

## TITLE 4

### BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Cable TV Franchise
- 4.20 Tax on Private Clubs
- 4.24 Occupational Licenses
- 4.28 Solicitors

### CHAPTER 4.04

#### ELECTRIC FRANCHISE

Sections:

- 4.04.01 Electric franchise granted to Southwestern Electric Power Company
- 4.04.02 Franchise tax
- 4.04.03 Franchise payments in lieu of other charges
- 4.04.04 Line moving
- 4.04.05 Trimming trees
- 4.04.06 Attachments and free service
- 4.04.07 No additional privileges given

4.04.01 Electric franchise granted to Southwestern Electric Power Company. That the Southwestern Electric Power Company shall continue to operate its Electrical Power system and all business incidental thereto or connected with the conducting of business system engaged in the sale of electrical power and energy within the corporate limits of the city of West Fork, Arkansas, as heretofore allocated to the Southwestern Electric Power Company by the Arkansas Public Service Commission. The said Southwestern Electric Power Company shall continue to exercise its right to place, remove, construct, extend and maintain its said construction and appurtenances thereto, along, over, across, on, through, and above and under all public streets, alleys, avenues and the public grounds and places in certain areas heretofore allocated by the Arkansas Public Service Commission and within the corporate limits of the City of West Fork, Arkansas, as said corporate limits are now located or as may be located within the area assigned to the Southwestern Electric Power Company by the Arkansas Public Service Commission. (Ord. No. 106, Sec. 1)

4.04.02 Franchise tax. That the Southwestern Electric Power Company agrees to pay to the City of West Fork, Arkansas, for the period of January 1, 1978, and ending December 31, 1982, a sum equal to three percent (3%) of its gross receipts for sale of electric power to domestic and commercial consumers within the territory served the Southwestern Electric Power Company within the corporate limits of the city of West Fork as now located or as may be

hereafter located, said sum to be paid in quarterly payments, commencing with all billings issued after January 1, 1978, and continuing through December 31, 1982.

The terms of the agreement shall be reviewed by the City Council and Southwestern Electric Power Company at least 90 days prior to December 31, 1982, for the purpose of negotiating any changes or continuing the same agreement for another five years.

The Southwestern Electric Power Company shall have thirty (30) days from the end of each quarter to compute and make payments provided for herein. (Ord. No. 106, Sec. 2)

4.04.03 Franchise payments in lieu of other charges. The franchise payments provided for herein required shall be in lieu of all other charges, licenses, fees or impositions (other than the usual general ad valorem taxes) which may be imposed by the city of West Fork, Arkansas, under authority conferred by law.(Ord. No. 106, Sec. 3)

4.04.04 Line moving. The Southwestern Electric Power Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Southwestern Electric Power Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes. (Ord. No. 106, Sec. 4)

4.04.05 Trimming trees. Permission is hereby granted to the Southwestern Electric Power Company to trim trees upon and overhanging streets, alleys, sidewalks, and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Southwestern Electric Power Company all of the said trimming to be done under the supervision and direction of any City Official to whom said duties have been or may be delegated. (Ord. No. 106, Sec. 5)

4.04.06 Attachments and free service. Nothing in this ordinance contained shall be construed to require or permit any electric light or power wire attachments by the City or for the City. If light or power attachments are desired by the City or for the City, then a separate noncontingent agreement shall be a prerequisite to such attachments. No free service is to be furnished by Southwestern Electric Power Company to the city of West Fork, Arkansas. (Ord. No. 106, Sec. 6)

4.04.07 No additional privileges given. Nothing herein contained shall be construed as giving to the Southwestern Electric Power Company any privileges outside of the portion of the city of West Fork, Arkansas now or hereafter allocated to it by the Arkansas Public Service Commission, nor shall it affect any prior or existing rights of the Southwestern Electric Power Company to maintain an

electrical power system within the city of West Fork, Arkansas. (Ord. No. 106, Sec. 7)

## **CHAPTER 4.08**

### **GAS FRANCHISE**

#### **Sections:**

- 4.08.01 Franchise granted to Arkansas Western Gas Company
- 4.08.02 Franchise tax
- 4.08.03 Acceptance by city
- 4.08.04 Contract

