ORDINANCE # 2007-04

BUSINESS LICENSE CODE OF THE

TOWN OF VALLEY HEAD, ALABAMA

FOR THE YEAR 2008 AND EACH SUBSEQUENT YEAR

SCHEDULE OF LICENSES AND FEES

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

SECTION 1. **Levy of Tax.**

Pursuant to the *Code of Alabama,* the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the municipality for the year beginning January 1, 2008, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee for the privilege of doing any kind of business, trade, profession or other activity in the municipality, or the police jurisdiction, by whatever name called.

SECTION 2. **Definitions.**

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

[1] BUSINESS. Any commercial or industrial activity or any enterprise, trade, profession, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within a municipality.

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

[3] BUSINESS LICENSE REMITTANCE FORM. Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

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

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

[6] GROSS RECEIPTS. The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

(a) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: All taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayer to the taxing authority, whether state, local or federal, including utility gross receipts levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; or reimbursements to professional employer organizations of federal, state or local payroll taxes or unemployment insurance contributions; but no other deductions or exclusions from gross receipts shall be allowed except as provided in this article.

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

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

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

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

[8] <u>LICENSE OFFICER or MUNICIPAL LICENSE OFFICER</u>. The municipal employee charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

[9] <u>LICENSE YEAR</u>. The calendar year.

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

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

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

[13] <u>TAXPAYER</u>. Any person subject to or liable under this chapter for any business license tax; any person required to file a return with respect to, or pay or remit the business license tax levied under this chapter or to report any information or value to the taxing jurisdiction; or any person required to obtain, or who holds any interest in, any business license issued by the taxing jurisdiction; or any person that may be affected by any act or refusal to act by the taxing jurisdiction under this chapter, or to keep any required by this chapter

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

[15] <u>OTHER TERMS</u>. Other capitalized or specialized terms used in this ordinance, and not defined above, shall have the same meanings ascribed to them in Section 40-2A-3, of the *Code of Alabama*, unless the context therein otherwise specifies.

SECTION 3. License term; 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. Unless otherwise specified.

(b) *Half Year*. Every person who commences business on or after July 1st, shall be subject to and shall pay one-half (1/2) the annual license for such business for that calendar year.

(c) *Issue Fee*. For each license issued there shall be an issue fee collected of ten dollars ($10.00) and said issue fee shall be collected in the same manner as the license tax.

(d) *Annual Renewal*. Except as provided in subsections (i) or (ii), the business license shall be renewed annually on or before the 31st day of January each year.

(I) If the due date for payment of any business license falls on a weekend or a holiday recognized by the municipality from time to time, the due date shall automatically be extended until the next business day.

(II) Insurance company annual license renewals shall be renewed in accordance with Section 11-51-122 of the *Code of Alabama* which states that each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the municipal code.

(III) On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the municipality. Licensees are required to furnish the municipality any address changes for their business prior to December 1st in order for them to receive their notice.

(IV) Business license renewal payments received by the municipality shall be applied to the current renewal only when any and other debts the licensee owes to the municipality are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

SECTION 4. 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 or more of the articles, or engaging in two or more of the businesses, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business.

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

SECTION 5. Restriction on transfer of license.

No license shall be transferred except with the consent of the council or other governing body of the municipality or of the director of finance or other chief revenue officer or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another. Provided that a mere change in the name or ownership of a taxpayer that is a corporation, partnership. Limited liability company or other form of legal entity now or hereafter recognized by the laws of Alabama shall not constitute a transfer for purposes of this chapter, unless (1) the change requires the taxpayer to obtain a new federal employer identification number or Department of Revenue taxpayer identification number.

SECTION 6. Unlawful to do business without a license.

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

SECTION 7. License must be posted.

Every license shall be posted in a conspicuous place, where said business, trade or occupation is carried on, and the holder of the license shall immediately show same to the designee of the municipality upon being requested so to do.

SECTION 8. Duty to file report.

(a) If the municipality determines that the amount of business license tax reported on or remitted with any business license remittance form is incorrect, if no business license remittance form is filed within the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the correct amount of business license tax, including any applicable penalty and interest.

(b) If the amount of business license tax remitted by the tax payer is undisputed by the municipality, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing the municipality shall enter a final assessment for the amount of the tax due, plus any applicable penalty and interest.

(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.

(1) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the municipal license officer within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer of the municipality shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives and the representatives of the municipality to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to their respective positions..

