or profession not included in the above schedule.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-29.3 - Statute of limitations.**

The statute of limitations for action by the City of Homewood for the recovery of all amounts due under this article is five (5) years or as otherwise provided by the Code of Alabama.

*(Ord. No. 2341, § 1, 12-17-2007)*

**Sec. 6-29.4. - Provisions separable as to invalidity.**

Should any section or provision of this article be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself void or invalid.

*(Ord. No. 1832, § 23, 12-13-93)*

**Sec. 6-29.5. - Administrative fees.**

In addition to any license fee as prescribed by this chapter, an administrative fee shall be paid in the amount of five dollars (\$5.00), prior to the issuance of any license provided by this chapter, which administrative fee shall be in addition to any other license fees provided by this chapter.

*(Ord. No. 2040, § 1, 11-22-99)*

---

FOOTNOTE(S):

<sup>(19)</sup> **Editor's note**— Ord. No. 2341, § A, adopted December 17, 2007, effective Jan. 1, 2008, amended Art. I in its entirety to read as herein set out. Former Art. I pertained to similar subject matter. See also the Code Comparative Table. ([Back](#))

**ARTICLE III. - SOLICITORS AND CANVASSERS**

Sec. 6-50. - Definition.

Sec. 6-51. - Permit and license required.

Sec. 6-52. - Application for permit and license.

Sec. 6-53. - Investigation and permit and license denial or issuance.

Sec. 6-54. - Fees; fixed; adjustment to avert interstate commerce burden.

Sec. 6-55. - Exhibition of license; identification of licensee.

Sec. 6-56. - Expiration of license.

Sec. 6-57. - Revocation of permits and license.

Sec. 6-58. - Exemptions.

Sec. 6-59. - Prohibited acts.

Sec. 6-60. - Duty of police to enforce.

Sec. 6-61. - Records.

Sec. 6-62. - Appeal.

Sec. 6-63. - Interstate commerce transactions not restricted.

Secs. 6-64—6-69. - Reserved.

**Sec. 6-50. - Definition.**

A canvasser or solicitor is defined as any person, whether or not a resident of the city, travelling either by foot, wagon, automobile, motor truck, bicycle, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any kind whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether such person is collecting advance payments on such sale or not; or soliciting any contributions, monies, goods, wares or tangible personal property of any kind or nature; provided that such definition shall further include any person, who, for such person's self, or for another person, hires, leases, uses, or occupies any building structure, tent, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future deliveries or for the solicitation for contributions of any kind in any form whatsoever.

*(Ord. No. 1025 § 2, 0-22-07)*

**Sec. 6-51. - Permit and license required.**

It shall be unlawful for any solicitor or canvasser as defined herein to engage in such business or activity within the corporate limits or police jurisdiction of the city without first obtaining a permit and license therefor in compliance with the provisions of this article.

*(Ord. No. 1625, § 1, 6-22-07)*

**Sec. 6-52. - Application for permit and license.**

Applicants for permit and license under this article must file with the city clerk a sworn application in writing (in duplicate) on a form to be furnished by the city clerk, which shall respond with the following information:

- (1) Name of person making application;
- (2) Business entity and name;
- (3) Trade name;
- (4) Address;
- (5) Telephone number;
- (6) Local address;
- (7) Local telephone number;
- (8) Local manager;
- (9) Local business manger;
- (10) Number of days seeking permit to solicit or canvass in the city;
- (11) Name, sex, social security number, driver's license number and address of each solicitor or canvasser who will solicit or canvass within the city as provided by this article;
- (12) A description of the type of solicitation or canvassing to be conducted within the city;
- (13) List the date, charge, jurisdiction and disposition of any criminal charges or convictions for the following persons: (a) person making the application; (b) the local manager; (c) the local business manager; and (d) all employees, agents, representatives or independent contractors of the business entity making the application;
- (14) State whether or not you have ever been denied a permit or license by any state, local or federal jurisdiction. If the answer to the above is yes, please state with specificity the following: (a) the date such application was denied; (b) the jurisdiction denying such applications; (c) a complete description of the type applications sought and the activities to be permitted by such application; (d) reasons for such denial; and (e) name, address and telephone number of the person or entity denying such application.

