

ORDINANCE NO. 2017-10

**AN ORDINANCE AMENDING CHAPTER 4.16
OF THE BEEBE CODE OF ORDINANCES;
DECLARING THAT AN EMERGENCY EXISTS; AND, FOR OTHER PURPOSES.**

WHEREAS, the City Council of the City of Beebe ("City") desires to maintain appropriate Ordinances to deal with the reasonable and appropriate regulation regarding businesses and commercial activity within the City limits, including, but not limited to, peddlers and door-to-door sales; and

WHEREAS, the City Council of the City wishes to amend current City Ordinances regulating peddlers and door-to-door sales within the City.

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

SECTION 1: The Beebe City Council (the "City Council") has previously enacted Ordinances dealing with License and Privilege Taxes, including, but not limited to, the provisions of Chapter 4.16 of the Beebe Code of Ordinances.

SECTION 2: Chapter 4.16. License and Privilege Tax of the Beebe Code of Ordinances is hereby amended to add the following Section to that Chapter: Section 4.16.05, is hereby added to the text of that Chapter:

"4.16.05. Peddlers and House-to-House Sales

A. Any person desiring a license as an itinerant merchant, peddler, vendor, solicitor, door-to-door commercial canvasser, photographer or salesman shall file with the City Clerk-Treasurer a written application containing:

1. Applicant's name and home address;
2. Type of license applied for;
3. Name of employer;
4. Last two cities worked in;
5. Address of business or premises to be used in the city;
6. Period for which license is desired.

- B. The applicant for license described in this section shall also file with the City Clerk-Treasurer a bond with sureties approved by the City Clerk-Treasurer in the sum of \$1,000.00. Said bond shall be made payable to the City for the use and benefit of all patrons or customers of said license. The bonds shall be conditioned for the faithful performance of the licensee's promises and contracts made in the course of applicant's business in the City and said bond shall further provide that any person injured by the breach of any obligation which said bond secures may sue on such bond in his own name to recover such damages as he may have sustained a result of such breach.
- C. *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
1. *Peddler or solicitor* means any individual person, firm, company, partnership, corporation, society, religious sect, organization, or league, including, but not limited to, a trustee, receiver, agent, or similar representative of the same, who engages in peddling or soliciting, whether or not payment is collected at the time of such transaction.
 2. *Peddling or soliciting* means engaging in conduct whereby a person, organization, society, corporation, or its agent, member or representative seeks property, financial aid, gifts, money, or any article representing monetary value; or sells or offers to sell merchandise, goods, any article of value, service, publication, ticket, advertisement or subscription.
- D. It is unlawful to willful or knowingly make any false statement in the application for license hereunder for the purpose of defrauding the City of its just tax or license fee.

E. There shall be a license fee of \$10.00 per day, in addition to the bond required, for all applicants pursuant to this paragraph and said fee shall be paid daily before any work is conducted by the applicant pursuant to this Section. A license pursuant to this Section may be denied or revoked for good cause, which may include, but is not limited to, a situation where the applicant or other (if applicable):

- 1. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the City which may affect or relate to the licensed business;**
- 2. Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;**
- 3. Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;**
- 4. Makes a misrepresentation or fails to disclose a material fact to the City related to any of the obligations set forth in this division;**
- 5. Violates any building, safety, fire or health regulation on the premises in which the business is located after receiving warning from the City to refrain from such violations;**
- 6. Is in violation of a zoning regulation of the City; or**
- 7. Is indebted or obligated to the City for past due bond, fees, or taxes.**

- F. It is hereby declared a misdemeanor for any person, firm or corporation carrying on a business, profession or occupation within the City to fail and/or refuse to comply with any of the provisions of this division. Upon conviction for such violation, the offender shall be fined in an amount not less than \$200.00 nor more than \$500.00 for each separate violation; provided, however, in no case shall the fine be in excess of double the amount of the license fee provided, together with costs."

SECTION 3: Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

SECTION 4: All ordinances or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

EMERGENCY CLAUSE: This Ordinance being necessary so as to protect the health, safety, and welfare of the citizens of Beebe, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this 3rd day of July, 2017.

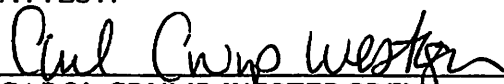


MIKE ROBERTSON, MAYOR

PREPARED AND APPROVED AS TO
FORM BY:

SCOTT BLES, CITY ATTORNEY
ABN 97105 / 501-858-9296

ATTEST:



CAROL CRUMP-WESTERGREN,
CITY CLERK-TREASURER