4.08.01 Franchise granted to Arkansas Western Gas Company. "Whereas, the Arkansas Western Gas Company holds a franchise granted by the city of West Fork granting the right and privilege to lay gas mains along streets, alleys, avenues, roads and highways and other public places of the said city for the purpose of distributing and selling natural gas to the inhabitants of said city and for other purposes; and

4.08.02 Franchise tax. Whereas, the said Arkansas Western Gas Company has offered to enter into a proposed contract, to be dated December 14, 1977, with the city calling for the company to pay to the city three percent (3%) of its sales of natural gas to domestic and commercial consumers within the city limits which is to be in place of and in lieu of any and all occupation taxes, meter taxes, privilege taxes, license fees, street and alley rentals of what ever kind or nature (except general and ad valorem taxes) now in effect or hereafter put into effect by the said city of West Fork, Washington County, Arkansas; and

4.08.03 Acceptance by city. Whereas, the city council of the city of West Fork, Washington County, Arkansas, has determined that it will be in the best interest of the said city to accept the terms and enter into the said contract, and that upon payment of the sum called for in the said contract that it will be fair, just and equitable that such sum be accepted in lieu of payment by the company of any and all occupation taxes, meter taxes, privilege taxes, license fees, street and alley rentals, and any and all other levies, taxes, and fees of whatsoever kind, nature or character (except general and ad valorem taxes) for the life of the said contract and any renewals thereof.

4.08.04 Contract. That the Mayor and Clerk of the said City be and they are hereby authorized and instructed to execute and enter into the aforementioned contract on behalf of the city of West Fork, Washington County, Arkansas.

That the Arkansas Western Gas Company be and it is hereby exempted from and relieved of paying any and all occupation taxes,

meter taxes, privilege taxes, license fees, street and alley rentals, and any and all other levies, taxes, and fees of whatever kind of nature (except general and ad valorem taxes) now in effect or hereafter enacted by the city of West Fork, Washington County, Arkansas, during the existence of the hereinabove mentioned contract or any renewals thereof."

CONTRACT

This contract made and entered into this 14th day of December, 1977, by and between the city of West Fork, Washington County, Arkansas, a municipal corporation, hereinafter called the City and Arkansas Western Gas Company, Fayetteville, Arkansas, an Arkansas corporation, hereinafter called the Company.

W I T N E S S E T H

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That the Company agrees to pay to the City for the period commencing December, 1982, a sum equal to three per cent (3%) of its sales of natural gas to domestic and commercial consumers within the city limits of the city of West Fork, said sum to be paid in quarterly annual payments. The company shall have 30 days from the end of each quarter to compute and make the payments provided for herein.

That for and in consideration of the above mentioned agreement by company, the city hereby agrees to relieve the company of the payment of all occupation taxes, meter taxes, franchise taxes, privilege taxes, license fees, street and alley rentals and any and all other levies, licenses, taxes and fees of whatever kind, nature or character (except general ad valorem taxes) now in effect or hereafter put into effect by the said city during the life of this contract or any renewal thereof.

It is further agreed that any increase or attempted increase of the said percentage or imposition of any of the said taxes on Arkansas Western Gas Company shall render this agreement ipso facto null and void.

Said city of West Fork, Washington County, Arkansas, under and by authority of the city council of said city, duly assembled in legal session, on this 13th day of December, 1977, agrees to the terms and conditions of this contract and has this day authorized the execution of said contract by the Mayor and Recorder of said city.

Witness our hands and seals the day and year first written above.

ATTEST: CITY OF WEST FORK

S/ Paula Caudle  
Recorder

S/ Alexander P. Stickers  
Mayor

ATTEST: ARKANSAS WESTERN GAS CO.