(2) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address (i) by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments of business license tax of five hundred dollars ($500.00) or less, or (ii) by certified U.S. mail with return receipt requested in the case of assessments of business license tax of more then five hundred ($500.00). In either case, at the option of the taxing jurisdiction a copy of the final assessment may be delivered to the taxpayer by personal delivery.

SECTION 9. <u>Duty to permit inspection and produce records</u>.

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

(a) Permit the designee of the municipality to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said municipal designee to gain such information as may be necessary or convenient for determining the proper license classification, and determining the correct amount of license tax;

SECTION 10. <u>Unlawful to obstruct municipal designee</u>.

It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this ordinance; nor shall any person, agent, servant or employee of such person obstruct or interfere with the designee of the municipality in carrying out the purposes of this ordinance.

SECTION 11. Privacy.

(a) It shall be unlawful for any person connected with the administration of this ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports and memoranda of the taxpayer made pursuant to the provisions of this ordinance, except to the mayor, the municipal attorney or others authorized by law to receive such information described herein.

(b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the taxing jurisdiction, or upon order of any court, or as otherwise allowed in this ordinance.

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

SECTION 12. Failure to file assessment.

(a) In any case where a person subject to paying a license tax as provided herein fails to do so, the municipal designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.

(b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount of any such assessment, and of his right to appear before the municipal governing body on a day named not less than twenty (20) days from the date of notice and to show cause why such assessment shall not be made final. Such appearance may be made by agent or attorney.

(c) If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgement of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount as is determined by the municipality to be correct. If upon such hearing the municipal designee finds a different amount due than that originally assessed, he/she shall make the assessment final in the correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.

(d) A notice by the United States mail, addressed to the taxpayer's last known place of business, shall be sufficient. Any assessment made by the designee of the municipality shall be prima facie correct upon any appeal.

SECTION 13. Lien for non-payment of license tax.

On all property, both real and personal, used in the business, the municipality shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by *Code of Alabama*, Section 11-51-44 (1975).

SECTION 14. Criminal penalties.

Any person found guilty of violating any of the provisions of this ordinance shall be fined in an amount not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00), and may also be sentenced to imprisonment for a period of not exceeding six (6) months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

SECTION 15. Civil penalties.

In addition to the remedies provided by *Code of Alabama,* Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits or within its police jurisdiction for which a license may be revoked or suspended under this ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The municipality, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

SECTION 16. Penalties and interest.

(a) All licenses not paid within thirty (30) days from the date they fall due shall be increased by fifteen (15) percent for the first thirty (30) days they shall be delinquent, and shall be measured by an additional fifteen (15) percent for a delinquency of sixty (60) or more days, but this provision shall not be deemed to authorize the delay of thirty (30) days in the payment of the license due, which may be enforced at once.

(b) In the case of persons who began business on or after the first day of the calendar year, the license for such "new business" shall be increased by fifteen (15) percent for the first fifteen (15) days they shall be delinquent, and shall be measured by an additional fifteen (15) percent for a delinquency of forty-five (45) days or more.

(c) All delinquent accounts (both license taxes and penalties) shall also be charged simple interest at the rate of one (1) percent per month.

SECTION 17. Prosecutions unaffected.

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

SECTION 18. Procedure for denial of new applications.

(a) The municipal designee shall have the authority to investigate all applications and may refer any application to the municipal governing body for a determination of whether such license should or should not be issued.

(b) If the municipal governing body denies the issuance of any license referred to it, the municipal clerk shall promptly notify the applicant of the municipal governing body's decision.

(c) If said applicant desires to appear before the municipal governing body to show cause why said license should be issued, he shall file a written notice with the municipal clerk, said notice to be filed within two (2) weeks from the date of mailing by the municipal clerk of the notice of the denial of such license by the municipal governing body.

(d) Upon receipt of said notice the municipal clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the municipal governing body and shall give the notice of the date, time and place of said hearing to the applicant.

(e) The applicant shall be given the opportunity to appear personally, or through his counsel, or both, and the municipal governing body shall proceed to hear any evidence which may be presented both for and against the issuance of said license.

(f) If the municipal governing body determines from the evidence presented that in order to either provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the municipality said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fees.

SECTION 19. Procedure for revocation or suspension of license.

(a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance or of any ordinance of the municipality, or any statute of the State of Alabama relating to the business for which such license is issued; and shall also be subject to revocation by the municipal governing body if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the municipal governing body if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.

(b) The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.

(c) The municipal governing body shall set a time for hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.

