

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OZARK,  
ARKANSAS, AN ORDINANCE ENTITLED:

“AN ORDINANCE PROVIDING FOR THE REQUIREMENT OF BUSINESS  
LICENSES, PROVIDING FOR SUSPENSION OR REVOCATION THEREOF,  
AND PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND FOR  
OTHER PURPOSES.”

ARTICLE I. - IN GENERAL [Reserved.]

ARTICLE II. - LICENSES GENERALLY

**State Law reference—** Authority to *license businesses* generally, A.C.A. § 26-77-102.

☐ Sec. 26-27. - *License* required.

☐ A *license* shall be required of any person who shall engage in, carry on or follow any trade, *business*, occupation, profession, vocation or calling, within the corporate limits of the city, unless exempt by state law. (Ord. No. 94-14, Sec. 1)

**State Law reference—** *License* required, A.C.A. § 26-77-102(c); publication of *license* ordinance required, A.C.A. § 26-77-104.

☐ Sec. 26-28. - **Liability for *license*.**

☐ Any person shall be subject to the requirements of this article if by himself or through an agent, employee or partner, he holds himself forth as being engaged in a trade, *business*, occupation, profession, vocation or calling; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such trade, *business*, occupation, profession, vocation or calling in the city limits. (Ord. No. 94-14, Sec. 1)

☐ Sec. 26-29. - **Employee defined.**

☐ An employee, for the purposes of this article, is any partner, corporate officer or other individual who receives any direct or indirect compensation from any entity subject to *licensing* under.

☐ Sec. 26-30. - ***License* required for each place of *business*.**

Any person having more than one trade, *business*, occupation, profession, vocation or calling within the city shall obtain a *license* for each trade, *business*, occupation, profession, vocation or calling. Provided however, if the two or more trades, *businesses*, occupations, professions, vocations or callings are operated under the same Federal Tax I.D. number and are located at the same business location, then only one business license is required for all trade, *business*,

occupation, profession, vocation or calling at that location. No commercial business operating within the city limits shall operate without a city business license.

**Sec. 26-31 Application for license.**

Applications for all *licenses* required by this article shall be made in writing to the city clerk or treasurer. Each application shall state the name of the applicant, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the city officials in issuing the *license* applied for. Each *license* issued shall bear the signature of the city clerk. All applications required hereunder shall be kept and filed by the city clerk. Please allow up to 10 business days for the license to be issued.

**Sec. 26-32. - Term of license**

All *licenses* shall terminate and become due on January 1<sup>st</sup> of each year. If not paid by January 31<sup>st</sup>, a penalty of double of the amount of the license fee will be assessed. Any business operating for more than 30 days without a business license will be assessed a penalty of double the amount of the license fee. All businesses sixty (60) days past due will be subject revocation. All licenses shall be payable annually and except as herein provided no license shall be issued for a longer period than one (1) year.

**Sec. 26-33. - Partial year licenses; prorated.**

All fees and charges for *licenses* shall be paid at the time application therefore is made to the city clerk. When an applicant has not engaged in the *business* until after the expiration of part of the current *license* year the *license* fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the *business* has been or will be conducted. All *license* fees shall become part of the city general fund.

**Tax Fees**

For the privilege of engaging in, operating or carrying on the following trade, *business*, occupation, profession, vocation or calling in the city limits, a license tax of Twenty-Five dollars (\$25.00) shall be paid each year.

**Sec. 26-34 Fee not returnable**

The license fee provided for in this ordinance, when paid for any period provided herein, shall not be returnable in case the licensee, for any reason, surrenders his license, discontinues his business, or is suspended or revoked by the city, and any sum paid shall not be returnable to any person.

**Sec. 26-35 License not transferable.**

A *license* issued under this article shall not be transferable.

**Sec. 26-36. - Change of location.**

The location of any *licensed business* or occupation, or of any permitted act, may be changed, provided ten days' notice thereof is given to the city clerk, in the absence of any provision to the contrary; provided, that the building, zoning and other ordinances of the city shall be in compliance.

**Sec. 26-37. - Posting, display of license.**

It shall be the duty of any person conducting a *licensed business* in the city to keep his *license* posted in a prominent place on the premises used for such *business* at all times. The holder of a *license* shall show the *license* to any officer or agent of the city upon request.

**Sec. 26-38. - Inspection of licensed premises.**

Whenever inspections of the premises used for or in connection with the operation of a *licensed business* or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto, for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make such inspections at any reasonable time admission is requested.

**Sec. 26-39. - Compliance with building regulations, zoning regulations, and state sales tax regulations.**

(a) No *license* shall be issued for the conduct of any *business* if the premises and building to be used for the purpose do not fully comply with the requirements and laws of the state of Arkansas and the city of Ozark.

(b) No such *license* shall be issued for the conduct of any *business* or performance of any act which would involve a violation of the zoning ordinance of the city.

(c) No *license* shall be issued for the conduct of any *business* until the applicant submits a copy of all required state license(s) and permit(s), sales tax permit, state sales tax identification number, and all other documents as required by the State of Arkansas for that *business*.