S/ Paula Caudle  
Treasurer and Secretary

S/ James L. Walker  
Vice-President

(Res. No. 6 - 77)

**CHAPTER 4.12**

**TELEPHONE FRANCHISE**

Sections:

- 4.12.01 Authority granted for operation of telephone system
- 4.12.02 Exclusive franchise
- 4.12.03 Rights and responsibilities
- 4.12.04 Extensions over long distances
- 4.12.05 Coextensive with city or town
- 4.12.06 Franchise tax

4.12.01 Authority granted for operation of telephone system. That the White River Telephone Company, Inc., their successors and assigns be and hereby are authorized to erect, construct, operate and maintain a telephone system in the incorporated city of West Fork, Arkansas, with all poles, lines, line wires, guy wires, underground conduits, cables and wires, fixtures and appliances necessary to furnish said city and its inhabitants a suitable and sufficient telephone system during the life of the franchise in this ordinance and for such purposes may enter in and upon any street, avenue, alley, bridge or road belonging to or under the control of said city. To erect their poles, stretch their wires, lines and establish any other appliances necessary for the purpose as they may deem proper under this ordinance. (Ord. No. 92, Sec. 1)

4.12.02 Exclusive franchise. The right and franchise herein granted shall be exclusive and shall relate to a telephone system within the corporate limits of the incorporated city of West Fork, Arkansas, and shall continue for the full period of fifteen (15) years from and after the passage of this ordinance. The terms, covenants, and conditions herein set forth shall be reviewed every five (5) years, provided however, that should the grantees, or their

successors or assigns fail in any particular to carry out any part of their contract contained in this ordinance except such failure be the result of unavoidable causes or accidents, the franchise herein granted becomes void by resolution of said city. (Ord. No. 92, Sec. 2)

4.12.03 Rights and responsibilities. The said telephone system shall be carefully constructed and capable of furnishing the city of West Fork, Arkansas, and the inhabitants thereof with all the service necessary in connection with a telephone exchange, said telephone system may be extended from time to time at the option of the grantees, their successors or assigns. (Ord. No. 92, Sec. 3)

4.12.04 Extensions over long distances. The grantees herein, their successors and assigns, shall not be required to extend their line for long distances over territory upon which enough subscribers cannot be obtained to justify the expense of said extension. (Ord. No. 92, Sec. 4)

4.12.05 Coextensive with city or town. The franchise herein granted shall be coextensive with the corporate limits of the incorporated city of West Fork, Arkansas, however greatly said telephone system may be expanded, and a change from the government of an incorporated town to that of a city shall in no wise effect the validity of the franchise herein granted. (Ord. No. 92, Sec. 5)

4.12.06 Franchise tax. The telephone company shall pay to the city on or before March 1, 1976, for the period January 1, 1975, to December 31, 1975, inclusive and thereafter for like periods on or before each March 1, an amount determined by multiplying the number of telephones within the corporate limits of the city as of the last day of the preceding year by the sum of \$1.00. (Ord. No. 92, Sec. 6)

## CHAPTER 4.16

### CABLE TV FRANCHISE

#### Sections:

4.16.01	Granted
4.16.02	Rights and responsibilities
4.16.03	Fees
4.16.04	Renewal
4.16.05	Franchise tax
4.16.06	Tax in lieu of certain charges

4.16.01 Granted. That L.A. & Paul Smith D/B West Fork Cable Service, their heirs, successors, lessees and assigns, be, and hereby are granted the exclusive right and franchise to furnish direct wire reception of television programs to the citizens and residents of the city of West Fork, Arkansas, Washington County, Arkansas, by means of the establishment of a master antenna, utilizing a master control unit and amplifier and relaying the television signals directly into the individual television reception sets for a period of 15 years from the effective date of this ordinance, together with the right to erect and maintain such poles, wire, fixtures, etc., along the streets, avenues, alleys, roads, highways, and other public places of the city as may be necessary and convenient for its business as a television signal furnisher in supplying the citizens of the city and the public in general, and to use and occupy for its television cables the streets, avenues, alleys, roads, highways, and other public places within said city for the purpose of erecting, constructing, laying, owning, leasing, maintaining, or otherwise repairing and operating such system all such right and use to be and continue on the conditions and terms herein stated, and providing further that existing or hereafter erected utility poles may be used with the permission of the owner thereof, and providing further that said franchise holder shall place, construct and maintain his poles and wires so as not to interfere with the travel or use of such streets, avenues, alleys, roads, highways, and other public places of said city. (Ord. No. 121, Sec. 1)