SECTION 20. Refunds on Overpayments

(a) Any taxpayer may file a petition for refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax 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 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 months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality's decision concerning the petition for refund by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. It the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.

(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, together with interest to the extent provided for in Section 11-51-92. If the municipality determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.

(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 years from the date the petition was denied. The circuit court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the appropriate circuit court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

SECTION 21. Delivery License.

(a) In lieu of any other type of license, a taxpayer may at its option purchase for $ 50.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the municipality if the taxpayer meets all of the following criteria:

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

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

(3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer;

(4) 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;

(5) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within 10 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all appropriate business licenses from the municipality for the entire license year and without regard to this section.

(b) The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

SECTION 22. License classification codes.

CODE	2002 NAICS TITLES / BUSINESS LICENSE CODES	SCHEDULE
111000	**Farming and Crop Production** – agriculture, crop production, nursery, fruit, growers,	100.00
112000	**Animal Production** – dairy, cattle, ranching, sheep, chickens, poultry	100.00
113000	**Forestry** – logging, forestry, timber track operations, timber mgt,	100.00
114000	**Fishing & hunting** – hunting and trapping, finfish, shellfish, supplies,	75.00
115000	**Agriculture support** – cotton gins, farm mgt, post-harvest activities,	100.00
211000	**Oil and gas extraction** – natural gas liquid extraction, crude extraction,	250.00
212299	**Mining** - (except for oil and gas) all related mining activities,	250.00

335000	**Appliance mfg** – small appliance, lighting, electrical, battery, freezer,	250.00
336000	**Transportation mfg** – mfg auto, truck, trailer, motor home, boat, ship and motorcycle,	250.00
337000	**Furniture mfg** – cabinets, office, household, beds, kitchen,	250.00
339000	**Miscellaneous mfg** – Misc. Manufacturing, medical, dental, jewelry, sporting goods, toys, signs, all other.	100.00
421000	**Wholesale trade** – durable, vehicle, machinery, equipment, furniture,	100.00
422000	**Wholesale trade** – non-durable, wholesale gasoline distributor	100.00
422000	**Wholesale trade** –non-durable, paper, apparel, grocery, beverages, dairy,	50.00
441000	**Motor vehicle parts** and accessories – auto, motorcycles, boats, parts and accessories,	100.00
441000	**Motor vehicles** - new and/or used automobiles, motorcycles, boats, etc … – dealerships and lots	250.00 *
442000	**Furniture** – furniture, home furnishings, stores, floor coverings, window,	100.00
443000	**Electronic & appliance store** – household, radio, television, computers,	100.00
444000	**Building materials** and gardening equipment dealers – hardware, paint, home center, wallpaper, nursery,	100.00
445000	**Food & beverage stores** – grocery, convenience store, markets,	25.00
446000	**Health and personal care stores** – drug, pharmacy, cosmetic, optical, health food	200.00
447000	**Gasoline Retail** - selling gasoline with or without convenience stores	100.00
448000	**Clothing & accessories** – men, women, children, infant, shoe, jewelry,	50.00
451000	**Sporting goods & hobbies** – toy, fish, gun, books, games	50.00
452990	**General merchandise stores** – department, warehouse clubs, superstores,	100.00
453100	**Used Merchandise Stores** – books, miscellaneous, consignment, flea mkt	50.00
453310	**Miscellaneous retailers** – florist, gift, novelty, pet, art, and tobacco	25.00
454210	**Non-store retailers** – vending machine operators, direct selling, mail order peddlers license / local peddler *	50.00
454311	**Heating Fuel Dealers**- Propane, Butane	125.00
482000	**Rail transportation** – transportation, ticket offices, state regulated	11-51-124
484110	**Truck transportation** – local, long-distance, freight, moving, and storage	100.00
484000	**Truck transportation** – terminal – state regulated	37-3-33
485000	**Passenger transportation** – charter and other vehicle transit services	100.00
485000	**Passenger transportation** – bus terminals state regulated	37-3-33
485300	**Passenger transportation** – buses, taxi cabs, limousine service, buggy, charters,	100.00
487000	**Sightseeing** transportation – scenic and sightseeing, land, air, water, special trans	100.00
488410	**Wrecker /Towing Service**- must comply with **State of Al. laws & insurance**	50.00
492200	**Couriers** – couriers and local messengers, services, local delivery services,	50.00
493110	**Warehousing and storage** – distribution, household, refrigerated, special,	100.00
511000	**Publishing industries except internet** – newspaper, book, periodical, databases, software	50.00
512131	**Motion pictures** – theatres, videos, recording, drive-ins, sound studios,	50.00
515000	**Broadcasting** – radio and television stations	100.00
515210	**Cable** and other subscription programming 3% of Basic Service per Franchise Ordinance	
517110	**Telecommunications** – telephone local per 11-51-128	State Regulated
517210	**Telecommunications** – telephone long distance per 11-51-128	State Regulated

