



Business License Number: _____
 *Fee Calculated: _____
 Date Paid: _____
 Amount Paid: _____
 Receipt Number: _____

Business License Renewal

Applicant Name: _____ Date: _____

Business Name: _____
Business Type: _____ **Owner Name(s):** _____
 (*See Types and Fees at Bottom of Page)

Business Telephone: _____ **Email Address:** _____
 All Names Used in Business: _____
 Arkansas Tax ID: _____ Federal Tax ID: _____

Principle Business Address: _____
 City: _____ State: _____ Zip Code: _____
 Building Annexes or Related Buildings? Yes ___ No ___ If Yes, How Many? _____
Primary Annex Address: _____
 City: _____ State: _____ Zip Code: _____
Business Mailing Address: _____
 City: _____ State: _____ Zip Code: _____

Does Business Store and/or Use Flammable, Hazardous, Explosive Materials: **Yes** ___ **No** ___
 If Yes, Provide Material Type(s): _____

LICENSE FEES

IMPORTANT: Select One Business Type Below and Calculate Your License Fee Amount

Tax Exempt Church ___ **\$5.00** Manufacturing ___ Sales ___ Professional Services ___ Transportation ___
 Other (Except Types Listed Below) _____
 *\$50.00, plus \$5.00 for each employee or owner working 25 hours or more per week **EMPLOYEE TOTAL** _____

Accountant ___ Advertising Agency ___ Architectural ___ Attorney ___ Bank, Savings and Loan Association ___
 Bail Bonding Firm ___ Engineering ___ Funeral Director/Undertaker ___ Medical Professional (all members) ___
 Insurance Agency/Broker ___ Stock and/or Investment Broker ___ Pharmacist ___ Real Estate Broker/Agency ___
 *\$75.00, plus \$10.00 for each employee working a minimum of 25 hours per week **EMPLOYEE TOTAL** _____

Restaurants, Cafes, Diners, Cafeterias, Delicatessens or any place where food is prepared and served to the public
 *Less than 10 Seats ___ \$50.00, 10 to 25 Seats ___ \$75.00, 26 to 75 Seats ___ \$100.00, Over 75 Seats ___ \$150.00

Motel, Hotel, Boardinghouse, Rooming House, Mobile Home Park, Apartment, and Catalog House
 *1 to 6 Units ___ \$50.00, plus \$5.00 for each additional unit thereafter
 *Catalog House, with Principal Sales Fulfillment Orders from Out-of-Town Warehouses ___ \$300.00

Self-Service Storage *1 to 6 Units ___ \$50.00 plus \$1.00 each additional unit thereafter

"By my signature, I certify the number of employees, for which the base fee is applied, is true and correct." Business Owner/Representative Signature: _____ Date: _____

Approved by: _____ Title: _____ Date: _____

Tontitown, AR Code of Ordinances

[TITLE XI: BUSINESS REGULATIONS](#)[CHAPTER 110: GENERAL LICENSING PROVISIONS](#)

CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

- [110.01](#) Purpose
- [110.02](#) Applications for licenses and suspension or revocation
- [110.03](#) Application of provisions
- [110.04](#) Licenses required for each place of business
- [110.05](#) License fees
- [110.06](#) Termination of licenses on June 30 of each year
- [110.07](#) No license issued if business doesn't comply with city requirements
- [110.08](#) Change of location of licensed business
- [110.09](#) Nuisances
- [110.10](#) Inspections
- [110.11](#) Posting of license
- [110.12](#) Employees
- [110.13](#) Licenses nontransferable
- [110.14](#) Exceptions to provisions
- [110.15](#) Conflicts
- [110.99](#) Penalty

§ 110.01 PURPOSE.

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.

(Ord. 141A, passed 4-4-00)

§ 110.02 APPLICATIONS FOR LICENSES AND SUSPENSION OR REVOCATION.

(A) Applications for all licenses required by this chapter 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.

