

**ORDINANCE NO. 2021 - 37**

AN ORDINANCE AMENDING THE SEARCY CODE OF ORDINANCES;  
AMENDING THE BUSINESS LICENSE FEES FOR THE CITY OF SEARCY;  
AND FOR OTHER PURPOSES.

WHEREAS, the Searcy City Council has received reports from the Searcy Inspection Department in connection with business licensing within the City of Searcy; and

WHEREAS, the City of Searcy is authorized to administer regulations concerning business licensing and for other purposes; and

WHEREAS, the Searcy City Council has reviewed the existing business license structure and has identified methods to modify, amend, and alter this structure;

NOW, THEREFORE, be it ordained by the Searcy City Council, meeting in regular session, that:

Section 1. Sections 17-1 through 17-14 of the Code of Ordinances of the City of Searcy, Arkansas, are hereby amended to read as follows:

**“Sec. 17-1. Definitions.**

The following words and phrases shall have the meanings as defined by this section:

1. *Person.* The word "person" shall include any individual, partnership, corporation, association or general agent in charge of any business or professional enterprise or undertaking.
2. *Worker.* The word "worker" shall include each employee, manager, owner or agent, including part time and full time, receiving a remuneration from the operation or conduct of any business or professional enterprise or undertaking. The term "worker" shall refer to the average annual number of workers.
3. *Transient.* The word "transient" preceding the words vendor, solicitor and salesman shall mean and include any person who has no fixed place of business within the City limits, but goes from place to place or from house to house to display and sell new or used goods, wares, merchandise, novelties and other such things or solicits orders for such articles and things to be delivered later.
4. *Engaged in a Trade or Business.* The term “engaged in a trade or business” shall mean and include commencing, conducting, or continuing any business, enterprise, or operation which is not defined as a tax-exempt organization

pursuant to the Internal Revenue Service. For the purposes hereof, any private club for which an Arkansas ABC Commission Permit shall have been issued shall be engaged in a trade or business without regard to any tax-exempt status. For purposes hereof, the following shall not be included in the definition of being engaged in a trade or business:

- A. Persons doing work for another person who is otherwise licensed by the State of Arkansas and that performs work only on a contract basis and not as an employee.
5. *Unit.* The term “unit” as used in connection with hotels, motels, apartments, boarding houses, rental properties and for any other structure used for human habitation, for any term, shall mean an individual room or group of rooms or property being rented for use as a sleeping accommodation by one or more persons.

**Sec. 17-2. License Fee Schedule.**

Hereafter, any person who shall be engaged in a trade or business within the City of Searcy shall obtain and pay for an occupational license or permit to conduct or perform such business within the City of Searcy.

For purposes of this chapter, the following rate per annum unless otherwise specified shall be applied for the imposition and collection of the occupational license or permit fees

- a. **CONTRACTORS** (Building, Mechanical, General, Heating, etc.)  
\$ \$25.00minimum  
plus \$5.00 per worker over 5 workers
- b. **ENTERTAINMENT AND RECREATION FACILITIES** (Theatres, Bowling Alleys, Recreation Halls, Skating Rinks, etc.)  
\$ \$25.00 minimum  
plus \$5.00 per worker over 5 workers
- c. **HOSPITALS AND NURSING HOMES**  
\$40.00 minimum  
(1-5 beds) plus \$2.00 for each bed over 5 beds
- d. **INDUSTRIAL** (Manufacturing, processing, warehousing, etc.)  
\$50.00 minimum  
plus \$3.00 per worker for first 100 workers, \$2.00 for second hundred, and \$1.00 for all over 200 workers