*(Ord. No. 1625, § 3, 6-22-87; Ord. No. 1782, § 1, 4-27-92)*

**Sec. 6-53. - Investigation and permit and license denial or issuance.**

- (a) Upon receipt of such application, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as such officer's deems necessary for the protection of the public good.
- (b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application disapproval and such officer's reasons for the same, and return the application to the city clerk, who shall notify the applicant that the application is disapproved and that no permit and license will be issued.
- (c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application such officer's approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the city clerk, who shall, upon payment of the prescribed license fee,

deliver to the applicant such applicant's permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of each person permitted to solicit or canvass, as defined herein, within the city limits and the type of solicitation or canvassing to be permitted by the license, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicles used in such soliciting or canvassing. The clerk shall keep a permanent record of all licenses issued.

(d)

No license or permit shall be issued on a date less than twenty (20) days from the date of the application requesting such license and permit.

*(Ord. No. 1625, § 4, 6-22-87; Ord. No. 1782, § 2, 4-27-92)*

**Sec. 6-54. - Fees; fixed; adjustment to avert interstate commerce burden.**

(a)

The permit fee to be paid by each applicant prior to the issuance of any permit shall be ten dollars (\$10.00).

(b)

The annual license fees shall be assessed on a calendar year basis and there shall be no proration of any amount for annual license.

**Cross reference— Peddler's license, § 6-4(6)d.**

(c)

None of the license fees shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, such person may apply to the governing body for an adjustment or abatement of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application shall be made before payment of the prescribed fee. The applicant shall, by affidavit and supporting testimony, show such applicant's method of business and the gross volume or estimated gross volume of business and such other information as the governing body may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The governing body shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which it shall determine whether the fee fixed by this article is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory. In fixing the fee to be charged, the governing body shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature. Should the governing body determine the gross sales measure of the fee to be the fair basis, it may require the applicant to submit either at the time of termination of applicant's business in the city or at the end of each three-month period a sworn statement of the gross sales and pay the amount of fee therefor.

(d)

The payment of the above referred to fee shall not in any way exempt the applicant from the payment of any other fees, licenses or charges as are now or hereafter implemented by the city for the same or similar business conducted by the applicant and applicant's employees or agents.

*(Ord. No. 1625, § 5, 6-22-87)*

**Sec. 6-55. - Exhibition of license; identification of licensee.**

Solicitors and canvassers are required to exhibit and display their licenses and to identify themselves individually as being persons authorized and permitted to solicit or canvass within the city by the issuance of such license and permit.

*(Ord. No. 1625, § 6, 6-22-87)*

**Sec. 6-56. - Expiration of license.**

All annual licenses issued under the provisions of this article shall expire on the thirty-first of December in the year issued. Licenses other than annual shall expire on the date specified in the license.

*(Ord. No. 1625, § 13, 6-22-87)*

**Sec. 6-57. - Revocation of permits and license.**

- (a) Permits and licenses issued under the provisions of this article may be revoked by the police chief or the city clerk after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for license;
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on licensee's business as solicitor or as canvasser;
  - (3) Any violation of this article;
  - (4) Conviction of any crime involving moral turpitude; or
  - (5) Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- (b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at licensee's last known address at least five (5) days prior to the date set for hearing.

*(Ord. No. 1625, § 11, 6-22-87)*

**Sec. 6-58. - Exemptions.**

- (a) The following persons shall be exempt from the provisions of this article:
- (1) Any person who has resided within the city limits for more than six (6) months prior to the date of any solicitation or canvassing as defined herein.
  - (2) Any person or any lawfully authorized representative of such person, who has had such person's lawful principal place of business or headquarters within the city limits for more than six (6) months prior to any solicitation or canvassing as defined herein.
  - (3) Any candidate or representative thereof who has lawfully qualified for elective office for any federal, state, county, or municipal office or political party.
- (b) The terms of this article do not include the acts of persons selling personal property at wholesale to dealers, nor to newsboys, nor to the acts of merchants or their employees in delivering goods in the actual course of business. Nothing contained in this section prohibits any sale provided by statute by order of any court as to prevent any person conducting a bona fide auction sale pursuant to the ordinances of the city.

*(Ord. No. 1625, § 7, 6-22-87)*

**Sec. 6-59. - Prohibited acts.**

- (a) No person, not otherwise exempt under this article, under the age of fifteen (15) years shall conduct any of the activities otherwise provided for under this article.
- (b) No person shall enter upon private property for solicitation or canvassing any person, home or business where signs are displayed providing for no solicitation or no trespass upon property.



(c)

No solicitor or canvasser shall register a false or fictitious name or address, or represent by words or acts that such person is employed, agent for, partner or representative of any person or organization when in fact such person is not the employee, agent, partner or representative of such person or organization, nor shall such person solicit or canvass any person using false or fraudulent information in soliciting or canvassing of said person for any purpose as to the type of goods, quantity of goods, quality of goods, organization for whom such person is soliciting or canvassing nor the purpose for the solicitation or canvassing.

