

ORDINANCE NO. 97-5

AN ORDINANCE ESTABLISHING A <sup>Business</sup> ~~BUILDING~~ PERMIT REQUIREMENT FOR  
BUSINESSES OPERATING IN THE POTTSVILLE CITY LIMITS

WHEREAS, the City of Pottsville is currently without a regulation or ordinance requiring that businesses located and operating within the city limits obtain a license or business permit; and

WHEREAS, the City Council has determined that it is in the best interest of the City to require that all persons, partnerships, associations, companies and corporations engaging in or operating a business within the City limits of Pottsville obtain an annual business permit prior to engaging in business. The purposes of said permit requirement are to register all businesses, to ascertain the owner or the person responsible for the business in case of an emergency, and to enhance zoning and code enforcement in all commercial and residential areas of the City.

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

**SECTION 1:**      **Definitions.**

(a)      The term "person" as used herein shall refer to any sole proprietorship, partnership, corporation, association, firm, or other legal entity which engages in, carries on or follows any trade, business, vocation, profession or calling within the City of Pottsville except such persons who are exempt from payment of occupation taxes and licensing procedures by the laws of the State of Arkansas or the laws of the United States.

**SECTION 2.**            **Permit required.**

It shall be unlawful for any person, firm, individual or corporation, within the city limits of the City of Pottsville to engage in, carry on or follow any trade, business vocation, profession or calling without first procured from the Pottsville City Hall, a business permit, and having paid therefore a fee of **\$25.00** for the privilege of engaging in, carrying on or following such trade, business, profession, vocation or calling in said city.

Current businesses will obtain their permit within thirty (30) days of the passage of this Ordinance and will be responsible for a **\$12.50** fee prorated for the remainder of this year.

New businesses will pay a lesser fee for the remainder of this year at a rate of **\$2.00 per month.**

**SECTION 3.**            **Procurement of permit.**

All permits provided for in this Ordinance shall be issued by the City of Pottsville. The permits shall be issued for a term beginning as of January 1. Business holding permits that intend to remain in business during the following year should renew their permit for a fee of \$5.00 during the month of December.

**SECTION 4.**            **Application.**

Application for permit under this chapter shall be made at the Pottsville City Hall in writing, upon blank forms to be furnished by the city. Each application shall indicate the character of business for which permit is asked; number of employees; location of business; owner, manager or person responsible in case of an emergency, and any other information requested by the City of Pottsville and be subscribed and sworn by the proper person or officer of the firm or corporation making application.

**SECTION 5.**

**Peddlers - Permit required.**

It shall be unlawful for any person not having an established business in the city, to haul or bring into the city, either directly or indirectly, any goods, wares, merchandise, provisions, fruits, or other food products, with the intention of selling or disposing of same from any truck or vehicle, railroad car, room, store, warehouse, building, lot or in any other manner, whatsoever, either at wholesale or retail; by soliciting orders therefore from house to house, or from store to store, or taking orders for the future delivery thereof, or selling directly or otherwise, at wholesale, retail, without a bona fide intention of selling or disposing of such goods, wares, merchandise, fish, meats, provision, fruit, food products, or other such property, through a regularly established place of business within the city, without first obtaining a permit for such purpose, as is herein provided.

Peddlers and other "road-side vendors" will be required too designate on their permit application the location of their road-side business. No permit shall be issued unless the road-side vendor produces, at the time of the application, written permission from the property owner allowing the vendor to conduct his business at said location.

**SECTION 6.**

**Garage sales, etc.**

Property owners shall be allowed to, on a limited bases, carrying on the sale of merchandise in the form of garage sales, porch sales, rummage sales, or any similar type sale as long as the provisions of this Ordinance are followed.

The property sold at the aforementioned sales must be personal property owned by the person or persons conducting said sale, and shall not be property that was purchased for the purpose of resale. No permit shall be required for a garage sale or other similar sale. Said sales shall be for a maximum of 3 days and no person shall engage in garage sales of this nature more

than 3 times per year. Garage sales that last longer then 3 consecutive days, or persons conducting more than 3 sales per year in a residential area shall be deemed to be conducting a business, and shall be in violation of this Ordinance.

No signs advertising said sale will be placed on utility poles, trees or street right-of-ways and no such signs will be placed on private property without written authorization by the owner of said private property. Any sign put up shall be removed within twenty-four (24) hours after termination of sale.

**SECTION 7.**            **Enforcement.**

The Pottsville Police Department, when other duties permit, shall ensure that all businesses have a permit posted at the location of the business or sale.

**SECTION 8.**            **Non-transferable.**

No permit issued under this Ordinance shall be transferred, except from one location to another location, and no permit shall be transferred in any event from one business to another.

**SECTION 9.**            **Display.**

Each permit shall be posted in a conspicuous place where such business or corporation is carried on and the holder of such permit shall immediately show the same to any office of the City upon being requested to do so. Each road-side vendor shall display his permit in a manner such that it may be seen from the curb or road-side by city inspectors.

**SECTION 10.**            **Penalties.**

Any person violating the provisions of this ordinance and/or any person who makes a false affidavit or statement or report to the City as a part of the procedures recognized by this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not less than \$5.00 nor more than \$500.00, and each day of violation shall

constitute a separate offense.

**SECTION 11.**

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. The provisions of this Ordinance are hereby declared to be severable, and if any provisions shall for any reason be illegal or invalid, such holding shall not effect the validity of the remainder of this Ordinance.

**SECTION 12.**

DATED this 20 day of June, 1997

  
BRUCE HAWKINS, MAYOR

  
CITY CLERK