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JEANNIE STEEN Clerk

ORDINANCE NO. 1038 By MSJ D.C.

**AN ORDINANCE AMENDING THE  
CITY BUSINESS LICENSE  
CODE SECTIONS 4.01.05 AND 4.01.06**

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WHEREAS, City officials have settled on the commencement of enforcing the Business License Code previously adopted as Ordinance No. 1337 by determining that the annual license will run from June 1 each year to June 1 of the following year.

NOW THEREFORE, the following Code Sections are hereby replaced in their entirety to read as follows:

**Section 4.01.05 - Term and Payment of License Fee:**

The annual license term shall run from June 1 to June 1 each year beginning June 1, 2011. The application required for a business license shall be filed, and the fee paid (if any) at the office of the city clerk on, or before August 1 of each year, and the period covered by any license shall be for that license year. Any business commencing on, or after, August 1 shall pay \$35 for a paper application and \$25 for an electronically submitted application, which fee shall be due on, or before, the date the business starts operations.

**Section 4.01.06 – Delinquent Payments; Penalties:**

- A. The city clerk shall collect penalties for failure to pay the fee provided for in this article as follows:
- (1) Ten percent (10%) of the amount due when the payment is made 30 days after August 1.
  - (2) Twenty percent (20%) of the amount due when the payment is made 60 days past August 1.
  - (3) Fifty percent (50%) of the amount due when the payment is made 90, or more, days after August 1.

B. Any person or entity doing business in the city failing to make application or failing to pay the applicable fee may be cited with a misdemeanor offense, punishable by fines and costs of up to \$1,000.

**ALL OTHER PROVISIONS OF ORDINANCE NO. 1337 SHALL CONTINUE IN FULL FORCE AND EFFECT.**

**EMERGENCY CLAUSE:** The Harrison City Council has determined that there is an immediate need to establish a business license and set fees, in order to protect the public peace, health, and safety, and therefore an emergency is declared to exist and this ordinance shall be in full force and effect from and after it is adopted.

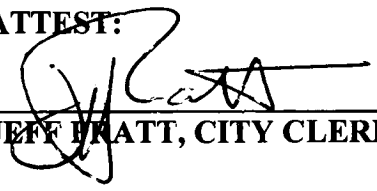
ADOPTED this **26th** day of **May, 2011**.

**CITY OF HARRISON, ARKANSAS**

BY:

  
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**JEFF CROCKETT, MAYOR**

ATTEST:

  
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**JEFF PRATT, CITY CLERK**

ORDINANCE NO. 1337By JS D.C.

**AN ORDINANCE ESTABLISHING A BUSINESS LICENSE AND ASSOCIATED FEES IN  
THE CITY OF HARRISON, AND DECLARING AN EMERGENCY.**

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WHEREAS, the City of Harrison has no system to identify, classify, or quantify businesses or their owners doing business within the city limits. The present City Council deems it to be a valuable record to identify, classify, quantify, protect, and assist the businesses operating in the City;

THEREFORE, BE IT ORDAINED by the Harrison City Council that the following Ordinance be adopted to establish Code Section 4.01. titled "City Business Licenses" as follows:

**Section 4.01.01 - Registration Required:**

Every person or entity having a business location in the Harrison city limits shall register by providing the information required in a license application form provided by the city. The application shall be accompanied by the annual fee applicable to the applying business. Upon approval of the application and fee, the City shall issue a business license certificate.

**Section 4.01.02 - Posting of Business License:**

Each licensee shall display the current annual business license at the business location in a visible, conspicuous location.

**Section 4.01.03 – Annual application fee on businesses, occupations, professions:**

To cover the cost of documentation and administration enforcement, the initial annual fee for all business shall be as follows:

- A. First time applicant for a Business License will pay the following fee schedule, regardless date of application:

1. Applicants using paper forms to file for a Business License shall pay a \$35 application fee. Applicants filing for the Business License electronically shall pay a \$25 application fee.
2. After the first year filing, all applicants will file annually for a Business License renewal, with fee charges as follows:
  - \$15 for electronic filing
  - \$20 for paper filing
3. All business exempt from paying a Business License Fee shall be required to apply annually for a Business License or license renewal by filing the annual application data.
4. No person or entity shall be subject to a Business License fee under this article more than one time during any year for the conduct of the same trade, calling, vocation, business or profession despite the conduct of such occupation in more than one location within the city.

