

ORDINANCE NO. 708

AN ORDINANCE AMENDING ORDINANCE NO. 411,  
PROVIDING FOR THE LICENSING AND BONDING  
OF TRANSIENT MERCHANTS AND FOR OTHER PURPOSES

WHEREAS, it has been found that Ordinance No. 411 of the City of Monticello enacted May 27, 1960, is currently inadequate to protect the citizens of Monticello from improper sales techniques;

NOW, THEREFORE, BE IT ORDAINED by the City of Monticello, Arkansas, as follows:

Section 1. Section 1 of Ordinance No. 411 shall be amended as follows:

"Section 1. Permit and License Requirement. It shall be unlawful for any transient merchant as identified in Section 2 of this ordinance to engage in such business within the corporate limits of the City of Monticello without first obtaining a permit and license therefore in compliance with the provisions of this ordinance."

Section 2. Section 2 of Ordinance No. 411 shall be amended as follows:

"Section 2. Definition. As used in this ordinance, unless otherwise defined:

a) "Transient merchant" means any person, firm, corporation, partnership or other entity which engages in, does or transacts any temporary or transient business within the city limits of the City either in one locality or in traveling from place to place in the City, taking orders for, offering for sale or selling goods, wares, merchandise or services, and includes those merchants who hire, lease, use or occupy any building, structure, motor vehicle, railroad car or real estate for the purpose of carrying on such business, but shall not include any person offering their own property for sale at their place of residence, any charitable or other eleemosynary organization or resident farmers offering their agricultural products for sale at locations designated as "farmers markets";

b) "Temporary or transient business" means any business conducted for the sale or offer for sale of goods, wares or merchandise which is carried on in any location, building, structure, motor vehicle, railroad car or real estate for a period of less than six (6) months in each year; and

c) "Person" means any individual, corporation, partnership, association or other entity."

Section 3. Section 3 of Ordinance No. 411 shall be amended as follows:

"Section 3. Application. a) Applicants for permit and license under this ordinance must file with the City Clerk a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which shall include the following information:

"1) name and description of the applicant;

"2) permanent home address and full local address of the applicant;

"3) a brief description of the nature of the business and the goods to be sold;

"4) if employed, the name and address of the employer, together with credentials establishing the exact relationship;

"5) the length of time for which the right to do business is desired;

"6) the place where the goods and property proposed to be sold, or orders taken for the sale thereof, or manufactured or produced, where the goods or products are located at the time said application is filed, and the proposed method of delivery;

"7) 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 at least 2 inches by 2 inches and showing the head and shoulders of the applicant in a clear and distinguishable manner;

"8) the fingerprints of the applicant;

"9) 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 therefore;

"10) a copy of the applicant's state permit to transact business issued pursuant to the Transient Merchant Licensing Act of 1983, codified as ACA Section 17-49-101 et seq.; and

"11) If the applicant is a corporation, there shall be stated on the application form the date of incorporation, the state of incorporation, and if the applicant is a corporation formed in a state other than the State of Arkansas, the date on which the corporation qualified to transact business as a foreign corporation in the State of Arkansas.

"b) The City Clerk shall charge a fee to obtain such license in the amount of seventy-five dollars (\$75.00) per day for each day the transient merchant transacts business within the corporate limits of Monticello. Fees to be paid pursuant to this section shall be collected by the City Clerk prior to the issuance of any license and such fees shall be deposited into the general fund of the treasury of the City."

Section 4. Section 4 of Ordinance No. 411 shall be deleted in its entirety.

Section 5. Section 7 of Ordinance No. 411 shall be amended to delete the words "solicitors and canvassers" which shall be replaced by the words "transient merchants".

Section 6. Section 8 of Ordinance No. 411 shall be amended to delete the words "solicitor's or canvasser's" which shall be replaced by the words "transient merchant's".

Section 7. Section 12 of Ordinance of No. 411 shall be amended to read as follows:

"Section 7 .Expiration of License. All licenses issued under the provisions of this ordinance shall expire at midnight on the last day of the period for which the license was issued. The expiration date of all such licenses shall be plainly displayed upon the face of said license."

Section 8. Section 13 of Ordinance No. 411 shall be amended to read as follows:

"Section 13. Penalty. Any transient merchant violating any of the provisions of this ordinance shall, upon conviction therefore, be punished by a fine in the amount of not less than \$200.00 nor more than \$500.00 for any one offense; provided, that each day during which such violation has continued shall constitute a separate offense."

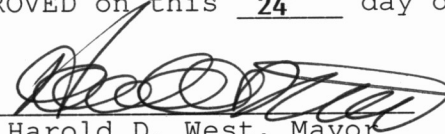
Section 9. Emergency. Whereas, improper activities of transient merchants, as defined by this ordinance, will cause harm to the public, special regulation and supervision is required, therefore, an emergency is declared to exist; and this ordinance being necessary for the immediate preservation of the public peace, health and safety, shall be in force and effect from and after its adoption.

ORDAINED this 24 day of May, 2001.

  
Cindy Fakouri  
City Clerk-Treasurer

APPROVED on this 24 day of May, 2001

By

  
Harold D. West, Mayor