

ORDINANCE NO. 1536 (#16 - 2015)**AN ORDINANCE AMENDING JMC § 5.04. TO PROVIDE MODIFICATION OF THE CITY'S BUSINESS PRIVILEGE LICENSE REQUIREMENTS; AND, FOR OTHER PURPOSES.**

WHEREAS, the City's Privilege License Schedule has not been modified since 1974, has become outdated, and does not address the needs of the City for those local businesses, corporations, entities, individuals, and professionals who wish to operate within the City; and,

WHEREAS, after many meetings and discussion, the City Council's Committee prepared the following modifications and revisions to the City's Business Privilege License Program for review and consideration. The Committee recommends that the City Council adopt such modifications after hosting a Public Hearing regarding the matter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: JMC § 5.04.010 (LICENSE PAYMENT REQUIRED) is hereby amended and modified to read as follows:

It is unlawful for any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to begin, commence, conduct, or engage in any business activity within the City for which a Business Privilege License is required under the terms of this Code without first obtaining a License and tendering payment of the appropriate amount due.

SECTION TWO: JMC § 5.04.020 (LICENSE COVERAGE PERIOD) is hereby amended and modified to read as follows:

All license issued under this Chapter shall be valid for the calendar year in which said license is issued. However, any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship opening subsequent to July 1st of any calendar year shall only pay a monthly pro-rated amount of the annual Business Privilege License amount for the remainder of that calendar year.

SECTION THREE: JMC § 5.04.030 (SEPARATE LICENSE ISSUANCE REQUIREMENTS) is hereby amended and modified to read as follows:

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For any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship with multiple physical addresses and/or business(es) operations within the City, a separate Business Privilege License shall be required for each such separate business/business location.

SECTION FOUR: JMC § 5.04.040 (LICENSE ISSUANCE AND REQUIRED INFORMATION) is hereby amended and modified to read as follows:

Upon receipt of the appropriate annual payment of a Privilege License Tax and satisfaction of all requirements and applicable Code/legal provisions, it is the duty of the City to issue an annual Privilege License for every business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship seeking such. On said License and/or Application shall be the name of the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to whom the License is issued, the activity, business, function, profession, and/or service to be provided, the address and location for which the License is issued, and the appropriate contact information (address(es), email, telephone(s), etc.) for a designated representative(s) of the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship licensed.

SECTION FIVE: JMC § 5.04.060 (LICENSE ISSUANCE AND NON-TRANSFERABILITY) is hereby amended and modified to read as follows:

Any License issued hereunder is neither non-transferable nor assignable. Upon the sale, merger, or transfer of ownership of a business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship, a new owner must register and apply for a new Business Privilege License within Thirty (30) days of the date of transfer and/or re-opening of the business.

SECTION SIX: JMC § 5.04.070 (PRIVILEGE LICENSE DUE DATE AND DELINQUENCY PENALTIES) is hereby amended and modified to read as follows:

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- A) All business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship operating within the City of Jacksonville shall pay in advance on January 1st of every year for his/her/its annual Business Privilege License. Failure to pay in full any balances due the City no later than February 1st of each year will be classified as delinquent payments and subject to an Administrative Penalty Fee of Fifty Dollars (\$50.00) per delinquent License.
- B) Any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship subject to payment requirements of this Code shall, upon request by the City/City's agent(s), make available their accounting and business records for review by the City for substantiation of amounts due under the provisions of this Code.

SECTION SEVEN: JMC § 5.04.080 (PENALTY) is hereby revoked and replaced with JMC § 5.04.150 (ENFORCEMENT AND PENALTIES).

SECTION EIGHT: JMC § 5.04.080 (EXEMPTIONS FROM PRIVILEGE LICENSE PAYMENTS AND REQUIREMENTS) is hereby created and modified to read as follows:

- (A) Those charitable, non-profit, and/or religious corporations, entities, and organizations fully recognized and/or registered as such with the appropriate State and Federal Agencies are hereby exempt from the payment of a Privilege License as long as the business activity(ies) is/are directly related to the primary purpose(s) of their charitable and/or religious organization. Solicitation activity(ies) associated with said charitable, non-profit, and/or religious organizations within the City are, however, subject to registration with the City prior to enactment of any solicitation activity(ies);
- (B) A business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship granted an exemption under State and/or Federal law from local Privilege License Payments shall be exempt from payment, but shall be required to register with the City for each year in which said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducts business activity within the City; and,
- (C) No individual under the age of Eighteen (18) years of age shall be required to register or obtain a business license.