- e. **PROFESSIONAL** (Doctors, Lawyers, Accountants, etc.)  
\$50.00 each plus \$5.00 per employee
- f. **RESTAURANTS and FOOD SERVICE**  
\$25.00 per location
- g. **SERVICES** (Barbershops, Beauty Shops, Rental Agencies, Auction Sales, Banks, etc.)  
\$ \$25.00 minimum  
plus \$5.00 per worker over five workers
- h. **TRADESMAN** (self-employed painters, plumbers, electricians, etc.)  
\$\$25.00 minimum  
plus \$5.00 per worker over five workers
- i. **TRAILER PARKS**  
\$40.00 minimum  
(1-5 trailer spaces)  
plus \$2.00 for each space over 5 spaces
- j. **WHOLESALE AND RETAIL SALES**  
\$ \$25.00 minimum  
plus \$5.00 per worker over five workers
- k. **HOTELS, MOTELS, APARTMENT HOUSES, BOARDING HOUSES AND RENTAL PROPERTIES**  
\$25.00  
plus \$2.00 per unit over 3 units. (no license required for 3 units or less)
- l. **SELF-SERVICE LAUNDRIES**  
\$40.00 minimum  
plus 1.00 for each machine
- m. **SOLICITING AND ADVERTISING**
  - i. Advertising agency engaged in leasing and/or letting billboards, walls and other outdoor spaces for advertising purposes  
.....\$ 50.00
  - ii. Advertising agency engaged in soliciting and/or accepting orders for out of town newspapers, magazines, periodicals, publications and other advertising media  
.....\$ 25.00

- iii. Individual Book agent engaged in soliciting subscriptions for delivery of books, magazines, newspapers and other periodicals  
Per Annum..... \$25.00
- iv. Book vendor going from place to place or from house to house selling and delivering books, magazines and other periodicals, publications and novelties, each  
Per Person Per Annum..... \$25.00
- v. Taxicab or motor bus .....\$125.00
- vi. Transient sign painter, window decorator or other such craftsman  
Per Annum..... \$25.00
- vii. Transient vendor not herein otherwise listed and taxed shall be required to pay a fixed privilege tax before offering any goods, wares, and merchandise for sale on the streets of the City or to the inhabitants  
Per Stay Not to Exceed 1 Month.....\$ 250.00
- viii. Transient vendor of fruits, vegetables, nuts and other such products, delivering from automobiles, trucks, railroad cars, tents, sheds and temporary quarters, except for selling farm products grown in White County  
Per Annum .....\$ 25.00

**Sec. 17-3. Licenses and Permits for Occupations Not Specifically Enumerated.**

Any person who shall engage in any trade or business which is not herein specifically enumerated shall obtain and pay for an occupational license or permit at the same rate as the fee charged for the most closely related, trade or business herein specified.

**Sec. 17-4. Transients; Identification Badges.**

For trades and businesses involving transients, the City Clerk, in addition to issuing the permit as specified herein, shall also issue an identification badge which must be worn by all persons engaged in the particular trade or business.

**Sec. 17-5. Individual License for Each Trade, Profession or Business -- Same location.**

Any person engaged in more than one trade or business that is located within one structure shall obtain and pay for a license for each such trade or business.

**Sec. 17-6. Same -- Separate Locations.**

Any person engaged in a trade or business in unconnected or separate structures shall obtain and pay for a license for each location unless relieved and excused by the board of equalizers.

**Sec. 17-7. Board of Equalizers -- Created; Duties.**

A board of equalizers is hereby created:

- a. To review and equalize any assessment made against any applicant for an occupational or privilege license.
- b. To review and reclassify, if necessary and proper, the status of any applicant for occupational and privilege licenses.
- c. To hear and determine controversies arising between the city and applicants for occupational license or privilege permits, where the applicant is engaged in more than one trade or business, and is requesting a reduction of the total fees to be paid on all such enterprises and undertakings.
- d. To perform such other duties as may appear proper and right in executing and enforcing the provisions of this chapter.

