

TITLE 4

BUSINESS LICENSES AND REGULATIONS

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CHAPTER 4.04

ELECTRIC FRANCHISE

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4.04.01 Electric franchise granted to First Electric Cooperative Corporation Pursuant to A.C.A. 14-54-701 and 14-54-704, the city hereby grants First Electric, its successors and assigns, the exclusive right, privilege and authority (the "Exclusive Franchise") within the area of the City described on Exhibit A, attached hereto and made a part hereof (the "Allocated Territory") (1) to sell, furnish, transmit and distribute electric power and energy with the Allocated Territory and to all inhabitants and consumers therein, and (2) to construct, maintain, operate and extend a transmission and distribution system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of the City, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (the "First Electric Facilities"):
(Ord. No. 1796, Sec. 1.)

4.04.02 Rights and responsibilities First Electric shall, and does by acceptance hereof, agree to provide the City and its inhabitants adequate and reasonable electric service within the Allocated Territory and the facilities necessary to provide such service as a public utility. The City, in recognition of the large and continuing investment necessary for First Electric to perform its obligations hereunder, and the need and duty to promptly acquire or construct the First Electric Facilities required to serve consumers in the Allocated Territory, consents to the construction of such facilities as defined in Section 1, and the City agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the exclusive franchise granted to First Electric set forth in Section 1 in the Allocated Territory from interference with, or duplication by, other persons, firms, corporations, or other entities seeking to engage in the sale or distribution of electric energy.
(Ord. No. 1796, Sec. 2.)

4.04.03 Construction standards All First Electric Facilities that may be located on public ways, places, and public property, as authorized herein, shall be located to not unreasonably obstruct public use and travel. All of the First Electric Facilities shall be constructed, operated, and maintained in accordance with standards at least equivalent to the standards prescribed by

the National Electric Safety Code and any other applicable regulatory requirements. First Electric, its successors and assigns, shall replace and repair, at its own expense, all excavation, holes, or other damage caused or done by it to public streets, ways, places, and public property in the construction, operation, and maintenance of the First Electric Facilities. (Ord. No. 1796, Sec. 3.)

4.04.04 Trimming interference First Electric, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of First Electric Facilities used or useful for the rendition of electric service in the Allocated Territory, further, First Electric is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of the First Electric Facilities. (Ord. No. 1796, Sec. 4.)

4.04.05 Termination The exclusive franchise hereby granted shall exist and continue from the date of passage of this ordinance for a period of forty (40) years, and shall continue thereafter until terminated in whole or in part by either party after first giving not less than two (2) years' prior written notice of such termination to the other party. Notwithstanding any other provisions of this ordinance to the contrary, First Electric may immediately terminate its obligations hereunder in the event that the City is unable to grant the exclusive franchise as contemplated hereby or if this grant of the exclusive franchise is terminated, or otherwise substantially rendered ineffective, by judicial or regulatory action or an act of the General Assembly of the state of Arkansas.

Upon termination of the exclusive franchise (the "Termination"), no other entity or entities (the "New Franchisee") shall be granted the exclusive right or rights to sell, furnish or distribute electricity in all or any portion of the Allocated Territory by the City unless the New Franchisee shall agree to acquire and shall actually acquire from First Electric title to all of the First Electric's facilities constructed by First Electric in that portion of the Allocated Territory to be served by the New Franchisee (the "Territory Facilities"). By accepting this exclusive franchise, First Electric agrees to sell to the New Franchisee upon the Termination the Territory Facilities for cash payable at the time of the sale to the New Franchises, for an amount equal to

- A. The present-day reproduction cost, new, of the Territory Facilities, less depreciation for such facilities computed on a straight-line basis, plus
- B. The cost of constructing any necessary facilities to reintegrate First Electric's system outside the Allocated Territory. In no event shall all or any portion of the Exclusive Franchise granted to First Electric in this ordinance be terminated until full payment for the acquired Territory Facilities has been made in cash to First Electric. (Ord. No. 1796, Sec. 5.)

4.04.06 Rate The rates to be charged by First Electric for electric service hereunder shall be those now lawfully approved or prescribed, and as may be, from time to time, amended by First Electric in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 1796, Sec. 6.)

4.04.07 City held harmless In the construction, operation, and maintenance of its facilities, First Electric shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the City from damage, injury, loss or expense caused by the negligence of First Electric or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 1796, Sec. 7.)

4.04.08 Standard of care for facilities First Electric shall endeavor at all times to keep the First Electric facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this ordinance shall remain in force. (Ord. No. 1796, Sec. 8.)

4.04.09 Franchise tax First Electric shall pay to the City a franchise tax in accordance with Section 9, Ord. No. 446, adopted Oct. 27, 1980, which is incorporated herein by reference. (Ord. No. 1796, Sec. 9.)

4.04.10 Street lighting Electric service furnished by First Electric to the City for street lighting and other purposes shall be paid for by the City in accordance with the applicable rate schedules of First Electric now on file or as they may in the future be filed by First Electric and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. First Electric shall have the privilege of crediting any amount due the City with any unpaid balances due First Electric for electric service provided to the City. (Ord. No. 1796, Sec. 10.)

4.04.11 Private generation facilities allowed Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants in the Allocated Territory, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 1796, Sec. 11.)

4.04.12 Contract Upon execution by First Electric of an acceptance in substantially the form attached hereto as Exhibit B, this ordinance shall constitute a contract between the City and First Electric, and its successors and assigns. (Ord. No. 1796, Sec. 12.)

4.04.13 Agreement between Sherwood and North Little Rock

- A. The attached agreement between the city of Sherwood and the city of North Little Rock for the continuation of electrical service is hereby incorporated by reference herein.
- B. Said agreement is hereby approved and the Mayor is authorized to execute the agreement on behalf of the city. (Ord. No. 1953, Secs. 1-2.)

4.04.14 Inventory and evaluation of power distribution system

- A. The Mayor and the City Clerk are hereby authorized and directed to execute the original of the attached agreement outlining the terms and conditions upon which the city of Sherwood will obtain, in cooperation with the city of North Little Rock, an inventory and evaluation study of the electric power distribution system within the city of Sherwood used by the city of North Little Rock to distribute electric power to the residents of Sherwood. (Ord. No. 532, Sec. 1.)
- B. The terms of the attached agreement for the commissioning of the inventory and evaluation study is incorporated as a part of this ordinance as though set out herein line for line and word for word. Three (3) copies of said agreement shall be kept on file with the City Clerk. (Ord. No. 532, Sec. 2.)
- C. The sum of \$10,000 is hereby appropriated from the funds of the city of Sherwood to be paid in accordance with the terms of the attached agreement. (Ord. No. 532, Sec. 3.)

4.04.15 Franchise fee Beginning January 1, 1986 the franchise fee paid by or through a public utility furnishing electrical service to the city of Sherwood shall be four and one-fourth percent (4.25%). (Ord. No. 710, Sec. 1.)

CHAPTER 4.08

GAS FRANCHISE

Sections:

- 4.08.01 Grant – CenterPoint Energy Gas Company
- 4.08.02 Specifications - installation
- 4.08.03 Grantee shall furnish gas to curb line
- 4.08.04 Grantee - right to tunnel
- 4.08.05 Grantee - extension of mains
- 4.08.06 Grantee - right to discontinue service

- 4.08.07 Grantee may require meter deposits
- 4.08.08 Grantee - right to make rules
- 4.08.09 Distribution system - shown on plat
- 4.08.10 Unlawful to tamper with system
- 4.08.11 Acceptance by Grantee
- 4.08.12 Classes and terms of service
- 4.08.13 Franchise tax and maintenance responsibility

4.08.01 Grant – CenterPoint Energy Company The CenterPoint Energy Company, and its successors and assigns, hereinafter referred to as Grantee, be and they are hereby authorized and empowered to erect, maintain and operate a system for the conveyance and sale of natural gas, for furnishing heat, light or power, or all, for public or private use, in the city of Sherwood, Arkansas, for a period of twenty-five years from the passage of this ordinance, according to the following terms and conditions:

- A. The said Grantee, the CenterPoint Energy Company, is hereby authorized and empowered, for a period of twenty-five years, from and after the passage of this ordinance, to enter upon and dig and excavate in the streets, sidewalks, avenues, alleys, highways, and public grounds, and under bridges and viaducts of said city for the purpose of laying pipes, constructing and maintaining gas mains and gas pipes, with all the necessary and proper attachments, connections and appurtenances, for the transportation, supply and distribution of natural gas in and through said City, with the rights at all times hereafter, during said period, under supervision of the City, to dig and excavate for the purpose of re-laying, repairing, replacing and removing the said gas mains and gas service pipes, or any portion thereof, or make connections for the consumers with such mains, and pipes; provided, however, that after said gas pipes and mains are laid, repaired, or removed, all excavations shall be re-filled and thoroughly tamped, and all sidewalks and pavements shall be replaced and re-laid as found when said excavations are begun, subject to inspection by the person designated by the City Council. Should Grantee fail or refuse to restore and replace said pavements, sidewalks and excavations, within a reasonable time, then the same may be replaced and restored by the City at the expense of said Grantee, which expense shall include attorney's fees, in event it shall become necessary for said City to bring suit to recover the money so expended by it.
- B. In the construction, repairing and operating of said gas system, said Grantee shall use every reasonable and proper precaution to avoid damages or injury to persons or property, and shall hold and save harmless the said City from damage caused by the negligence of said Grantee, their agents, servants or employees in constructing, repairing and operating said plant, or in re-paving or repairing any street, alley or other public place. (Ord. No. 13, Sec. 1.)

4.08.02 Specifications - installation The specifications for the installation of the gas system shall be as follows:

- A. The system and mains shall be constructed and maintained along the routes and streets shown on plat attached and shall be of adequate capacity to furnish sufficient quantity of gas for the present needs of the prospective customers to be served therefrom. Provisions shall be made so that the system can be extended in any direction without interfering with the service already established.
- B. No regulator stations shall be located under ground in the fire district.
- C. If it becomes necessary to run any intermediate pressure transmission lines through the fire district, or under any concrete streets, fittings constructed to withstand one hundred twenty-five (125) pounds working pressure shall be used.
- D. The City reserves the right to inspect the said work of construction from time to time, or to have said work inspected by a duly authorized engineer. (Ord. No. 13, Sec. 2.)

4.08.03 Grantee shall furnish gas to curb line The Grantee shall furnish gas at the established curb line, or to a point within ten feet of property line where no curb line has been established, and shall furnish a meter of standard type and connect same with the pipes of the consumer without charge other than as hereinafter provided. All other service pipes and fixtures shall be furnished and maintained by the consumer. Connection to the consumer's service pipes shall be made directly in front of the consumer's residence or place of business, where practicable. (Ord. No. 13, Sec. 3.)

4.08.04 Grantee - right to tunnel The Grantee shall tunnel beneath all paved streets, alleys and sidewalks wherever practical in laying, placing and repairing pipes and mains, and this work shall be under the supervision of a representative of the City. The Grantee shall lay its lines so as not to interfere with the sewer system within the city of Sherwood, Arkansas, and if in laying additional sewers in said City, the sewer line shall cross Grantee's pipe line at the same level, the person constructing the said sewer line may, upon giving the Grantee reasonable notice, raise or lower the Grantee's gas line so as to allow the sewer line to cross, this work to be done, however, under the supervision of a representative of the Grantee and at the Grantee's expense. (Ord. No. 13, Sec. 4.)

4.08.05 Grantee - extension of mains The said Grantee shall extend its mains within the service area for the purpose of supplying new customers, where the Grantee is reasonably assured of a sufficient number of new customers and an annual revenue from such to justify the capital expenditure necessary to establish the service. The said service area is that area outlined in red ink on the plat of the proposed distribution system to be installed within the city of Sherwood, Arkansas, which plat is provided to be filed in compliance with Section IX of this franchise. (Ord. No. 13, Sec. 5.)

4.08.06 Grantee - right to discontinue service The Grantee shall have the right to discontinue from its mains any consumer of gas who has not conformed with the rules of the Grantee covering the consumption of gas or who is in arrears ten days in the payment for gas furnished during the previous calendar month. (Ord. No. 13, Sec. 6.)

4.08.07 Grantee may require meter deposits Before making a connection, the Grantee may require meter deposits as follows:

Domestic meter - \$10.00

Commercial meter - A sum not to exceed the sum of the estimated bills for two consecutive billing periods of maximum demand

which amounts shall be retained by Grantee as long as applicant is furnished gas and until all gas used by him is fully paid for at the applicable rates. (Ord. No. 13, Sec. 7.)

4.08.08 Grantee - right to make rules The Grantee shall have the right to make such rules, regulations and requirements relative to the manner in which connections with its mains and lateral lines may be made by consumers, and relative to the kind of equipment and materials used in said connections, and the maintenance thereof by the consumer, as may be reasonable, which rules and regulations shall be enforced between the Grantee and the consumer. Grantee's rules and regulations, accepted as governing service to customers connected to distribution plants in Arkansas from time to time, on file with the Arkansas Public Service Commission, shall govern Grantee's natural gas service within the City. (Ord. No. 13, Sec. 8.)