(B) All applications required hereunder shall be kept and filed by the Code Enforcement Officer or Recorder/Treasurer and bear the signature of either.

(C) (1) Any person or entity which is granted a license under this chapter of the city. Arkansas Code of Ordinances may have said license revoked or suspended if the City Council determines, after a hearing, that the business is being operated or conducted so as to constitute a

nuisance in fact, is not complying with state statutes or city ordinances, or is being operated or conducted in such a manner so as to endanger the public health, safety, peace or welfare.

(2) At the hearing to consider revocation or suspension of the license, the license holder shall be entitled to reasonable notice, an opportunity to be represented by an attorney, an opportunity to present evidence and witnesses on its behalf, and an opportunity to question any other witness who testifies. To serve purposes of economy and to preserve public resources, if a hearing meeting these requirements was held prior to the adoption of this section but not more than 60 days prior to any decision by the City Council to revoke or suspend a license, said hearing shall be sufficient to meet the hearing requirements of this chapter. An additional hearing is not required, and the City Council may consider the evidence received at said hearing when considering whether to revoke or suspend a license. Nothing in this chapter shall invalidate action by the City Council with regards to revocation or suspension of any license taken prior to the effective date of this chapter.

(3) Any business or former license holder whose license granted under this chapter is revoked or suspended may not operate or conduct said business within the city limits, until such time as the license is reinstated or a new license is issued. In addition to any other remedy, fine, or enforcement available to the city, if any business or other license holder continues to operate or conduct business in the city limits, without the required license following revocation or suspension of said license, the city may seek an injunction in a court of competent jurisdiction to prevent the former license holder from operating without a license.

(4) Any business which operates or conducts business within the city limits without the license required by this chapter may, upon majority vote of the City Council, be issued a Notice to Cease and Desist. Such Notice shall be issued by the Code Enforcement Officer or Recorder/Treasurer as directed by the City Council and served upon the business by personal delivery to the owner of the business or managing agent of the business or by placing a copy of the Notice on the door of the business. In addition to any other remedy, due, or enforcement available to the city, if any business continues to operate or conduct business in the city limits, without the required license following service of the Notice, the city may seek an injunction in a court of competent jurisdiction to prevent the business from operating without a license.

(Ord. 141A, passed 4-4-00; Am. Ord. 2012-01-03-386, passed 1-3-12)

§ 110.03 APPLICATION OF PROVISIONS.

(A) Any person, partnership, corporation or other entity shall be subject to the requirements of this chapter if by himself or herself or through an agent, employee or partner, he or she holds himself or herself forth as being engaged in a business or occupation, solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the city.

(B) As used in this chapter, the term "business" shall include any business, trade, vocation, occupation, profession, calling or enterprise.

(Ord. 141A, passed 4-4-00; Am. Ord. 2012-01-03-386, passed 1-3-12)

§ 110.04 LICENSES REQUIRED FOR EACH PLACE OF BUSINESS.

(A) Any person, partnership, corporation or other entity operating and having a place of business within the corporate limits of the city shall obtain a license for each place of business. A person, partnership, corporation or other entity operating and having a place of business within the corporate limits of the city shall not be required to have a business license if:

(1) Services are not provided at the residence which would require customers to travel to said residence for business purposes; and

(2) The business does not have any employees other than the owner of said entity, partnership, and/or corporation.

(B) For the purpose of construing this chapter, ***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.

(C) Any person, partnership, corporation or other entity operating and having a business operated out of their residence is required to have requested a home occupation permit which will require a fee of \$50.

(D) All non profit organizations, as defined and recognized by the Internal Revenue Service, must apply for a business license and the fee associated with this application shall be \$5.

(E) Additionally, every applicant requesting a business license is required to provide evidence of proper zoning for the use and scope of the intended business on the property prior to receiving a business license.