**Sec. 17-8. Same -- Appointment; Terms; Regulations.**

The Mayor shall appoint, subject to ratification by the Council, five (5) qualified citizens and taxpayers of Searcy to serve as members of the board of equalizers. For the initial appointment only, one member shall be appointed to serve for a term of five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one for one (1) year. Upon expiration of the term of each member so appointed a successor shall be appointed by the Mayor, subject to ratification by the City Council, to serve for a term of five (5) years. A board member shall be permitted to succeed himself, if so appointed and ratified. Before entering upon the duties as member of such board of equalizers, each member shall take and subscribe the oath of office required by law. Three members shall constitute a quorum to transact business. The board of equalizers is hereby empowered and authorized to adopt such regulations and administrative guidelines as in the judgment of the board shall be deemed advisable.

**Sec. 17-9. Taxes and Fees Payable; Delinquency, Collection by City.**

- A. All taxes and fees imposed by this Chapter, and including without limitation Section 17-2, shall be due and payable to the City Clerk on January 1 of the year for which it is imposed. The fee collected on said date shall be equal in amount to that rate which shall be in effect as of said date, subject to the following
  - B. In the event that the sums due under Section 17-2 are not paid as and when due, then a penalty shall be assessed and collected by the City in the following amounts, which shall be separate from any fine that may be imposed by a court of competent jurisdiction in the event that a citation is issued:
    - i. After March 1 – 25% penalty;
    - ii. After April 1 – 50% penalty;
    - iii. After May 1 – 75% penalty;
    - iv. After June 1 – 100% penalty.

The City shall, in the event that any sum due hereunder shall remain unpaid after July 1, issue a citation to any person in whose individual name a business license is issued or who is a manager or other responsible person for any such facility.
  - C. The City Clerk is hereby authorized to collect all occupational and privilege license fees and to issue licenses and permits to each qualified and acceptable applicant.
  - D. It shall be unlawful to conduct business without a business license as provided in this Chapter and a business license may be revoked by the Mayor for nonpayment.

**Sec. 17-10. Proration.**

There shall be no pro-ration for any permit issued hereunder for any period of less than one (1) year; provided, however, that in the event that a permit is issued within the final calendar quarter of any year, then the City may collect a fee equal to one-half (1/2) of the cost of such permit.

**Sec. 17-11. Display of License.**

Each person obtaining a license under this chapter shall post the same in a conspicuous place and shall exhibit the same to any officer of the City when requested to do so.

**Sec. 17-12. Unlawful to Engage in Business, Trade for Profit Without License.**

It shall be unlawful for any person to engage in and carry on any trade or business within the City limits without obtaining an occupational license as herein provided.

**Sec. 17-13. Prospective Licensee Required to Produce Pertinent Records; Penalty for Furnishing False Information; Forms and Applications.**

1. The City of Searcy, by and through its designated representative, shall be authorized to require all persons covered by this chapter to produce records upon which the occupational and license taxes are based. Any person so refusing to produce such records shall be guilty of a misdemeanor and punishable as herein provided.
2. Any person covered by this chapter who furnishes false information upon which the tax rate is based shall be deemed guilty of a misdemeanor, and upon a conviction thereof, may be punished as herein otherwise provided.

**Sec. 17-14. Penalty for Violations.**

Any person, or agent, servant, employee or worker who violates any of the provisions of this chapter (Sec. 17-1 through 17-13, inclusive) shall be guilty of a misdemeanor and upon conviction, shall be fined in a sum of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), and each day's violation shall constitute a separate offense.”

Section 2. The provision of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision or provisions shall be enforceable according to their terms.

Section 3. All ordinances, resolution or other acts of the City in conflict with the terms hereof are repealed to the extent of any such conflict; provided, however, that no other section of Chapter 17 of the Searcy Code of Ordinances shall be deemed to be modified, altered, or amended except as otherwise specifically set forth herein.

Emergency Clause. The Searcy City Council has determined that an emergency exists and that the immediate adoption and enforcement of this ordinance being necessary for the public peace, health, safety and welfare, the provisions hereof shall be in full force and effect from and after its passage.

PASSED AND ADOPTED this 14<sup>th</sup> day of December, 2021.

/s/ Kyle Osborne  
Mayor of Searcy

Attest:

/s/ Jerry Morris  
City Clerk