

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: INSURANCE COMPANIES

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Statutory reference:

Adjustments for overpayment, underpayment, or nonpayment, see KRS 91A.0804

§ 110.01 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis.

§ 110.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.

The license fee or tax imposed by a city upon each insurance company with respect to life insurance policies may be based upon the first year's premiums, and if so based, shall be applied to the amount of the premiums actually collected within each calendar quarter upon the lives of persons residing within the corporate limits of the city.

(KRS 91A.080(2))

§ 110.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

(A) The license fee or tax imposed upon each insurance company with respect to any policy which is not a life insurance policy shall be based upon the premiums actually collected by the insurance company within each calendar quarter on risks located within the corporate limits of the city on those classes of business which the insurance company is authorized to transact, less all premiums returned to policyholders.

(KRS 91A.080(3))

(B) The license fee or tax shall also not apply to premiums received on:

(1) Policies of group health insurance provided for state employees under KRS 18A.225;

(2) Policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS Chapter 342;

(3) Health insurance policies issued to individuals;

(4) Policies issued through Kentucky Access created in Subtitle 17B of KRS Chapter 304;

(5) Policies for high deductible health plans as defined in 26 U.S.C. § 223(c)(2); or

(6) Multi-state surplus lines, defined as non-admitted insurance as provided in Title V, Subtitle B, the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. no. 111-203.

(KRS 91A.080(10))

(C) No license fee or tax imposed under this section shall apply to premiums paid to insurers of municipal bonds, leases, or other debt instruments issued by or on behalf of a city, county, charter county government, urban-county government, consolidated local government, special district, nonprofit corporation, or other political subdivision of the Commonwealth. However, this exemption shall not apply if the bonds, leases, or other debt instruments are issued for profit or on behalf of for-profit or private organizations.

(KRS 91A.080(13))

§ 110.04 DUE DATE; INTEREST AND REFUNDS.

(A) All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter.

(KRS 91A.080(8))

(B) (1) Any insurance company or agent that overpays any license fee or tax to a city shall be refunded the amount overpaid. If it is determined that an insurance company or agent paid a license fee or tax to a city based upon premiums collected upon lives or risks which are discovered to be located outside the legal corporate limits of the city which was paid the license fee or tax, the insurance company or agent shall be refunded those license fees and taxes within 90 days of notice to the city paid.

(2) License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until paid.

(KRS 91A.080(9))

§ 110.05 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

(A) Casualty;

(B) Automobile;

(C) Inland marine;

(D) Fire and allied perils;

(E) Health; and

(F) Life.

(KRS 91A.080(8))

CHAPTER 111: FRANCHISES

Section

111.01 Electric and gas franchise

111.99 Penalty

Cross reference:

Cable television franchise and renewal, see T.S.O. I, Franchises

§ 111.01 ELECTRIC AND GAS FRANCHISE.

(A) There is hereby created a franchise for the erection of poles and for stringing, laying, and maintaining overhead and underground wires and cables for the transmission, distribution, and sale of electricity together with all appurtenant facilities and equipment; and for installing, laying, and maintaining gas pipes for the transmission, distribution, and sale of gas together with all appurtenant facilities and equipment in, along, under, and across the public ways, roads, streets, alleys, and other public places in the city; and for constructing the necessary conduits and manholes for the installation of said wires, pipes, facilities, and equipment; and for selling electricity and gas by means of said facilities. Such gas or electricity may be conveyed through the said city and to any other town or to any portion of the county or to any other county.

(B) The person, firm, or corporation which shall become the purchaser of this franchise, or any successor or assignee of such person, shall for brevity hereinafter be spoken of as the company herein, and the public ways, roads, streets, alleys, and other public places of the city, shall for brevity hereafter be spoken of herein as the streets.

(C) The company acquiring this franchise shall have the right to erect, install, and maintain poles, cables, and conduits in, along, under, across, and over the said streets, and to install, string, lay, and maintain wires thereon and thereunder together with all related facilities and equipment; for the transmission, distribution, and sale of electric energy, and the company shall also have the privilege of installing, laying, and maintaining gas mains and pipes, together with all related facilities and equipment, in, along, under, and across the said streets, and to transmit and sell gas through said pipes. The company shall also have the right to use the streets with its service and maintenance vehicles and equipment in furtherance of this franchise. Before beginning the construction of any new line of pipes, poles, or conduits under this franchise, the company shall prepare a plat showing the construction of the work to be done and a brief description showing the manner in which it is to be done, and which plans and specifications shall be presented to the City Commission for approval by it. After the work is

completed, the City Commission shall have the right to examine it and in case it finds that the work has not been done in accordance with the plans and specifications approved by it, the company shall, at its own expense, make such changes as will cause the work to conform to the plans and specifications approved by the Board. The work shall be done in a workmanlike manner and so as not to unnecessarily interfere with the public use of any of said streets. Wherever the surface of any street is opened, it must be restored at the expense of the company within a reasonable time to as good condition as it was prior to the opening thereof.

(D) The company acquiring this franchise, and its successors and assigns, shall indemnify the city, for any and all damage that may legally arise from the presence or operation of its pipes, poles, wires, or appliances so constructed or maintained on or along said streets, and defend all actions which may be brought against the said city by reason of or arising out of the construction or operation of said gas and electric lines.

