EXHIBIT
A

§ 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 city on using an application form that is provided by the City of Tontitown for that purpose. 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 Community Development Director or designee with the city planning department and bear the signature of the appropriate designated official.

(C) (1) Any person or entity which is granted a license under this chapter may have said license revoked or suspended if the Community Development Director or designee has reason to believe that grounds exist to justify the suspension or revocation of a business license. Such grounds that could support the suspension or revocation of a license include:

(a) The license holder is operating the business in a dangerously unsanitary or unhealthy manner, or in such a manner as to unreasonably and adversely affect the peace, health or safety of neighbors or others in the city.

(b) The premises are a fire hazard or otherwise unsafe for occupancy because of violations of building, property maintenance or fire codes.

(c) The business is being operated in violation of any federal, state or local law or regulation, including city ordinances and regulations, or has had a necessary state or city license suspended or revoked.

(d) The business license was procured through fraud or misrepresentation.

(2) If the Community Development Director or designee has reason to believe the grounds exist that could justify the suspension or revocation of a license, a letter sent by first class mail shall be sent to the business mailing address shown on the application notifying the business owner of the possible grounds to suspend or revoke the license and notifying the business of the time and place of a due process hearing which shall be set not less than five days and no more than ten days of the date of the letter.

(3) The Mayor shall designate the appropriate city official or agent as the hearing officer to conduct the due process hearing, and this official or agent shall receive and hear

evidence from city employees or others regarding the grounds to suspend or revoke the license. The license holder shall be provided a reasonable opportunity to explain or provide evidence to rebut any allegations and to show why the license should not be suspended or revoked. The hearing officer shall then make one of the following determinations based on the severity of the allegations:

(a) Revoke the license.

(b) Suspend the license for not more than 30 days.

(c) Place the license in probation statute for not more than 90 days on condition that the grounds leading to the due process hearing will be remedied by the business owner and not allowed to reoccur. If the business is found to be compliance with the terms of the probation, the probation status shall be lifted by the hearing officer and no further action shall be taken. If the hearing officer determines that the business has failed to be in compliance with the terms of the probation or if new grounds for suspension or revocation have occurred, the hearing officer shall conduct a second due process hearing and consider all previous evidence, hear new any evidence, and shall provide the license holder a reasonable opportunity to explain or provide evidence to rebut the allegations. At the conclusion of the second due process hearing, the hearing officer shall decide whether or not the license shall be suspended or revoked.

(d) Refuse to revoke or suspend the license.

(4) Any person or entity whose license has been suspended or revoked may appeal such suspension or revocation to the City Council by providing a letter to the City Clerk-Treasurer for the City Council to review the decision within ten days of the issuance of the suspension or revocation. The City Council shall then hear the appeal at the next available City Council meeting following the receipt of the appeal. The license holder shall be notified by first class mail of the date and time of the hearing and shall be afforded a reasonable opportunity to present evidence, testimony and to provide explanations to the City Council on whether or not the license should be suspended, revoked or that no suspension or revocation is warranted.

(5) 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.

(6) Any business which operates or conducts business within the city limits without the license required by this chapter may be issued a Notice to Cease and Desist. Such Notice to Cease and Desist shall be issued by the Community Development Director or designee

and sent by first class mail shall be sent to the business mailing address shown on the application. The Notice of Cease and Desist may also be provided by to the business by personal delivery to the owner of the business or managing agent of the business as noted on the application, 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 or 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; Am. Ord. 2022-08-997, passed 8-1-22)