4.16.02 Rights and Responsibilities. The said franchise holder shall hold said city free and harmless from damages arising from any abuse or negligence of said franchise holder, that said poles and wires shall be so placed as not to interfere with the flow of water in any sewer, drain or gutter, or with any gas or water pipe lines, and this grant is to be made and be enjoyed subject to all reasonable regulations and ordinances of police nature as said city may authorize, or may see proper from time to time to adopt, and not destructive of the rights herein granted. (Ord. No. 121, Sec. 2)

4.16.03 Fees. The said L.A. & Paul Smith, their heirs, successors, lessees and assigns, be, and hereby are granted the

authority, right and privilege to set, control and regulate the fees for such service to individual consumers and users during the period provided by this ordinance, subject to approval of the City Council and all other State and Federal Regulatory Bodies. Said fees shall be just and reasonable and shall not exceed \$6.75 per month for the individual in a home and not to exceed per month for the individual consumer or user in a commercial place of business. Said rates shall apply for not more than five years. (Ord. No. 121, Sec. 3)

4.16.04 Renewal. The franchise holder is hereby granted an option to renew this exclusive right and franchise at the end of the 15 year period, the terms thereof to be agreed upon by the franchise holder and the City Council. (Ord. No. 121, Sec. 4)

4.16.05 Franchise Tax. That the L.A. & Paul Smith, West Fork, TV Cable Service, agrees to pay to the City of West Fork, for the period June 1, 1979 and ending May 31, 1983, a sum equal to three percent (3%) of its gross receipts for the Cable TV Service sold within the corporate limits of the city of West Fork, Arkansas, as now located or may be located hereafter, said sum to be paid in quarterly installments, commencing with all billings issued after June 1, 1979, and continuing through may 31, 1983. The terms of the agreement shall be reviewed by the City Council and L.A. & Paul Smith, West Fork TV Cable Service at least 90 days prior to May 31, 1983 for the purpose of negotiating any changes or continuing the same terms of the agreement another five years. (Ord. No. 121, Sec. 5)

4.16.06 Tax In Lieu of Certain Charges. The franchise payments provided for herein required shall be in lieu of all other charges, licenses, fees, or impositions, (other than the usual general ad valorem taxes), which may be imposed by the city of West Fork, Arkansas, under authority conferred by law. (Ord. No. 121, Sec. 6)

## **CHAPTER 4.20**

### **TAX ON PRIVATE CLUBS**

Section:

4.20.01 City tax levied

4.20.01 City tax levied. All private clubs within the city serving alcoholic beverages shall pay to the city a supplemental tax equal to one-half of the amount paid to the state. Proceeds from this tax shall be deposited in the city's general fund.

## CHAPTER 4.24

### OCCUPATIONAL LICENSES

Sections:

4.24.01	Occupational license required
4.24.02	Separate license for each trade or business
4.24.03	Transfer prohibited
4.24.04	Appeal
4.24.05	Collection
4.24.06	Posting
4.24.07	Procurement of license
4.24.08	False statements or failure to furnish information
4.24.09	Schedule of license taxes
4.24.10	Issuance
4.24.11	Penalty
4.24.12	Revocation of license

4.24.01 Occupational license required. The carrying on of any trade, business, vocation, occupation, profession or calling of whatever kind or nature within the city is hereby declared to be a privilege and from and after the effective date of this chapter, any individual, person, firm, partnership, company or corporation engaged in such activity shall pay a triennial occupation tax for this privilege.

4.24.02 Separate license for each trade or business. Any person, firm or corporation engaging in more than one (1) business, occupation or profession and for which a license is required for each shall pay for and take out a license for each business, profession or occupation in same or separate quarters. Licenses shall be issued for a period of three (3) years from date of issue. Persons affected hereby shall renew their licenses during the month proceeding the expiration date of their current license.

Charitable, garage, yard or firewood sales shall not be considered occupations under this ordinance nor shall the sale of produce raised within the city limits of West Fork be so considered.

4.24.03 Transfer prohibited. No license issued hereunder shall be transferred.

4.24.04 Appeal. The ruling body of this chapter shall be the City Council and all requests for consideration, adjustments, or complaints shall be brought before that body during regular executive sessions.