(d)

It shall be unlawful for any person to solicit or canvass within the city limits prior to 9:00 a.m. or after 6:00 p.m., prevailing time, including Saturdays and Sundays.

(e)

No individual, or any person on such individual's behalf, shall cry out, blow a horn, ring a bell or use any sound-amplifying device upon any streets, alleys, parks or public places of the city or upon any private premises where sound of sufficient volume is emitted or produced to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such individual proposes to sell.

*(Ord. No. 1625, § 6, 6-22-87)*

**Sec. 6-60. - Duty of police to enforce.**

It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce such person's solicitor's or canvasser's license and permit and to enforce the provisions of this article against any person found to be violating the same.

*(Ord. No. 1625, § 9, 6-22-87)*

**Sec. 6-61. - Records.**

The chief of police shall report to the city clerk all convictions for violation of this article and the city clerk shall maintain a record for each license issued and record the reports of violation therein.

*(Ord. No. 1625, § 10, 6-22-87)*

**Sec. 6-62. - Appeal.**

Any person aggrieved by any action of the police chief or the city clerk as provided herein shall have the right of appeal to the governing body. Such appeal shall be taken by filing with the governing body, within fourteen (14) days of the action complained of a written statement setting forth fully the grounds for the appeal. The governing body shall set a time and place for such hearing and notice shall be given to all parties of such hearing. The decision and order of the governing body on such appeal shall be final and conclusive.

*(Ord. No. 1625, § 12, 6-22-87)*

**Sec. 6-63. - Interstate commerce transactions not restricted.**

Nothing contained in this article shall be construed or enforced as to be in derogation of interstate commerce.

*(Ord. No. 1625, § 15, 6-22-87)*

**Secs. 6-64—6-69. - Reserved.**

**ARTICLE IV. - PRECIOUS METALS PURCHASES AND SALES** <sup>[21]</sup>

Sec. 6-70. - Definitions.

Sec. 6-71. - Permit required to engage in business of buying gold or silver objects.

Sec. 6-72. - Application for permit; fee.

Sec. 6-73. - Investigation of application; public hearing before city council.

Sec. 6-74. - Issuance of permit and license; fees.

Sec. 6-75. - Permit not transferable.

Sec. 6-76. - Permit valid only at address shown thereon.

Sec. 6-77. - Records to be kept.

Sec. 6-78. - Inspection of records.

Sec. 6-79. - Daily report to police.

Sec. 6-80. - Permittee to retain and display purchases for thirty days.

Sec. 6-81. - Dealing with minors prohibited.

Sec. 6-82. - Revocation of permit.

Sec. 6-83. - Exemptions.

Secs. 6-84—6-89. - Reserved.

**Sec. 6-70. - Definitions.**

For the purpose of this article, the following terms shall have the following meanings:

*City:* The City of Homewood, Alabama.

*City council:* The council of the City of Homewood, Alabama.

*Consumer:* A person who uses economic goods and so diminishes or destroys their utility.

*Gold or silver object:* Any object which contains any amount of gold or silver.

*Manufacturer:* A person who by labor, art or skill transforms raw material into some kind of finished product or article of trade.

*Permittee:* The person to whom a permit is issued pursuant to the provisions of this article and any agent, officer or employee of such person who is engaged in the business for which the permit was issued.

*Person:* Any person, firm, corporation or entity involved in any of the activities regulated by this article.

*Retail merchant:* One who sells directly to the consumer.

*Wholesale or wholesale merchant:* A person who sells to retailers for resale rather than directly to consumers.

*(Ord. No. 1767, § 1, 9-23-91)*

**Sec. 6-71. - Permit required to engage in business of buying gold or silver objects.**

No person shall engage in the business of buying gold, silver, or gold or silver objects without having first obtained a permit therefor from the city council.

*(Ord. No. 1767, § 2, 9-23-91)*



**Sec. 6-72. - Application for permit; fee.**

(a)

Application for a permit required herein shall be made to the chief of police and shall be signed by the applicant himself, if an individual; by all partners, if a partnership; and by the chief executive officer, if a corporation, or, if a foreign corporation, the managing officer of such corporation for the State of Alabama. Application forms shall be furnished by the chief of police, and such application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information:

(1)

Name, residence address and telephone number of each individual owner, partner, or, if a domestic corporation, the names of the directors and chief executive officer of such corporation, or, if a foreign corporation, the name of the managing officer of such corporation for the State of Alabama and the date on which such foreign corporation became legally qualified to do business in the State of Alabama.