4.08.09 Distribution system - shown on plat The distribution system to be constructed by Grantee is shown by solid blue lines on plat attached hereto; three (3) copies of which shall be kept on file at the office of the City Clerk. (Ord. No. 13, Sec. 9.)

4.08.10 Unlawful to tamper with system It is hereby declared to be unlawful for a person, firm, corporation, or association to tap, break, injure or molest any gas pipes, lines, meters, regulators, or any other appliance or connection belonging to the Grantee herein or for any persons or corporation to interfere with the operation of said gas system, and any person, firm, or corporation or association found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and subject to a fine of not less than Five (\$5.00) Dollars, and not more than Fifteen (\$15.00) Dollars, and each day the violation shall continue shall be deemed a separate offense. (Ord. No. 13, Sec. 10.)

4.08.11 Acceptance by Grantee This franchise may be accepted by the Grantee by written notice of its acceptance being delivered to the Clerk of the city of Sherwood, Arkansas, which acceptance shall be delivered within thirty days of the date of the passage of this ordinance. (Ord. No. 13, Sec. 11.)

4.08.12 Classes and terms of service It being contemplated that the Grantee shall furnish natural gas service to conform with the provisions of the franchise hereby granted to it, and a

hearing as to the rates which shall be charged by it for said service having been had, and the Grantee having waived any right to notice of the fixing of said rates, the rates to be charged by Grantee for gas service, until such time as rates are raised or lowered by proper action of the City Council, or other governmental agency having the authority to determine and fix such rates, shall be the same as those charged by Grantee from time to time for gas service rendered by it within the city of Little Rock, Arkansas, for the various classes of domestic, commercial and industrial consumers, copies of the present rate schedules in force in said city of Little Rock, Arkansas being attached hereto applicable to the classes of customers proposed to be served in the city of Sherwood, Arkansas.

In order to provide natural gas service, in accordance with the provisions of the franchise hereby granted to it, Grantee estimates that it will be required to expend not less than \$49,000.00 immediately, and greater amounts in future years, to construct the necessary pipe lines from the nearest source of gas, to install the mains within the distribution area in the city of Sherwood, Arkansas, and to install service stubs, meters, regulators and other appliances to connect the customers' facilities with such mains. There is great uncertainty as to the number of customers that will be connected to the proposed facilities in the future, and further uncertainty as to the time of their attachment, and there is not now and will not be for some time sufficient revenue from the customers estimated to be attached to the proposed facilities to justify the expenditure proposed to be made. It is, therefore, provided that, in addition to the rates herein authorized to be charged, a service connection charge of \$1.00 per month shall be collected from each customer attached to the proposed facilities, to be retained by Grantee as a capital contribution, and that such service connection charge shall be continued until further order of the Arkansas Public Service Commission. (Ord. No. 13, Sec. 12.)

4.08.13 Franchise tax and maintenance responsibility

- A. CenterPoint Energy shall pay to Sherwood, Arkansas, the sum of 4.25% of the gross revenues it receives for the operation of the system within the corporate boundaries of Sherwood, Arkansas, for the year 2013 and future years. All such payments shall be made monthly beginning March 2013. The tax herein levied shall be in lieu of any other occupation tax, license tax, excise tax and any other character of municipal tax or fee (excepting the general ad valorem taxes, all applicable sale taxes, and special millage taxes) which are now and might in the future be imposed by Sherwood, Arkansas, under authority conferred upon the city by law.
- B. Nothing herein shall be construed to alter or change the present rate schedule under which CenterPoint Energy is now operating, except by order of the Arkansas Public Service Commission or other legally constituted bodies.

- C. The City assumes no maintenance responsibility for the CenterPoint Energy gas distribution system and appurtenances. The City shall not be responsible for damage to the CenterPoint Energy gas distribution system and appurtenances by the City or the utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way, easements or public grounds or places. The City Assumes no liability for personal injury or property damage as a result of placement of any gas distribution system and appurtenances and CenterPoint Energy shall indemnify and hold the City harmless from actions, claims, costs, damages and expenses to which the City may be subjected arising out of the placement of any gas distribution system and appurtenances in the public right-of-way or easement or in any public ground or place.

- D. Upon notice from the appropriate city department (as established by the Mayor, CenterPoint Energy shall remove gas distribution system and appurtenances from the public right-of-way, easements, or public ground or place at their own expense for any public improvement project or if the situation becomes a public nuisance. (Ord. No. 1963, Secs. 1-4.)

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

- 4.12.01 Franchise granted to Southwestern Bell Telephone
- 4.12.02 Franchise tax
- 4.12.03 When tax due
- 4.12.04 Southwestern Bell to continue operating system
- 4.12.05 Franchise fee under Ord. 59
- 4.12.06 Annual payment shall be in lieu of all other
- 4.12.07 Moving of houses and other structures
- 4.12.08 Grantee may trim trees, etc.
- 4.12.09 Additional light and power shall be separate agreement
- 4.12.10 Grant not exclusive
- 4.12.11 Grantee shall comply with all other laws
- 4.12.12 Service charge for 9-1-1 services
- 4.12.13 Percentage of service charge may be modified by council
- 4.12.14 Service charge shall be collected by all telephone service suppliers
- 4.12.15 Amounts - how remitted
- 4.12.16 Supplier may keep an administrative fee
- 4.12.17 Revenue for 9-1-1 shall be accounted for separately
- 4.12.18 Revenues for 9-1-1 - how expended
- 4.12.19 Memorandum of Understanding

4.12.01 Franchise granted to Southwestern Bell Telephone The Southwestern Bell Telephone Company having an exclusive right to establish, maintain and operate a public telephone system within the corporate limits of the city of Sherwood, Arkansas, there is hereby levied upon said Southwestern Bell Telephone Company, effective 1 February 1958, an annual franchise tax of \$275.00 for the period of 1 February 1958 to 31 January 1959. (Ord. No. 58, Sec. 1.)

4.12.02 Franchise tax Payment of said franchise tax shall constitute and be considered as complete payment discharge of all license fees, charges, impositions or taxes, other than automobile license fees, special millage taxes, general ad valorem taxes, and fees for the restoration of streets excavated by the Southwestern Bell Telephone company where applicable, which may be imposed by the city of Sherwood, Arkansas, under authority conferred by law. (Ord. No. 58, Sec. 2.)

4.12.03 When tax due Said franchise tax shall be due and payable on or before the first day of February while this ordinance is in force. Failure to pay this tax within ten days after the first day of February, each year, shall be deemed a misdemeanor, and each day said tax is not paid will constitute a separate offense, and upon conviction thereof in the Mayor's Court of the city of Sherwood, the said Southwestern Bell Telephone Company shall be fined in any sum of

not less than \$10.00 nor more than \$25.00 for each violation. (Ord. No. 58, Sec. 3.)

4.12.04 Southwestern Bell to continue operating system The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as “Telephone Company”) shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Sherwood, Arkansas, (herein referred to a “City”). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alley, and the public grounds, and places within the limits of said City as the same from time to time may be established. (Ord. No. 59, Sec. 1.)

4.12.05 Franchise fee under Ord. 59 The Telephone Company shall pay to the City on or before March 1 of each year for the period January 1, 1984 to December 31, 1984, inclusive and thereafter for like periods an amount determined by multiplying the number of access lines in service within the corporate limits of the City as of the last day of the preceding year by the sum of \$2.02. (Ord. No. 59, Sec. 2 as amended by Ord. No. 550, Sec. 1.)

4.12.06 Annual payment shall be in lieu of all other The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes and those fees exempted under Section 8 hereof) which may be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished said City. (Ord. No. 59, Sec. 3.)

4.12.07 Moving of houses and other structures The Telephone 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 Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes. (Ord. No. 59, Sec. 4.)

4.12.08 Grantee may trim trees, etc. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of said trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official whom such duties have been or may be delegated. (Ord. No. 59, Sec. 5.)

4.12.09 Additional light and power shall be separate agreement Nothing in this ordinance

contained shall be construed to require or permit any electric light or power wire attachments by the City. If light or power attachments are desired by the City, then a separate non-contingent agreement shall be a prerequisite for such attachments. (Ord. No. 59, Sec. 6.)

4.12.10 Grant not exclusive Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior existing rights of the Telephone Company to maintain a telephone system with the City. (Ord. No. 59, Sec. 7.)

4.12.11 Grantee shall comply with all other laws Nothing in this ordinance shall be construed as relieving the Telephone Company of compliance with any ordinance now in effect or which hereafter be adopted by said City which requires restoration, and replacement of streets or sidewalks excavated or disturbed, or any ordinance requiring compliance with a building code and payment of the usual inspection fees to insure compliance with said code, and this shall include plumbing inspections, electric wiring inspections, gas piping inspections as well as all other types of building construction inspections, nor shall it relieve the Telephone Company of compliance with the provisions of any garbage or trash disposal ordinance of said City when applicable. (Ord. No. 59, Sec. 8.)

4.12.12 Service charge for 9-1-1 services A service charge of 5.0% shall be levied on the basic tariff rate approved by the Arkansas Public Service Commission on all telephone access lines of any telephone system within the corporate limits of the city of Sherwood for the establishment and operation of a 911 Public Safety Communications Center.(Ord. No.1123, 1.)

4.12.13 Percentage of service charge may be modified by Council The percentage of the service charge may be modified by the City Council from time to time as necessary to fund the operation of the 9-1-1 system and communications center by simple amendment to this ordinance or collection may be suspended for certain periods of time, if it is determined that adequate revenues are currently available. (Ord. No. 785, Sec. 2.)

4.12.14 Service charge shall be collected by all telephone service suppliers Said service charge shall be collected by any telephone service supplier who provides telephone access service within the corporate limits of the city of Sherwood at such time as all service suppliers establish appropriate billing collection procedures. (Ord. No. 785, Sec. 3.)

4.12.15 Amounts - how remitted Amounts collected from said service charge shall be remitted to the City Clerk of the city of Sherwood no later than sixty (60) days after the close of each calendar quarter. (Ord. No. 785, Sec. 4.)

4.12.16 Supplier may keep an administrative fee The service suppliers shall be entitled to retain as an administrative fee, an amount equal to one percent (1%) thereof.(Ord. No. 85, Sec.5)

4.12.17 Revenue for 9-1-1 shall be accounted for separately 9-1-1 revenue remitted to the city of Sherwood shall be accounted for separately from other city revenues and any increase accrued by deposit or investment shall be credited to the 9-1-1 account. (Ord. No. 785, Sec. 6.)

4.12.18 Revenues for 9-1-1 - how expended 9-1-1 revenues may be expended for only such expenditures as are allowed by Act 683 of 1985. These expenditures shall be recommended, budgeted and approved by the City Council in accordance with normal finance procedures and the city's budgetary process. The 9-1-1 account shall reimburse the General Fund of the city for those approved expenditures. (Ord. No. 785, Sec. 7.)

4.12.10 Memorandum of Understanding The Memorandum of Understanding, attached hereto as Exhibit A, entered with the authorization of the City Council on or about Oct. 30, 2006, by and between the city of Sherwood, Arkansas and Southwestern Bell Telephone, LP. d/b/a AT&T Arkansas, and which was readopted effective December 31, 2009 for a term through December 31, 2012, is hereby ratified and renewed up until and including Dec. 31, 2015. the Memorandum of Understanding is readopted in all respects including provisions that Company will compensate the City for placing additional IP Video Service facilities along, on, and under the City's right-of-ways by paying a monthly fee equal to four percent (4%) of the charges for IP Video Service billed to and collected from each of Company's IP Video Service subscribers within the city limits of Sherwood during the term of this agreement. Such fee will be identified and passed through on any subscriber bill by Company, and all such fees collected will be forwarded to city quarterly on the last day of such quarter after collection. (Ord. No. 1949, Sec. 1.)

CHAPTER 4.16

TAX ON PRIVATE CLUBS

Sections:

4.16.01 City tax levied

4.16.01 City tax levied All private clubs within the city of Sherwood, Arkansas, 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 into the city's general fund.

CHAPTER 4.20

DOOR-TO-DOOR SOLICITATION - REGISTRATION

Sections:

4.20.01 Purpose
 4.20.02 Applicability
 4.20.03 Procedure
 4.20.04 Local businesses
 4.20.05 Solicitation times
 4.20.06 Do-not-knock residences
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- 4.20.08 Denial or revocation or permit
- 4.20.09 Fine

4.20.01 Purpose The purpose of this ordinance is to minimize unwelcome disturbances to the citizens of our city and the invasion of their privacy as well as to regulate solicitation by itinerant peddlers, merchants, and vendors of merchandise for the sales of items or services on a door-to-door uninvited basis. An ordinance in this regard is necessary to preserve the public safety and welfare of our citizens. (Ord. No. 1669, Sec. 1.)