(E) The franchise hereby created shall continue for a period of 20 years from and after the date the same shall become effective, but it is not exclusive, and the city reserves the right to sell similar franchises to others.

(F) It shall be the duty of the Clerk of said city as soon as practicable after the passage of this chapter to advertise the sale of the franchise as herein set out for a period of ten days by written or printed notice posted in three of the most conspicuous places in said city, and advertise the sale of the franchise once a week for three successive weeks in the *Louisville Times* so that the final publication shall appear not later than two days before the day on which the sale will occur and not sooner than some day during the week preceding the week in which the sale shall take place. Said notice and newspaper advertisement shall state when said Clerk shall sell said franchise at public auction to the highest and best bidder, giving the time and place of sale. In said advertisement and notice, the right of the City Commission to reject any and all bids shall be reserved. The newspaper publication shall describe the franchise to be sold and any special provisions. The Clerk shall sell said franchise in accordance with said notice and advertisement. Said City Commission may accept that bid which in its judgment is the highest and best. No bid shall be accepted of less than \$50, which amount is fixed as the upset price for said franchise. The bidder to whom said franchise or privilege shall be awarded shall, within ten days after the acceptance of its bid by the City Commission, pay the amount of said bid to the Treasurer of said city.

(G) In case the successful bidder for said franchise shall fail within 30 days after its bid shall have been accepted to comply with the provisions of this chapter, the Clerk of said city shall again advertise said franchise for sale in the manner in which the first sale was made, and shall again sell said franchise in the manner and upon the same conditions and requirements as the original sale of said franchise was made, except that no sale be made to the bidder who had failed to perform the terms of said first sale.

(H) The company agrees to charge such rate or rates as may from time to time be fixed by the Public Service Commission of the commonwealth or any successor regulatory body.

(1997 Code, § 451.0) (Ord. 62, Series 1975, passed - -) Penalty, see § 111.99

§ 111.99 PENALTY.

Any person violating the provisions of § 111.01 shall be deemed guilty of a misdemeanor and shall, upon conviction, be given a punishment by fine of not less than \$10 nor more than \$50.
(1997 Code, § 490.1)

CHAPTER 112: ADVERTISING

Section

- 112.01 Definitions
- 112.02 Compliance with chapter required
- 112.03 Scattering, littering prohibited
- 112.04 Posting on trees, poles, or buildings
- 112.05 Placing posters on vehicles
- 112.06 Crying aloud; carrying banners or signs

- 112.99 Penalty

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISING MATTER. Any written or printed card, circular, coupon, pamphlet, or folder intended for general distribution, except newspapers.

SAMPLE. Any package or parcel of merchandise intended for general distribution, and for which no charge is made.

§ 112.02 COMPLIANCE WITH CHAPTER REQUIRED.

It shall be unlawful for any person to distribute any advertising matter, circular, or sample in the city, except as provided in this chapter.

Penalty, see § 112.99

§ 112.03 SCATTERING, LITTERING PROHIBITED.

(A) No person shall throw, scatter, or distribute, or cause to be thrown, scattered, distributed, or placed, any poster, sign, card, pamphlet, sample of merchandise, or other advertising device upon any sidewalk, street, lane, alley, public ground, or other public place, or upon any private lot or steps, or throw into or upon or attach to any vehicle any advertising matter or sample within the corporate limits

of the city; provided, that it shall not be unlawful to distribute such advertising matter or samples to private residences, offices, or mercantile establishments, if the same is handed in at the door, or placed on a porch, or securely fastened to prevent it from being blown or scattered about.

(B) It shall be unlawful for any person when removing any old poster, card, or other advertising device to leave or deposit the same upon any public or private sidewalk, street, alley, lot, or ground within the corporate limits of the city.

Penalty, see § 112.99

§ 112.04 POSTING ON TREES, POLES, OR BUILDINGS.

(A) It shall be unlawful for any person to post, paste, or in any way attach or affix any bill, notice, announcement, or other advertisement to any tree located in any alley, street, or other public place in the city, or upon or to any pole used for telegraph, telephone, electric light, fire alarm, or any other purpose as authorized by the City Commission; provided, that the provisions of this section shall not apply to the posting of any notice or order of any court nor to the posting of any legal notice required or authorized by law.

(B) It shall be unlawful for any person to paste, paint, place, or fasten in any manner, any poster, sign, card, sample package, or other advertising matter or device onto any public sidewalk, curb, or pavement, or onto any public building or other public improvement within the city.

Penalty, see § 112.99

§ 112.05 PLACING POSTERS ON VEHICLES.

It shall be unlawful for any person to place or deposit or in any manner to affix or cause to be placed or deposited or affixed to any automobile or other vehicle or other automotive vehicle, any handbill, sign, poster, advertisement, or notice of any kind whatsoever, unless he or she is the owner thereof, or without first having secured in writing the consent of the owner thereof.

Penalty, see § 112.99

§ 112.06 CRYING ALOUD; CARRYING BANNERS OR SIGNS.

It shall be unlawful for any person to cry aloud upon the streets or in the doorways of any place of business along the street advertising any commercial business whatever, or carry or have carried along and over the streets of the city, any signs, banners, or displays of any kind or description intended to advertise any commercial business.

Penalty, see § 112.99

§ 112.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$500.