(2)

Trade names used by the applicant during the previous three (3) years and by each person signing the application, along with the locations of prior establishments.

(3)

The names and addresses of employers of each person signing the application during the previous three (3) years.

(4)

The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.

(5)

The address of the place where the business is to be carried on.

(6)

The name, residence address and telephone number of each person employed or intended to be employed in the business as of the time the application is filed.

(7)

A photograph of each person signing the application, taken within sixty (60) days immediately prior to the date of the filing of the application, which photograph shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(8)

What type of security, if any, the applicant proposes to employ to safeguard its purchases and the premises upon which it will conduct business.

(9)

The type of evidence of ownership that the applicant will require of a seller of gold, silver, or gold or silver objects before completing the purchase.

(10)

A copy of the form of bill of sale or other evidence of transfer of title of gold, silver, or gold or silver objects from the seller to the applicant which the applicant proposes to use in its business.

(b)

Each application for a permit hereunder shall be accompanied by an application fee of one hundred dollars (\$100.00), except that any person applying for a permit who has been continuously engaged in business within the city as a gold or silver dealer or a wholesale or retail merchandise dealer for a period of two (2) years prior to the date of the adoption of this article under an appropriate business license issued by the city shall be exempt from the requirements of this subsection (b).

*(Ord. No. 1707, § 3. 8-23-91)*

**Sec. 6-73. - Investigation of application; public hearing before city council.**

(a)

The chief of police shall investigate all applications for permits and shall file a written report of his findings, together with the application, with the city clerk within thirty (30) days from the date of receipt of such application. The chief of police shall state, in the report, his recommendations on the issuance or denial of the permit.

(b)

Upon receipt of the application and the report of the chief of police, the city clerk shall submit such application and report to the city council. The city council shall set a public hearing on such application before the city council at a regular or special meeting to be held within twenty-one (21) days after

submission of the application to the city council by the city clerk. The city clerk shall notify the applicant of the time and place of such public hearing. Such notice shall be in writing and shall state that the applicant, at such public hearing, may appear in person and/or by his attorney and that he may present his position, argument or contentions orally and/or in writing and that he may present evidence in his behalf and examine witnesses appearing for or against him.

- (c) At such public hearing, the city council shall hear any person who desires to be heard and shall receive all evidence offered by any person on any issue(s) relevant to the issuance or denial of the permit applied for.
- (d) The city council shall consider all relevant evidence and testimony presented to it as such public hearing and shall, at the conclusion of such hearing, issue or deny the permit.
- (e) The council may deny the permit if the applicant or any officer, agent or employee of the applicant has:
  - (1) Violated or failed to comply with any provision of this article.
  - (2) Knowingly and willfully given any false information of a material nature in connection with the application for a permit or in connection with the public hearing on the issuance or denial of such permit.
  - (3) Been convicted of any federal or state law or municipal ordinance or has been involved in incidents or actions which reasonably relates to the applicant's character, fitness and business responsibility for engaging in the business of buying gold, silver, or gold or silver objects in a manner consistent with the public safety. The city council shall, in regard to any such convictions, consider the nature and seriousness of the offense; the circumstances surrounding the offense; the number of such offenses; the amount of time that has elapsed since the offense; the age of the applicant at the time of the offense; and any evidence of rehabilitation.

*(Ord. No. 1767, § 4, 9-23-91)*

**Sec. 6-74. - Issuance of permit and license; fees.**

- (a) In the event that the application is approved, the city clerk shall issue the permit and license applied for upon payment by, or for, the applicant of a minimum fee of one hundred dollars (\$100.00) if the business is to be carried on within the corporate limits of the city or fifty dollars (\$50.00), if the business is to be carried on within the police jurisdiction of the city and not within its corporate limits. Thereafter, each person engaged in such business shall pay, as a license fee to continue to engage in such business in the city or its police jurisdiction, a license of one-tenth of one (1) percent of gross receipts, for the year next preceding.
- (b) The provisions of section 6-4 shall govern the computation of the license fee to be paid by new businesses beginning operations under this article during any license year.

*(Ord. No. 1767, § 12, 9-23-91)*

**Sec. 6-75. - Permit not transferable.**

No permit or license issued under this article shall be transferred, assigned or used by any person other than the one to whom it was issued.

*(Ord. No. 1767, § 13, 9-23-91)*

**Sec. 6-76. - Permit valid only at address shown thereon.**

The permit issued to the applicant shall be valid only at the address shown thereon. Any person engaged in the business of buying gold, silver or gold and silver objects who operates more than one (1) such business must have a separate permit for each such place of business.

