

ORDINANCE NO. 17-247

**AMENDMENT OF ORD# 07-208, as amended, to comply with
Alabama Act 2017-415 concerning delivery licenses.**

Whereas, the Town of Coosada has adopted a business license code as set forth in Ordinance 07-208 as amended; and

Whereas the Town Council wishes to bring its business license code into conformity with newly enacted Alabama Act 2017 - 415 which revised the laws concerning municipal delivery licenses.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COOSADA, ALABAMA AS FOLLOWS:

SECTION I. ORDINANCE NO. 07-208, as amended, is hereby amended to delete **Section 21** in its entirety and place in its stead the following:

SECTION 21. Delivery License

(a) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus the issuance fee of \$10.00, 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) 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} during the license year;
- (5) 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;
- {6} If at any time during the current license year the taxpayer fails to meet any of the above 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) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax or a delivery 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 {\$75,000} limitation described in the preceding section if

the taxpayer also during the same license years 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) A taxpayer that otherwise meets the criteria for the purchase of a delivery license pursuant to subsections {a) and {b) is not required to purchase a delivery license or a regular business license if the following criteria apply: (1) The taxpayer's gross receipts that are derived from within the municipality or its police jurisdiction do not exceed ten thousand dollars (\$10,000) during the year; and (2) the taxpayer has no other physical presence within the municipality or its police jurisdiction during the year. Any other taxpayer that meets the criteria for the purchase of a delivery license, as provided in subsections {a) and {b), and meets those criteria during the current license year as well, shall purchase either a delivery license or regular business license otherwise applicable to the taxpayer, at its option.

{e) The purchase of a delivery license or the exemption from the purchase of a delivery license pursuant to subsection {d) shall not, in and of itself, establish a 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

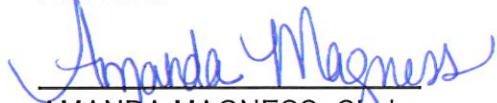
of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

(f) If at any time during the current license year the taxpayer fails to meet the criteria specified in subsections (a), (b) or (d), then within 45 days after any of the criteria have been violated or exceeded, the taxpayer shall purchase a business delivery license or other appropriate license from the municipality and may be subject to a penalty not to exceed ten dollars (\$10).

ADOPTED AND APPROVED THIS 14th DAY OF November, 2017.


CONNIE HAND, Mayor
Town of Coosada

ATTEST:


AMANDA MAGNESS, Clerk
Town of Coosada