4.20.02 Applicability The regulations and rules as set forth by this ordinance shall apply to itinerant peddlers, merchants, solicitors or vendors not having a permanent place or location for business either owned or leased in the confines of the city of Sherwood or businesses within the city of Sherwood who as a part of their business engage in door-to-door solicitation for the sale of merchandise or the sale of services. This shall also apply to the solicitation by any individual or business to any citizen in their residence that is uninvited except for exceptions later in this ordinance. (Ord. No. 1669, Sec. 2.)

4.20.03 Procedure Any individual, partnership, association, business or corporation wishing to engage in residential door-to-door solicitation within the confines of the city of Sherwood will be required to follow the following procedures regarding application and permitting.

- A. The applicant will be required to make application on forms provided by the Sherwood City Clerk providing necessary information regarding the name of the organization, contact information for the organization, contact information for the individual or principal responsible for the salespersons during the time that they are making door-to-door solicitation and the names of all persons who will be soliciting on behalf of that organization.
- B. Upon the submission of that application the city shall have forty-eight (48) hours to review the application to determine if the application is suitable for the issuance of a permit and whether any individual listed is barred pursuant to criteria set forth herein later.
- C. Upon the approval of the application, the applicant will be required to pay the sum of Twenty-Five Dollars (\$25.00) per day per salesman for a maximum of five (5) days for a door-to-door solicitation permit. At the conclusion of the five (5) day permit, the applicant will not be allowed to obtain a new permit until thirty (30) days has elapsed since the last day of the applicant's permit.
- D. All door-to-door solicitors shall be required to wear in a conspicuous manner a badge or identification card indicating the name of the solicitor as well as the company they represent. (Ord. No. 1669, Sec. 3.)

4.20.04 Local businesses Local businesses that engage in door-to-door solicitation will be bound by this ordinance with respect to the procedure of registration and the application process as well as all identification requirements. Any business located within the confines of the city of Sherwood that has a valid, current, privilege license will be exempt from the requirement set forth above regarding the payment of a fee for the privilege to engage in door-to-door solicitation; however, the procedures set forth herein regarding door-to-door solicitation shall still apply. The business shall not engage in solicitation of business other than that as set forth in the privilege license held by said business. Additionally, no business may assign or otherwise allow the use of its privilege license to any third party to circumvent the requirements as set forth in this ordinance. A determination by the city that any business has attempted to circumvent this ordinance by utilization of business permit for purposes other than the privilege license granted by the city or has in any other way fraudulently attempted to circumvent the purpose of this ordinance shall have their permit immediately revoked and shall be subject to fines, and possible criminal sanctions for violation of this ordinance. (Ord. No. 1669, Sec. 4.)

4.20.05 Solicitation times Those individuals or entities that qualify for permitting from the city shall be limited to door-to-door solicitation from 9:00 a.m. until 7:00 p.m. Monday through Friday unless that organization or entity is exempt from this ordinance. (Ord. No. 1669, Sec. 5.)

4.20.06 Do-not-knock residences Every applicant that is the recipient of a permit for door-to-door solicitation shall receive a list of residences within the confines of the city of Sherwood who have requested to prohibit door-to-door solicitation. All recipients of a permit for solicitations door-to-door being itinerant vendors or any city business may not solicit business from those addresses. Any individual, business or entity that attempts a solicitation at those addresses shall be subject to a fine of Fifty Dollars (\$50.00) per address and may be guilty of a misdemeanor resulting in the incarceration of at least one day but not in excess of one year and may potentially be subject to a fine up to and including One Thousand Dollars (\$1,000.00). (Ord. No. 1669, Sec. 6.)

4.20.07 Exempt status This ordinance shall not apply to individuals or entities soliciting on behalf of charitable, educational, political, religious, or First Amendment protected entities or individuals, i.e. Boy or Girl Scouts, Booster Club, etc. It shall not be deemed a violation of this ordinance for individuals to place leaflets or brochures of invitation for solicitation if they do not attempt contact with the resident. Further, this ordinance shall not apply to individuals who have been invited upon the premises of a resident for purposes of solicitation for the sale of goods or services. (Ord. No. 1669, Sec. 7.)

4.20.08 Denial or revocation of permit Upon review of an application the city of Sherwood reserves the right to refuse the issuance of a permit under this ordinance to any person who would:

- A. Endanger the safety and welfare of any citizen by the solicitor holding said permit, or
- B. Upon information or investigation reveals that a false or misleading statement has been made by the applicant, or
- C. A determination of the applicant or any individual employed or working either for pay or in a voluntary status for applicant that has been convicted of any sex offense or events involving a controlled substance or other felonies or violation of any domestic abuse order or other wise issued court restraining order, or
- D. Upon determination that the applicant or employee or agent of applicant has been deemed guilty of a judgment has been rendered based upon fraud, deceit or misrepresentation, or
- E. Upon proof that the applicant has no authority to serve as a agent for the company or principal represented, or
- F. Upon the determination that the applicant has violated the terms of this ordinance at any time within the past five (5) years prior to the adoption of this ordinance or subsequent thereof. (Ord. No. 1669, Sec. 8.)

4.20.09 Fine Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00). Each occurrence will be considered a separate offense. (Ord. No. 1669, Sec. 9.)

CHAPTER 4.24

SALE OF LIQUORS

Sections:

- 4.24.01 Sale declared a privilege
- 4.24.02 Application required
- 4.24.03 Council approval needed
- 4.24.04 License to be concurrent with state license
- 4.24.05 Hours of sale
- 4.24.06 Upon annexation of an area - provisions
- 4.24.07 Reissuance
- 4.24.08 Penalty - 4.24.01
- 4.24.09 Penalty - other sections
- 4.24.10 Provisions not applicable to hotels and restaurants

4.24.11	Definitions
4.24.12	Period applicable
4.24.13	Supplemental tax
4.24.14	Private clubs
4.24.15	Failure to pay under 4.24.13 and 4.24.14
4.24.16	Tax not paid - penalty
4.24.17	Collection and payment - clarified
4.24.18	Supplemental to Ordinances 123 and 173
4.24.19	Prohibitions under Act 132 of 1969
4.24.20	Other penalties
4.24.21	Law enforcement - right to enter
4.24.22	Location of business

4.24.01 Sale declared a privilege The business of storing, transporting, or dispensing of venous, spirituous or malt liquors within the city of Sherwood is hereby declared to be a privilege. There is hereby levied an annual privilege tax in an amount equal to one-half of the license fee charged by the state of Arkansas for each type of permit issued to any person, firm, or corporation within the city of Sherwood by the Alcoholic Beverage Control Board under the provisions of Section 48-302, Arkansas Statutes 1947, as amended. That said privilege tax shall be paid not later than 48 hours after issuance or reissuance of the permit by the state of Arkansas. (Ord. No. 173, Sec. 1.)

4.24.02 Application required Before any person shall engage in the wholesale or retail intoxicating liquor business in the city, an application shall be filed with the City Recorder and the same shall contain sworn statements indicating the name and kind of business sought to be licensed, and names and addresses of all persons owning or holding any interest in said business, the proposed location where said business shall be conducted and the names and addresses of the owner of the building or premises in which said business is located. (Ord. No. 123, Sec. 2.)

4.24.03 Council approval needed No license shall be granted by the City Recorder to conduct or engage in any retail or wholesale liquor business except after the approval of the location of said business by the City Council. (Ord. No. 123, Sec. 3.)

4.24.04 License to be concurrent with state license The license to conduct or engage in the retail or wholesale liquor business shall run for such length of time as will be concurrent with the license issued by the State Government and for periods of time shorter than one (1) year the license fee shall be pro-rated to cover the period of time for which a state license has been issued. No license or permit shall be issued to any person until such person presents to the City Recorder a license or permit from the state; and no license shall be issued by the city for a period longer than the term of the license or permit from the State. (Ord. No. 123, Sec. 4.)

4.24.05 Hours of sale

- A. All holders of on-premises alcohol consumption permits shall be allowed to remain open for business until 2:00 a.m. Monday through Saturday. Sunday operation hours for said businesses shall remain 10:00 a.m. to 12:00 a.m. midnight pursuant to state regulation. (Ord. No. 1992, Secs. 1-2.)
- B. This ordinance shall not apply to the on-premises consumption of alcohol in private clubs holding a Class B permit issued by the Arkansas State Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration, provided a majority of gross revenue from said private clubs is derived from the sale of liquor, and not food. (Ord. No. 2009-, Sec. 1.)

4.24.06 Upon annexation of an area - provisions Any person, firm or corporation holding an unexpired liquor permit or license from the county or another municipality for operation of a retail or wholesale outlet in property annexed to the city shall be given credit against the privilege tax levied in Section One hereof for the unexpired portion of such previously paid license, and the location of such store will be deemed as approved by the City Council as is required in Section Three hereof. (Ord. No. 123, Sec. 6.)

4.24.07 Reissuance Once a business location has been approved by the City Council as required in Section Three hereof, the City Recorder may re-issue the license to the same licensee without additional location approval from the City Council. (Ord. No. 123, Sec. 7.)

4.24.08 Penalty - 4.24.01 Any person engaging in the business herein declared to be a privilege without first having paid the license fee as provided in Section One hereof shall be fined in any sum not less than twice the amount of the license fee due and not more than \$1,000.00; and each day of such operation shall constitute a separate and distinct offense. (Ord. No. 123, Sec. 8.)

4.24.09 Penalty - other sections Any person violating any provision other than Section One hereof, shall, upon conviction, be deemed guilty of a misdemeanor and fined in any sum of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00), and each sale or attempted sale, made in violation of the provisions hereof shall constitute a separate and distinct offense. (Ord. No. 123, Sec. 9.)

4.24.10 Provisions not applicable to hotels and restaurants From and after the adoption of this ordinance the provisions of Ordinance 123 or 173 shall not apply to hotels and restaurants as defined by Act No. 132 of the Acts of Arkansas for the year 1969 in so far as the tax levied on hotels and restaurants is concerned, but instead they shall pay to the city of Sherwood, within forty-eight hours of the receipt of a permit from the Alcoholic Beverages Control Board the following amounts:

Hotel, having fewer than 100 rooms	\$500.00
Hotel, having 100 or more rooms	\$1,000.00
Restaurant, having a seating capacity of less than 100 persons	\$500.00
Restaurant, having a seating capacity of 100 or more persons (Ord. No. 188, Sec. 1.)	\$1,000.00

4.24.11 Definitions The definitions set forth in Act 132 of the Acts of Arkansas for the year 1969 apply to this ordinance. (Ord. No. 188, Sec. 2.)

4.24.12 Period applicable The fees set out in Section One hereof are for a period of one year from July 1 of one year, commencing July 1, 1969 through June 30 of the next year and for any permits which might be issued between January 1 and July 1 of any year the amount set out in Section One hereof shall be reduced one-half. (Ord. No. 188, Sec. 3.)

4.24.13 Supplemental tax In addition to the permit fee set forth in Section One hereof, there is also levied against each such permittee a supplemental tax of ten per centum upon the gross proceeds or gross receipts thereof which shall be due and payable to the city within twenty-four hours of the time the tax due under Section 8 of Act 132 of the Acts of Arkansas for the year 1969 is payable to the State of Arkansas. With its remittance to the city of Sherwood the permittee shall also submit a certified copy of the tax report to the State of Arkansas required by Section 8 of Act 132 of 1969. (Ord. No. 188, Sec. 4.)

4.24.14 Private clubs The provisions for Section Four hereof shall apply to Private Clubs issued permits under the provisions of Section 10 of Act 132 of 1969, except the amount of the tax payable shall be five per centum and it shall be levied as set forth in Section 10 (b) of Act 132 of 1969. (Ord. No. 188, Sec. 5.)

4.24.15 Failure to pay under 4.24.13 and 4.24.14. Upon failure to pay the receipts tax set forth in Sections Four and Five hereof within twenty-four hours of when said tax is due, the city shall, as a precedent to continue to do business, require that an indemnity bond, secured by some corporate surety company approved by the City Council of the City of Sherwood, in an amount at least double the total amount due for the two months, not necessarily consecutive, during the past twelve months that the sales, or charges for services in the case of private clubs, were the highest. (Ord. No. 188, Sec. 6.)

4.24.16 Tax not paid - penalty In addition to the bond required by Section 6 hereof, if said tax is not paid when due, there shall be levied a penalty of 25% and both penalty and tax shall bear interest at the rate of 10% per annum if not paid within thirty days of due date. (Ord. No. 188, Sec. 7.)

4.24.17 Collection and payment - clarified Ordinance No. 123 set forth the tax to be paid by private clubs holding permits from the Alcoholic Beverage Control Commission as one-half of that charged by the state and it is not the intent of this ordinance to repeal that part of Ordinance 123 which pertains to clubs but to clarify the collection and payment of the gross proceeds tax provided for under Section 10 of Act 132 of 1969. (Ord. No. 188, Sec. 8.)

4.24.18 Supplemental to Ordinances 123 and 173 Only ordinances, and parts of ordinances, in direct conflict herewith are hereby repealed. It is the intention of this ordinance to be supplemental to Ordinances No. 123 and 173 and not to repeal either unless in direct conflict. (Ord. No. 188, Sec. 9.)