*(Ord. No. 1767, § 5, 9-23-91)*

**Sec. 6-77. - Records to be kept.**

- (a) It shall be the duty of each person engaged in the business of buying gold, silver, or gold or silver objects to keep at his place of business a permanently bound book, with the pages therein numbered by the manufacturer in which he shall enter, or cause to be entered, in ink, a minute description of all gold, silver, or gold or silver objects bought at his place of business and the time when such property

was received, making particular mention of any prominent marks on same, together with the name, sex, color, apparent age and general description and place of residence of the person from whom such property was bought and wherever such items bear a number of the name of a manufacturer or other descriptive mark, the description hereinabove provided for shall include such number, name of manufacturer and other descriptive marks.

(b)

Each permittee shall make the entries, or cause the entries to be made, in the book, as herein provided, at the time any such property is received. Such permittee shall make the entries herein required by making the first entry at the top of the first page of the book. Subsequent entries in the book shall be made in the order in which the property to which the respective entries pertain was received.

(c)

It shall be unlawful for any such permittee to remove, or permit to be removed, any page or part of page from such book or to erase or obliterate, or permit to be erased or obliterated, any entry made upon any page thereof.

*(Ord. No. 1767, § 6, 9-23-91)*

#### **Sec. 6-78. - Inspection of records.**

Each permittee, during the ordinary hours of business, when requested by the mayor, the chief of police or any police officer of the city, shall submit and exhibit such book as is provided for in section 6-77 to the inspection of the mayor, chief of police or other police officer.

*(Ord. No. 1767, § 7, 9-23-91)*

#### **Sec. 6-79. - Daily report to police.**

It shall be the duty of every permittee to furnish to the chief of police at his office on each day upon forms provided for that purpose a complete description of all gold, silver, or gold or silver objects bought or received during the preceding day together with the name, sex, color, apparent age and general description and place of residence of the person selling or exchanging any such property and showing that such property was received, purchased or exchanged. In the event any day shall be a legal holiday, the report required by this section may be made on the day following such holiday.

*(Ord. No. 1767, § 8, 9-23-91)*

#### **Sec. 6-80. - Permittee to retain and display purchases for thirty days.**

(a)

It shall be unlawful for any permittee to sell, exchange, alter, destroy or remove from his place of business any gold, a period of thirty (30) days after the delivery of the report required by section 6-79.

(b)

It shall be the duty of every permittee to display the above, in the same showroom as like articles being displayed for sale, within twenty-four (24) hours after receiving such. The articles must be displayed so as to be accessible to the public for the full holding period of thirty (30) days.

*(Ord. No. 1767, § 9, 9-23-91)*

**Cross reference—** Duty of pawnbroker, secondhand dealer, buyer of gold, silver or jewelry to display such for thirty (30) days, § 6-262.

#### **Sec. 6-81. - Dealing with minors prohibited.**

It shall be unlawful for any permittee to buy or receive any silver, or gold or silver objects from any person under the age of nineteen (19) years.

*(Ord. No. 1767, § 10, 9-23-91)*

#### **Sec. 6-82. - Revocation of permit.**

(a)

The city council may revoke any permit issued pursuant to provisions of this article for any of the reasons set forth in section 6-73 pertaining to denial of permits.

(b)

The city council shall set a time for a public hearing on the matter of the revocation of any permit issued pursuant to this article, and notice of the date and time of such hearing will be given to the permittee in writing by the city clerk not less than seven (7) days prior to such hearing. Such notice shall state the reason for the hearing and advise the permittee that he may appear in person and/or by

attorney and that he may present his position, arguments and contentions in writing and/or orally, and that he may present evidence in his behalf and examine witnesses appearing for and against him. The city council shall receive any relevant evidence and hear any relevant testimony on the matter of revocation prior to making its decision on such matter. The revocation by the city council of a permit issued pursuant to this article shall also act as a revocation of business license of the permittee which was issued by authority of such permit.

*(Ord. No. 1767, § 11, 2-23-91)*

**Sec. 6-83. - Exemptions.**

(a)

Bona fide retail or wholesale merchants of jewelry, gold or silver, or gold or silver objects, who are engaged in such business in the city or its police jurisdiction in a fixed place of business under a license or licenses issued by the city pursuant to the general business license code of the city, shall be exempt from the provisions of this article in regard to purchases of gold, silver, or gold or silver objects from persons known by such retail or wholesale merchants to be bona fide manufacturers or wholesalers of gold, silver or gold or silver objects.

