

ORDINANCE NO. 02

AN ORDINANCE ESTABLISHING A SYSTEM FOR THE LICENSURE OF  
BUSINESSES OPERATING WITHIN CITY LIMITS  
AND DECLARING AN EMERGENCY

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WHEREAS, the Town Council believes it is in the best interests of the Town and of the businesses doing business within the Town to establish a system to identify, classify, and quantify businesses and owners of businesses doing business within city limits;

THEREFORE, BE IT ORDAINED by the Council of the Town of Bergman, Arkansas:

**Section 1:** Every person or entity having a business location inside the limits of the Town shall register by providing the information required in a license application form provided by the Town. The application shall be accompanied by the annual fee applicable to the applying business. Upon approval of the application and fee, the Town shall issue a business license certificate.

**Section 2:** Each licensee shall display the current annual business license at the business location in a visible, conspicuous location.

**Section 3:** To cover the cost of documentation and administration of enforcement, the initial annual fee for all businesses, unless exempt as herein provided, shall be as follows:

- A. Any first-time applicant for a Business License shall pay a \$100.00 application fee.
- B. After the first year, all applicants shall file annually for a business license renewal and shall pay a \$50.00 renewal fee annually thereafter.

**Section 4:** The fee required by this code shall apply to all businesses, services, occupations, or professions having or maintaining offices or business locations in the city limits, EXCEPT THE FOLLOWING:

- A. Churches and non-profit organizations, however these organizations are required to submit the annual application if they maintain an office or meeting facility in the Town limits.
- B. Public schools.
- C. Residential and commercial landlords.
- D. Kennels and livestock raising operations.

**Section 5:** The application and fee are due to Bergman City Hall on or before June 1 of each year.

**Section 6:** Any person or entity doing business in the Town who fails to make application or to pay the applicable fee may be cited with a misdemeanor offense, punishable by fines and costs of up to \$1000.00.

**Section 7:** A business license may be suspended or revoked in the following circumstances:

- A. If the Business Licensee is operating a business in a dangerous, unsanitary, unsightly or unhealthy manner, or in such a manner as to unreasonably and adversely affect the peace, health or safety of neighbors or other citizens of the Town.
- B. If the business' premises are a fire hazard or otherwise violate building, property maintenance or fire codes.
- C. If the business' premises or operations are in violation of applicable restrictive covenants or other lawfully imposed restrictions.
- D. If the business is operated contrary to any federal, state, or local law or regulation, or has had a required state, town, or regulatory license or permit (e.g., Ark. Dept. of Health permit) suspended or revoked.
- E. If the Business License was procured through fraud or other misrepresentation.
- F. If the Business Licensee fails to renew the Business License as required hereunder.

**Section 8:** If an event as described in Section 7 above has occurred, the Town shall notify the Business Licensee by first class mail of the event or condition which constitutes a valid basis for suspension or revocation and will provide a time for the Business Licensee to attend a due process hearing before the Town Council. If, after the hearing, a license is revoked, the Business Licensee shall have ten days to submit a written appeal to the Town Council, which will be heard by the Town Council. The Town Council will make a determination within 30 days of the date upon which the Town Council heard the appeal. If no written appeal is submitted, the Town Council's determination is final with no further right of appeal being afforded to the Business Licensee.

**Section 9:** If a license is suspended and the business operations are continued within the Town's limits despite such suspension, each day of operation without a business license will constitute a separate violation hereunder and the Town may withhold all municipal services, including water service from the business location.

**Section 10:** The provisions of this ordinance are deemed to be severable. A finding that any provision of this ordinance is invalid shall not affect the validity of the remaining provisions of this ordinance.

**Section 11:** It is determined by the Town Council that the adoption of this Ordinance is needed without delay in order to protect the interests of Bergman citizens, and an emergency is hereby declared. This Ordinance shall be deemed effective upon its passage and publication.

PASSED AND ADOPTED this 1 day of March, 2022.

TOWN OF BERGMAN, ARKANSAS

BY:   
DANNY FARMER, MAYOR

ATTEST:

  
DONIA COOK, CITY CLERK