

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 12-2004

**AN ORDINANCE PERTAINING TO
THE REGULATION OF BUSINESSES
WITHIN THE CITY BOUNDARIES.**

BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY AS
FOLLOWS:

Section I

Any license issued by the city may, with notice to the holder thereof, and after a hearing as herein provided, be revoked or suspended by the City Council for the following reasons:

(1.) If any person or business properly licensed in the city is convicted of a felony, a misdemeanor for which a jail sentence may be imposed, any other crime in which moral turpitude is involved, or any other crime which directly relates to the business, occupation, or profession for which a license was issued pursuant to the terms of this Ordinance. However, in making the decision to revoke or suspend the license, the City Council shall consider:

- A.) The nature of the seriousness of the crime for which a person was convicted,
- B.) The relationship of the crime to the purposes of regulating the business, occupation or profession for which the license was issued;
- C.) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and to discharge the responsibilities of the operation of the business, occupation or profession for which the license is issued; and
- D.) The extent to which the person may have been successfully rehabilitated.

(2.) If there shall occur in, on, or at the premises covered by the license, anything which constitutes a nuisance or is obnoxious to the morals and general welfare of the public; or

(3.) If any person is disorderly in, on, or at the premises covered by the license and disturbs the good order of the community or the license holder suffers or permits any disorderly conduct, in, on, or at the licensed premises; or if the holder of the license shall misrepresent any material facts as to the kind of business in his return or any other fact necessary or proper to determine the amount of license tax to be paid.

(4.) When the Mayor has probable cause to believe that a license should be revoked for any of the causes enumerated herein, it shall be his duty to prefer charges against the holder of the license with the City Clerk/Treasurer. The charges shall be in writing and each charge shall be clearly set out. Within fourteen (14) calendar days after the filing of the charges, the time of the hearing thereon shall be mailed to the licensee at the address shown on the license and a hearing before the City Council shall be held within thirty (30) days after the filing of the charges with the

council. The evidence shall be transcribed and the action and the decision of the council on the charges shall be reduced to writing and recorded in the minutes book.

Section II

No license shall be issued for the conduct of any business and no permit shall be issued for any thing, or act, if the premises and the building to be used for the purposes do not fully comply with all applicable state statutes and ordinances of the city. No license or permit shall be issued for the conduct of any business or performance of any act which would involve any violation of the zoning ordinance of the city.

Section III

(A) Whenever inspection of the premises used for, or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested.

(B) Whenever an analysis of any commodity of material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee to give to any authorized officer or employee of the city requesting the same sufficient samples of such material or commodity for such analysis.

(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any licensed proprietor of any licensed business in the city who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. No license shall be revoked for such cause unless written demand is made upon the licensee or the person in charge of the premises, in the name of the city, stating that such inspecting or sample is desired at the time it is sought to make the inspection or obtain the sample.

Section IV

No business, licensed or not, shall be conducted or operated so as to amount to a nuisance in fact.

Section V

This Ordinance shall be administered by the City Clerk/Treasurer, under the direction of the Mayor. The City Clerk/ Treasurer, with the approval of the Mayor shall have the authority to issue and promulgate such regulations as he/she may consider necessary for the administration of this Ordinance, provided such regulations are not inconsistent with the provisions of this Ordinance; and provided further that such regulations when promulgated are approved by the City Council. No license shall be issued for any unlawful activity, or for any business that the City Clerk/Treasurer, with the approval of the Mayor, shall consider to be detrimental to the public welfare, or contrary to

the public interest, but any such decision to refuse to issue a license may be appealed to the City Council.

The City Clerk/ Treasurer shall each year give notice to every person, association, firm or corporation which is carrying on any trade, profession, occupation or business in the city to take out the license and pay the required license fee. If any person, association, firm or corporation should fail to comply, the City Clerk/Treasurer shall after June 1 and monthly thereafter, report in writing, the names, address, and nature of the trade, profession, occupation or business being carried on by such delinquencies to the Mayor. Notice shall be given to such persons, associations, firms or corporations that they shall be subject to the penalty provisions set forth in this ordinance.

Section VI

Revocation of the license or permit pursuant to this ordinance or other termination or forfeiture provision of this ordinance shall be subject to the following penalty:

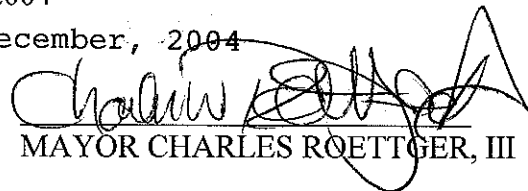
- (A.) Loss of license or permit and forfeiture of fees paid therefore;
- (B.) Upon conviction of a violation of this ordinance be subject to a fine or penalty of not less than \$50.00 nor more than \$500.00. Such criminal penalties shall be in addition to any other penalties imposed under this ordinance.

Section VII


That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 16th day of November, 2004

Passed on 2nd reading this 21st day of December, 2004


MAYOR CHARLES ROETTGER, III

ATTEST:


JEAN A. RAUF
CITY CLERK/TREASURER

PUBLISH CCR: 12-29-2004

Ord04.12