(b)

The provisions of this article shall not apply to any bank organized under the laws of the State of Alabama or the United States of America.

*(Ord. No. 1767, § 14, 9-23-91)*

**Secs. 6-84—6-89. - Reserved.**

---

FOOTNOTE(S):

<sup>(21)</sup> **Editor's note**— Section 15 of Ord. No. 1767, adopted Sept. 23, 1991, repealed Ord. No. 1400, adopted Mar. 9, 1991, from which former Art. IV, §§ 6-70—6-72, 6-74—6-80, derived. Sections 1—14 of Ord. No. 1767, of similar subject matter, were included as §§ 6-70—6-83 at the discretion of the editor. It should be noted that § 6-73, bearing a history of Ord. No. 1462, § 1, adopted Mar. 26, 1984, was deleted as being superseded by § 12 of Ord. No. 1767. ([Back](#))

**ARTICLE XI. - PAWNBROKERS AND SECONDHAND DEALERS** <sup>[27]</sup>

Sec. 6-251. - Definitions.

Sec. 6-252. - Permit required to engage in business of pawnbrokers and secondhand dealers.

Sec. 6-253. - Application for permit; fee.

Sec. 6-254. - Investigation of application; public hearing before city council.

Sec. 6-255. - Permit valid only at address shown thereon.

Sec. 6-256. - Issuance of permit and license; fees.

Sec. 6-257. - Permit not transferable.

Sec. 6-258. - Revocation of permit.

Sec. 6-259. - Records to be kept.

Sec. 6-260. - Inspection of records.

Sec. 6-261. - Daily report to police.

Sec. 6-262. - Retain and display purchases for thirty days.

Sec. 6-263. - Dealing with minors.

Secs. 6-264, 6-265. - Reserved.

**Sec. 6-251. - Definitions.**

For the purpose of this article the following terms shall have the following meanings:

*City:* The City of Homewood, Alabama.

*City council:* The council of the City of Homewood, Alabama.

*Pawnbroker:* A person who lends money upon a pawn pledge or deposit of any tangible personal property whatsoever, one (1) such act constituting a person a pawnbroker within the meaning of this section and rendering such person subject to all the provisions of this article.

*Permittee:* The person to whom a permit is issued pursuant to the provisions of this article and any agent, officer or employee of such person who is engaged in the business for which the permit was issued.

*Person:* Any person, firm, corporation or entity involved in any of the activities regulated by this article.

*Secondhand dealer:* Any person operating any store, shop or place of business where secondhand goods are bought, sold, exchanged or bartered; provided that businesses dealing strictly on a consignment basis shall not be considered a secondhand dealer within the meaning of this definition.

*Secondhand goods:* Any property of any kind or description which has been used, or which has been transferred from the manufacturer, producer or wholesaler or retail distributor to a third party prior to such property being sold, exchanged or bartered to or at such store, shop or place of business as mentioned in the foregoing definition of secondhand dealer; provided, that furniture, antique furnishings, automobiles and items on consignment shall not be considered secondhand goods within the meaning of this definition.

*(Ord. No. 1766, § 1, 9-23-91)*

**Sec. 6-252. - Permit required to engage in business of pawnbrokers and secondhand dealers.**

No person shall engage in the business of pawnbrokers or secondhand dealers without having first obtained a permit therefor from the city council.

*(Ord. No. 1768, § 2, 9-23-91)*

**Sec. 6-253. - Application for permit; fee.**

(a)

Application for a permit required herein shall be made to the chief of police and shall be signed by the applicant himself, if an individual; by all partners, if a partnership; and by the chief executive officer of such corporation for the State of Alabama. Application forms shall be furnished by the chief of police, and such application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information:

(1)

Name, residence address and telephone number of each individual owner, partner, or, if a domestic corporation, the names of the directors and chief executive officer of such corporation, the name of the managing officer of such corporation for the State of Alabama and the date on which such foreign corporation became legally qualified to do business in the state.

(2)

Trade names used by the applicant during the previous three (3) years and by each person signing the application, along with the locations of prior establishments.

(3)

The names and addresses of employers of each person signing the application during the previous three (3) years.

(4)

The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.

(5)

The address of the place where the business is to be carried on.

(6)

The name, residence address and telephone number of each person employed or intended to be employed in the business as of the time the application is to be filed.

- (7) A photograph of each person signing the application, taken within sixty (60) days immediately prior to the date of the filing of the application which photograph shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) What type of security, if any, the applicant proposes to employ to safeguard its purchases and the premises upon which it will conduct business.
- (9) The type of evidence of ownership that the applicant will require of a seller of secondhand goods before completing the purchase.
- (10) A copy of the form of bill of sale or other evidence of transfer of title of secondhand goods from the seller to the applicant which the applicant proposes to use in its business.