4.24.19 Prohibitions under Act 132 of 1969 The prohibitions set forth in Section 14 of Act 132 are adopted in toto herein and prohibited by any person, firm or corporation operating in the city limits of the city of Sherwood. (Ord. No. 188, Sec. 10.)

4.24.20 Other penalties In addition to other penalties herein provided, any person, firm or corporation violating any part of this ordinance shall, upon conviction in the Mayor's Court of the city of Sherwood be fined in any sum of not more than \$1,000.00 and imprisoned for not more than six months, and each violation, shall constitute a separate offense.(Ord.No.188, Sec.11

4.24.21 Law enforcement - right to enter Tender of the tax levied herein shall constitute an acknowledgment that the law enforcement officials and tax officials of the city of Sherwood may enter the premises at any time without requirement of warrant or other legal process as set forth in Section 6 of Act 132. (Ord. No. 188, Sec. 12.)

4.24.22 Location of business No privilege licenses shall be granted to any establishment for "on premises" alcohol consumption business located within 1,200 feet of any church, public or private school, or daycare, with the distance to be measured from the edge of the properties. This ordinance shall not apply to businesses that have gross sales of 60% or more from the sale of prepared food and food items and non-alcoholic beverages or a business that has sales of at least 20% for sleeping accommodations. (Ord. No. 1638, Sec. 1.)

CHAPTER 4.28

HOTEL, MOTEL AND RESTAURANT TAX

Sections:

- 4.28.01 Tax levied - for city parks
- 4.28.02 Form of question on ballot
- 4.28.03 Upon passage by voters
- 4.28.04 Authority under state law
- 4.28.05 Effective date of ordinance
- 4.28.06 Penalty - upon failure to collect tax
- 4.28.07 Tax remitted to city - deadline

4.28.01 Tax levied - city parks There is hereby levied a two percent (2%) gross receipts tax on hotels, motels and restaurants, to be used for the construction and maintenance of city parks, to be deposited into a special fund to be used for development, construction and maintenance of city parks, to be disbursed by the Mayor upon approval of the City Council. (Ord. No. 905, Sec. 1.)

4.28.02 Form of question on ballot The question of gross receipts tax and distribution shall be submitted to the qualified electors of the city of Sherwood at a special election called for such purposes which will be held on the 30th day of January, 1990, to be placed on the ballot and substantially the following form:

FOR: An Ordinance levying a two percent (2%) gross receipts tax on hotels, motels and restaurants to be used for the construction and maintenance of city parks; to be deposited into a special fund to be used for the development, construction and maintenance of city parks; to be disbursed by the mayor upon approval of the city council. Directing the submission of the question of said gross receipts tax to the qualified electors of the city of Sherwood at a special

election to be held on the 30th day of January, 1990, directing the city officials to take any and all other action necessary to accomplish said matter; and for other purposes.

AGAINST: An ordinance levying a two percent (2%) gross receipts tax on hotels, motels and restaurants to be used for the construction and maintenance of city parks; to be deposited into a special fund to be used for the development, construction and maintenance of city parks; to be disbursed by the mayor upon approval of the City Council. Directing the submission of the question of said gross receipts tax to the qualified electors of the city of Sherwood at a special election to be hold on the 30th day of January, 1990, directing the city official to take any and all other action necessary to accomplish said matter; and for other purposes. (Ord. No. 905, Sec. 2.)

4.28.03 Upon passage by voters In the event a majority of the qualified electors, voting in the election provided for in Section 2 hereof, vote in favor of said ordinance, the responsible city officials of the city of Sherwood are directed to take any and all appropriate action necessary and required to complete the purposes of this ordinance in compliance with the provisions of the laws of the State of Arkansas. (Ord. No. 905, Sec. 3.)

4.28.04 Authority under state law This ordinance is enacted pursuant to Section 5 of Senate Bill 11, passed by the Arkansas Legislature and approved by the Governor in the 77th Journal Assembly, Third Extraordinary Session, 1989. (Ord. No. 905, Sec. 4.)

4.28.05 Effective date of ordinance This ordinance shall become effective 30 days after the certification of the vote if approved by the majority of the electors. (Ord. No. 905, Sec. 5.)

STATE LAW REFERENCE: A.C.A. 26-75-601 through 606.

4.28.06 Penalty - upon failure to collect tax In the event that any person, firm or corporation fails to collect and/or remit the tax referred to in said ordinance, there shall be a penalty of 25% accessed against said individual, firm, or corporation. (Ord. No. 931, Sec. 1.)

4.28.07 Tax remitted to city - deadline The tax shall be collected from the purchaser or user of said products and the taxpayer shall remit to the city on the twentieth (20th) day of each month all collections of the tax for the preceding month, accompanied by reports on forms to be prescribed by the city. (Ord. No. 1077, Sec. 1.)

CHAPTER 4.32

ITINERANT PEDDLERS AND MERCHANTS

Sections:

- 4.32.01 Agricultural produce, household goods, wearing apparel
- 4.32.02 Exemptions from 4.32.01
- 4.32.03 Valid health card

4.32.04	Not applicable to certain sales and deliveries
4.32.05	Opening a stand - must comply
4.32.06	Penalty
4.32.07	Sales restricted - vehicle parked on streets
4.32.08	Definition of "Sale"
4.32.09	Valid deliveries not barred
4.32.10	Penalty

4.32.01 Agricultural produce, household goods, wearing apparel It shall hereafter be unlawful to operate any temporary business whose purpose is the sale or trade of agricultural produce, household goods, wearing apparel, or any other items, without first obtaining a permit by the payment of a temporary privilege tax and proof of a valid Arkansas State Retail Sales Tax Permit. The cost of said privilege tax and permit shall be twenty-five (\$25.00) dollars and permit shall be valid for a period of thirty (30) days from date of issue. (Ord. No. 562, Sec. 1.)

4.32.02 Exemptions from 4.32.01 Specifically excluded from the terms and provisions of this ordinance are:

- A. On premises sale of personal property which was purchased not for re-sale, such as garage sales, rummage sales, etc.
- B. Sale of agricultural produce on the premises where said produce was cultivated. (Ord. No. 562, Sec. 2.)

4.32.03 Valid health card Anyone offering for sale any fresh vegetables, fruits, or meats which they have produced wholly within the state of Arkansas must have a currently valid health card issued by the Health Department of either the county of Pulaski, city of Little Rock, or the city of North Little Rock. (Ord. No. 175, Sec. 3.)

4.32.04 Not applicable to certain sales and deliveries Nothing in this ordinance shall be construed to apply to the delivery of fruits, and vegetables to any place in the city as a result of a sale or purchase made elsewhere or to deliveries to established grocery stores. (Ord. No. 175, Sec. 4.)

4.32.05 Opening a stand - must comply Anyone opening a stand for the sale of fruits or vegetables or offering to sell any fruits or vegetables from any vehicle shall immediately become liable to comply with the provisions of this ordinance.

4.32.06 Penalty Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$25.00 nor more than \$100.00. (Ord. No. 562, Sec. 3.)

4.32.07 Sales restricted - vehicle parked on streets From and after the passage of this ordinance the sale of items from a vehicle parked on the public streets and ways of the city of Sherwood is prohibited. (Ord. No. 177, Sec. 1.)

4.32.08 Definition of "Sale" For the purposes of this ordinance, the following action will be deemed to include sales from a vehicle parked on the public streets in addition to what might be included in the ordinary use of the term "sale": The delivery of items to the customer direct from the vehicle while the customer is standing in or on the public right-of-way, in exchange for cash, an item or value, or a promise to pay at a future time. (Ord. No. 177, Sec. 2.)

4.32.09 Valid deliveries not barred Nothing in this ordinance will be deemed to prohibit parking of a vehicle upon the public streets for the purpose of making deliveries from the said vehicle of items previously purchased to a customer on his own property, nor will it be deemed to prohibit any one obtaining a supply of items from a vehicle parked upon the streets and going from door to door soliciting sales or making sales although such activities might be prohibited in other ordinances. (Ord. No. 177, Sec. 3.)

4.32.10 Penalty Any one violating any provision of this ordinance shall, upon conviction in the Sherwood District Court, be deemed guilty of a misdemeanor and shall be fined in any sum of not less than \$100.00 or more than \$1000.00 and each such sale shall constitute a separate offense. (Ord. No. 1617, Sec. 1.)

CHAPTER 4.36

LICENSE AND PRIVILEGE TAXES

Sections:

4.36.01	Occupation tax
4.36.02	Exemptions
4.36.03	Multiple businesses
4.36.04	Leasing
4.36.05	Schedule of fees
4.36.06	Ordinances repealed
4.36.07	Payment due
4.36.08	Where tax based on number of employees
4.36.09	License
4.36.10	Posting
4.36.11	Refund
4.36.12	Audit
4.36.13	False report
4.36.14	Fine
4.36.15	Tax rates

4.36.01 Occupation tax The carrying on of any business, profession or occupation of whatever kind or nature within the city of Sherwood, 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 tax. The privilege tax shall apply to all and shall not be limited to those businesses, professions or occupations as classified specifically by this ordinance. (Ord. No. 1611, Sec. 1.)

4.36.02 Exemptions The following persons, firms or corporations shall be exempt from the provisions of this ordinance:

- A. Professional persons employed full time on a salary or commission basis by one employer not offering professional service to the public; and
- B. Charitable or eleemosynary non-profit businesses and organizations and where no profit accrues to the benefit of any officer or employee. (Ord. No. 1611, Sec. 2.)

4.36.03 Multiple business Any person, firm or corporation engaging in more than one business, occupation or profession shall be required to obtain a license and pay the tax for each such business, occupation or profession. If any person operates any of the businesses provided for herein at more than one location, each location shall be considered a separate business and a separate license therefore is required unless otherwise provided for herein. (Ord. No. 1611, Sec. 3.)

4.36.04 Leasing Every person operating a business who shall lease to another, any department, space or facility on the premises shall file with the City Clerk on or before the first day of January each year or at the time of leasing a list of all such lessees. Each such lessee shall be liable for the privilege tax herein provided for the business, occupation or profession of such lessee. (Ord. No. 1611, Sec. 4.)

4.36.05 Schedule of fees The attached schedule of fees shall be adopted and shall be incorporated with this ordinance word for word. (Ord. No. 1598, Sec. 1.)

4.36.06 Ordinances repealed Ordinance 1074 and 1132 are repealed. (Ord. No. 1598, Sec. 2.)

4.36.07 Payment due Payment of the privilege tax is due each year on January 1st. A penalty of 25% of the amount due shall be assessed when payment is made after April 1 of any year. A penalty of 50% shall be due when payment is made after July 1st of any year. (Ord. No. 1598, Sec. 3.)

4.36.08 Where tax based on number of employees Where the amount of privilege tax due hereunder is based on the number of employees, the responsible person, firm or corporation shall report to the city the total number of regular employees during the previous fiscal year of such person, firm or corporation which total shall be the same as that reported to the federal government for social security and income tax purposes.

“Employee”, as the word is used in this ordinance is defined as any person regularly engaged in productive work or rendering any service within the business, profession or occupation, except:

- A. Clerical and bookkeeping employees;
- B. Part-time employees who work less than four (4) hours per day; and
- C. Temporary employees who work less than six (6) months per year.
(Ord. No. 1611, Sec. 5)

4.36.09 License It shall be the duty of the City Clerk, upon receipt of the amount of the privilege tax herein provided, to issue a license to the person, firm or corporation liable therefore, which license shall reflect the amount of the tax, the period of time covered, the name of the person, firm or corporation to whom issued and the nature of the business, occupation or profession involved. Mistakes in computation or misinformation given verbally as to the amount of tax due shall not prevent or prejudice the collection by the city of what is actually provided for as due under the provisions of this ordinance. (Ord. No. 1611, Sec. 6.)

4.36.10 Posting Each license when issued shall be posted in a conspicuous place where such business occupation or profession is carried on. Said license shall not be transferable and such shall be reflected by said license. (Ord. No. 1611, Sec. 7.)

4.36.11 Refund A refund not to exceed one-half (1/2) of the annual license fee may be made if a business is closed or sold during the first six (6) months of the business year. No refund will be made after six (6) months' operation. NO privilege tax refund shall be made except upon the written joint approval of the City Clerk and the Mayor. (Ord. No. 1611, Sec. 8.)

4.36.12 Audit The City Clerk or his/her duly authorized agent shall have the right to check and/or audit the stocks, inventory reported to the state and federal governments for income tax purposes and any person, firm or corporation subject to the license tax as provided in this ordinance. The refusal of any person, firm or corporation to allow the City Clerk and/or his authorized agent to make such checks, examinations and/or audits is hereby declared to be a misdemeanor and upon conviction shall be fined an amount of not less than Twenty-Five Dollars (\$25.00) and no more than One Hundred Dollars (\$100.00) and each day shall be a separate offense. (Ord. No. 1611, Sec. 9.)

4.36.13 False report It shall be unlawful for any person, firm or corporation to willfully make a false report to the city of Sherwood relative to any provision or requirement of this ordinance as affects the obligation for paying a privilege tax or the amount therefore. Any person, firm, or corporation violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount of not more than double the amount of the tax together with the costs necessary for the collection same. (Ord. No. 1611, Sec. 10.)

4.36.14 Fine Any person, firm or corporation carrying on any business, profession or occupation within the city of Sherwood and failing to pay the privilege tax provided for by this ordinance shall be deemed guilty of a misdemeanor and upon conviction be fined an amount of not more than double the amount of the tax together with the costs necessary for the collection of same. (Ord. No. 1611, Sec. 11.)

4.36.15 Tax rates

Abstract and Title Company

All companies which furnish abstracts for,
or guarantee, warrant or insure land titles \$155.00 \$18.00 per employee

Adjusters for Insurance and Claim Agents 70.00 70.00 per adjuster above 1

Administrative Office 70.00 10.00 per employee

Advertising Agency (each person engaged in contracting
for advertising or conducting an advertising
bureau or agency) 155.00 18.00 per employee

Advertising, Airplane 100.00 10.00 per employee

Advertising, Display Advertising 100.00 18.00 per employee

Advertising, Distributing circulars or Samples 100.00 10.00 per employee

Advertising Signs. The tax for this classification shall
be the cumulative total of the categories that
are applicable below:

Outdoor advertising	205.00	10.00 per employee
Electric or neon signs	85.00	10.00 per employee
Billboards	95.00	10.00 per employee
Sign hanging	50.00	10.00 per employee
Sign painting	50.00	10.00 per employee
Computer graphics	50.00	10.00 per employee

Agricultural Products 205.00

Plus cumulative amounts per employee:

1-50	5.00 each
51-200	4.00 each
Over 201 employees	3.00 each

Airplane Radio Sales and Service 155.00 0.075% stock

Airplane Sales, Service and Rental 305.00 18.00 per employee

Plus additional services:

Aircraft servicing	70.00	18.00per employee
Equipment sales	155.00	
Interior maintenance	50.00	
Retrieval/salvage	135.00	

Air-Conditioning & Heating Dealers, Sales & Installation	100.00	10.00 per employee 0.075% stock if applicable
Air-Conditioning Wholesale Distributor	100.00	0.075% stock
Air Products Manufacturers and Distributors	100.00	0.075% stock
Amusements:		
Pool halls	70.00	35.00 per table
Plus additional services:		
Restaurant	50.00	plus 10.00 per employee
Confectionery, beverages, retail	30.00	
Recreation room	135.00	plus 10.00 per employee
Bowling alleys	70.00	plus 25.00 per lane
Plus additional services:		
Restaurant	50.00	plus 10.00 per employee
Amusement machines (coin-operated)	5.00	per machine
Private schools	100.00	13.00 per employee
Clothing	25.00	0.075% stock
Circus, including street parade:		
Per day	100.00	
Minimum per circus	200.00	
Music and amusement machines (Each automatic coin-operated amusement device, and each automatic music machine, not including counter boxes), per year (State law reference-Limitation on tax on coin-operated amusement devices, ACA 26-77-302.		5.00 per machine
Recreation room	135.00	10.00 per employee
Plus additional services:		
Amusement machines (coin-operated)	5.00	per machine
Confectionery	30.00	
Rentals – household communications equipment, sporting equipment, etc.	100.00	
Vending machines	20.00	
Books and/or stationery, retail	50.00	plus 0.075% stock
Restaurant	50.00	plus 10.00 employee

Rides, concessions, amusements:

Major rides – first 4 weeks, per ride, per week	25.00	(4 week maximum per year)
Per year	170.00	
Kiddie rides – first 4 weeks, per ride, per week	15.00	(4 week maximum per year)
Per year	100.00	
Concessions – first 4 weeks, per concession, per week	15.00	(4 week maximum pe year)
Per year	100.00	

Rides, coin-operated, each

5.00

State law reference – Limitations on fee on
coin-operation rides, ACA 26-77-302

Event centers, shows and exhibitions,
including but not limited to seminars, special
sales, musical concerts or activities, athletic
events or carnivals, by any group, organization
or company sponsoring a function including but
not limited to a public-attended, profit-making,
ticketed function while in city convention centers
are subject to the following charge:

Music hall rental – first day	70.00
Each day thereafter	35.00
Exhibition space rental	1/4¢ per sq. ft gross space occupied first day, \$35.00 minimum 1/8¢ per sq. ft. gross space occupied each additional day, \$35.00 minimum

For shows and exhibitions, etc., staged
in the city convention center by any non-profit
organizations which provide an IRS non-profit
charter number, or other sufficient evidence
of non-profit status

No charge

Sightseeing coaches

100.00 plus 18.00 per vehicle

Skating rinks

135.00 plus 10.00 per employee

Ambulance

50.00 plus 18.00 per vehicle

Announcement Services

Includes but not limited to:

Stork services

Graduation

Weddings

Parties

Reunions

Birthdays

Party grams

Male & female dancers delivering such announcements

Antiques Dealers	70.00	10.00 per employee
Antique & Craft Malls	70.00	7.00 per booth, first 100 booths, \$4.00 per booth over 100
Appliance Dealers, Sales	100.00	plus 0.075% stock
Plus additional services:		
Repair	50.00	10.00 per employee
Rental lease	135.00	
Armature Winding	100.00	10.00 per employee
Armored Car Service	70.00	1000 per employee
Art Shop	100.00	plus 0.075% stock
Artificial Limbs	100.00	10.00 per employee
Auctioneer, Local	100.00	(maximum per state law)
Auction House	205.00	18.00 per employee
Automatic Sprinklers		
Contractor or dealer	100.00	plus 10.00 per employee
Stock, if applicable		plus 0.075% stock
Automobile Car Washing:		
Automatic car wash	125.00	plus 10.00 per employee
Manual	50.00	plus 10.00 per employee plus 8.00 per stall
Plus additional services:		
Detailing	75.00	10.00 per employee
Mobile or truck washers	125.00	13.00 per employee
Repair	50.00	10.00 per employee
Automobile Finance Agency or Department	100.00	10.00 per employee

Automobiles for hire (profit)	70.00	15.00 per employee
Automobile Paint/Body Shop	70.00	10.00 per employee
Plus additional services:		
Damage appraisers	25.00	each
Automobile, Parts Dealers,		
new, retail and wholesale per location	100.00	plus 0.075% stock
Plus additional services:		
Repair	50.00	10.00 per employee
Automobile, Parts Dealers, secondhand	100.00	10.00 per employee
Plus additional services:		
Wrecker service	50.00	18.00 per wrecker
Automobile Repossession	100.00	10.00 per employee
Plus additional services:		
Wrecker service	50.00	18.00 per wrecker
Automobile Salvage	100.00	10.00 per employee
Plus additional services:		
Wrecker service	50.00	plus 18.00 per wrecker
Auto Service Station	100.00	10.00 per hose 18.00 per mechanic 10.00 per employee
Plus additional services:		
Parking	30.00	1.50 per space
Confectionery	50.00	
Groceries	50.00	0.075% stock
Vending machines	20.00	
Ice machine	10.00	
Repair	50.00	
Wrecker	50.00	
Automobile and trucks:		
Rental/lease	70.00	3.50 per vehicle

Automobile Tires:

Sales (new)	100.00	plus 0.075% stock
Re-treading	70.00	10.00 per employee

Plus additional services:

Tire repair	50.00	10.00 per employee
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Automobile and Truck Dealers, new 100.00 plus 0.075% stock

Note: Where the average cost of items included in a dealer's inventory equals or exceeds \$4,000.00; computation of the tax will include units below the average at actual cost; and those above it, at the average unit cost. A separate average computation must be made for every classification of cars and trucks, new and used.

Plus additional services:

Automobile and truck dealers, used	100.00	plus 0.075% stock
Automobiles and trucks: rental/lease	70.00	plus 3.50 per vehicle
Wrecker service	50.00	plus 18.00 per wrecker

Automobile and Truck Dealers, used 100.00 0.075% stock

Note: the value of the stock reported would be no less than the value shown in the wholesale blue book

Plus additional service:

Wrecker service	50.00	plus 18.00 per wrecker
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Automobiles and Trucks:

Rental/lease	70.00	3.50 per vehicle
automobile sales	100.00	plus 0.075% stock

Automobile Window Tint 70.00 10.00 per employee**Awnings, Sales** 100.00 plus 0.075% stock

Plus additional services:

Installation and service	50.00	10.00 per employee
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Bakeries, Wholesale 100.00 10.00 per employee**Bakeries, Retail,**

including branch bakeries, where no truck routes 70.00 10.00 per employee

Bakeries, Pie Shops and/or Donut Shops, exclusive 70.00 10.00 per employee**Bankruptcy Stocks, Fire Damage Stocks
and Salvaged or Damaged Merchandise** 340.00

Banks	675.00	70.00 each branch (first 5 branches) 50.00 (each additional branch) applies only to branches located within the city
Barbers (base includes proprietor)	40.00	10.00 per barber 18.00 per manicurist plus 0.075% stock
Barbershops and Beauty Parlor Supply House	100.00	plus 0.075% stock
Beauty Operators (base includes proprietor)	40.00	10.00 per operator 18.00 per manicurist plus 0.075% stock
Bicycle Sales & Repair	100.00	plus 0.075% stock
Billiard and Pool Table Distributor	100.00	plus 0.075% stock
Blueprints	100.00	plus 0.075% stock
Boarding Home or Rooming House:		
Up to 50 patrons	100.00	10.00 per employee
Over 50 patrons	135.00	10.00 per employee
Boat Docks and Storage Stalls	50.00	5.00 per stall 0.075% stock if applicable
Bondsmen , per bondsman	100.00	
Bookkeepers and Non-Licensed Accountants	70.00	25.00 per employee
Books and/or Stationery , retail	100.00	0.075% stock
Plus additional services: printing, linotype, bookbinding, or ruling, multilithings	100.00	10.00 per employee
Bottlers of Soft Drinks	70.00	
Base charge, plus cumulative amounts per employee:		
1-50 employees		4.00 per employee
51-200 employees		3.00 per employee
Over 201 employees		2.00 per employee

Brokers: (Base charge is per broker, unless otherwise specified.)

Auto broker (Any person not licensed as a new or used car or truck dealer offering for sale more than 2 cars per year):		
Where principal business, each location, per broker	100.00	18.00 per employee
When operated in connection with another business, per broker	50.00	18.00 per employee
Bond, stock and securities brokers and/or salesmen, per broker	100.00	18.00 per employee
Cotton broker, per broker	100.00	18.00 per employee
Food broker, per broker	100.00	18.00 per employee
Brokers not otherwise classified herein, per broker	100.00	18.00 per employee
All brokers maintaining an inventory shall also be liable for an inventory tax in addition to above fees		0.075% stock (if applicable)
Building Erection Service (Each person engaged in the business of providing building erection services in the construction, alteration or repair of buildings, towers, tanks, bridges, viaducts, roadways and all other structures, including, but not limited to metal, concrete, and other forms of construction)	135.00	10.00 per employee
Building and Plumbing Materials, Brick and Tile Sales	100.00	0.075% stock
Plus additional services:		
Manufacturers	70.00	10.00 per employee
Printers, linotype, bookbinding	100.00	
Furniture and appliance dealer, new	70.00	
Repair	50.00	10.00 per employee
Heavy equipment rental	135.00	
Bus Company	135.00	3.00 bus
The variable charge applies to all buses operated within city limits regardless if the buses are owned or leased by the company.		
Business or Commercial Property , including houses and housing units, rental of (Each person owning property and engaged in the rental or lease of commercial business property and housing units):		

Each 1,000 sq. ft. or any part thereof, available for rent of lease of commercial and office space		2.50 per 1000 sq. ft.
Each unit available for rent or lease as residential	25.00	plus 1.00 per unit
Each 1000 sq. ft. or any part thereof available for rent or lease of warehouse or industrial space		1.00 per 1,000 sq. ft.
Each 1,000 sq. ft. or any part thereof available for the parking of vehicles		1.00 per 1,000 sq. ft.
Where there is sufficient evidence to prove that the available space for rent or lease has been un-rented or un-leased for the entire previous calendar year, payment shall be made on the basis of \$0.50 per 1,000 square feet.		
In no instance shall the minimum annual tax be less than \$25.00		
Exclusion: That portion of the building occupied by owner.		

**Business Machines, Data Processing and Office Machines,
Photocopying Equipment Sales and Service:**

The unit retail list price of which does not exceed \$1,000	170.00	
Each salesperson and/or marketing representative, additional		18.00 per salesman/ marketing rep.
Each repairman and/or installation and maintenance technician, additional		7.00 per repairman, technician
The unit retail list price of which exceeds \$1000 or having the capability to store files for subsequent automatic retrieval	235.00	
Each salesman, field systems or marketing representative, additional		25.00per salesman,etc
Each repairman and/or installation and maintenance technician, additional		10.00 per technician/ repairman
Capable of being programmed by the user (computer), or identified in subparagraph b. of the paragraph above and having a retail list price between \$25,000 and \$100,000	305.00	
Each salesman, systems analyst, systems engineer or marketing representative, additional		30.00 per salesman/ marketing rep, systems analyst, or systems engineer

Each programmer, additional	20.00	each programmer
Each repairman, and/or installation and maintenance technician, additional	15.00	each repair/ install/main.
Having a retail list price in excess of \$100,000	405.00	
Each salesman, systems engineer or marketing representative, additional	30.00	per salesman, marketing rep, systems analyst or systems engineer
Each programmer, additional	20.00	per programmer
Each repairman, and/or installation and maintenance technician, additional	15.00	each repairman/ installation or maintenance technician
Rental		
Including calculators, cash registers, typewriters, office machines and photocopying equipment where no unit rented exceeds \$2,500 in value	70.00	10.00 per service employee
Office machines, computers, other data processing equipment and photocopying equipment, where the unit exceeds \$2,500 in value	135.00	18.00 per service employee
Stock, or supplies	100.00	plus 0.075% stock
Secondhand machines	50.00	10.00 per employee
Plus business schools, private	135.00	10.00 per employee
Business Schools, Private	135.00	10.00 per employee
Plus recreation room or parlor	135.00	
Butane Gas Distributors	100.00	10.00 per employee
Buyers clubs	100.00	1.00 per membership of 0.075% stock, whichever is greater
Cabinetmaker and Carpenter Shops	100.00	10.00 per employee
Candy, Retail Shop	100.00	0.075% stock
Carpet, Drapery, Rug Mattress Cleaning	100.00	10.00 per employee
Carpet Dealers		
Sales	100.00	plus 0.075% stock
Installation	50.00	plus 10.00/ employee

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Catering Service	70.00	18.00 per vehicle
Plus additional services:		
Restaurant	50.00	10.00 per employee
Check Cashing Service (includes payday advance companies)	100.00	plus 15.00/ employee
Chemical Agents or Salesmen, each	100.00	plus 0.075% stock
Clothing, Retail	100.00	plus 0.075% stock
Plus additional services:		
Fur storage	135.00	
Dry cleaning service	50.00	10.00 per employee
Shoe cleaning/repair	50.00	
Seamstress	50.00	each
Clubs:		
Private	300.00	10.00 per employee
Social	205.00	10.00 per employee
Cold Storage Plant	100.00	10.00 per employee
Plus additional services:		
Locker rental	18.00	
Collecting Agency	100.00	10.00 employee
Plus additional services:		
Wrecker service	50.00	plus 18.00 wrecker
Commercial Artist (Any person who paints portraits or scenery, sketches or draws cartoons or the like for profit)	70.00	10.00 per employee
Computer Game Design and Development	100.00	
Plus additional services:		
Game design and development		25.00 per programmer
Design and Development (non-game related)		15.00 per technician
Website Design & Development		25.00 per programmer
Computer Hardware Sales, new or used	125.00	plus 0.075% stock
Computer Services	50.00	15.00 per employee
Plus additional services:		
Computer graphics	50.00	15.00 per employee
Service/repair	50.00	15.00 per employee

Software and services	50.00	15.00 per employee
Computer training specialist	75.00	15.00 per employee
Networking/interconnecting computing resources	100.00	15.00 per employee
Concrete, Ready-Mix:		
Sewer pipe, lime, chert, crushed rock, asphalt, delivered to the job	135.00	35.00 per vehicle
Confectionery Store (A place exclusively devoted to the purpose of selling candies, gum, cakes, ice cream and/or soft drinks; this classification shall not include the manufacturing or the making thereof)	40.00	
Contractors:		
General building (any person who engages in the business of supervising construction, alteration, or repairs of buildings and who has the general direction and control over tradesmen and/or subcontractors, shall be classified as a "general building contractor"):		
Class 1 – Remodeling only, building permit from 0 to \$25,000, per year or any portion thereof, and all subcontractors		
	100.00	10.00 per employee
Class 2 – Any contractor obtaining a building permit from 0 to \$150,000 per year or any portion thereof		
	150.00	10.00 per employee
Class 3 – Any contractor obtaining a building permit in excess of \$150,000 but less than \$500,000, per year or any portion thereof		
	250.00	10.00 per employee
Class 4 – Permit more than \$500,000 but less than \$1,000,000.00		
	400.00	10.00 per employee
Any contractor obtaining a building permit greater than \$500,000 but less than \$1,000,000 per year or any portion thereof.		
Class 5 – Permit more than \$1,000,000		
Any contractor obtaining a building or construction permit in excess of \$1,000,000		
	800.00	10.00 per employee
Contractors, Asphalt Paving	135.00	10.00 per employee
Contractors, House Wreckers and Movers	100.00	10.00 per employee
Contractors, Road	270.00	
Base charge, plus cumulative amounts per employee:		
1-50		4.00 each
51 or over		3.00 each
Contractors, Roofing or Painting	100.00	10.00 per employee

Convenience Marts	305.00	
Plus additional services:		
Gas		10.00 per hose
Restaurant	50.00	
Video rental	50.00	
Ride, coin operated		5.00 each
Cosmetics, Retail	50.00	18.00 per salesperson plus 0.075% stock
Courier Services:		
½ ton up to 1 ton truck		18.00 each
Over 1 ton and u to 1 ½ ton truck		35.00 each
Over 1 ½ ton truck		70.00 each
Minimum 35.00		
Coupons, Card, Check Orders and/or other Trade Stimulators, Distributors	135.00	
Crafts:		
Full-time business outside the home	50.00	
Home-based	40.00	
Part-time	25.00	
Credit Card, Processing and Obtaining Credit Rating Agency or Bureau	70.00	10.00 per employee
Dairies/Milk Distributors	190.00	10.00 per employee
Dancing School	100.00	plus 0.075% stock
Data Processing Service (Any person involved in sales of automatic data processing services including software development [systems analysis and programming], machine processing of client data, and consultant services)	70.00	10.00 per employee
	235.00	
Each client contact, marketing and systems analyst employee, additional		30.00 per employee
Each programmer, additional		20.00 per programmer
Each machine operator, additional		10.00 per machine operator
Data Processing Service, Home-Based	135.00	
Data Processing Service, Part-Time	135.00	
Dating Services	75.00	
Dental Laboratories	100.00	10.00 per employee plus 0.075% stock if applicable

Department, Discount and Variety Stores	100.00	0.075% stock
Department Store, Major Chain , sells a wide variety of goods and services	100.00	0.075 stock
Plus additional services:		
Optical	100.00	
Restaurant	50.00	
Pharmacy	100.00	0.075% stock
Beauty salon	40.00	plus 10.00 per beauty operator and 18.00 per manicurist
Training class	100.00	
Florist	70.00	
Shrubbery, potted plants	100.00	
Video sales	70.00	
Recreation room	135.00	
Gun dealer	100.00	
Service technician (on-call)		18.00 each service technician
Diaper Service (includes pick-up and delivery)	70.00	
Directories , printing and distribution	205.00	10.00 per employee
Draftsmen and/or Designers	70.00	18.00 per employee
Dressmaker/Seamstress	50.00	10.00 per employee
Driving School	50.00	10.00 per employee
Dry Cleaning and Pressing Establishments , restricting their services to dry cleaning or pressing	100.00	10.00 per employee
Electrical Contractor	100.00	10.00 per employee plus 0.075% stock if applicable
Electric Refrigeration Repairs	100.00	10.00 per employee plus 0.075% stock, if applicable
Electrologist (Each person engaged in providing electrolysis/hair removal services)	70.00	
Elevators (Each person selling or installing hydraulic, steam, electric, or hand power elevators or repairing same, as principal or agent)	205.00	10.00 per employee
Employment Agency	100.00	10.00 per employee
Engravers, Lithographers, Monogrammers, Silk Screening	100.00	18.00 per employee
Escort Service, Motor Vehicle	40.00	7.00 per vehicle over one

Estate Sales	70.00	18.00 per employee
Event Promoter	100.00	
Extended Health Care Facility	135.00	2.00 per bed
Exterminators, Pest Control	75.00	10.00 per employee
Finance Agency of Department	100.00	10.00 per employee
Financial Consultant Services	100.00	10.00 per employee
Flea Market:		
Operator	50.00	
Each booth or stall in which merchandise is displayed or sold (Operator is responsible for insuring payment of per-stall fees)		7.00 per booth or stall
Florists	100.00	plus 0.075% stock
Funeral Directors and/or Undertakers	170.00	10.00 per employee
Plus additional services:		
Mortician	100.00	
Fur Storage , exclusive or where operated in connection with other business	135.00	
Furniture and Appliance Dealer , New	100.00	plus 0.075% stock
Plus additional services:		
Furniture and/or appliance repair	50.00	10.00 per employee
Carpet, drapery, rug, mattress cleaning	50.00	10.00 per employee
Service technician (on-call)		18.00 each
Interior designers		100.00 each
Furniture Dealers , Secondhand	100.00	10.00 per employee
Plus additional services:		
Repair/refinishing/upholstery	50.00	10.00 per employee
Furniture Repairing and Upholstering	50.00	10.00 per employee
Gasoline and Oil Dealers , Wholesale	285.00	35.00 per truck
Plus additional services:		
Manufacturer's in-transit distribution center operations	135.00	
Gift Shop	100.00	plus 0.075% stock
Plus additional services:		
Rentals	50.00	
Repair	50.00	

Glass Company, Auto and Building Material	100.00	plus 0.075% stock 10.00 per employee
Plus additional services:		
Repair	50.00	
Service technicians (on-call)		18.00 each technician
Golf Course, miniature	70.00	10.00 per employee
Plus additional services:		
Driving range	100.00	
Golf Course, public:		
9 hole	85.00	
18 hole	135.00	
Plus additional services:		
Pro shop, retail	100.00	plus 0.075% stock
Driving range	100.00	
Gold professional	100.00	each professional
Lesson/schooling	100.00	
Restaurant/snack bar	50.00	
Golf Driving Range, exclusive	100.00	
Groceries, retail (independently owned)	100.00	plus 0.075% stock
Plus additional services:		
Gas		10.00 per hose
Video rentals	50.00	
Restaurant/snack bar	50.00	
Groceries, wholesale	100.00	plus 0.075% stock
Gun Dealers	100.00	plus 0.0755 stock
Hardware Store	100.00	plus 0.075% stock
Plus additional services:		
Gun dealer	100.00	
Haulers, Delivery Companies, Commercial Haulers:		
½ ton up to 1 ton truck each	35.00	
Over 1 ton and up to 2 ½ ton truck, each	65.00	
Over 2 ½ ton truck each	135.00	

Hazardous Commercial or Medical Disposal Facilities (per ton of waste disposed of during calendar year)	18.00 per to/\$5,000 bond required
Health Spa	135.00 10.00 per employee
Hobby Shop	100.00 plus 0.075% stock
Plus additional services:	
Repair	50.00 10.00 per employee
Hearing Aid Agency	100.00 plus 0.075% stock
Horse-Drawn Vehicles	100.00 10.00 per vehicle
Hospitals (for profit)	135.00 10.00 per employee
Household Supplies	100.00 plus 0.0755 stock
Ice Dealer , retail, no delivery, operating from an established place of business	25.00
Ice Dealer , retail, sold exclusively from trucks, each truck	25.00 per truck
Ice Cream Mobile Unit (per vehicle)	25.00 per vehicle
Ice Cream/Frozen Yogurt Store	70.00
Plus additional services:	
Carry-out	18.00
Drive-through	18.00
Inspection Services (Home)	50.00 10 per employee
Insulation, Waterproofing and Weatherproofing , each location	100.00 10.00 per employee 0.075% stock if applicable
Interior Decorators and Designers	100.00 10.00 per employee
Plus additional services:	
Draperies/wall covering	50.00
Plant/Floral arrangements	50.00
Internet Companies and Internet Service Providers	100.00 plus cumulative amounts
Rate Schedule:	
Number of Subscribers;	
0-1,000	125.00
1,001 – 10,000	250.00
10,001 – 25,000	375.00
25,001 – 50,000	500.00
50,001 – 75,000	625.00
Each additional 25,000 or fraction thereof	125.00

Internet Sales	100.00	10.00 per employee 0.075% stock if applicable
Inventory Service	70.00	10.00 per employee
Income Tax Preparation	75.00	25.00 per employee
Janitor Supplies , wholesale or retail	100.00	0.075% stock
Janitorial Services	75.00	10.00 per employee
Jewelry Manufacturers	100.00	plus 0.075% stock
Jewelry Store	100.00	0.075% stock
Plus additional services: Repair	50.00	10.00 per employee
Junk, Waste Material (Hides, furs, wool, paper, rags, scrap iron, brass, rubber, copper, used building materials)	300.00	10.00 per employee
Kindergarten, Nursery School, Daycare and Boarding Home:		
Up to 50 children/persons	70.00	10.00 per employee
Over 50 children/persons	135.00	10.00 per employee
Laboratories, X-Ray, Testing, Etc.	100.00	10.00 per employee
Landscaping:		
Landscaping	70.00	10.00 per employee
Lawn care, maintenance, moving	50.00	10.00 per employee
Laundries, Linen, Uniforms and Towel Supply	70.00	10.00 per employee
Laundromat	50.00	1.50 per machine
Legal Services Agency	100.00	10.00 per employee
Limousine Service	200.00	15.00 per employee
Liquor Store (non-alcohol items)	40.00	
Livestock Market Sales	205.00	18.00 per employee
Loans, Real Estate:		
Loans, real estate	135.00	10.00 per employee
Mortgage banking	135.00	10.00 per employee
Locksmiths, Safe and Vault Sales and Repairs	100.00	plus 0.075% stock
Lumber Agents		70.00 per agent
Machine Shop:		
Shop only, including, but not limited to, precision work to rebuild motors, make new parts, weld parts, press metal parts with hydraulic or mechanical presses and grind motor parts	70.00	10.00 per employee
Plus additional services: Sale of parts	100.00	plus 0.075% stock

Machinery Dealer:

Plus additional services:

Sales and service:

Light equipment, where no unit retail price
exceeds \$20,000 100.00 plus 0.075% stock

Heavy equipment, where unit price of equipment
exceeds \$20,000 125.00 plus 0.075% stock

Repair 50.00

Rental:

Light equipment, where unit retail price of equipment
does not exceed \$20,000 135.00

Heavy equipment, where unit price of equipment
exceeds \$20,999 205.00

Repair 50.00

Sale of used machinery 205.00

Repair 50.00

Sale of parts 100.00 plus 0.075% stock

Maids, Housekeeping and Cleaning Services 40.00 10.00 per employee

Mail Substations 50.00

Plus additional services:

Telecommunications services 50.00

Manicurist, each 40.00

Manufacturers 70.00

All types of manufacture including, but not limited to,
baskets, blinds or shades, cooperage, ice, jewelry,
lumber, potato chips, candy, canning factories, chemicals,
cosmetics, sawmills, etc. Each location requires a separate license.

Base charge, plus cumulative amounts per employee:

1-50 employees 4.00 each

Over 51 3.00 each

Manufacturer's Agent, each 100.00 plus 0.075% stock

Marketing (including but not limited to direct mail & internet) 100.00 15.00 per employee

Market Research 100.00 15.00 per employee

Manufacturer's In-Transit Distribution Center Operation

A facility which operates as a separate entity, or in connection with, or as an extension of a manufacturing firm, in which at least 66 2/3% of the products are distributed outside the state, shall be taxed on the inventory of goods and products distributed in the state.

100.00 plus 0 125% of the average annual dollar inventory

Massages and Baths – Issue for 1/2 Year Each Time

(Requires state re-certification every six months-issue 1/2 year only each time)

100.00 34.00 per employee

Plus additional services:

School, private

Under 50 pupils

Over 50 pupils

100.00 18.00 per employee

135.00 18.00 per employee

Meats, Packinghouse Companies

70.00

Base charge plus cumulative amounts per employee:

1-50 employees

4.00 each

51 employees or more

3.00 each

Meats, retail, where principal stock

100.00 plus 0.075% stock

Meats, wholesale dealers in green meats and/or butchering cattle, hogs, or other animals and offering same for sale

100.00 10.00 per employee

Medical Consulting Service Each person, firm or corporation which charges to process claims, audit bills, make payments, audit inventories, counsel regarding billing procedures, or conduct medical specialist training courses in hospitals and clinics

100.00 10.00 per employee

Metal Processors (Each person engaged in the business of processing steel, iron and other metals for sale, including, but not limited to, smelting, welding, shaping and fabricating of metal products), employing:

Up to 50 employees

135.00 10.00 per employee

51 of more employees

270.00 10.00 per employee

Metal, Sheet Metal and Tin Work

70.00 10.00 per employee

Microfilming Service/Photo Finishing:

Pick-up station (separate location)

50.00 10.00 per employee

Processing plant (separate location)

50.00 10.00 per employee

Minnow Dealer or Bait Markets (per year, or any part thereof)

50.00

Mobile Canteen (per vehicle per year of part thereof)

50.00 per vehicle

Mobile communication Services	70.00	plus cumulative amounts
Rate Schedule:		
Number of subscribers:		
0-1,000	170.00	
1,001-10,000	340.00	
10,001-25,000	675.00	
25,001-50,000	1,015.00	
50,001-75,000	1,350.00	
Each additional 25,000 or fraction thereof	340.00	
Mobile Home parks:		
Each location	100.00	
Each mobile home space, additional		8.00 per space
Mobile Home Sales, Recreational Vehicles, Campers	100.00	plus 0.075% stock 10.00 per employee
Motels, Hotels, and Motor Lodges	70.00	2.00 per room
Plus additional services:		
Laundry, dry cleaning	50.00	
Restaurant	50.00	10.00 per employee
Limousine rental		18.00 per vehicle
Convention/meeting room rentals	70.00	
Motion Picture Supply and/or Film Exchange	70.00	10.00 per employee
Motorcycle Dealers	100.00	plus 0.075% stock
Plus additional services:		
Repair	50.00	10.00 per employee
Music Supplies (sheet music, records, musical instruments)	100.00	plus 0.075% stock
Rentals	50.00	
Music and/or Sound Contractor	100.00	10.00 per employee
(Music video sounds, track tapes, disk jockeys for hire)		plus 0.075% stock
Plus additional services:		
Video productions	50.00	
Newspaper Publishers	100.00	
(Daily, weekly, or monthly publications accepting paid advertising)		

Base charge, plus cumulative amounts per employee:	
1-50 employees	4.00 each
51 or more employees	3.00 each

Publications sponsored by a public or private educational institution and not engaged in such business for profit are not subject to the tax levied by this section.

Newstands, retail	50.00	10.00 per employee
Nursery, Shrubbery:		
Nursery, shrubbery, plants, sales of	100.00	10.00 per employee
Nursery, shrubbery, plants, leasing of	50.00	
Nursery, shrubbery, plants, sales and leasing	135.00	
Nursing Homes	70.00	1.50 per bed
Nursing Services, in-home	100.00	10.00 per employee
Office and/or Agency Operations Each person maintaining an office of agency with personnel (to include corporate branch, regional or division offices), where all other functions peculiar to the business may be affected outside the city, not to include office where business is located in city and licensed, cumulative amounts per group of employees:		Cumulative amounts* see below
1-5 employees	60.00	
6-10 employees	85.00	
11-25 employees	110.00	
6-50 employees	160.00	
Over 50 employees	210.00	
Opinion Surveys (Each person engaged in conducting opinion surveys or polls per year or any part thereof)	100.00	
Optical Manufacturers	100.00	plus 0.075% stock 80.00 per optician
Pager Companies:		
Sales	100.00	plus 0.075% stock
Rental, lease	170.00	10.00 per employee
Sales, rental, lease	125.00	plus 0.075% stock
Painters, curbside addresses (not prorated or discounted)		25.00 per employee
Paper Companies	100.00	plus 0.075% stock
Parking Lots and Decks	15.00	2.00 per space

*Each license will be issued for one year and will not be prorated.

Pawnbrokers (not pro-rated)	405.00	
Plus additional services:		
Sale of precious metals	205.00	
Sale of used wearing apparel	50.00	
Peddlers on Foot, Confection and Kindred Lines, Dry Goods and Merchandise (not pro-rated)		50. per peddler
Personal Shopping Service	70.00	10.00 per employee
Pets , boarding	70.00	10.00 per employee
Pet Care , grooming and breeding	70.00	10.00 per employee
Pet Shops and Sales	100.00	plus 0.075% stock
Pharmacy	100.00	plus 0.075% stock
Photo Developers	50.00	10.00 per employee
Photographers and/or Portrait Painters:		
Maintaining an established studio in the city	70.00	10.00 per employee
Itinerant photographers not having a permanent, established place of business in the city per year or any part thereof	135.00	
Plastic Products	100.00	
Plus additional services:		
Fabricating, finishing, decorating	50.00	10.00 per employee
Laminating	50.00	10.00 per employee
Tubing	50.00	10.00 per employee
Distributing	50.00	10.00 per employee
Plastic Products – Wholesale Manufacturers	100.00	plus 0.075% stock
Plumbing and Gasfitter Contractor	100.00	10.00 per employee plus 0.075% stock
Precious Metal Dealers		70.00 per day or 205.00 for one year at the option of the purchaser
This paragraph shall not apply if the person pays privilege license tax under another classification set out in this section, provided the tax is paid for the privilege of conducting a business, occupation or profession which routinely and customarily includes the buying of precious metals.		
Premium Stamp Distribution	340.00	
Premium Stamp Redemption Store	100.00	0.075% stock

Printing, Linotype, Bookbinding or Ruling, Multilithing

(Each person operating a job, printing office or linotype machine, with or without printing press) 100.00 10.00 per employee
0.075% stock
on supply

Produce Market Each operator of a farmer's market or produce market occupying:

Not more than 1 city lot (50' x 150') or equivalent 25.00
Less than 1/8 of a city block, or equivalent 40.00
Less than 1/4 of a city block, or equivalent 50.00
Less than 1/2 of a city block, or equivalent 70.00
1/2 of a city block or more 135.00

Produce, retail, each car or truck 35.00 per car/truck

Produce, wholesale 100.00 plus 0.075% stock

Professions, including but not limited to the following, per firm member, associate or staff professional 100.00 plus 17.50 per
paraprofessional
employee

Appraisers, including real estate

Accountants and auditors, licensed

Architect

Attorney

Chiropractor

Consultant (One who is hired to give professional advice or services in their area of expertise. A person who advertises himself or herself, as a consultant will be presumed to fall within this category.)

Dentists

Engineers

Geologists

Resident athletic professionals

Interior decorator

Landscape architect

Medical doctor (excludes interns and residents; includes any other physician who treats private patients)

Mortician

Optometrist

Optician

Psychologist

Veterinarian

court reporter

Medical services without staff physicians

Professionals, licensed, not otherwise classified – each, except as otherwise herein provided

Paraprofessionals (Each person engaged in or aiding in what is commonly known as paraprofessional career, including, but not limited to paralegal personnel, registered nurses, dental hygienists, bookkeepers, non-licensed accountants, laboratory, x-ray technologists, draftsmen, surveyors and real estate salesmen, and interior designers)		50.00 each
Public Relations	100.00	18.00 per employee
Purchasing Agent(s)	100.00	10.00 per employee
Radio Broadcast Stations	205.00	10.00 per employee
Real Estate Only one base charge shall be due when a business entity engages in a combination of any two (2) or more of the following, provided all employees for all its activities are reported		
Sales	100.00	18.00 per employee 25.00 per salesperson
Services-Property management and/or rental	100.00	18.00 per employee 25.00 per employee
Including:		
Each 1,000 sq. ft. or any part thereof, available for rent or lease of commercial and office space		2.50 per 1,000 sq. ft. (35.00 minimum)
Each unit available for rent or lease as residential, up to 100 units		3.50 per unit/first 100 units
Each additional unit above 100 units		2.00 per unit above 100
In the event an owner rents or leases 4 dwelling units or 2 or more houses, condominiums, at any time during the year, he would pay a \$35.00 minimum if he has only one single-family house or condominium and/or \$7.00 per multi-family house unit.		
Each 1,000 sq. ft. or any part thereof available for rent or lease of warehouse or industrial space		1.00 per 1,000 sq. ft. (18.00 minimum)
Each 1,000 sq. t. or any part thereof available for the parking of vehicles		1.00 per 1,000 sq. ft. (18.00 minimum)

Where there is sufficient evidence to prove that said available space for rent or lease has been un-rented or unleased for the entire previous calendar year, payment shall be made on the basis of \$1.00 per 1,000 sq. ft.

In no instance shall the minimum annual tax be less than \$35.00.

Exclusion: that portion of the building occupied by the owner.