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SECTION NINE: JMC § 5.04.090 (STATE LICENSURE REQUIREMENTS) is hereby created and modified to read as follows:

No City of Jacksonville Privilege Business License shall be issued to any business, corporation, entity, individual, partnership, and/or professional who is required to hold a valid State and/or Federal License or Certificate until said State and/or Federal License/Certificate has been issued. Should said State and/or Federal License/Certificate expire, be revoked, or be withdrawn, temporarily or permanently, said business, corporation, entity, individual, partnership, and/or professional shall concurrently lose their City Privilege Business License as well and remain ineligible for such until the State and/or Federal License/Certificate is reinstated.

SECTION TEN: JMC § 5.04.100 (BUSINESS PRIVILEGE LICENSE SCHEDULE) is hereby amended and modified to read as follows:

(A) Pursuant to the determination that conducting a business operation within the City is a privilege, the following annual Business Privilege License Schedule is set forth:

- 1) Alcohol Sales – Hospitality, Private Clubs, Bars, Restaurants, Retail, &/or Wholesale
- | | |
|----------------------------|---|
| 0 – 2000 Square Feet | \$ 500.00 |
| 2001 - 3000 Square Feet | \$ 525.00 |
| 3001 – 4000 Square Feet | \$ 550.00 |
| 4001 - 5000 Square Feet | \$ 575.00 |
| 5001 - 6000 Square Feet | \$ 600.00 |
| 6001 - 9,999 Square Feet | \$ 700.00 |
| 10,000 Square Feet & above | \$ 825.00 + |
| | \$0.025 cents per square foot above 10,000 SF |

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2) Bakeries & Restaurants (No Alcohol Sales)	
0 – 2000 Square Feet	\$ 100.00
2001 - 3000 Square Feet	\$ 125.00
3001 – 4000 Square Feet	\$ 150.00
4001 - 5000 Square Feet	\$ 175.00
5001 - 6000 Square Feet	\$ 200.00
6001 - 9,999 Square Feet	\$ 300.00
10,000 Square Feet & above	\$ 425.00 +
	\$0.025 cents per square foot above 10,000 SF
3) Banks (Per Location)	\$ 400.00
4) Beauty Salons, Barber Shops, & Nail Salons	\$ 100.00 +
	\$10.00 per booth
5) Billboards – Poster or Bulletin (Per Face)	\$ 100.00
6) Business/Retail, Hospitals, Nursing/Care Facilities, Sales, Flea Markets, Antiques, Pawn Shops, & Consignments	
0 – 2000 Square Feet	\$ 100.00
2001 – 3000 Square Feet	\$ 125.00
3001 - 4000 Square Feet	\$ 150.00
4001 - 5000 Square Feet	\$ 175.00
5001 - 6000 Square Feet	\$ 200.00
6001 - 9,999 Square Feet	\$ 300.00
10,000 Square Feet & above	\$ 425.00 +
	\$0.025 cents per square foot above 10,000 SF
7) Contractor(s) and Specialty Trade(s)	\$ 100.00
8) Daycare Centers	\$ 75.00 +
	\$1.00 per child (DHS maximum)
9) Funeral Homes	\$ 300.00
10) Home Based Business(es)	\$ 100.00
11) Hotels/Motels	\$ 200.00 +
	\$2.00 per room
12) Landfills/Waste Facilities	\$ 500.00 +
	\$ 0.03 per ton collected

