

COMMONWEALTH OF KENTUCKY
KENTON COUNTY FISCAL COURT
KENTON COUNTY, KENTUCKY

ORDINANCE NO. 226.17

AN ORDINANCE OF THE KENTON COUNTY FISCAL COURT, COUNTY OF KENTON, KENTUCKY, AMENDING ORDINANCES 78-6-1, 220.8, 223.0, 223.7, 225.19, 225.25, 225.48, ~~and 225.50~~, and 226.07, IMPOSING REGULATIONS AND LICENSE TAXES (FEES) ON THOSE ENGAGED IN FRANCHISES, TRADES, OCCUPATIONS, PROFESSIONS AND OTHER BUSINESSES IN KENTON COUNTY

WHEREAS, the Kenton County Fiscal Court desires to be in full compliance with the provisions of KRS 67.750 to 67.790 relating to certain previous amendments to ordinances of the County of Kenton in regard to the regulation and taxation of those engaged in franchises, trades, occupations, professions, and other businesses in the County and;

WHEREAS, the Kenton County Fiscal Court has determined that it is necessary to amend those Ordinances to provide for the same type of regulations and fees, but at a rate and in a manner whereby the assessment, payment and collection of those fees and the administration of those regulations is more efficient and aligned with Kenton County's budgetary needs and goal of achieving more parity between ad valorem and license tax revenues.

NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

Section I

The Kenton County Fiscal Court hereby amends Kenton County Ordinances 78-6-1, 220.8, 223.0, 223.7, 225.19, 225.25, 225.48, ~~and 225.50~~ and 226.07 as follows:

...

There is levied an Occupational License Tax (Fee) of ~~0.8%~~ 0.59% as authorized by KRS 68.197 and approved by the voters of Kenton County on November 7, 1978 and;

There is levied an Occupational License Tax (Fee) of **0.0731 %** as authorized by KRS 68.510-68.550 and approved by the voters of Kenton County on November 4, 1980 and;

There is levied an Occupational License Tax (Fee) of **0.0366 %** as authorized by KRS 68.510-68.550 and approved by the voters of Kenton County on November 4, 1986 and;

...

Section 4.0 BUSINESS TAXATION

...

4.2 Rate

The Occupational License Tax (Fee) that is levied and imposed by this ordinance is at the rate of:

4.2.1 Compensation

The occupational license tax (fee) shall be measured by ~~0.9097~~ **0.6997** % of the amount of all wages and compensation paid or payable in the County for work done or services performed or rendered in the County by every resident and nonresident who is an employee up to ~~fifty percent (50%)~~ of the maximum taxable earnings applicable to the Federal Social Security Program (Old Age, Survivors and Disability Insurance (OASDI)) as adjusted annually. ~~and 0.1097 % of the amount of all wages and compensation paid or payable in the County for work done or services performed or rendered in the County by every resident and nonresident who is an employee exceeding the aforementioned fifty percent (50%) cap, up to the maximum taxable earnings applicable to the Federal Social Security Program (OASDI) as adjusted annually.~~

4.2.2 Net Profit

The occupational license tax (fee) shall be measured by **0.9097** % of net profits up to fifty percent (50%) of the maximum taxable earnings applicable to the Federal Social Security Program (Old Age, Survivors and Disability Insurance (OASDI)) as adjusted annually and **0.1097** % of net profit exceeding the aforementioned fifty percent (50%) cap, up to the maximum taxable earnings applicable to the Federal Social Security Program (OASDI) as adjusted annually, for the net profit from business conducted in the County by a resident or nonresident business entity.

4.2.2 (A) Net Profit Exemption

Business Entities engaged in franchises, trades, occupations, professions, and other businesses in the County after January 1, 2024, will be exempt from paying a Net Profit occupational license tax (fee) subject to biannual review (every two years) of this exemption by the Fiscal Court. Even though exempt from paying the tax, Business Entities are still required to prepare and submit annual net profit schedules and forms as instructed at <https://www.kentoncounty.org/234/What-When-to-File>.

...

4.6 Purpose of Occupational License Fee

The purpose of the Occupational License Taxes (Fees) imposed and levied by this ordinance is to fund the general operating expenses of the County, including, without limitation, public transportation, mental health and intellectual disability services, senior services, and other general and administrative services or expenses.

...

Section II

Kenton County Ordinances 78-6-1, 220.8, 223.0, 223.7, 225.19, 225.25, 225.48, 225.50, 226.07 and any other ordinance(s) or parts of any ordinance(s) in conflict with the provisions of this ordinance are hereby amended to the extent of such conflict.

Section III

Should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance which shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section IV

That this Ordinance shall take effect and be in full force when passed, published, and recorded according to law, or January 1, 2024, whichever last occurs. Any ordinances, resolutions, or executive orders in conflict with any section of this Ordinance are hereby repealed or rescinded.

Adopted this _____ day of _____, 2023.

1st Reading – October 10th, 2023

2nd Reading - _____, 2023. Vote: _____, Yes, _____, No

Fiscal Court of Kenton County, Kentucky

By: _____
Kris Knochelmann, Judge/Executive

Attest:

Sue Kaiser, Fiscal Court Clerk