**Section 4.01.04 – Exempt Businesses:**

The fee required by this code shall apply to all businesses, services, occupations, or professions having or maintaining offices or business locations in the city limits, EXCEPT THE FOLLOWING:

1. Churches and non-profit organizations. However, these organizations are required to provide the annual application if they maintain an office or meeting facility in the Harrison city limits.
2. Hospitals, public schools, or colleges.
3. Home occupations, as defined in the Harrison Zoning Code.
4. Farmer Markets.
5. Residential and Commercial Landlords.

**Section 4.01.05 - When payment due:**

The application required for a business license shall be filed, and the fee paid (if any) at the office of the city clerk on, or before, March 1 of each year, and the period covered by any license shall be for that calendar year. The fee owed by any person commencing business on, or after, March 1 shall be \$35 for a paper application and \$25 for an electronically submitted application.

**Section 4.01.06 - Delinquent payments; penalties:**

- A. The city clerk shall collect penalties for failure to pay the fee provided for in this article as follows:
  - (1) Ten percent of the amount due when the payment is made 30 days past the due date of the license fee;
  - (2) 20 percent of the amount due when the payment is made 60 days past the due date of the license fee;
  - (3) 50 percent of the amount due when the payment is made 90 days past the due date of the license fee.
  
- B. Any person or entity doing business in the city failing to make application or failing to pay the applicable fee may be cited with a misdemeanor offense, punishable by fines and costs of up to \$1,000.

**Section 4.01.7 - Enforcement:**

- A. Grounds for suspension or revocation:
  - 1. Valid complaints that the Business 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 other Harrison citizens.
  - 2. The determination that the premises are a fire hazard or otherwise unsafe for occupancy because of violations of building, property maintenance or fire codes.

3. The business is delinquent in submitting Hotel, Motel and restaurant or City alcohol tax forms or in payment of the City's Hotel, Motel and restaurant taxes or any other city, county or state taxes or required fees.
4. The business is being operated in violation of any federal or state law or city ordinance or has had a necessary state or city license suspended or revoked.
5. The business License was procured through fraud or misrepresentation.

**B. Process for suspension or revocation:**

If the City has reason to believe that grounds exist that could justify a suspension or revocation, the City of Harrison shall send a letter by first class mail and set a date for due process hearing, which will be conducted by the City.

**C. Appeals Process:**

If the City determines that the license shall be suspended or revoked, the license holder shall have ten days to submit a written appeal to the City Clerk's Office. If an appeal is submitted, the appeal will be heard by the City Council and the City Council will make a final determination within 30 days. If a written appeal is not submitted to the City Clerk's office during the ten-day period, the license owner automatically waives all rights to the appeal process.

**D. Enforcement:**

If the license is suspended or revoked and the business continues to operate, each day of operation will constitute a separate violation. The City may withhold all municipal services, including water and sewer services, if the business continues to operate with suspended or revoked license.

**Section 4.01.08 - Severability:**

The provisions of this ordinance are deemed to be severable. A finding that any provision of this ordinance is invalid shall not affect the validity of the remaining provisions of this ordinance.

**Section 4.01.09:**

This Ordinance shall repeal and replace previous Code Section 4.20 and any previous Ordinance in conflict with this Ordinance.

**Emergency Clause:** The Harrison City Council has determined that there is an immediate need to establish a business license and set fees, in order to protect the public peace, health, and safety, and therefore an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passage.

**ADOPTED this 10<sup>th</sup> day of February, 2011.**



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**JEFF CROCKETT, Mayor**

**ATTEST:**



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**JEFF PRATT, City Clerk**