

**AN ORDINANCE LICENSING BUSINESSES
AND SETTING FEES THEREFOR;
AND FOR OTHER PURPOSES.**

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RECORDED

WHEREAS, the City Council of Tontitown, Arkansas deems it necessary to insure adequate fire protection, and to insure the safety of the City water system for it's growing population and for the purposes of promoting the health, safety, and general welfare of the citizens of Tontitown, Arkansas; and

WHEREAS, the Tontitown City council has prepared an ordinance which provides for the procedure and regulation for the licensing of businesses within the city limits, in order to identify the location of all commercial operations, any potential fire hazards, or the potential contamination of the water supply that may be associated with businesses.

NOW THEREFORE BE IT ORDAINED by the City Council of Tontitown, Arkansas, in regular session assembled, as follows:

Section I. In order to anticipate the needs of emergency personnel, to protect the City Water System from contamination resulting from cross connections, to provide more efficient fire protection, identify the location of all commercial operations, and determine the legality of business activities, a license shall hereafter be required of any person, firm, individual or corporation who shall engage in, carry on, or follow any trade, business, profession, vocation or calling, within the corporate limits of the City of Tontitown, Arkansas.

Section II. Applications for all licenses required by this ordinance shall be made in writing to the Code Enforcement Officer or the Recorder/Treasurer. Each application shall state the name of the applicant, the names of all owners, all names used in business, State and Federal Tax Identification Numbers, address of principal location, addresses of all annexes or any other buildings related to business, the number of buildings occupying each address, the number of individuals employed at each address, the type of business, type of materials used or stored at each address, the time covered and the fee to be paid; and each application shall contain any such additional information as may be needed for the proper guidance of the city officials in issuing the license applied for.

Section III. Any person, partnership, corporation or other entity shall be subject to the requirements of this ordinance if by himself or through an agent, employee or partner, he holds himself forth as being engaged in a business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the City.

Section IV. Any person, partnership, corporation or other entity having more than one place of business within the city shall obtain a license for each place of business. For the purpose of construing this ordinance, more than one place of business shall mean any business operations conducted within two or more separate buildings or upon two or more separate tracts of real estate.

Section V. All applications required hereunder shall be kept and filed by the Code Enforcement Officer, or Recorder/Treasurer, and bear the signature of either.

Section VI. All fees and charges for licenses shall be paid at the time application is made. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. All license fees shall become part of the City General Fund.

Section VII. All licenses shall terminated on June 30 of each year. The Code Enforcement Officer or Recorder/Treasurer shall publish a notice in a newspaper of general circulation indicating the expiration date of city licenses. Said publication shall occur no less than three weeks prior to the date of such expiration. Failure to publish such notice or the failure of the licensee to have actual knowledge of such notice shall not excuse the licensee from obtaining a new license or a renewal thereof, nor shall it be a defense in an action for operation without a license.

Section VIII. No license shall be issued for the conduct of any business, if the premises and building to be used for the purpose does not fully comply with the requirements of all City Ordinances. No such license shall be issued for the conduct of any business or performance of any act, which would involve a violation of any City ordinances or State statutes.

Section IX. The location of any licensed business or occupation, or of any permitted act, may be changed. Provided that ten days notice thereof is given to the Code Enforcement Officer. All building, zoning, and other ordinances of the City of Tontitown shall be complied with.

Section X. No business, licensed or not, shall be so conducted or operated as to constitute a nuisance in fact.

Section XI. Whenever inspections of the premises used for, or in connection with the operation of a licensed business or occupation are required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision, or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer of the city who is authorized or directed to make such inspections at any reasonable time.

Section XII. It shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times. The holder of a license shall show the license to any officer or agent of the city upon request.

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Section XIII. Any person, firm, partnership or corporation who shall engage in, carry on, or follow any trade, business, profession, vocation or calling within the corporate limits of the City of Tontitown, shall pay an annual license fee of \$20.00 per year plus \$2.50 for each of the first twenty-five employees, and \$1.00 for each employee thereafter. The maximum fee to be paid by any licensee under this ordinance shall be \$150.50 per year. The number of employees upon which charge shall be based shall be the average number employed by the applicant during the preceding calendar year. It shall be the duty of the Code Enforcement Officer to determine the number of employees upon which to base said fee and the Code Enforcement Officer shall require of all applicants an affidavit stating the number of employees upon which such a fee shall be paid. In addition, the Code Enforcement Officer may require other proof in order to correctly determine the number of employees upon which the license fee shall be based.

Section XIV. An employee, for the purpose of construing this Ordinance only, is any partner, corporate officer or other individual who receives any direct or indirect compensation from any entity subject to the licensing under Section III of this Ordinance.

EXCEPTION: The sole proprietor of any unincorporated business is not an employee within the meaning of this ordinance and shall not be counted for the purpose of computing the number of employees upon which the amount of any license fee shall be based.

Section XV. A license issued under this Ordinance shall not be transferable.

Section XVI. The provisions contained herein do not affect the following existing ordinances:

- (a) Any ordinance regulating, taxing, or licensing businesses, which manufacture, distribute or sell beer, wine or liquor.
- (b) Ordinances licensing, regulating or controlling the operation of mobile home parks.
- (c) Any franchise ordinance specifically including, but not being limited to, utilities, sanitation service, and telephone service.

Section XVII. Penalty. Any person violating any provision of this ordinance, upon conviction shall be fined a sum of not less than the amount of the license fee provided for, nor more than double such amount for each offense. Each day of violation shall constitute a separate and distinct offense.

Section XVIII. Conflict with Statutes. This Ordinance shall not be construed to alter, change or regulate in any unlawful way any business, trade, occupation, profession or vocation regulated or governed by the laws of the State of Arkansas when such laws are in conflict with the provisions herein.

Section XIX. If a court of competent jurisdiction finds any section, paragraph, clause, phrase, or part of this ordinance invalid, such decision shall not affect the validity of the remaining provisions of this ordinance, and the application of said provisions to any person or circumstances shall not be affected thereby.

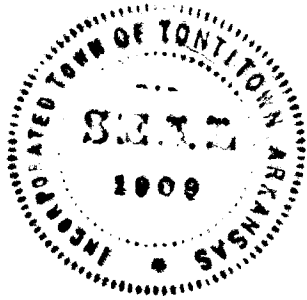
Section XX. All ordinances or parts of ordinances of the City of Tontitown, Arkansas in conflict herewith are specifically repealed, only to the extent of the conflict.

PASSED AND APPROVED this 4th day of April, ~~1999~~ 2000

Daniel R. Watson
MAYOR

ATTEST:

Frances Froneo
RECORDER/TREASURER



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