517212	**Telecommunications** – cellular and other wireless, paging,	100.00
517000	**Telecommunications** – resellers of service	State Regulated
519190	**Information services** and data processing – providing, storing, processing, access to information	100.00
522110	**Bank Main Office** – not branch location or ATM	~~200.00~~ 125
522111	**Bank Branch or ATM** – not main office of bank	50.00
522120	**Savings and Loans** – not branch location or ATM	200.00
522121	**S&L Branch or ATM** – not main office of S&L	50.00
522298	**Pawn Shop** – whether title pawn or merchandise	250.00
522390	**Credit services** – companies and activities related to credit and mediation,	250.00
523110	**Securities, commodity** – brokerage, portfolio, investment, other financial services	250.00
524126	**Insurance Company and/or its agents** – casualty, fire, and/or marine premiums 11-51-120/123	State Regulated
524128	**Insurance Company and/or its agents** – health, allied and all other premiums 11-51-120/123	State Regulated
524210	**Agent Office** – administration of third parties, pension funds, annuities, etc	250.00
525990	**Funds, trusts, other financial agencies** – Funds, plans, and/or programs organized to pool securities or other assets for others, other than the Alabama Municipal Funding Corp,	250.00
531210	**Real estate** – offices, agents, brokers, management, appraisers (Must have valid license from State of Alabama)	100.00
532120	**Rental and leasing** – auto, truck, trailer, RV, all tangible property,	200.00
532210	**Rental and leasing** – movie and video rental	100.00
541110	**Attorney/Lawyers** – individual and/or firm professional license	100.00
541220	**Accountant/CPAs** – individual and/or firm professional license	100.00
541310	**Architect** – individual and/or firm professional license	100.00
541210	**Physician** – individual and/or firm professional license	100.00
541622	**Dentist** – individual and/or firm professional license	100.00
541311	**Chiropractor** – individual and/or firm professional license	100.00
541623	**Optometrist**	100.00
541330	**Engineer – Surveyor** – individual and/or firm professional license	100.00
541519	**Computer Programmer** – individual and/or professional firm license	100.00
541921	**Photographer** – studios, portrait, commercial, services	100.00
541940	**Veterinarian** – individual and/or firm professional license	100.00
541990	**Professional Services Not Elsewhere Classified** – scientific, technical,	100.00
551990	**Management companies** – offices, enterprises, regional, corporate,	250.00
561499	**Administrative services** – answering, employment, office, sec., travel,	100.00
561621 561621	**Alarm Systems** –Security Systems **Must be Licensed by State Electronic Security Board**	100.00
561622	**Locksmith Service**	50.00
561710	**Exterminating services** – exterminating company and its services **(Must be licensed by Dept of Agriculture)**	75.00
561720	**Janitorial firm** – janitorial cleaning services – individual or firm	50.00
561730	**Landscaping/Lawn Maintenance**-Mowing, trimming fertilizing, tree removal	100.00
562219	**Waste management** – companies, trucks, septic tanks, landfill, services,	250.00
562991	**Septic Tank and &Related Services-Installation & Cleaning** **(Must be licensed by Alabama Onsite Wastewater Board)**	11/5/13 amended 100.00 ~~200.00~~
611000	**Educational services** – technical, computer, sports, services, business,	100.00
621491	**HMO** – medical centers and services	100.00
621498	**Outpatient Care Centers** – all other types of services	100.00
621910	**Ambulance** – ambulance company and/or services	100.00

