

# Bryant Planning Commission

## Temporary Business Application & Information

CITY OF BRYANT  
210 SW 3<sup>RD</sup> STREET  
BRYANT, AR 72022  
PHONE: 501-943-0301  
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EMAIL: tsmith@cityofbryant.com

MEETING DATE: EVERY OTHER THURSDAY  
TIME: 9:00 A.M.  
PLACE: CITY HALL/ADMINISTRATION CONFERENCE ROOM  
APPLICATION DEADLINE: 5:00 P.M. WEDNESDAY THE WEEK BEFORE THE MEETING

### REQUIREMENTS FOR SUBMISSION TO THE DEVELOPMENT REVIEW COMMITTEE

1. A letter stating your request
2. A complete Temporary Business Application
3. \$25.00 application fee
4. 5 copies of site plan showing:
  - a. Property boundaries and the exact location of the proposed temporary business including the setbacks from streets or highway right-of-ways.
  - b. Clearly identify open display areas, and
  - c. Show the parking spaces to be dedicated by the owner of the property for use by this temporary business.
5. Submit a letter from the property owner stating that they are in agreement with the temporary use and site plan.
6. If a food establishment - approval from Arkansas Department of Health must be submitted
7. Provide \$1,000 Surety Bond made payable to City of Bryant conditioned for faithful performance of the payment of all applicable fees and penalties.
8. After approval of the Temporary Business (Planning Department), submit Business License Fee (Permit Office - 312 Roy Lane).
  - \$175.00 - for 1-10 employees
  - \$325.00 - for 11-25 employees

**Temporary Business Application**  
**City of Bryant**

Date \_\_\_\_\_

Name of Business \_\_\_\_\_

Federal Tax Employer Identification Number \_\_\_\_\_

Arkansas State Sales Tax Number \_\_\_\_\_

Type of Business \_\_\_\_\_

Location of proposed Temporary Business \_\_\_\_\_

Applicants Mailing Address \_\_\_\_\_

Contact Person \_\_\_\_\_

Daytime Phone No. \_\_\_\_\_

Evening Phone No. \_\_\_\_\_

Email Address \_\_\_\_\_

Last Two Cities Worked In: 1. \_\_\_\_\_ 2. \_\_\_\_\_

Please check the category you are applying for. Permits cannot exceed the following time limits:

- \_\_\_\_\_ Carnivals ..... 30 Days
- \_\_\_\_\_ Fireworks stands or tents..... 30 Days
- \_\_\_\_\_ Christmas tree stands, tents or lots ..... 60 Days
- \_\_\_\_\_ General commercial sales stands, tents or lots ..... 90 Days
- \_\_\_\_\_ Concession/Refreshment stands/Food Service ..... 180 Days

Beginning Date Requested \_\_\_\_\_ Ending Date Requested \_\_\_\_\_

*I hereby certify the above to be true and correct and state that I am operating a business in accordance with the city zoning regulations and/or any other city, state or federal laws, which may be applicable. I understand violation of Temporary Business Ordinance 2007-43 & 2016-24 is a misdemeanor punishable by a fine of up to \$500.00 per occurrence of violation. Each day's occurrence is a separate violation. No temporary business may operate for more than 180 days during any consecutive 12-month period.*

Owners Signature \_\_\_\_\_

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**ORDINANCE NO. 2007 - 43**

**AN ORDINANCE PROVIDING FOR THE LEVY OF A FEE UPON PRIVILEGE OF ENGAGING IN ANY TRADE, BUSINESS, PROFESSION, VOCATION, OR CALLING FOR PERMANENT AND TEMPORARY BUSINESS ESTABLISHMENTS IN THE CITY OF BRYANT, ARKANSAS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES**

WHEREAS, § A.C.A. 26-77-102 provides the city council shall have the power to enact, by a two-thirds (2/3) vote of all elected council members, an ordinance requiring any person, firm, individual, or corporation who shall engage in, carry on, or follow any trade, business, profession, vocation, or calling within the corporate limits of the city, to pay a license fee.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT ARKANSAS**

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**CHAPTER 1 – PERMANENT BUSINESSES**

**Section 1-1: Activities Declared Privilege; Payment of Privilege or Occupation Fee:**

- a. Any business, profession, or occupation of whatever kind or nature physically located within the corporate limits of the City of Bryant, Arkansas is hereby declared to be a privilege, and from and after the effective date of this ordinance any person, firm, or corporation engaged in any business, profession or occupation of whatever kind or nature within the city shall pay an annual privilege or occupation license fee (hereafter referred to as "business privilege license").
- b. Reciprocity will be extended to businesses, professions, or occupations which are not physically located within the corporate limits of the City of Bryant and which possess a current privilege or business license issued by another jurisdiction. Verification of active, current licensure must be provided before reciprocity for a privilege or business license issued by another jurisdiction will be extended.
- c. No person, firm or corporation shall be permitted to operate nor shall a business privilege license fee be issued to any business, person, profession or occupation of whatever kind or nature within the city if said person, firm or corporation is in any way indebted to the city of Bryant or any of its political subdivisions. Upon application for a business privilege license, all businesses required to collect sales and use taxes under the Arkansas Gross Receipts Act and/or advertising and promotion sales taxes shall provide proof of registration with the applicable authority for the collection of said taxes.