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13) Licensed Professionals	\$ 150.00
(Includes, but is not limited to, Appraisers, Accountants, Architects, Attorneys, Auditors, Chiropractors, Dentists, Engineers, Optometrist, Opticians, Physicians, Psychologists, and Veterinarians)	
14) Non – Licensed Professionals	\$ 75.00
(Includes, but is not limited to, unlicensed Accountants, Tax Preparation Services, and other such business professionals)	
15) Lumber / Hardware	
0 – 50,000 Square Feet	\$ 500.00
50,001 – 99,999 Square Feet	\$1,000.00
100,000 Square Feet & above	\$1,500.00 +
	\$0.025 cents per square foot above 100,000 SF
16) Manufacturing/Production & Warehousing	
Less than 50 Employees	\$ 500.00
50 – 100 Employees	\$ 625.00
101 Employees or above	\$ 750.00
17) Mobile Food Vendors (No Alcohol Sales)	\$ 50.00
18) Mobile Home Parks	\$ 100.00 +
	\$40.00 per acre in Park
17) Motor Vehicles (including ATVs, autos, boats, cars, motorcycles, mowers, RV's, & trucks)	
Automatic & Self Service Car Wash	\$ 100.00
Detail Service Providers	\$ 100.00
Dealers – New	\$ 750.00
Dealers – Used	\$ 250.00
Gas Stations/Convenience Stores	\$ 200.00 +
	\$15.00 per pumping station
Paint & Body Shop	\$ 150.00
Parts Supply (Retail & Wholesale)	\$ 150.00
Repair Shop	\$ 150.00
Repair / Tire Shop	\$ 200.00
Salvage	\$ 300.00 +
	\$10.00 per acre
Towing Services/Wreckers	\$ 200.00
Transportation Services	\$ 100.00 +
	\$25.00 per vehicle

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- | | |
|--|-------------|
| 18) Real Estate Sales/Management | \$ 100.00 + |
| \$50.00 per licensed Agent and \$75.00 per licensed Broker | |
| 19) Vending Kiosks/Machine Operators | \$ 50.00 |

SECTION ELEVEN: JMC § 5.04.110 (BUSINESS(ES), ENTITY(IES), & INDIVIDUAL(S) NOT COVERED BY SCHEDULE) is hereby amended and modified to read as follows:

Any other business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship not covered by the above listed schedule shall pay One Hundred Dollars (\$ 100.00) annually for a Privilege Business License.

SECTION TWELVE: JMC § 5.04.120 (COMMERCIAL WASTE HAULERS AND LANDFILLS) is hereby created and modified to read as follows:

- A) Any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship licensed as a commercial hauler of garbage, refuse, trash, and/or waste operating and/or providing said services with the City limits shall be issued or hold a current and valid Business Privilege License and assessed Seven Dollars (\$7.00) per dumpster/collection unit per month for unit(s) located within the City.

Said assessments shall be paid through the City Clerk's Office on or before the Fifteenth (15th) day of each month for the number of dumpsters/collection units located within the City as of the First (1st) day of the previous month, together with a Report. Should the Report Form and payment not be received on or before the Fifteenth (15th) day of the month, an Administrative Fee shall be assessed of no less than Ten Percent (10%) against the License Holder.

- B) Any licensed commercial landfill and/or solid waste facility shall report their collection of waste on a quarterly basis as reported to the County and State entities no later than the Fifteenth (15th) day of the month following each quarter, together with a Report and payment of the fees assessed per Paragraph 12 of JMC 5.04.100(A). Should the Report Form and payment not be received on or before the Fifteenth (15th) day of the month, an Administrative Fee shall be assessed of no less than Ten Percent (10%) against the License Holder.

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SECTION THIRTEEN: JMC § 5.04.130 (FALSE INFORMATION AND STATEMENTS) is hereby amended and modified to read as follows:

It is unlawful for anyone to make and/or provide any false information and/or statements in application of or submission for a business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship's Business Privilege License or its reports provided to the City.

SECTION FOURTEEN: JMC § 5.04.140 (SUSPENSION AND REVOCATION OF BUSINESS PRIVILEGE LICENSE) is hereby created and modified to read the following:

- 1) If any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship shall act to operate his/her/its/their business in such a way as to create a fraudulent, unhealthy, unlawful, unreasonable, unsanitary, or unsafe circumstance(s) or condition(s), be delinquent in submission of any and all payment(s) obligated under this Code or any other City, County, State, or Federal taxes or required fees, has had his/her/its/their local, state, or federal license suspended or revoked, or has conducted its business operations so as to warrant such, the City can suspend and/or revoke said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship's Business Privilege License;
- 2) Should the City have reason to believe that grounds exist to justify the revocation or suspension of a Business Privilege License, a letter shall be mailed by First Class Mail through the U.S. Postal Service to the Business Mailing Address on file with the City of the affected License Holder. Said letter shall notify the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship of the grounds for revocation or suspension and the date and location of a Hearing regarding said matter within Ten (10) business days. Said letter shall also be emailed if a current email address for said License Holder has been provided to the City;
- 3) The Director of Administration shall conduct the Hearing, shall receive evidence and information from City employees or others about the grounds for revocation or suspension of the Business Privilege License, then shall allow the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship an opportunity to

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fined no less than Two Hundred Dollars (\$200.00) and no more than Five Hundred Dollars (\$500.00) for an offense, together with applicable Court Costs. Each day said License Holder is/was in violation of the terms of this Code shall constitute a separate offense.

SECTION SIXTEEN: JMC § 5.04.155 (PERIODS OF OPERATION) is hereby created and modified to read as follows:

(A) Should any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville no longer remain open and/or conduct business for a period more than Forty-five (45) days and which has not received a Permit to do so from the City, any Privilege License issued to said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship shall expire. If such a circumstance is created, said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship will be required to obtain a new Privilege License and satisfy any and all other applicable Code provisions.

(B) Exceptions to the provisions of Sub-section (a) above shall be granted for those business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville that are seasonal in nature. Examples are, but are not limited to, fresh produce sales, holiday events and sales, grounds maintenance services, and other event-based or seasonal-based business activities.

SECTION SEVENTEEN: JMC § 5.04.160 (CEASE & DESIST ORDERS) is hereby created and modified to read as follows:

In the event any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship fails to comply with the provisions of this Code and/or any other provision of local, state, or federal law, upon directive of the Mayor, Chief of Police, and/or the Director of Administration, Code Enforcement shall issue a Cease & Desist Order for said Business License and post such on the primary entrance to said business operation and forward one to the License Holder by U.S. Postal Service through the mailing address on file with the City and through a valid email address should one be provided to the City.

From the point of posting said Order forward, should *any* type of business activity take place at the business location upon which said Order is posted, Code Enforcement shall issue a citation to said License Holder for violation of this

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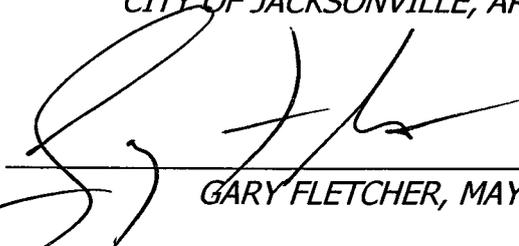
provision, with adjudication and punishment in accordance with JMC § 5.04.150. Every separate business transaction conducted after a Cease & Desist Order is posted shall constitute a separate offense.

SECTION EIGHTEEN: If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of these Code provisions is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this Code.

SECTION NINETEEN: Said Ordinance and the changes included herein shall be in full force and effect from and after its passage and approval as provided by and subject to applicable law.

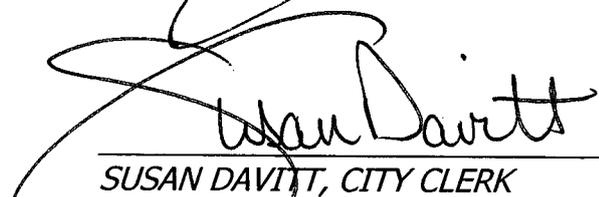
APPROVED AND ADOPTED THIS 18th DAY OF FEBRUARY, 2016.

CITY OF JACKSONVILLE, ARKANSAS



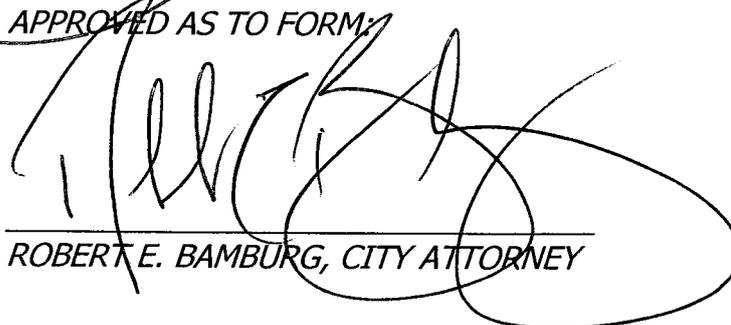
 GARY FLETCHER, MAYOR

ATTEST:



 SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:



 ROBERT E. BAMBURG, CITY ATTORNEY