260.00

623110	**Nursing care** – residential care facility, day care, assisted living	150.00
623312	**Nursing Home** – care for elderly and continuing care facilities	75.00
624110	**Social assistance** – shelters, vocational, child care, abuse, emergency,	100.00
624410	**Child Day Care Services** – Permit by Alabama Dept of Human Resources **(Must be licensed by State of Alabama)**	
711000	**Arts and sports** – dance, musical, teams, tracks, promoters, agents,	100.00
711310	**Special Events** – promoter or activity – see schedule for rates	100.00
712110	**Museums** – museums and historical sites, zoos, botanical gardens, parks,	100.00
713110	**Amusement** – arcades, golf clubs, marinas, fitness, bowling centers,	200.00
721110	**Accommodations** – hotels, motels and similar facilities	200.00
721191	**Accommodations** – bed and breakfast inns and services	150.00
721214	**Accommodations** – trailer parks, RV parks, and travel parks	200.00
721310	**Accommodations** – rooming houses and boarding houses	150.00
722212	**Restaurant** – full service restaurant facility	50.00
722211	**Restaurant** – limited facility or service	25.00
722320	**Caterers** – and/or mobile food services	50.00
811111	**Repairs and maintenance** – auto, paint/body, carwash, other vehicular,	50.00
811191	**Oil Change Shops**	50.00
811212	**Repairs and maintenance** – all electronic equipment	50.00
811412	**Repairs and maintenance** – all appliances, home & garden equipment	50.00
812199	**Personal Services** – hair, skin, barber, beautician, diet, nail, tanning, funerals	50.00
812991	**Fortune Teller** or Clairvoyant – individual reader license	500.00
812200	**Tanning Beds** **($10.00 each additional bed)**	25.00
812210	**Funeral Homes & Service**	100.00
812310	**Laundry and dry cleaning**	100.00
812910	**Pet Care** – Kennels, grooming	100.00
812990	**All other personal services** – Bail bonding, Collection Services Bus. Consultant	100.00
910001	**Category for number of** – vending machines for all types vending	10.00
910002	**Category for number of** – pool tables	500.00
910003	**Category for number of** – amusement devices and/or games 10.00 per additional machine	100.00
920005	Category for number of – **employees** as a basis for calculating license	A
930006	Category for number of – **square feet** used for calculating license amount	B
999111	Unclassified miscellaneous **business** services not elsewhere classified	100.00
999222	Unclassified miscellaneous **personal** services not elsewhere classified	100.00

Satellite telecommunication

SECTION 23. License Fee Schedules.

Schedule "A" - Number of Employees

R-1	Where personnel are from 1 to 2 people	100.00 - 50.00
R-2	Where personnel are from 3 to 5 people	250.00
R-3	Where personnel are from 6 to 10 people	400.00
R-4	Where personnel are from 11 to 20 people	550.00
R-5	Where personnel are from 21 to 50 people	700.00
R-6	Where personnel are from 51 to 75 people	850.00
R-7	Where personnel is from 76 to 100 people	1,0000.00
R-8	Personnel over 100 to be 1,000.00 + 50.00 per person over 100.	

Schedule "B" - Square Feet

S-1	From zero	to	5,000 Square Feet	100.00
S-2	From 5,000	to	10,000 Square Feet	200.00
S-3	From 10,000	to	20,000 Square Feet	300.00
S-4	From 20,000	to	30,000 Square Feet	400.00
S-5	From 30,000	to	40,000 Square Feet	500.00
S-6	From 40,000	to	50,000 Square Feet	600.00
S-7	From 50,000	to	60,000 Square Feet	700.00
S-8	From 60,000	to	70,000 Square Feet	800.00
S-9	From 70,000	to	80,000 Square Feet	900.00
S-10	From 80,000	to	90,000 Square Feet	1,000.00
S-11	From 90,000	to	100,000 Square Feet	1,200.00
S-16	From 100,000 up - 1,200.00 plus $ .01 per square foot over 100,000			

Shedule "C" Electric Company

3% of the gross income in the Town of Valley Head during the previous year.

SECTION 24. Exchange of information.

(a) The license officer may exchange tax returns, information, records, and other documents secured by the municipality, with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with county or state authorities. The license officer may charge a reasonable fee for providing such information or documents. Any tax returns, information, records, or other documents so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under state or municipal law.

(b) Any such exchange shall be for one or more of the following purposes:

(1) Collecting taxes due.

(2) Ascertaining the amount of taxes due from any person.

(3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for, the payment of any tax to a state, county, or municipal agency.

(c) Nothing herein shall prohibit the use of tax returns or tax information by the municipality in the proper administration of any matter administered by the license officer. The license officer may also divulge to a purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor may be liable pursuant to the Code of Alabama section 40-23-25, 40-23-82, or 40-12-224.

SECTION 25. License fees in Police jurisdiction.

Any person, firm, association, or corporation engaged in any business outside the municipality but within the police jurisdiction hereof shall pay one-half of the amount of the license imposed for like business within the municipality.

SECTION 26. Effective date.