- d. No license shall be issued to any person, firm, or corporation engaging in a business, profession or occupation if said business, profession or occupation is required to be operated in an area of the city zoned for that particular business, profession or occupation and said business, profession or occupation is not being operated in an area of the city properly zoned for that particular business, profession, or occupation.
- e. The provisions of this ordinance shall not apply to schools, civic groups, community and church groups.

**Section 1-2: Fee Due on Basis of Calendar Year:**

- a. The annual business privilege license fee shall be paid on the basis of the calendar year of January 1 through December 31, and all such fees shall be payable on January 1, for the ensuing year except where the following conditions are found to exist:
  - (1) The business privilege licensee shall have option of paying the annual fee in two (2) equal installments on January 1 and July 1, respectively, each year, provided that at least half of the full amount is received by the city clerk, or his/her designated representative, on or before January 10 and the licensee specifically requests, in writing, the option of paying the second installment on or before July 1;
  - (2) Where the business privilege licensee operates on a fiscal year different to the calendar year, the business may request in writing for the privilege of paying such fee on a fiscal year in advance as opposed to the calendar year; and
  - (3) Businesses beginning on other than the first of the calendar year must pay the fee in advance for opening the business on a pro-rata monthly basis to the end of the year.
- b. Notwithstanding the provisions of subsection (a) above, the business privilege license fees levied in this ordinance shall be applicable from the first publication of this ordinance following its passage through December 31 in the year 2007 only. In 2008 and subsequent years, such fees shall be paid on the basis of the calendar year January 1 through December 31.

**Section 1-3: Delinquent Fees – Penalty:** Any business privilege license fee portion thereof which shall not have been paid by March 31 of each year shall be delinquent and twenty-five (25) per cent of the unpaid balance shall be added as a penalty for nonpayment; provided, that this section shall not apply to those businesses paying their privilege or occupation fee in installments under the provisions of section 1-2a(1) above and, provided this section shall not apply to those businesses paying their occupation fees under the provisions of section 1-2a(2). Those businesses paying under the provisions of section 1-2a(2) above shall be delinquent in the payment of the privilege or occupation fee or portion thereof which shall not have been received by July 31 of each year, and those businesses paying under the provisions of section 1-2a(3) above shall be delinquent in the payment of their privilege fee or portion thereof not received ninety (90) days following the commencement of its fiscal year.

**Section 1-4: Delinquent Fees – List To Be Published:** In September of each year, the city clerk or his/her designated representative shall compile a list of delinquent privilege fee accounts and shall cause the same to be published once a week for two (2) consecutive weeks in a newspaper having general circulation within the corporate limits of the city.

**Section 1-5: Refund of Fee Payments:** Before any new business shall commence within the corporate limits of the city of Bryant, Arkansas, or before any permit shall be issued for the construction of such new business or a permit issued for the renovation of an existing structure to accommodate a new business, the applicable business privilege license fee for said business shall be paid in advance. Thereafter the business privilege license fee may be paid by said business pursuant to the existing payment schedules of the business privilege fee ordinance of the City of Bryant, Arkansas.

**Section 1-6: Seasonal Businesses:** Businesses which shall operate within the corporate limits of this city on a seasonal basis only shall be required to pay the applicable business privilege license fee rate for said business at the commencement of their respective seasonal operation as identified in Chapter 2 of this ordinance.

**Section 1-7: Issuance of Business Privilege License:** It shall be the duty of the Code Enforcement Division or individual so designated by the City Clerk upon the receipt of the amount of the business privilege license fee provided herein to use a license for every person, firm or corporation liable to pay such fee and to state in each license issued, the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued and the business, occupation or profession to be carried on. In no case shall any mistake in stating or computing the amount of a license due prevent or prejudice the collection by the city of the amount actually due. License and permits issued hereunder shall expire on the 31<sup>st</sup> day of December each year.

**Section 1-8: Posting of Business Privilege License:** Each license shall be posted in a conspicuous place where such business, occupation or profession is carried on and the holder of such license shall show such license to any agent of the city upon request.

**Section 1-9: Transfer of Business Privilege License:** The licenses issued hereunder shall not be transferable, and the licenses issued shall so state on the face of the license.

**Section 1-10: Issue of Game or Machine Device:** No city license shall be issued upon any machine, device, game or mechanical vendor until a state license has been issued thereon where a state license is required by law.

