

ORDINANCE NO. 2017-08-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 110.99 PENALTY OF CHAPTER 110: GENERAL LICENSING PROVISIONS OF THE TONTITOWN MUNICIPAL CODE IN IN ITS ENTIRETY, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, on or about April 4, 2000, the City Council of Tontitown adopted Ordinance No. 141A to provide for penalties in the event of late business license payments to the city and said Ordinance No. 141A, as it has been amended from time to time and was thereafter codified within Chapter 110: GENERAL LICENSING PROVISIONS in the Tontitown Municipal Code; and

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Section 110.99 PENALTY of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 110.99 PENALTY of Chapter 110: GENERAL LICENSING PROVISIONS, of the Tontitown Municipal Code should be revised and amended, as set forth herein below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. Section 110.99 PENALTY of Chapter 110: GENERAL LICENSING PROVISIONS, of the Tontitown Municipal Code is hereby revised, and shall now read as follows:

(A) Any person or entity violating any provision of this chapter, 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.

(B) Provided, however, that any person or entity who continues to operate or conduct its business without the required license after having said license revoked or suspended, or after service of a Notice to Cease and Desist, upon conviction, shall be fined not less than \$500 and not more than \$1,000 for each offense, with each day of violation constituting a separate and distinct offense.

(C) If a business entity continues to operate without a valid and current City of Tontitown Business License for a period of one week after service of a Notice of Cease and Desist of the operation of a business without a license, the Mayor may order the withholding of all city services including water, sewer and solid waste for the business premises.

Section 2. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 3. Declaration of Emergency. It is hereby found and determined that Section 110.99 PENALTY of Chapter 110: GENERAL LICENSING PROVISIONS, of the Tontitown Municipal Code should be immediately amended in order to clarify and amend the penalties for late business license payments to the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this _____ day of August, 2017.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer