

ORDINANCE NO. 99-4

AN ORDINANCE ADOPTING AND ENACTING A BUSINESS LICENSE ORDINANCE FOR THE CITY OF HIGHLAND, ARKANSAS, ESTABLISHING THE SAME; PROVIDING FOR THE EFFECTIVE DATE OF SUCH ORDINANCE AND A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND, ARKANSAS:

Section 1: License Required. It shall be necessary for all vendors, merchants, and businesses, as defined in Section 2 of this Ordinance, to engage in such business within the City of Highland, Arkansas, to first obtain a license therefore in compliance with the provisions of this Ordinance.

Section 2: Definitions. For the purpose of this Ordinance; vendor, merchant, and business is defined as any person, firm or corporation, whether as owner, agent consignee or employee, whether a resident of the city or not, who engages in a business of selling and delivering goods, wares, and merchandise within said city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, house, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction.

Section 3: Application. Applicants for license under this Ordinance, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Clerk or Recorder, showing:

(A) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City of Highland; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;

(B) The place or places in the City of Highland where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(C) The place or places, other than the permanent place of business of the applicant where applicant, within the twelve months next preceding the date of said application, conducted a business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(D) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City of Highland, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession and by sample, at auction, by direct sale or by taking orders for future delivery, where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

(E) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal Ordinance, the nature of such offense and the punishment assessed therefor;

(F) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(G) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the City Clerk or Recorder may deem proper to fulfill the purpose of this Ordinance in the protection of the public good.

Section 4: Investigation and Issuance. Upon receipt of such application, the City Clerk or Recorder shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he or she deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the City Clerk or Recorder shall so certify in writing, keep a full record in his or her office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name or names of the person or persons authorized to carry on the same.

Section 5: Exhibition of License. The license issued under this Ordinance shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the City, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

Section 6: Fees. Licensees under this Ordinance shall pay a fee of the following:

\$10.00 fee for 1-3 employees
\$20.00 fee for 4-9 employees
\$35.00 fee for 10 or more employees

Section 7: Transfer. No license shall be transferred without written consent from the Mayor as evidenced by an endorsement on the fact of the license by the City Clerk or Recorder showing to whom the license is transferred and the date of the transfer.

Section 8: Duty of Police to Enforce. It shall be the duty of the Mayor, or his appointees, of the City of Highland to examine all places of business and persons in their respective territories subject to the provisions of this Ordinance, to determine if this Ordinance has been complied with and to enforce the provisions of this Ordinance against any person found to be violating the same.

Section 9: Records. The City Clerk or Recorder shall retain the application of said licensee, together with a license number, and all other related materials in the City's records. Any complaints against any person licensed under the provisions of this Ordinance and any conviction for violation of this Ordinance shall be reported to the City Clerk or Recorder; the City Clerk or Recorder shall keep a record of all such licenses and of such complaint and violations.

Section 10: Revocation of License. (A) The permits and licenses issued pursuant to this Ordinance may be revoked by the Mayor of the City of Highland after notice and hearing, for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for license;
2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
3. Any violation of this Ordinance;
4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
5. Conducting the business licensed under this Ordinance in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

Section 11: Appeal. Any person aggrieved by the decision of the City Clerk or Recorder in regard to the denial of application for license as provided for in Section 4 of this Ordinance or in connection with the revocation of a license as provided for in Section 10 of this Ordinance, shall have the right to appeal to the Council of the City of Highland. Such appeal shall be taken by filing with the Council within fourteen days after notice of the decision of the City Clerk or Recorder has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in Section 10 of this Ordinance for notice of hearing on revocation. The order of the Council on such appeal shall be final.

Section 12: Expiration of License. All licenses issued under the provisions of this Ordinance shall expire December 31st of each year unless a prior date is fixed therein.

Section 13: Penalty. Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed Twenty-five dollars (\$25.00), per day for each day on which it is in violation.

Section 14: Severance Clause. In the event any section or provision within this Ordinance shall be declared invalid or unconstitutional, said section or provision may be severed, and the remaining sections or provisions of this Ordinance shall remain in full force and effect.

Section 15: Emergency Clause. An emergency is hereby declared to exist and this Ordinance No. 99- 4 being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this 9th day of ~~January~~, 1999.
March

(seal)



Bob Vance
Mayor

ATTEST:

Paula Spulock
Recorder/Treasurer

NOTICE

Ordinance number 99-4

YEARLY BUSINESS LICENSE FEES

Passed by the CITY of HIGHLAND on March 9, 1999

Fees are as follows:

\$10.00 - 1 - 3 employees

\$20.00 - 4 - 9 employees

\$35.00 - 10 or more employees

Merchants fees are **NOW** due and payable beginning January 1, 2003. After January 31st, a late penalty fee of \$20.00 will be collected. Please come by the City Hall at 1662 Hwy 62/412 - Highland, AR. 72542 or you may mail payment to this address. Merchants fees are due January 1st each year, expiring on December 31st each year.

Thank You

City of Highland, Arkansas

Villager Journal

P.O. Box 480
Cherokee Village, AR 72525

HIGHLAND

PROOF OF PUBLICATION §

STATE OF ARKANSAS
COUNTY OF SHARP

I, David H. Cox, do solemnly swear that I am the Editor of the Villager Journal, a weekly newspaper, having a bona fide and general circulation in said county and published in the Suburban Improvement District of Cherokee Village, in the county and state aforesaid, and that the proof of which the attached is a true copy, was published in the full and complete edition consecutively as follows:

The first insertion on the 15th

day of APRIL, 1999

The second insertion on the _____

day of _____, 19__

The third insertion on the _____

day of _____, 19__

The fourth insertion on the _____

day of _____, 19__

The fifth insertion on the _____

day of _____, 19__

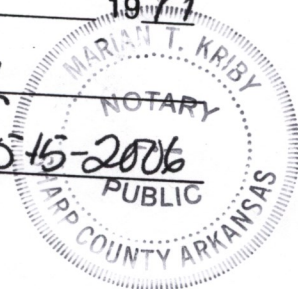
David H. Cox

Sworn to and subscribed before me this

15th day of April, 1999

Marian J. Kirby
NOTARY PUBLIC

My Commission expires 5-15-2006



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Section 3: Application. Applicants for license under this Ordinance, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Clerk or Recorder, showing:

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(B) The place or places in the City of Highland where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(C) The place or places, other than the permanent place of business of the applicant where applicant, within the twelve months next preceding the date of said application, conducted a business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(D) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City of Highland, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession and by sample, at auction, by direct sale or by taking orders for future delivery, where the goods or property proposed to be sold are manufactured or pro-

duction, the City Clerk or Recorder shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he or she deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the City Clerk or Recorder shall so certify in writing, keep a full record in his or her office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name or names of the person or persons authorized to carry on the same.

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1. Any fraud, misrepresentation or false statement contained in the application for license;
2. Any fraud, misrepresentation or false statement...

where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

(E) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal Ordinance, the nature of such offense and the punishment assessed therefor;

(F) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(G) Such other reasonable information as to the identity of character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the City Clerk or Recorder may deem proper to fulfill the purpose of this Ordinance in the protection of the public good.

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2. Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares or merchandise;

3. Any violation of this Ordinance;

4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or

5. Conducting the business licensed under this Ordinance in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

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Section 15: Emergency Clause. An emergency is hereby declared to exist and this Ordinance No. 99-4 being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this ninth day of March, 1999.

Bob Vance
Mayor

ATTEST:
Paula Spurlock
Recorder/Treasurer (11)

AMENDMENT TO ORDINANCE 99-04

**AN ORDINANCE ADOPTING AND ENACTING A BUSINESS LICENSE
ORDINANCE FOR THE CITY OF HIGHLAND, ARKANSAS.**

Section 6: Fees Reads as follows:

Licensees under this Ordinance shall pay a fee of the following:

\$10.00 fee for 1-3 employees
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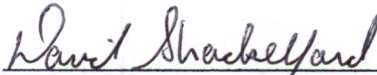
Section 6 Fees: **AMENDED**

Licensees under this Ordinance shall pay a fee of the following:

\$10.00 fee for each business located in Highland, Arkansas


The Highland City Council voted to amend section 6 fees of ordinance 99-04 at the February 11, 2003 Council meeting. This amendment is to be read at three consecutive meetings and will go into effect January 1, 2004.

Passed and approved this 25th day of March, 2003



David Shackelford, Mayor

ATTEST:



Carol Frolov, Recorder