**Section 1-11: Itinerant Merchant, Vendor, Solicitor etc.:** Any person desiring a license as an itinerant merchant, vendor, solicitor, door-to-door canvasser, photographer or salesman shall comply with the requirements set forth in Ordinance No. 2006-44.

**Section 1-12: Failure to Apply:** It is hereby declared a misdemeanor for any person, firm or corporation carrying on a business; profession or occupation within the city of Bryant to fail and/or refuse to comply with any of the provisions of this Ordinance. Upon conviction for such violation, the offender shall be fined in an amount not less than five hundred dollars (\$500.00) for each separate violation; payable to the city of Bryant; provided however, in no case shall the fine be in excess of double the amount of the license fee provided, together with costs.

**Section 1-13: Suspension or Revocation of License:** The Code Enforcement Division or individual so designated by the City Clerk may suspend or revoke a business privilege license or permit when the licensee, officer or partner thereof, or another person with a legal interest in the license:

- a. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the city which may affect or relate to the licensed business.
- b. Has obtained a license or permit by fraud; misrepresentation, concealment, or through inadvertence or mistake;
- c. Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;
- d. Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this ordinance;
- e. Violates any building, safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations;
- f. Is in violation of a zoning regulation of the city; or
- g. Is indebted or obligated to the city for past due fees or taxes.

**Section 1-14: Suspension or Revocation of License -- Appeals:**

Within seven days following the date of a business privilege license suspension or revocation, an appeal may be taken to the City Council by the business owner. An appeal shall be made in writing and shall be filed with the city clerk. Upon receipt of such appeal, the matter will be placed on the agenda for the City Council's next regularly-scheduled meeting, during which the Council, by majority vote, may reinstate the license.

**Section 1-15: License not Construed to Permit Prohibited Uses or Activities:** Notwithstanding any provision to the contrary, a license hereunder shall not be issued to any person who uses or occupies or proposes to use or occupy any real property or otherwise conducts or proposes to conduct any business in violation of the provisions of any ordinance of the City of Bryant or the statutes of the State of Arkansas. The granting of a business license shall in no way be construed as permission or acquiescence in a prohibited activity or other violation of the law.

**Section 1-16: Fee Schedule:** Pursuant to the determination that the carrying on of any business, profession or occupation within the city is a privilege, the following fees are due and payable as set forth in Exhibit "A" consisting of 1 pages, attached hereto and made a part hereof as though set out word for word.

## CHAPTER 2 – TEMPORARY BUSINESSES

**Section 2-1. Procedure:** Application for obtaining authority to conduct a temporary business privilege license in the City of Bryant, Arkansas will be made to the Bryant Department of Community Development and Public Works, Planning Division.

### **Section 2-2. Definitions:**

- a. For purposes of this Ordinance, a “temporary business” is defined as a free standing business operation in a temporary structure, portable building, trailer or tent for seasonal or short-term operation. It is further defined as having no permanent municipal water and wastewater services.
- b. For purposes of this Ordinance, “portable commercial building” is defined as a building on wheels or skids that is not permanently affixed to a foundation that is being used for commercial purposes.

### **Section 2-3. Application:**

- a. Prior to establishing any temporary business within the city limits of Bryant, Arkansas, the applicant will submit a site plan to the City of Bryant Development Review Committee (DRC). This site plan must show the exact location of the proposed temporary business establishment including the set backs from streets or highway right-of ways. The site plan must clearly identify any open display areas(s) and show the parking spaces to be dedicated by the owner of the property for use by this temporary business.
- b. In addition to the site plan, the applicant will submit a letter from the property owners stating that they are in agreement with the site plan. The applicant must provide proof of Federal Tax Employer Identification and State Sales Tax Numbers if applicable.
- c. If the applicant is approved, the Development Review Committee shall determine the classification of the temporary business and the time period the temporary business may operate in accordance with the schedule set forth below:

Carnivals	30 Days per permit
Fireworks stands or tents	30 Days per permit
Christmas tree stands, tents or lots	60 Days per permit
General commercial sales stands, tents or lots	90 Days per permit
Concession/refreshment/food service	180 Days per permit

- d. The classification and length of permit duration for any other business, determined by the Development Review Committee to be of a temporary nature, may be set at the discretion of the Development Review Committee within the intent of the time and rules as stated herein. However, no temporary business may operate for more than 180 days during any year. For purposes of this ordinance and for all temporary business classifications, a year is defined as any consecutive 12-month period.

- c. The Development Review Committee may recommend to the Planning Commission that an application for a temporary business permit be denied if the application does not comply with the requirements of this ordinance. The Committee's recommendation to deny an application for temporary business permit will be reviewed by the Bryant Planning Commission at its regularly scheduled meeting. If the Commission accepts the recommendation to deny an application for a temporary business permit, the applicant has 30 days to appeal the Commission's decision to the Bryant City Council. The Bryant City Council shall hear the appeal at its regularly scheduled meeting and shall make the final decision as to the denial or approval of the temporary business permit.

**(1) Permitting:** In addition to a \$25.00 application fee, all temporary businesses within the city shall pay double the fees listed in Exhibit A hereto, based on number of employees, prior to conducting any trade, profession, occupation or pursuit. An application fee for each application shall be collected at the time of receipt of an application. The application fee shall be subtracted from the total business permit fee. All fees are based on a monthly fee and no portion of a monthly fee shall be reimbursed if the length of operation is less than one month. It shall be the duty of the Code Enforcement Division or individual so designated by the City Clerk upon the receipt of the amount of the temporary business privilege license fee provided herein to issue a license for every person, firm or corporation liable to pay such fee and to state in each license issued, the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued and the business, occupation or profession to be carried on. All fees are nonrefundable.

The Temporary Business Permit shall be displayed during all hours of business operation; the permit is not transferable to another party.

Upon the Development Review Committee's approval of the temporary business establishment, the applicant will be required to obtain approval from the Health Department if applicable and a temporary business permit from the City of Bryant, Arkansas.

Renewal of a permit shall be treated as a new application under the provisions of this ordinance.

**(2) Exceptions:** There will be no requirement to obtain a permit for a temporary business which will only function for one day or less within a 60 day period. Any temporary business that will operate for more than a period of one day must obtain a permit, excluding schools, civic groups, community and church groups.

**(3) Enforcement:** The licensee shall comply with the provisions of all applicable ordinances of the city as well as the requirements of all state and federal laws. The City of Bryant Code Enforcement Division will periodically inspect for evidence of a valid temporary business permit. Violation of this Ordinance is a misdemeanor, which is punishable by a fine of up to \$500 per occurrence of violation. Each day's occurrence is a separate violation and may be prosecuted by the City of Bryant, Arkansas as a separate offense.



**Section 2-4: Surety Bond:** The applicant for licenses described in Section 2-3 above shall also file with the Planning Coordinator or his/her designated representative a surety bond in the sum of one thousand dollars (\$1000.00), which shall be due before the license will issue. Said bond shall be made payable to the city and conditioned for the faithful performance of the payment of all applicable fees and penalties provided for herein.

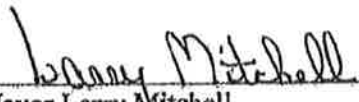
### **CHAPTER 3- GENERAL ADMINISTRATIVE MATTERS**

**Section 3-1: General Repealer:** All ordinances, resolutions, and parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict, specifically including but not limited to Ordinance Nos. 2002-15 and 2005-009.

**Section 3-2: Severability:** Should any section, clause, or phrase of this ordinance be declared by the courts to be invalid, that validity shall not affect the other provisions of this Ordinance which shall be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Section 3-3: Emergency Clause:** Whereas the operation of the various businesses are of great importance to the City of Bryant, and this ordinance being necessary for the immediate protection of the public health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 17<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Mayor Larry Mitchell

ATTEST:

  
\_\_\_\_\_  
City Clerk Brenda Cockerham

# Ordinance Number 2016-24

## EXHIBIT A

### BUSINESS LICENSE FEES

For the number of employees identified below, the fees will be as follow:

Number of Employees	1-10	11-25	26-75	76-100	101 and above
Fees	\$100.00	\$175.00	\$325.00	\$475.00	\$625.00

Businesses beginning on other than the first of the calendar year must pay the fee in advance on a pro-rate monthly basis to the end of the year.

#### What is an employee?

For the purpose of business license fees in the City of Bryant, an employee is defined as: any person employed at any business enterprise that performs any part of their duties within the city, except casual laborers not employed in the usual course of business. A sole proprietor is not an "employee". All officers, agents, dealers, franchises, etc, of a corporation or business trust, and all but one partner of a partnership are "employees" within this definition.

#### Reporting you Fees

Please use location code 62-01 on your State of Arkansas Combined Excise Tax Return when reporting retail sales or use tax occurring within the City of Bryant. This does not increase your tax liability and insures that Bryant receives the local sales tax from the business activities within the City of Bryant.

#### Additional Information

Business Licenses are non-transferable. However, businesses with more than one location shall be issued a single license, the fee for which shall be based upon the total number of employees at all locations. If your business changes location or ownership, a new business license application must be submitted. Each year all businesses active in the City of Bryant are required to renew their licenses. A renewal notice will be sent to your business mailing address in November of each year.

#### Temporary Business License Fees

In addition to a \$25.00 all temporary businesses within the city shall pay double the fees listed in the Exhibit A, as listed above, Based on number of employees, prior to conduction any trade, profession, occupation or pusuit.