

## **ORDINANCE NO. 2015-06**

**AN ORDINANCE REPEALING ORDINANCES NO. 2000-03, 2003-04, 2007-03, AND 2011-7 PRESCRIBING AND ESTABLISHING A PERMIT AND CODE TO DO BUSINESS WITHIN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; TO LEVY AN ANNUAL OCCUPATION FEE FOR THE CARRYING ON OF CERTAIN BUSINESS, TRADES, OCCUPATIONS, INDUSTRIES, VOCATIONS AND PROFESSIONS WITHIN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; ESTABLISHING THE TIME WHEN SUCH FEE SHALL BE PAID, COLLECTION, ESTABLISHING PENALTIES FOR THE VIOLATION OF CHEROKEE VILLAGE ANNUAL OCCUPATION PERMIT ORDINANCE AND ENFORCEMENT THEREOF; PROVIDE SUPERVISION AND REGULATION FOR THE WELFARE AND FUTURE DEVELOPMENT OF THE BUSINESS COMMUNITY OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS, AND FOR OTHER PURPOSES.**

**WHEREAS:** An individual, person, independent contractor, firm, partnership, company or corporation will pay for the privilege of engaging in, carrying on, or following certain below listed trades, businesses, professions or vocations within the corporate limits of the City; and **WHEREAS:** Any business, individual, partnership or corporation whose principal place of business is located inside of the corporate limits of Cherokee Village will be assessed a business license fee and must comply with all aspects of this ordinance and the occupational code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS, THAT:

SECTION 1. ORDINANCES NO. 2000-03, 2003-04, 2007-03, AND 2011-7 ARE HEREBY REPEALED IN THEIR ENTIRETY

SECTION 2. It is hereby declared a privilege to carry on business in the City of Cherokee Village, Arkansas.

SECTION 3. All storefront businesses in Cherokee Village and any and all in the business of construction of any type, residential or commercial, and any and all types of work done on residential or commercial property, including buildings and lots shall be subject to a business license.

SECTION 4. License Fee.

- (a) There is hereby adopted a license fee of Forty Dollars (\$40.00) per year for storefront and contractors and Thirty Dollars (\$30) per year for lawn, tree and cleaning services. The license fee may be amended, changed or corrected by the Planning & Zoning Office and

presented to the City Council for approval.

- (b) Any person, firm, individual, or corporation that has a duly issued business license from another Arkansas municipality shall be issued a business license by the City of Cherokee Village without cost upon application and proof of such valid business license unless such person, firm, individual or corporation maintains a place of business within the City of Cherokee Village, in which case the appropriate business license fee shall be charged and collected.

#### SECTION 5. Exemptions from Ordinance provisions.

The following shall be exempt from the provisions of this Ordinance.

- (a) Charitable or non-profit businesses and organizations. Such businesses and organizations may be required to furnish the Planning & Zoning Commission proof of their non-profit status in the form of a State Charter or other documentation deemed appropriate by the Planning & Zoning Commission.

#### SECTION 6. Persons engaging in more than one business.

Any person, firm or corporation engaging in more than one business, occupation, or profession shall be required to obtain a license and pay the fee for each business, occupation or profession.

#### SECTION 7. Twelve-month period.

- (a) The annual business/occupation license fee shall be paid on the basis of a twelve-month period beginning January 1 of each year. Businesses beginning on other than January 1 shall pay the fee on a pro rata monthly basis.
- (b) Businesses that are considered seasonal shall be charged an annual license fee beginning April 1<sup>st</sup> of each year. Seasonal businesses include, but are not limited to, businesses providing lawn care services.

#### SECTION 8. Business/Occupation license.

- (a) Upon receipt of the amount of the Business/Occupation license fee herein provided, a Business/Occupation license will be issued to the person, firm or corporation liable therefore, which license shall reflect the period of time covered; the name of the person, firm or corporation to whom issued; the location by street address where the person, firm or corporation plans to conduct business and the nature of the business, occupation or profession involved. The Planning and Zoning Office will not issue a Business/Occupation license to any person, firm or corporation whose place of business does not conform with City zoning laws. Mistakes in computation or incorrect information given verbally as to the amount of the license fee due shall not

prevent or prejudice the collection by the Planning and Zoning Office of what is actually provided for as due under the provision of this Ordinance.

#### SECTION 9. Late Penalties.

Except as herein provided, all license fees shall become due and payable on January 1<sup>st</sup> of each year. If not paid by January 31<sup>st</sup>, a penalty of \$10.00 will be assessed. Businesses that are considered seasonal shall become payable on April 1<sup>st</sup> of each year. If not paid by May 31<sup>st</sup>, a penalty of \$10.00 will be assessed. All fees shall be payable annually and except as herein provided no license shall be issued for a period longer than one (1) year. Each owner, partner, officer and/or firm member or any business or corporation required by this article to be permitted will be jointly and severally responsible for the following:

#### SECTION 10. Violation.

- (a) Violation of the provisions of the Cherokee Village Annual Business/Occupation License Fee Code or failure to comply with any of its requirements shall constitute a misdemeanor and a citation shall be issued.
- (b) Any individual or entity conducting business in the City of Cherokee Village that receives three (3) citations for violation of the ordinances of Cherokee Village shall have its Annual Occupation License suspended by the Planning and Zoning Office. Any individual or entity that has its Annual Business/Occupation License suspended may request a hearing before the Planning & Zoning Commission to request that the Planning & Zoning Commission reconsider the suspension of the Annual Business/Occupation License. Any individual or entity that has its Annual Business/Occupation License suspended by the Planning and Zoning Office under this ordinance may appeal the decision of the Planning & Zoning Commission to the City Council of the City of Cherokee Village, Arkansas.
- (c) Any individual or entity conducting business in the City of Cherokee Village that receives three (3) citations for violation of the ordinances of Cherokee Village shall have all currently active building permits issued in the name of the individual or entity suspended by the Planning and Zoning Office immediately.
- (d) Any individual or entity that has its Annual Business/Occupation License and/or building permits suspended for violating of the ordinances of the City of Cherokee Village, Arkansas, may have its Annual Business/Occupation License and building permits reinstated upon application for reinstatement presented to the Planning and Zoning Office and proof that the fines and expenses and violations associated with the citations issued to the individual or entity have been fully satisfied or that the citations have been dismissed by a court of competent jurisdiction.
- (e) Any Annual Business/Occupation License that has been suspended for a period of six (6) months for violation of this ordinance shall be revoked and a new Annual Business/Occupation License shall not be issued to the individual or entity until such time as the individual or entity shall present proof of satisfaction of all fines and

expenses associated with the citations and payment of a new annual fee for the Annual Business/Occupation License.

- (f) Any building permit suspended for the violation of this ordinance that is not reinstated within six (6) months of the date of its suspension shall be revoked and cancelled.

SECTION 11. Enforcement.

It is hereby declared a misdemeanor for any person, firm or corporation carrying on a business, profession or occupation within the City of Cherokee Village to fail or refuse to comply with any of the provisions of this Ordinance and upon conviction shall be fined in an amount of not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars for each separate violation.

SECTION 12. Severability. If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: December 17, 2015

APPROVED: Russell Stokes, Jr.  
Russell Stokes, Jr., Mayor

ATTEST: Lana Hamilton  
Lana Hamilton, Clerk/Treasurer