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

SECTION 27. Severability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 28. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted: 11 / 13 / 2007

Harold Carter

Mayor

ATTESTED:

Myra Smith

Town Clerk

213000	**Mining support services** – for oil and gas mining activities, oil/gas wells,	250.00
221122	**Utilities** – electric power or light company	C
221210	**Utilities** – natural gas company	C
221310	**Utilities** – water, sewage treatment, steam, and other	C
236220	**Contractors** – general contractors, Comm. bldg, residential, subdivisions **(Must have State of Alabama License)**	150.00
237110	**Contractors** – heavy construction, highway, bridge, street, water, sewer, **(Must have State of Alabama License)**	150.00
238220	**Contractors** – specialty trade – plumbing, heating & air conditioning	125.00
238000	**Contractors** – specialty trade – painting and wall covering	125.00
238000	**Contractors** – specialty trade – electrical contractors **(Must have State of Alabama License)**	125.00
238000	**Contractors** – specialty trade – masonry and stone contractors	125.00
238000	**Contractors** – specialty trade – drywall, acoustical & insulation	125.00
238000	**Contractors** – specialty trade – tile, marble, terrazzo & mosaic	125.00
238000	**Contractors** – specialty trade – carpentry contractors	125.00
238000	**Contractors** – specialty trade – floor coverings/all types	125.00
238000	**Contractors** – specialty trade – roofing, siding & sheet metal	125.00
238000	**Contractors** – specialty trade – concrete contractors	125.00
238000	**Contractors** – specialty trade – water well drilling & irrigation	125.00
238000	**Contractors** – specialty trade – structural steel erection	125.00
238000	**Contractors** – specialty trade – glass and glazing contractors	125.00
238000	**Contractors** – specialty trade – excavation and site development	125.00
238000	**Contractors** – specialty trade – wrecking and demolition	125.00
237000	**Contractors** – specialty trade – building equipment & mechanical install	125.00
238000	**Contractors** – specialty trades contractors- non-general & non-heavy,	125.00
311000	**Food mfg** – meat, seafood, grain, fruit, dairy, animal, poultry processing,	100.00
313000	**Textile mfg** – fabric, yarn, carpet, canvas, rope, twine, fabric mills,	500.00
314000	**Other mfg** – mill operations not covered in 313, rugs, linen, curtains	250.00
315000	**Apparel mfg** – women, men, children, hosiery, lingerie outerwear, accessories,	250.00
316000	**Leather and allied products mfg** – shoes, luggage, handbag, related products, all footwear,	100.00
321000	**Wood mfg** – sawmills, wood preservation, veneer, trusses, millwork,	100.00
322000	**Paper mfg** – pulp, paper, and converted products, stationary, tubes, cores,	250.00
323000	**Printing** – screen, quick, digital, books, lithographic, handbills, comm.	125.00
324000	**Petroleum and coal mfg** – asphalt, grease, roofing, paving products,	125.00
325000	**Chemical mfg** – of fertilizer, wood, pesticide, paint, soap, and resin	125.00
326000	**Plastic & rubber mfg** – tires, pipe, hoses, belts, bottles, sheet, wrap, film,	100.00
327000	**Nonmetallic mfg** – clay, glass, cement, lime, pottery, ceramic, brick, tile,	100.00
331000	**Primary metal mfg** – iron, steel, aluminum, wire, copper, foundries	250.00
332000	**Metal fabrication** – cutlery, structural, ornamental, machine shops,	100.00
333000	**Machinery mfg** – office machinery, industrial, engines, farm, HVAC,	125.00
334000	**Computer & electronic mfg** – audio, video, circuit boards, peripherals,	250.00

State of Alabama
County of DeKalb
Town of Valley Head

Ordinance 2026-0202
To amend Ordinance 2022-0912

An Ordinance Amending the Business License Ordinance of
The Town of Valley Head, Alabama, adopted on
September 5th, 2017, and identified as Ordinance 2017-091,
Section 3, Subsection ©.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VALLEY HEAD, ALABAMA, THAT SECTION THREE, SUBSECTION © OF REFERENCED ORDINANCE SHALL READ AS FOLLOWS:

Section 3. License term; minimums

©. *Issuance Fee*: For each license issued there shall be an issuance fee collected of Fourteen Dollars ($14.00) and said issuance fee shall be collected in the same manner as the license tax.

APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF VALLEY HEAD, ALABAMA THIS 2nd Day of February, 2026.

Karen A Vest

Karen A. Vest, Mayor

2/2/2026

Date Signed

ATTEST:

Lora Wooten

Lora Wooten, Town Clerk