

ORDINANCE No. 288-16

AN ORDINANCE OF THE CITY OF PELHAM, ALABAMA AMENDING AND REPEALING CERTAIN SECTIONS OF CHAPTER 5 OF THE PELHAM, ALABAMA CODE OF ORDINANCES PERTAINING TO BUSINESS LICENSES

WHEREAS, the City of Pelham previously enacted a comprehensive business license ordinance codified in Chapter 5, Article 1, Section 5-1 of the City of Pelham, Alabama Code of Ordinances; and

WHEREAS, the previously enacted ordinance contained a repealer clause stating, "All ordinances or parts of ordinances in conflict with the provisions of this section are hereby repealed;" however, no specific code sections were explicitly repealed, leading to inconsistencies within the City of Pelham, Alabama Code of Ordinances; and

WHEREAS, the Pelham City Council seeks to correct these inconsistencies and make necessary updates to the business license ordinance for clarity and efficiency.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Pelham, Alabama as follows:

SECTION 1. REPEAL OF DUPLICATIVE AND INCONSISTENT SECTIONS

1. **Chapter 5, Article 1, Sections 5-2 Through 5-23** are hereby repealed and removed from the City of Pelham, Alabama Code of Ordinances. These sections shall be reserved for future use.
2. **Chapter 5, Article 3, Sections 5-40 Through 5-47** are hereby repealed and removed from the City of Pelham, Alabama Code of Ordinances. These sections shall be reserved for future use.
3. **Chapter 5, Article 1, Section 5-1 (27, Code 930) and (28), Schedule Y**, related to "Going Out of Business Sales," are hereby repealed and removed from the City of Pelham, Alabama Code of Ordinances.
4. **Chapter 5, Article 1, Section 5-1 (28), Schedule GG**, related to "Transit and Passenger Transportation," and all references to Schedule GG, are hereby repealed and removed from the City of Pelham, Alabama Code of Ordinances to be in compliance with recent state law changes.

SECTION 2. ORGANIZATIONAL CHANGES

1. **Chapter 5, Article 2, Section 5-37** is hereby moved to **Chapter 5, Article 1, Section 5-28** as an organizational, non-substantive change relocating the ABC licensing section.

SECTION 3. AMENDMENTS TO BUSINESS LICENSE SCHEDULES

1. **Chapter 5, Article 1, Section 5-1 (28), Schedule CC** is hereby amended to read:

"Substance and/or Drug Abuse Treatment Facility, Psychiatric Facility. \$100.00 plus one percent of gross receipts of such business or facility for all services, charges, and collections totaling annually between \$100,000.00 and \$15,000,000.00. No additional license fee shall be charged for gross receipts over \$15,000,000.00.

This license shall not be required of the office of a licensed practicing physician, psychiatrist, or psychologist who provides counseling, treatment, or evaluation for any substance, drug, or alcohol abuse or chemical dependency or any psychiatric, psychological, emotional, or behavioral problem or disorder as part of the general professional practice of such physician, psychiatrist, or psychologist, provided the practice does not provide overnight housing in conjunction with such services.

Please see the zoning ordinance for detailed use restrictions that may apply to these types of facilities."

2. **Chapter 5, Article 1, Section 5-1 (27), Lines 940 and 950** shall be consolidated into Line 940, labeled as **"Special Events, Short-Term and Seasonal Businesses,"** with Schedule

DD as the appropriate schedule. References to Schedule EE (Special Events) are hereby removed.

3. **Chapter 5, Article 1, Section 5-1 (28), Schedule DD** is hereby amended to read:

“Special Events, Short-Term and Seasonal Businesses - \$100.00 plus .075 percent of gross receipts between \$100,000.00 and \$15,000,000.00. No additional license for gross receipts over \$15,000,000.00.

This license applies to short-term or seasonal businesses held in venues designed for lease or rental and capable of handling the number of participants, vendors, parking, traffic, utilities, and public safety associated with certain events.

No special events, short-term or seasonal businesses, or structures integral to short-term or seasonal businesses shall be conducted without the issuance of a proper business license and the collection of all applicable taxes. The following information is required by the City of Pelham:

Please see the zoning ordinance for applicable regulations and permit requirements.”

4. **Chapter 5, Article 1, Section 5-1 (28), Schedule EE** is hereby repealed and removed from the City of Pelham, Alabama Code of Ordinances.

SECTION 4. ADMINISTRATIVE AUTHORIZATION

The City Clerk/Treasurer is authorized to renumber and reorganize sections as necessary to ensure clarity and consistency within the City of Pelham, Alabama Code of Ordinances following the adoption of this ordinance.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption and approval as required by law.

THEREUPON David Coram, a councilmember moved and Rick Wash, a council member seconded the motion that Ordinance No. 288-16 be given vote. The roll call vote on said motion was as follows:

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Councilmember	<u>Yes</u>
Chad Leverett, Councilmember	<u>Yes</u>
Rick Wash, Councilmember	<u>Yes</u>
Michael Harris, Jr., Councilmember	<u>Yes</u>

Ordinance No. 288-16 passed by a unanimous roll call vote of the Council and the President of the Council declared the same passed and adopted.

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ADOPTED this 21st day of April 2025.

Maurice Mercer, Council President

David Coram, Councilmember

Chad Leverett, Councilmember

Rick Wash, Councilmember

Michael Harris, Jr., Councilmember

[SEAL]

ATTEST

APPROVED:

Jonathan Seale, MMC, City Clerk/Treasurer

Gary W. Waters, Mayor Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk/Treasurer of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No. 288-16 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a regular meeting of such Council held on the 21st day of April 2025 and duly published by posting an exact copy thereof on the 22nd day of April 2025 at four public places within the City, including Pelham City Hall, Pelham Recreation Center, Pelham Water Works, the Pelham Public Library, and on the City’s website at www.pelhamalabama.gov. I further certify that said Ordinance is on file in the Office of the City Clerk/Treasurer and a copy of the full Ordinance may be obtained from the Office of the City Clerk/Treasurer during normal business hours.

Jonathan Seale, CMC, City Clerk/Treasurer

[SEAL]