- (b) Each application for a permit hereunder shall be accompanied by an application fee of one hundred dollars (\$100.00) except that any person applying for a permit who has been continuously engaged in business within the city as a pawnbroker or secondhand dealer for a period of two (2) years prior to the date of the adoption of this article under an appropriate business license issued by the city shall be exempt from the requirements of this subsection (b).

*(Ord. No. 1766, § 3, 9-23-91)*

**Sec. 6-254. - Investigation of application; public hearing before city council.**

- (a) The chief of police shall investigate all applications for permits and shall file a written report of his findings together with the application, which the city clerk within twenty (20) days from the date of receipt of such application. The chief of police shall state, in the report, his recommendations on the issuance or denial of the permit.
- (b) Upon receipt of the application and the report of the chief of police, the city clerk shall submit such application and report to the city council. The city council shall set a public hearing on such application before the city council at a regular or special meeting to be held within twenty-one (21) days after submission of the application to the city council by the city clerk. The city clerk shall notify the applicant of the time and place of such public hearing. Such notice shall be in writing and shall state that the applicant, at such public hearing, may appear in person and/or by his attorney and that he may present his position, argument or contentions orally and/or in writing and that he may present evidence in his behalf and examine witnesses appearing for or against him.
- (c) At such public hearing, the city council shall hear any person who desires to be heard and shall receive all evidence offered by any person on any issue(s) relevant to the issuance or denial of the permit applied for.
- (d) The city council shall consider all relevant evidence and testimony presented to it at such public hearing and shall, at the conclusion of such hearing, issue or deny the permit.
- (e) The city council may deny the permit if the applicant or any officer, agent or employee of the applicant has:
  - (1) Violated or failed to comply with any provision of this article.
  - (2) Knowingly and willfully given any false information of a material nature in connection with the application for a permit or in connection with the public hearing on the issuance or denial of such permit.
  - (3) Been convicted of any federal or state law or municipal ordinance or has been involved in incidents or actions which reasonably relates to the applicant's character, fitness and business responsibility for engaging in the business of pawnbroker or secondhand dealer in a manner consistent with the public safety. The city council shall, in the regard to any such convictions, consider the nature and seriousness of the offense; the circumstances surrounding the offenses; the number of such offenses; the amount of time that has elapsed since the offense; the age of the applicant at the time of the offense; and any evidence of rehabilitation.



*(Ord. No. 1760, § 4, 9-23-91)*

**Sec. 6-255. - Permit valid only at address shown thereon.**

The permit issued to the applicant shall be valid only at the address shown thereon. Any person engaged in the business of pawnbroker or secondhand dealer who operates more than one (1) such business must have a separate permit for each such place of business.

*(Ord. No. 1760, § 5, 9-23-91)*

**Sec. 6-256. - Issuance of permit and license; fees.**

(a)

In the event that the application is approved, the city clerk shall issue the permit and license applied for upon payment by, or for, the applicant of a minimum fee of one hundred dollars (\$100.00), if the business is to be carried on within the corporate limits of the city, or fifty dollars (\$50.00) if the business is to be carried on within the police jurisdiction of the city and not within its corporate limits. Thereafter, each person engaged in such business shall pay, as a license fee to continue to engage in such business in the city or its police jurisdiction, a license of one-tenth of one (1) percent of gross receipts, for the year next preceding.

(b)

The provisions of section 6-4 shall govern the computation of the license fee to be paid by new business beginning operations under this article during any license year.

*(Ord. No. 1766, § 12, 9-23-91)*

**Sec. 6-257. - Permit not transferable.**

No permit or license issued under this article shall be transferred, assigned or used by any person other than the one to whom it was issued.

*(Ord. No. 1766, § 13, 9-23-91)*

**Sec. 6-258. - Revocation of permit.**

(a)

The city council may revoke any permit issued pursuant to provisions of this article for any of the reasons set forth in section 6-254 pertaining to denial of permits.

(b)

The city council shall set a time for a public hearing on the matter of the revocation of any permit issued pursuant to this article, and notice of the date and time of such hearing will be given to the permittee in writing by the city clerk not less than seven (7) days prior to such hearing. Such notice shall state the reason for the hearing and advise the permittee that he may appear in person and/or by attorney and that he may present his position, arguments and contentions in writing and/or orally, and that he may present evidence in his behalf and examine witnesses appearing for and against him. The city council shall receive any relevant evidence and hear any relevant testimony on the matter of revocation prior to making its decision on such matter. The revocation by the city council of a permit issued pursuant to this article shall also act as a revocation of the business license of the permittee which was issued by authority of such permit.