4.24.05 Collection. The City Clerk or the duly authorized deputy shall collect the tax and upon receipt thereof issue a license under this chapter for every person, firm or corporation liable to pay such tax and to state in each license issued the amount and the period of time covered thereby, the name of the person, firm or corporation, the business occupation or profession to be carried on and no error in stating or computing the amount of a license and tax due shall prevent or prejudice the licensing and collection by the city of the tax which shall actually be due under this chapter.

4.24.06 Posting. The license issued hereunder shall be prominently displayed at the principal place of business.

4.24.07 Procurement of license. All licenses shall be procured before any business begins operation and shall be obtained from the City Clerk's office. If it shall be necessary for the City Clerk or deputy to go to the business to collect, a Fifteen Dollar (\$15.00) additional penalty will be imposed.

4.24.08 False statements or failure to publish information. It shall be unlawful for any person knowingly and willfully to make a false written or verbal statement in applying for a license under this chapter for the purpose of defrauding the city by which statement a license is procured for a less sum than is lawfully due hereunder. It shall likewise be unlawful for any person to fail or refuse to furnish the City Clerk all required information necessary to determine the amount of the annual occupational license fee in accordance with the provisions of this chapter.

4.24.09 Schedule of license taxes. All individuals, persons, firms, partnerships, companies or corporations doing business as described above within the city limits of the city, Five Dollars (\$5.00) for a triennial license or any portion thereof.

4.24.10 Issuance. No occupation license shall be issued to any applicant for such occupation license under the provisions of Section II and IV of this ordinance until and unless such applicant shall demonstrate to the City Clerk his or her compliance with all ordinances and statutes applicable to such applicant's business, trade, occupation, vocation, or profession, including, but not limited to those establishing codes of building, plumbing, electrical work and sanitation and health, and those regulating business and advertising signs.

4.24.11 Penalty. Any individual, persons, firms, partnerships, companies or corporations engaged in any trade, business, vocation, occupation, profession or calling of whatever kind or nature within the city without procuring the required license shall be guilty of a misdemeanor and upon conviction thereof in the Court of West Fork, shall be fined in the sum of Twenty-Five Dollars (\$25.00) plus court cost and each and every day of such offense shall constitute a separate offense.

4.24.12 Revocation of license. The City Council by a two-thirds (2/3) vote may revoke any license for cause without return of any license fee paid.

## **CHAPTER 4.28**

### **SOLICITORS**

Sections:

4.28.01	Permit and license required
4.28.02	Definition
4.28.03	Application
4.28.04	Investigation and issuance
4.28.05	Fees
4.28.06	Bond
4.28.07	Badges
4.28.08	Exhibition of license
4.28.09	Duty of police to enforce
4.28.10	Records
4.28.11	Revocation of license
4.28.12	Appeal
4.28.13	Expiration of license
4.28.14	Penalty

4.28.01 Permit and license required. It shall be unlawful for any solicitor or canvasser, as defined in this ordinance, to engage in such business within the corporate limits of the city without first obtaining a permit and license therefor in compliance with the provisions of this ordinance. (Ord. No. 129, Sec. 1)

4.28.02 Definition. A canvasser or solicitor is defined as any individual, whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from private residence to private residence taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, loading house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. In no event shall students of West Fork School be deemed solicitors or canvassers. (Ord. No. 129, Sec. 2)

4.28.03 Application. Applicants for permit and license under this ordinance must file with the Recorder/Treasurer a sworn application in writing (in duplicate) on a form to be furnished by the Recorder/Treasurer which shall give the following information:

- (a) Name and description of the applicant.
- (b) Permanent home address and full local address of the applicant.
- (c) A brief description of the nature of the business and the goods to be sold.
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.
- (f) The place where the goods or property proposed is to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.
- (g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) The fingerprints of the applicant and the names of at least two (2) reliable property owners of the County of Washington, who will certify as to the applicant's good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor; and.
- (j) A statement by a reputable physician of the city of Fayetteville, dated not more than ten (10) days prior to submission of the application certifying the applicant to be free of contagious, infectious or communicable disease.