(Ord. 141A, passed 4-4-00; Am. Ord. 2010-10-359, passed 10-5-2010)

§ 110.05 LICENSE FEES.

(A) 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.

(B) The licensing fees as provided in this section shall be paid by the person or persons engaging in any business, occupation or profession inside the corporate limits of the city.

(1) Manufacturing, sales, professional services, transportation, and any other business, except for the types of businesses listed below, shall be charged a fee of \$50 per business and \$5 for each employee or owner working 25 hours or more per week.

(a) If an agency or broker allows salespersons to sell under the agency's auspices with office space, but does not consider them to be employees, the agency shall collect the appropriate licensing fee from the salespersons and remit it at the same time they remit the licensing fee due from the agency.

(b) Accountants, advertising agencies, architects, attorneys, banks, savings and loan associations, bail bonding firms, engineers, funeral directors or undertakers, medical profession (all members), insurance agents/brokers, stock and/or investment brokers, pharmacists, real estate brokers and agencies: \$75, plus \$10 for each employee working a minimum of 25 hours per week.

(2) Food and lodging.

(a) Restaurants, cafes, diners, cafeterias, delicatessens or any place where food is prepared and served to the public:

1. Minimum: \$50
2. 10 to 25 seats: \$75
3. 26 to 75 seats: \$100
4. Over 75 seats: \$150

(b) Motels, hotels, boardinghouses, rooming houses, mobile home parks and apartments:

1. 1 to 6 units: \$50
2. Plus each additional unit thereafter: \$5
3. Catalogue houses whose principal sales are by fulfillment of orders from out-of- town warehouses: \$300

4. Self-service storage units:

- A. 1 to 6 units: \$50
- B. Plus each additional unit thereafter: \$1

(3) The number of employees upon which the charge shall be based shall be the average number employed by the applicant. The fee shall be prorated at the rate of 1/12 of the annual fee

per month for the months remaining in the current year of the initial fee. 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.

(Ord. 141A, passed 4-4-00; Am. Ord. 2006-06-261, passed 6-15-06)

§ 110.06 TERMINATION OF LICENSES ON JUNE 30 OF EACH YEAR.

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. The 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.

(Ord. 141A, passed 4-4-00)

§ 110.07 NO LICENSE ISSUED IF BUSINESS DOESN'T COMPLY WITH CITY REQUIREMENTS.

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.

(Ord. 141A, passed 4-4-00)

§ 110.08 CHANGE OF LOCATION OF LICENSED BUSINESS.

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.

(Ord. 141A, passed 4-4-00)

§ 110.09 NUISANCES.

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

(Ord. 141A, passed 4-4-00)

§ 110.10 INSPECTIONS.

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.

(Ord. 141A, passed 4-4-00)

§ 110.11 POSTING OF LICENSE.

It shall be the duty of any person conducting a licensed business in the city to keep his or her 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.

(Ord. 141A, passed 4-4-00)

§ 110.12 EMPLOYEES.

(A) *Definition.* **EMPLOYEE**, for the purpose of construing this chapter only, is any partner, corporate officer or other individual who receives any direct or indirect compensation from any entity subject to the licensing under § [110.03](#).

(B) *Exception.* The sole proprietor of any unincorporated business is not an employee within the meaning of this chapter 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.

(Ord. 141A, passed 4-4-00)

§ 110.13 LICENSES NONTRANSFERABLE.

A license issued under this chapter shall not be transferable.

(Ord. 141A, passed 4-4-00)

§ 110.14 EXCEPTIONS TO PROVISIONS.

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.

(Ord. 141A, passed 4-4-00)

§ 110.15 CONFLICTS.

This chapter 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.

(Ord. 141A, passed 4-4-00)

§ 110.99 PENALTY.

(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.

(Ord. 141A, passed 4-4-00; Am. Ord. 2012-01-03-386, passed 1-3-12)

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

© 2015 American Legal Publishing Corporation
techsupport@amlegal.com
1.800.445.5588.