ORDINANCE 2022-1

AN ORDINANCE AMENDING ORDINANCE NO. 2003-3 AMENDING FEES FOR BUSINESS, TRADE, OR VOCATION PERMIT SCHEDULE, AND ADOPTING A DELINQUENT FEE AND PENALTY FOR DELINQUENT FEES.

WHEREAS, on December 16, 2003, the City Council for the City of Kensett, Arkansas, passed Ordinance No. 2003-3 to adopt a business, trade, or vocation permit schedule and adopt a permit fee for soliciting, tree trimming, and peddling for the City of Kensett, and

WHEREAS, said Ordinance and fee schedule does not address delinquency or consequence for the failure of a business, trade, or vocational business to obtain the required occupational permit, and

WHEREAS, it is necessary for the peace, health, and safety for the inhabitants of the city of Kensett to adopt a delinquency fee and penalty for delinquent fees for the purpose of engaging in business, trade, vocations, or other professions; and

NOW, THEREFORE, BE IT ORDAINED AND AFFIRMED BY THE CITY COUNCIL OF THE CITY OF KENSETT, ARKANSAS, TO-WIT:

Section 1. Definitions The following words and phrases shall have the meanings as defined by this section:

1. Person. The word "person" shall include any individual, partnership, corporation, association or general agent in charge of any business or professional enterprise or undertaking.

2. Worker. The word "worker" shall include each employee, manager, owner or agent, receiving a remuneration from the operation or conduct of any business or professional enterprise or undertaking. The term "worker" shall refer to the average annual number of workers.

3. Transient. The word "transient" preceding the words vendor, solicitor and salesman shall mean and include any person who has no fixed place of business within the City limits, but goes from place to place or from house to house to display and sell new or used goods, wares, merchandise, novelties and other such things or solicits orders for such articles and things to be delivered later.

Section 2. License Tax Schedule.

Henceforth, it shall be unlawful for any person to engage in any occupation, vocation, profession, trade, business, or calling in the city of Kensett, Arkansas, a city of the second class, to engage in, follow, or carry on any business, trade, occupation, vocation, calling, or profession without having obtained and paid for an annual occupational permit from the City Clerk or Treasurer, in the following amounts: $50.00 per annum or $30.00 not more than 6 months.

Section 3. Permits for Occupations Not Specifically Listed

Any person who shall engage in any occupation, vocation, profession, or calling which is not herein specifically enumerated shall pay for and take an occupational permit at the same rate as the tax charged for the most closely related occupation, vocation, profession, trade business, or calling herein specified. With exceptions to door-to-door sales occupations, which will be $25.00 for a 7-day permit.

Section 4. Individual License for Each Trade, Profession, or Business -- Same location.

Any person engaged in more than one trade, business, profession, vocation, or calling connected or joined together in one structure shall pay for and take out a license for such trade, business, profession, vocation, or calling which, under the terms of this chapter, is the highest amount required for a license for any one of such undertakings.

Section 5. Same -- Separate Locations.

Any person engaged in more than one trade, business, profession, vocation, or calling in unconnected or separate structures shall pay for and take out a license for each such trade, business, profession, vocation, or calling unless relieved and excused by the City Council.

Section 6. Taxes Payable; Delinquency, Collection by City Clerk.

All taxes imposed by this chapter shall be due and payable to the City Clerk on the last business day in January of the year for which it is imposed. If the same be not paid on or before February 10, the City may enforce collection thereof by civil or penal proceedings. The City Clerk is hereby authorized to collect all occupational and privilege taxes and to issue licenses and permits to each qualified and acceptable applicant.

Section 7. Penalty for Delinquency.

A penalty of twenty dollars ($20.00) shall be assessed and added to all occupational licenses not paid by February 10 of the year in which they are due and payable. Each subsequent month constitutes another late fee and the penalty fee shall be added to the annual occupation license amount. To the extent that any transient type worker or professional shall fail to pay the occupation tax due on or before the date

of commencement of performance of his occupation or profession, a late payment penalty shall be assessed upon the amount due for such occupation tax and added thereto.

Section 8. Display of License.

Each person obtaining a license under this chapter shall post the same in a conspicuous place, where such business or occupation is carried on, and shall exhibit such license to any officer of the City when requested to do so.

Section 9. Unlawful to Engage in Business, Trade for Profit Without License.

It shall be unlawful for any person to engage in and carry on any trade, business, profession, vocation, or calling for profit or gain within the City limits without obtaining an occupational license as herein provided.

Section 10. Penalty for Violations.

Any person, agent, servant, employee, or worker who violates any of the provisions of this chapter (Sec. 1 through 10, inclusive) shall be guilty of a misdemeanor and upon conviction, shall be fined in a sum of not less than fifteen dollars ($15.00) nor more than seventy-five dollars ($75.00), and each day's violation shall constitute a separate offense.

Any person to engage in any occupation, vocation, profession, trade, business, or calling in the city of Kensett, Arkansas, a city of the second class, who has not obtained the necessary annual occupation license by April 1 of the year in which they are due and payable will be closed by the Police Department of the city of Kensett and will not be permitted to reopen until an annual occupational license is purchased from the City Clerk or Treasurer.

Section 11. Transferal of License

No license issued in accordance with this Ordinance shall be transferred when the business, trade, or vocation has a change in ownership.

Section 12. Should any section or provision of this Ordinance be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof, which is not in itself void or invalid.

Section 13. This Ordinance shall not repeal any provisions for licenses contained in ordinances previously adopted by the City Council of the city of Kensett, Arkansas, except as expressly shown and stated herein.

Section 14. It Is hereby found by the City Council for the City of Kensett that there is an urgent need for additional revenue for the City. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the preservation and advancement of public peace, health, and safety shall be in full force and effect from and after its passage.

PASSED AND ADOPTED this 19 day of January 2022

Allen Edge

Allen Edge, MAYOR

ATTEST: Julie Whitney

Julie Whitney, RECORDER/TREASURER