At the time of filing the application, a fee of Two Dollars (\$2.00) shall be paid to the city Recorder/Treasurer to cover the cost of investigation of the facts stated therein. (Ord. No. 129, Sec. 3)

4.28.04 Investigation and issuance.

(a) Upon receipt of such application, the original shall be referred to the Chief of Police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the city Recorder/Treasurer who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the city Recorder/Treasurer who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kinds of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The Recorder/Treasurer shall keep a permanent record of all licenses issued. (Ord. No. 129, Sec. 4)

4.28.05 Fees.

(a) The license fee which shall be charged by the city Recorder/Treasurer for each license shall be Thirty Dollars (\$30.00) per day. Three Hundred Dollars (\$300.00) per week, Fifteen Hundred Dollars (\$1,500.00) per month, Ten Thousand Dollars (\$10,000.00) per year.

(b) The annual fees herein provided shall be assessed on a calendar year basis and on or after July 1st, the amount of such fee for annual license shall be one-half (1/2) the amount stipulated above for the remainder of the year.

(c) None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case, where a license fee is believed by a licensee or applicant for license, to place an undue burden upon such commerce, he may apply to the Mayor (or insert name of official best suited to do this work) for an adjustment of the fee so that it will not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at, or within six (6) months after payment of the

prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Mayor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Mayor shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by Section 4.28.05 of this ordinance. Should the Mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city of West Fork or at the end of each three (3) month period, a sworn statement of the gross sales and then pay the amount of fee therefor, provided that no additional fee during any one (1) calendar year shall be required after the licenses shall have paid an amount equal to the annual license as prescribed in Section 4.28.05 of this ordinance. (Ord. No. 129, Sec. 5)

4.28.06 Bond. Every applicant, not a resident of the city or who being a resident of the city represents a firm whose principal place of business is located outside the State of Arkansas shall file with the city Recorder/Treasurer a surety bond, running to the city in the amount of Five Hundred Dollars (\$500.00), with surety acceptable to and approved by the Mayor, conditioned that the said applicant shall comply fully with all the provisions of the ordinances of the city and the statutes of the State of Arkansas regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the city doing business with said solicitor that the property purchased will be delivered according to the representations of said solicitor. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person. (Ord. No. 129, Sec. 6)

4.28.07 Badges. The city Recorder/Treasurer shall issue to each licensee, at the time of delivery of his license, a badge which shall contain the words "Licensed Solicitor", the period for which the license is issued and the number of the license, in letters and figures easily discernible from a distance of ten (10) feet. Such badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous. (Ord. No. 129, Sec. 7)

4.28.08 Exhibition of license. Solicitors and canvassers are required to exhibit their licenses at the request of any citizen. (Ord. No. 129, Sec. 8)

4.28.09 Duty of police to enforce. It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this ordinance against any person found to be violating the same. (Ord. No. 129, Sec. 9)

4.28.10 Records. The Chief of Police shall report to the city Recorder/Treasurer all convictions for violations of this ordinance and he shall maintain a record for each license issued and record the reports of violation therein. (Ord. No. 129, Sec. 10)

4.28.11 Revocation of license.

(a) Permits and licenses issued under the provisions of this ordinance may be revoked by the city after notice and hearing for any of the following causes.

- (1) Fraud, misrepresentation or false statement contained in the application for licenses.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser.
- (3) Any violation of this ordinance.
- (4) Conviction of any crime or misdemeanor involving moral turpitude, or
- (5) Conducting the business of soliciting or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing. (Ord. No. 129, Sec. 11)

4.28.12 Appeal. Any person aggrieved by the action of the Chief of Police or the city Recorder/Treasurer in the denial of a permit or license as provided in Section 4.28.04 of this ordinance or the action of the Mayor in the assessing of the fee as provided in Section 4.28.05 (c) of this ordinance shall have the right of appeal to the Council of the city. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of hearing shall be given to the applicant in the same manner as provided in Section 4.28.11 of this ordinance for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive. (Ord. No. 129, Sec. 12)

4.28.13 Expiration of license. All annual licenses issued under the provisions of this ordinance shall expire on the 31st of December in the year when issued. Other than annual licenses shall expire on the date specified in the license. (Ord. No. 129, Sec. 13)

4.28.14 Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed Twenty-Five Dollars (\$25.00). Each day will constitute a separate offense and subject to a fine for each day. (Ord. No. 129, Sec. 14)