*(Ord. No. 1760, § 11, 9-23-91)*

**Sec. 6-259. - Records to be kept.**

(a)

It shall be the duty of each secondhand dealer and each pawnbroker to keep at his place of business a permanently bound book, with the pages therein numbered by the manufacturer, in which he shall enter, or cause to be entered, in ink, a minute description of all secondhand goods bought, sold or exchanged, and all personal property received on pledge or deposit or by purchase, at his place of business, and the time when such property was received, bought, sold or exchanged, making particular mention of any prominent marks on same, together with the name, sex, color, apparent age and general description and place of residence of the person by whom such property was pledged or deposited, or from, to, or with whom such goods were bought, sold or exchanged, and wherever such property or secondhand goods bear a number or the name of a manufacturer or other descriptive mark, the description hereinabove provided for shall include such number, name or manufacturer, laundry marks, and other descriptive marks.

(b)

Each secondhand dealer and pawnbroker shall make the entries, or cause the entries to be made, in the book, as herein provided, at the time any such personal property is received on pledge or deposit or by purchase, or such secondhand goods are bought, sold or exchanged. Each secondhand dealer and pawnbroker shall make the entries herein required by making the first entry at the top of the first page of the book. Subsequent entries in the book shall be made in the order in which the personal property to which the respective entries pertain was received on pledge or deposit or by purchase, or in the order in which the secondhand goods to which the respective entries pertain were bought, sold or exchanged.

(c)

It shall be unlawful for any such secondhand dealer or pawnbroker to remove, or permit to be removed, any page or part of page obliterated, any entry made upon any page thereof.

*(Ord. No. 1766, § 6, 9-23-91)*

**Sec. 6-260. - Inspection of records.**

Each secondhand dealer and each pawnbroker, during the ordinary hours of business, when requested by the mayor, the chief of police or other police officer of the city, shall submit and exhibit such book as is provided for in section 6-259, to the inspection of the mayor, chief of police or other police officer, and upon demand shall exhibit any goods (whether new or secondhand) or personal property which may be in the place of business of such secondhand dealer or pawnbroker or which may have been bought or received in pledge by such secondhand dealer or pawnbroker and which may be kept by him at any place.

*(Ord. No. 1766, § 7, 9-23-91)*

**Sec. 6-261. - Daily report to police.**

It shall be the duty of every secondhand dealer and every pawnbroker to furnish to the chief of police, at his office on each day, upon forms provided for that purpose, a complete description of all secondhand goods or pawns bought or exchanged and all personal property or other valuable thing received or deposited during the preceding day, together with the name, sex, color, apparent age and general description and place of residence of the person selling or exchanging any such secondhand goods or depositing or pledging such personal property, together with the hour such goods or property was received, purchased or exchanged. In the event any day shall be a legal holiday, the report required by this section may be made on the day following such holiday.

*(Ord. No. 1766, § 8, 9-23-91)*

**Sec. 6-262. - Retain and display purchases for thirty days.**

(a)

It shall be unlawful for any pawnbroker or secondhand dealer to sell, exchange or remove from his place of business any of goods or personal property received, bought or exchanged by him for a period of thirty (30) days after the making of the report required by section 2-261.

(b)

It shall be the duty of every pawnbroker, secondhand dealer, or buyer of gold, silver or jewelry, to display all gold, silver, or other jewelry taken in by the means of purchase, pawn or exchange. The display shall be made within twenty-four (24) hours after receiving and in the same showroom as like articles being displayed for sale. The articles must be displayed so as to be accessible to the public for the full holding period of thirty (30) days.

*(Ord. No. 1766, § 9, 9-23-91)*

**Cross reference—** Precious metals purchases and sales, § 6-70 et seq.; similar provisions, § 6-80.

**Sec. 6-263. - Dealing with minors.**

It shall be unlawful for any pawnbroker or secondhand dealer to buy or receive, whether [in] pledge or otherwise, any tangible personal property from any person under the age of nineteen (19) years.

*(Ord. No. 1766, § 10, 9-23-91)*

**Secs. 6-264, 6-265. - Reserved.**

---

FOOTNOTE(S):

<sup>(27)</sup> **Editor's note—** Ordinance No. 1766, adopted Sept. 23, 1991, did not specifically amend the Code; hence, inclusion of §§ 1—13 as Art. XI was at the discretion of the editor. ([Back](#))