**Sec. 26-40. - Operation of business constituting nuisance.**

No *business*, shall be so conducted or operated as to amount to a nuisance in fact; nor in violation of any ordinance of this city or state law. (Ord. No.2020-8 Sec. 1)

**Sec. 26-41. - Suspension or revocation of Business License**

(a) [Good cause for suspension/revocation.] Any *business license* issued pursuant to the provisions of this article may be suspended or revoked for good cause by the city council. Good cause for such suspension or revocation shall include, but is not limited to:

(1) The existence of unsanitary conditions, noise, disturbances, or other conditions at, near or in the premises which causes or tends to create a public nuisance, which may be injurious to the public health, safety or welfare, or which unnecessarily affects the adequate allocation of public safety resources;

Valid complaints that the *business license* holder is operating the *business* in a dangerously unsanitary or unhealthy manner, or in such manner as to unreasonable and adversely affect the peace, health or safety of neighbors or other Ozark citizens.

(2) The commission of, or permitting or causing the commission of, any act in the operation of the *business* which is prohibited by any ordinance, rule or law of the city, state or federal government;

(3) Fraudulent practices and misrepresentation in the operation of the *business*;

(4) Concealment or misrepresentation in procuring the *business license*;

(5) The *business* for which the *license* has been issued is unlawful or is prohibited by any ordinance, code, rule or law of the city, state or federal government;

(6) 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 or has failed to obtain and or maintain the necessary federal, state, or city license as required by law.

(7) The *license* was issued by mistake or is in violation of any of the provisions of this article; or

(8) The premises used to conduct said *business* have been condemned, declared a fire hazard or declared unsafe for *business* occupancy pursuant to applicable building, property maintenance, or fire codes.

(9) Is in violation of a zoning regulation of the city; or

(10) Is indebted or obligated to the city for past due fees or taxes.

**(b) Suspension/revocation procedure.**

(1) The city council, on its own motion or initiative, or upon the written complaint of any person or city employee, may, by resolution, set a hearing date to determine whether good cause exists to suspend or revoke a license issued pursuant to this article.

(2) A notice of the hearing, along with a copy of the resolution setting the hearing date, shall be served by certified mail with return receipt requested, to the person holding the business license at the address shown on the business license application. Such notice and resolution shall also be hand delivered to the licensee at the address shown on the business license application if the person is present. If the person is not present, the notice and resolution may be delivered to the person in actual charge of the premises at the time of delivery. If the business is closed, a copy of the notice and resolution shall be posted in a conspicuous location on the property.

(3) The notice and resolution shall inform the licensee of the allegations which constitute the basis for the hearing and shall provide that the licensee will be given the opportunity to appear and be heard at the hearing.

(4) At the hearing, the city council will make a determination as to whether good cause exists to suspend or revoke the license. This determination shall be made only after the licensee has been afforded a reasonable opportunity to be heard on the issue.

(5) In the event the city council finds good cause to suspend the license, it shall have the authority to place reasonable conditions and restrictions on the licensee during the suspension period. Any violation of these conditions and restrictions shall result in the revocation of the license.

(6) In the event the city council finds that good cause exists to revoke the license, the city council shall, by ordinance, revoke the license and shall direct the city clerk to notify the licensee of the revocation of the license, and to direct the licensee to immediately cease all business activity at the business location. Notice shall be completed in accordance with subsection (b)(2) herein.

(7) Any person conducting business activity in violation of a revocation ordinance shall be punishable by those penalties prescribed in section 1-9 of this Code, and each sales transaction shall constitute a separate and punishable offense.

(8) Any business or person who has had a license revoked pursuant to the provisions of this article shall not be eligible for another license until the business or person has complied with the requirements of section 26-31 and has obtained city council approval before a new license may be considered.

**Sec. 1-9. - Penalty for violations.**

(a) In this Code "violation of this Code" means:

(1) Performing an act that is prohibited or made or declared unlawful; an offense or a misdemeanor authorized by ordinance or by rule or regulation.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this Code "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not less than Fifty Dollars (\$50.00) not more than Five Hundred Dollars (\$500.00), Each day said willful failure to comply continues, constitutes a separate offense and may be prosecuted accordingly. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$500.00 for each day that the violation is unlawfully continued.

(d) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.

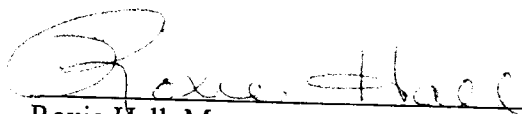
(e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(f) Violations of this Code that are continuous with respect to time, are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

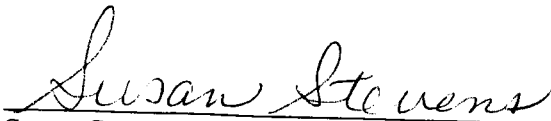
**State Law reference**— Ordinance violations, A.C.A. §§ 14-55-501 et seq., 14-55-601 et seq  
All Ordinances in conflict herewith are hereby repealed. This Ordinance being necessary for the public peace, health and safety, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED this 11<sup>th</sup> day of December, 2023.

APPROVED:

  
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Roxie Hall, Mayor  
Approved Date: 12-11-2023

ATTEST:

  
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Susan Stevens, Clerk

Attest Date: 12-11-2023