

CITY OF DIAMOND CITY, ARKANSAS
ORDINANCE NUMBER 05-2016

AN ORDINANCE BY THE CITY COUNCIL OF DIAMOND CITY, BOONE COUNTY, ARKANSAS TO ESTABLISH REQUIREMENTS FOR A LICENSE TO OPERATE A BUSINESS IN THE CITY OF DIAMOND CITY, ARKANSAS.

WHEREAS, the City of Diamond City has a responsibility to its citizens to preserve the safety and welfare of its citizens; and

WHEREAS, the City of Diamond City has no system to identify, classify, or quantify businesses or their owners doing business within the city limits. The present City Council and City Administration deems it valuable to record, identify, classify, quantify, protect, and assist the businesses operating within the city; and

WHEREAS, the City of Diamond City deems it necessary to ensure that no business is producing noise, odors, using or producing hazardous materials, or creating a hazardous situation for the residents and visitors to Diamond City that would jeopardize the health and safety of its residents;

NOW, THEREFORE, THE CITY COUNCIL OF DIAMOND CITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I - DEFINITIONS

- A. The following section of the Planning and Zoning Commission regulations will be used to define a commercial/industrial business.

Chapter III, SECTION 4, COMMERCIAL AND INDUSTRIAL

- B. The commercial zones are intended for those businesses which provide convenient shopping and services for Diamond City and adjacent areas and services for highway traffic.

Chapter IV, SECTION 4. Home Occupations

- C. The above listed section of the Planning and Zoning Commission regulations will be used to define a home occupation.
- D. Home occupation includes, **but is not limited to** the following: (a) Art Studio (b) Dressmaking (c) Professional Office of a Physician, Dentist, Lawyer, Engineer, Architect, Accountant, Salesman, Real Estate Agent, Insurance Agent, or other similar occupation.
- E. An occupation may be carried on in a residential structure in a residential district only if the following are complied with:
1. No advertising other than one unlighted identification sign of not more than two square feet in area and no other display or storage or materials or exterior indication of the home occupation.
 2. The occupation must be carried on only by members of the family residing in the dwelling unit.

SECTION II – REGISTRATION REQUIRED

- A. Every person or entity having a business in the Diamond City city limits shall register by providing the information required in a license application form provided by the City. The application shall be accompanied by the annual fee applicable to the applying business. Upon approval of the application and the submission of the fee the City shall issue a business license certificate.

SECTION III – POSTING OF BUSINESS LICENSE

- A. Each licensee shall display the current annual business license at the business location in a visible conspicuous location to customers or inspectors.

SECTION IV – ANNUAL APPLICATION ON BUSINESSES, OCCUPATIONS, PROFESSIONS

- A. To cover the cost of documentation and administration enforcement the initial and annual fee for all businesses shall be as follows:
1. First Time Applicant
 - a. First time applicants for a new business license will pay the following fee schedule regardless of date of application.
 1. \$20.00 (twenty dollars) annually.
 - b. For renewals of a business license.
 1. \$10.00 (ten dollars) annually

SECTION V – PAYMENTS DUE DATE

- A. The application for the business license shall be filed and the fee paid by January 31st of each year and the period covered by any license shall be for that calendar year. The fee owed by any person or entity commencing a new business after January 31st shall be \$20.00 for the remainder of the year.

SECTION VI – DELINQUENT PAYMENTS; PENALTIES

- A. All business license renewals will be due by January 31 of each successive year. If not paid by this date an additional \$10 will be assessed for each 30 days late thereafter for up to 90 days.

SECTION VII – EXEMPT BUSINESSES

- A. The fee required by this ordinance shall apply to all businesses, services, occupations, or professions having or maintaining offices or business location 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 or meeting facility in the City of Diamond City city limits.)
 - 2) Farmer Markets

- 3) Residential or Commercial Landlords. (However, any person or entity who is renting, leasing, or renting/leasing to buy and conducts a business out of the location shall be subject to the requirements of this ordinance.)

SECTION VIII - IMPLEMENTATION

- A. The implementation of the business license will extend to the end of the year 2016. During this time period the City will prepare a letter of instruction on the procedure, a copy of the ordinance, a copy of the business license application and provide assistance and help phone numbers to each known business in Diamond City.
- B. Once the application is completed it will be submitted along with \$20.00 in payment to the City of Diamond City, P.O. Box 1300, Diamond City, Ar. 72630 or dropped off at City Hall.
- C. All initial Business License will be effective on January 1, 2017.

SECTION IX - SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section or subsection be declared by the courts to be unconstitutional or invalid, such decision shall not affect the ordinance as a whole, or any portion thereof other than the section or subsection to be declared unconstitutional or invalid.

Approved and adopted by roll call vote as follows this 27 day of September, 2016.

Ayes 4 Nays _____ Abstentions _____ Absent 1


I, the undersigned, hereby certify that Ordinance 05-2016 was duly adopted by the City Council of Diamond City, Arkansas.

ATTEST:



Tina Jackson
Recorder/Treasurer

APPROVED:



Jan Hudson
Mayor

CITY OF DIAMOND CITY BUSINESS LICENSE APPLICATION

Tax ID Number _____

City License Number _____

This application is for: _____ a new business _____ a license renewal _____ a location change

Name of Business _____ Type of Business _____

Physical Street Address _____ Phone No. _____

Website (If available) _____ Email Address _____

Billing Address _____ City _____ St. _____ Zip _____

Business Owner(s) Name _____ Home Phone No. _____

Home Address _____ City _____ St. _____ Zip _____

If a relocation: Old Address _____ **Old Phone Number** _____

Emergency Contact: Name _____ Phone No. _____

Address _____ City _____ St. _____ Zip _____

Total Employees _____ Building Total Square Feet _____ No. Marked Exits _____

No. Fire Extinguishers Provided _____ Is Fire Protection system (Fire Alarm/Sprinkler System) provided _____

If Assembly occupancy, is occupant load posted? _____ Is address Clearly Posted on the Street Side of the Structure? _____ (4" minimum height in contrasting colors)

Building Owners Name, Address, and Phone Number _____

List any special hazards and/or hazardous materials that may be associated with your business?

All licensed businesses within the city limits of Diamond City are subject to inspection by the City of Diamond City and the Chief of the Diamond City Fire Protection Association, Inc. to ensure compliance with all Federal, State and Local laws and ordinances. All business licenses are valid for the calendar year in which it is issued and payment must be received by January 31st of the license year.

Signature _____ Printed Name _____

Approved By _____ Approved Date _____

Mayor, City of Diamond City, Arkansas

CITY OF DIAMOND CITY BUSINESS LICENSE

LICENSE #/ _____

EXPIRES DECEMBER 31st, 20 _____

This is to certify that _____, **doing business within the corporate**
Business Name
limits of the City of Diamond City, Arkansas has paid in the sum of _____ **dollars (\$** _____ **),**
as a fee as required under Ordinance 05-2016 of the City of Diamond City for the privilege of operating
and/or conducting a business or profession within said CITY for a period of time beginning on the 1st
day of January _____ **and ending on the 31st day of December,** _____.

Type Of Business

City Seal

Jan Hudson, Mayor

State of Arkansas
County of Boone

Given under my hand this _____ **day of** _____, **20** _____.

Name of Notary

My Commission Expires