

ORDINANCE 346

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 316 OF THE CITY OF FLIPPIN, ARKANSAS REGARDING THE CITY BUSINESS LICENSE

WHEREAS, the City of Flippin Fire Department has no system to identify, classify, or quantify businesses, their owners, or other entities conducting business and needing proper classification with the Insurance Services Office (ISO). The present City Council deems it to be a valuable record to identify, classify, quantify, protect, and assist the businesses operating within the city;

THEREFORE, BE IT ORDAINED by the Flippin City Council that the following Ordinance be adopted to establish by title "City Business Permit" as follows:

Section 1. - Registration Required:

Every person or entity having a business, or conducting business located in the Flippin city limits, shall register by providing the formation required on the business permit application form provided by the city. The application shall be accompanied by the annual fee applicable to the applying business through the Flippin Fire Department.

Section 2. – Posting of Business Permit:

Each permittee shall display the current annual business permit at the business location in a visible, conspicuous location.

Section 3. – Annual application fee of businesses, occupations, professions, and services:

To cover the cost of documentation, administration, and enforcement, the initial and annual fee for all business, occupations, professions, and services shall be as follows:

- A. One (1) to forty-nine (49) full time employees; annual fee of \$50.00
 - B. Fifty (50) to ninety-nine (99) full time employees, annual fee of \$100.00
 - C. One hundred (100) or more full-time employees, annual fee of \$150.00
1. All business who are exempt from paying a business permit fee, but shall be required to apply annually for a business permit or permit renewal by filling the annual application data are listed in Section 4.
 2. No person or entity shall be subject to a business permit fee under this article more than one time during any year for the conduct of business, occupation, profession, and services. However, a single entity conducting business at multiple locations shall pay the required fee and meet all other requirements for **EACH INDEPENDENT LOCATION**.
 3. All funds received from application fees will be deposited into a Flippin Fire Department account to fund office, labor and other cost associated with this ordinance.

Section 4. – Exempt Businesses:

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The fee required by this code shall apply to all businesses, occupations, professions, and services having or maintaining offices or business in the city limits **EXCEPT THE FOLLOWING:**

1. Churches and non-profit organizations. However, these organizations are required to provide the annual application if they maintain an office of facility in the Flippin City Limits.
2. Public schools. However, these organizations are required to provide the annual application if they maintain an office or facility in the Flippin City Limits.
3. Residential and Commercial Landlords. However, these organizations are required to provide the annual application if they maintain an office or facility in the Flippin City Limits.
4. Farmer Markets, and children-based (under 18 years old) activities such as lemon aid stands.
5. Home-based type business, as well as businesses not having a physical location within the Flippin city limits.

Section 5. – Payment Due

The application required for a business permit shall be filed, and the fee paid (if any) through the Flippin City Hall / Flippin Fire Department on or before February 1 of each year, and the period covered by any permit shall be valid for that calendar year. The fee owed by any person or entity commencing business on, or after January 2nd shall apply for a business permit before conducting any business, occupation, profession, or service in the Flippin city limits. Business permits issued after January 2nd shall remain valid for the calendar year.

Section 6. – Delinquent Payments; Penalties:

- A. Any person or entity doing business in the Flippin city limits failing to make application, operating without a business license, or failing to pay the applicable fee may be cited with a misdemeanor offense, and the person listed as owner of said business will be cited and demanded to appear in District Court.
- B. The following is the fine schedule for violation of this ordinance:
 1. First offense of failure to obtain a business permit or delinquency may be cited with a fine in the amount of \$100.00
 2. Second offense of failure to obtain a business permit or delinquency may be cited with a fine in the amount of \$300.00
 3. Third offense of failure to obtain a business permit or delinquency may be cited with a fine in the amount of \$500.00

Section 7. – Enforcement:

- A. The Flippin Fire Department shall maintain the authority to conduct annual inspections for the Insurance Services Office's requirements (ISO), safety prevention, and enforcement of the Arkansas Fire Prevention Code of any applicable properties covered under this ordinance.
- B. Grounds for revocation of license:
 1. Valid complaints that a business permit holder is operating the business in a dangerously, unsanitary or unhealthy manner, or in such a manner as to unreasonably and adversely affect the peace, health or safety of neighbors or citizens of Flippin.
 2. The determination that the premises are a fire or life safety hazard for occupancy because of building, property maintenance or fire code violations.

3. 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.
4. The business permit was procured through fraud or misrepresentation.

C. Enforcement:

If the license is suspended or revoked and the business continues to operate, each day of operation will constitute a separate violation. The city may withhold all municipal services, including water and sewer services, if the business continues to operate with suspended or revoked license. If a business fails to obtain a license or has a license suspended or revoked, the or designee can issue a citation for failure to comply with this ordinance.

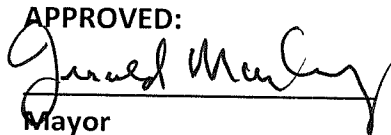
Section 8. – Conflicting Ordinances Repealed:

All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

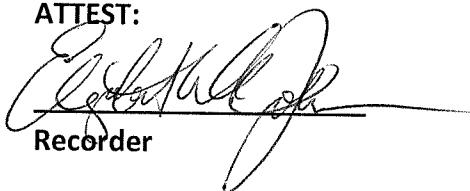
Section 9. -Emergency Clause:

The City Council of Flippin Arkansas hereby determines that it is necessary for the preservation of the public peace, health and safety that this Ordinance become effective without delay. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 15 day of November, 2022.

APPROVED:

Mayor

ATTEST:


Recorder

(seal)