

**ORDINANCE NUMBER 0-2019-08**

**BUSINESS LICENSE FEE**

**AN ORDINANCE REPLACING CITY OF WARD ORDINANCE O-00497; AN ORDINANCE ESTABLISHING ANNUAL FEE UPON THE PRIVILEGE TO ENGAGE IN BUSINESS, TRADE OCCUPATIONS, VOCATIONS, OR PROFESSION; AND PRESCRIBING MATTERS RELATING THERETO.**

**WHEREAS**, A.C.A. § 26-77-102 authorizes a city council to ordinances requiring any person, firm, individual, or corporation that shall engage in, carry on, or follow any trade, business, profession, vocation, or calling, within the cooperate limits of the city or town, to pay a license fee or tax.

**WHEREAS**, The City of Ward, Arkansas, in 1997 established a tax on all persons, firm, or corporation engaged in business, trade, vocation, or professions; and

**WHEREAS**, The City of Ward, Arkansas has determined that it is the best interest of the citizens of Ward to adjust the license payment schedule in order to meet the City's increased cost.

**SECTION 1 FEE SCHEDULE:** For the number of employees identified below, the fees will be as follows.

Number of Employees	1	2-10	11-25	26-75	76 and Above
Annual Fees	\$25.00	\$50.00	\$150.00	\$300.00	\$500.00

**SECTION 2 – TRANSFER OF LICENSE:**

No license issued under this Ordinance shall be transferred.

**SECTION 3 – SUSPENSION OR REVOCATION OF LICENSE; CRITERIA:** The Mayor or City Clerk, may suspend or revoke a business license or permit when the licensee, officer, or partner thereof, or another person with a legal interest in the license:

- (1) Knowingly cause, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the city which may affect or relate to the licensed business;

- (2) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- (3) Is convicted of, forfeits bond upon, or pleads guilty of any offenses related to the operation of the licensed business;
- (4) Makes a misrepresentation or fails to disclose a material;
- (5) Violates any building, safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations;
- (6) Is in violation of a zoning regulation of the city; or
- (7) Is indebted or obligated to the city for past due fees or taxes;

**SECTION 4 – PROCEDURES FOR REVOCATION OR SUSPENSION:**

- (1) When the Mayor or City Clerk determines that there is reasonable basis for suspending or revoking a business license, the Mayor or City Clerk shall notify the licensee by certified mail of the city's intention to suspend or revoke such license. The notice shall also state the reason for the suspension or revocation and the date that the suspension or revocation will become effective unless a hearing is requested. The suspension or revocation shall become effective seven days after the date of the notice is mailed to the licensee, within such seven-day period, files a written request with the Mayor or City Clerk for a hearing. The licensee shall state why the criteria in Section 2 does not apply to the business.
- (2) **Hearing Procedure:**
  - a. The Mayor or City Clerk, shall schedule and hold a hearing within 20 days following receipt of a request that meets the requirements in section (1) of this Section. The suspension or revocation will be stayed pending the decision by the Mayor or City Clerk after the hearing. At the hearing, both the licensee and the city shall be entitled to present evidence.
  - b. Upon completion of the hearing, the Mayor or City Clerk shall make a decision about the suspension or revocation and shall deliver a written decision to the licensee.
    - i. If delivery is via mail, it shall be by certified mail. If the decision is to suspend or revoke the license, such action shall be effective one day after delivery of the decision, provided that the effective date shall be three days after the date of the mailing, if delivery is via mail. The decision shall be the final decision of the city.

- ii. If the decision is hand-delivered, it shall be delivered by a uniformed officer. The effective date shall be three days after hand-delivery. The decision shall be the final decision of the city.
- (3) Return of license upon revocation. Whenever a license is revoked, the licensee shall immediately return the license to the City Clerk. There shall be no refund of any part of the amount paid for the annual license. In order for the business to resume operations, city approval of a new application for a new license is required.

**SECTION 5— LICENSE NOT CONSTRUED TO PERMIT PROHIBITED USES OR ACTIVITIES:**

Notwithstanding any provisions to the contrary, a license hereunder shall not be issued to any person who uses or occupies or proposes to use or occupy any real property or otherwise conducts or proposes to conduct any business in violation of the provision of any ordinance of the city or the statutes of the state. The granting of a business license shall in no way be construed as permission or acquiescence in a prohibited activity or other violation of the law.

**SECTION 5 – PENALTY:**

It is hereby declared a violation for any person, firm or corporation carrying on a business, profession or occupation within the city to fail and/or refuse to comply with any of the provisions of this division. Upon conviction for such violation, the offender shall be fined in amount not less than \$50.00 nor more than \$500.00 for each separate violation; provided, however, in no case shall the fine be in excess of double the amount of the license fee provided.

**SECTION 6 - REPEAL:**

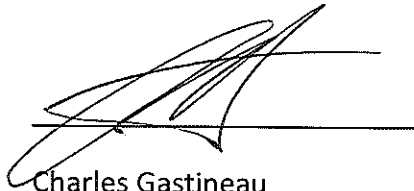
Any portion or portions of the amendment adopted herein which are contrary to existing Ordinances of the City of Ward, Arkansas shall prevail and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of conflict.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Ward, Arkansas;

PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF September, 2019

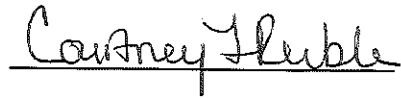
YEAS: 4 NAYS: 1

APPROVED:



Charles Gastineau  
Mayor

ATTEST:



Courtney Ruble  
City Clerk