Development	100.00	10.00 per employee 25.00 per sales person
Recording Service	50.00	10.00 per employee
Recording Studio (Including but not limited to, compact discs, digital audio and tapes)	100.00	10.00 per employee
Recycling Companies	170.00	10.00 per employee
Rentals , per location. Each person engaged in the rental of the following, whether incidental to or connected with any other business or not:		
Clothing, including, but not limited to, tuxedos, costumes and wedding apparel	70.00	
Household items, including but not limited to, dinnerware, furniture, light lawn, garden and floor care equipment or tools, televisions, communications equipment, small business machines, hospital equipment, sporting and camping equipment and the like	135.00	
Machinery, implements and heavy equipment not included in subparagraph b. of this paragraph. Such items as air compressors, front end loaders, back hoes, cranes, lifts or hoists, trenching machines, concrete mixers, pumps, forklifts, generators, scaffolding and the like	205.00	
Plus additional services:		
Trailer rentals	50.00	plus 4.00 per trailer
Mobile home and recreational vehicle	50.00	plus 10.00 per employee
Repair Shops/Services	100.00	10.00 per employee
Restaurants, Cafeterias, Cafes, Lunch Stands, Lunch Counters, Drive-In Foods and Drink Service	50.00	10.00 per employee

Plus additional services:		
Catering service	75.00	10.00 per employee 18.00 per vehicle
Rubber Stamps or Stencil Dealers	100.00	plus 0.075% stock
Sandwiches, Manufacturer and/or Wholesale	70.00	plus 18.00 per truck
Schools, private		
Under 50 pupils	100.00	18.00 per employee
Over 50 pupils	135.00	18.00 per employee
School, tutoring service	100.00	15.00 per employee
Seasonal Vendors (Operative 3 months or less)	50.00	
Includes, but not limits to, produce, wood- cutters, Christmas tree sales, holiday merchants.		
Screen Printing	50.00	10.00 per employee
Secondhand Wearing Apparel		
Secondhand apparel	60.00	
Second hand, used other	60.00	
Secondhand apparel and used other	70.00	
Secretarial Services	50.00	10.00 per employee
Sewer Cleaners	100.00	10.00 per employee
Sewing Machine:		
Sales	100.00	plus 0.075% stock
Repair	50.00	
Sales and repair	100.00	plus 0.075% stock
Sexually Oriented Businesses	2,500.00	
Shoes, retail	100.00	plus 0.075% stock
Plus additional services:		
Repair/cleaning	50.00	10.00 per employee
Sporting Goods Companies	100.00	plus 0.075% stock
Plus additional services:		
Gun Dealer	100.00	
Repair, sports equipment	50.00	10.00 per employee
Skateboarding and/or Biking Facility	50.00	10.00 per employee
Stone and Monuments	100.00	10.00 per employee
Stone, Sand and Gravel, Mining, Sale, Delivery	70.00	10.00 per employee 18.00 per vehicle
Supermarket, Major Chain		70.00 per register Plus 0.075% stock
Surveyors, self-employed, each owner, firm member or partner	100.00	18.00 per employee

Tailor , exclusive Where stock of materials is carried, measurements taken and clothing made.	100.00	plus 0.075% stock
Tailor Where charge is made for clothing repairs or alterations	50.00	10.00 per employee
Tanning Salon	100.00	10.00 per employee
Tattoo/Piercing Services	100.00	15.00 per employee
Taxicab	100.00	10.00 per employee
Taxidermist	70.00	10.00 per employee
Telegraph Companies	475.00	
Telephone Answering and Wake-Up Service	50.00	10.00 per employee
Telephone Equipment Sales , mobile or cellular:		
Sales	100.00	plus 0.075% inventory
Installation/repair/maintenance	70.00	10.00 per employee
Telemarketing , mail order agent	70.00	10.00 per employee
Telecommunications agent Including, but not limited to, prepaid phone service and general communications services	100.00	15.00 per employee
Television, Radio, Stereo and Sound Equipment Sales	100.00	0.075% stock
Plus additional services:		
Repair (in-house)	50.00	100.00 per employee plus 0.075% stock
Service technician (on-call, is same employee does both, count as technician)		18.00 each
Television Cable Companies , sales and installation	205.00	10.00 per employee
Television Stations	340.00	10.00 per employee
Television Radio Production Services	155.00	10.00 per employee
Theaters	70.00	2.00 per seat
Plus additional services:		
Confectionery sales	40.00	
Amusement machines		5.00 per machine
Theatrical Agent	70.00	
Trailer Rentals	40.00	4.00 per trailer
Travel Bureaus	70.00	18.00 per employee
Tree Service or Pruning	75.00	10.00 per employee
Tree and Sod Farming	75.00	10.00 per employee
Trucks/Vehicles , sales from peddling food products, confections, tobacco and/or other merchandise (not pro-rated)	50.00	per vehicle, per year or any part thereof

Upholsterers	50.00	10.00 per employee
Plus additional services:		
Draperies	50.00	
Auto interior	50.00	
Home furniture	50.00	
Vacuum Cleaners, Dealers	100.00	plus 0.075% stock
Vending Machines (Maximum allowed by state)	20.00	Maximum allowed
State law reference – Maximum fee on vending machines ACA 26-77-301.		
Video Rental and Sales:		
Rentals	75.00	
Sales plus varieties (includes but is not limited to, blank tapes, confectionery, miscellaneous electronic supplies, etc.)		
	100.00	plus 0.075% stock
If both sales & rentals charge for sales	100.00	plus 0.075% stock
Video Productions	50.00	10.00per employee
Warehouse Keepers/Mini Storage , public warehouse, dry storage space rented, and storage of all kinds		3.50 per 1000 sq. ft.
Minimum	75.00	
Plus additional services:		
Haulers, delivery companies, commercial haulers, garbage/trash		
½ ton to 1 ton trucks		35.00 each
1 ton to 1 ½ ton trucks		65.00 each
Over 2 ½ ton trucks		135.00 each
Welding Shop	50.00	10.00 per employee
Wholesale or Retail Inventory Operations	100.00	plus 0.075% stock
Plus additional services:		
Rentals, including, but not limited to, household items, communications or small business machines, hospital equipment, sports equipment, etc.		
	135.00	
Repair	50.00	
Manufacturing	70.00	
Manufacturer's in-transit distribution center operation		
	135.00	
Gasoline and oil dealers, wholesale	285.00	plus 40.00 per truck
Photo developers	50.00	
Printing, linotype, bookbinding, multilithing	100.00	

Machine shop	100.00	
Service technician (on-call or in-house repair if same employee does both, count as technician		18.00 per employee
Armature winding	100.00	
Wired Background Music	50.00	10.00 per employee
Wrecker Service	100.00	18.00 per employee
Plus additional services:		
Automobile/truck repair	50.00	10.00 per employee
Word Processing Services (Each person engaged in the preparation, processing, duplicating or mailing of letters and other related printed matters and printing and/or reproduction of items in connection with above)	50.00	10.00 per employee
Businesses not covered by present classifications may be charged a rate equal a similar business license or a minimum of \$100.00 plus stock, if applicable, at the discretion of the city collector	100.00	15.00 per employee 0.125% of stock or inventory if applicable.

(Ord. No. 1598.)

CHAPTER 4.40

CABLE TELEVISION SERVICES

Sections:

4.40.01	Definitions
4.40.02	Franchise granted to Television, Inc.
4.40.03	Grantee - duty to secure approval
4.40.04	Quality of services
4.40.05	Equipment and installation
4.40.06	Franchise fee
4.40.08	Popular name
4.40.09	Grant of right and privilege
4.40.10	Revenue payments to the city; maintenance of records; establishment and review of rates
4.40.11	Authority to lease equipment; manner of operation
4.40.28	Obligations of Grantee to provide service; educational television
4.40.13	No preference
4.40.14	Right of assignment
4.40.15	Grantee's installation and construction obligations
4.40.16	No interference with other television reception
4.40.17	Public service provided by Grantee
4.40.18	Grantee to hold city harmless
4.40.19	Application and construction deadlines
4.40.20	Local business office
4.40.21	Grant of right and privilege - Associated Cable, Inc.
4.40.22	Portion of city
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4.40.24	Revenue payments and maintenance of records
4.40.25	Authority to lease equipment; manner of operation
4.40.26	Obligations of Grantee
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4.40.29	Grantee's installation and construction obligations
4.40.30	Grantee to hold city harmless
4.40.31	Local business office
4.40.32	Right and privilege not exclusive
4.40.33	Granted - Cablevision Management, Inc.
4.40.34	"Television" defined
4.40.35	Not an exclusive grant
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4.40.37	Right of Grantee
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- 4.40.39 Right of city to terminate agreement
- 4.40.40 Grantee shall hold city harmless
- 4.40.41 Upon termination
- 4.40.42 Franchise fee
- 4.40.43 Franchise fee and fair rates
- 4.40.44 Grantee - 30 days to accept
- 4.40.45 Mayor to file two F.C.C. Forms 328
- 4.40.46 City will follow basic F.C.C. Rate Regulations
- 4.40.47 Consultant and costs

4.40.01 Definitions For the purpose of this ordinance, the following terms, phrases and words shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

City is the city of Sherwood, Arkansas, a municipal corporation located in the state of Arkansas.

Grantee is the person or corporation named in Section 4.40.02 hereof as Grantee.

Council is the City Council of the city of Sherwood, Arkansas.

Person is any person, firm partnership, association, corporation, company or organization of any kind. (Ord. No. 202, Sec. 1.)

4.40.02 Franchise granted to Television, Inc. There is hereby granted to Television, Incorporated, hereinafter called “Grantee” for the term of 25 years from the effective date of this ordinance, the right and privilege to construct, erect, maintain and operate towers, poles, wires, anchors, cables, manholes, conduits, and other electronic equipment along, across, on, over, through, above, and under the public streets, avenues, alleys, roads, and highways and other public places of the City, for the purpose of operating a television signal system to receive, amplify and distribute television signals to the inhabitants of the City or any person within the City; to the extent that such use will not interfere with the public’s use or the City’s use and to the extent that the City may lawfully permit the use of the above described properties for the purposes enumerated. The City reserves the right to cancel this grant in the event of a violation by the Grantee herein of the terms and provisions of this ordinance. (Ord. No. 202, Sec. 2.)

4.40.03 Grantee - duty to secure approval The Grantee must within sixty (60) days from the date of its acceptance of this ordinance undertake necessary procedures to secure approval from appropriate governmental agencies under then existing rules and regulations for the right to import the signals of no less than two (2) distant Independent Commercial Television stations into the City. Once this approval is obtained, and FCC authorization is granted for the required microwave transmission service to the City, Grantee must within sixty (60) days from the date of

FCC approval commence construction of the system, and have said system operating within one year from the commencement of construction. If the system is not in operation within one year from the commencement of construction, the grant provided for herein shall expire and the City may treat the Ordinance as being null and void. (Ord. No. 202, Sec. 3.)

4.40.04 Quality of services The services furnished by the Grantee shall be of good quality and the same shall be furnished to each person within the City, within reasonable reach of its facilities and within reasonable time after demand for such service has been made, upon equal and exact terms for the same class of service. (Ord. No. 202, Sec. 5.)

4.40.05 Equipment and installation

- A. The Grantee shall comply with all rules and regulations now in force or which may hereinafter be put into force with respect to proper installation and construction of lines, cables, wiring and other electronic equipment authorized by this permit and grant. The Grantee shall use only new cables, and equipment with such shielding and protective devices as may be necessary to insure the best possible service with the least possible interference; no splices in the cable system will be permitted, except at such places and under such circumstances as shall be absolutely necessary in the installation of the system and in such cases such splices shall be done in a good and workmanlike manner and in such a way as to prevent any leakage or interference. The Grantee shall, at its own cost and expense, move its lines, cables, wiring, towers and other appurtenances to other locations when the City, through its authorities, may require such removal for the safety and convenience of said City and other franchise holders and inhabitants affected thereby. In the event the Grantee, after notice, fails or refuses to act, the City shall have the power to remove or abate the same at the expense of the Grantee, all without compensation or liability for damages from the City to Grantee. (Ord. No. 202, Sec. 6.)
- B. All installations made by the Grantee shall be made in good, substantial and safe condition and shall be maintained in such condition at all times. The Grantee shall make no excavation in the streets, alleys, or other public places without first procuring a written permit from the City or its agent or representative. Such permission shall not be unreasonably withheld. The surface of any street, alley or other public place disturbed by the Grantee in constructing, erecting, maintaining, operating or repairing its system shall be restored immediately by the Grantee after completion of the work to as good a condition as before the commencement of the work, and such surface shall be maintained at the cost of the Grantee to the satisfaction of the City for a period of one year from the date such surface of said street, alley, or public place is broken or excavated for such construction or maintenance work, after which time responsibility for the normal maintenance of such surface shall become the duty of the City. (Ord. No. 202, Sec. 7.)

- C. The Grantee shall, at all times during the existence of this permit, carry and require its contractor to carry insurance as follows:
1. Workmen's Compensation Insurance in accordance with the laws of the state of Arkansas.
 2. Public Liability Insurance with limits in the amount of \$100,000.00 for each person, \$300,000.00 for each accident, and \$50,000.00 property damage liability. In case the city is impleaded in any suit by reason of any alleged accident or omission of the Grantee, its successors or assigns, said City shall be entitled to Judgment over and against the Grantee, its successors or assigns, in such amounts as may be obtained against the city by reason thereof, provided due written notice is given the Grantee, its successors or assigns, on the filing of said suit, so that proper defense may be made to said action or suit.
 3. The Grantee shall defend the City against all lawful claims for injury to any person or property caused by the negligence of the Grantee in the construction or operation of its property; and in event of a determination of liability shall indemnify the City; more particularly the Grantee herein, its successors and assigns, does hereby agree to indemnify and hold harmless the City from any and all liability, claim, demand or judgment growing out of any injury to any person or property as the result of the violation or failure on the part of the Grantee, its successors, and assigns, to observe their proper duty or because of negligence in whole or in part arising out of construction, repair, extension, maintenance, or operation of its equipment of any kind or character used in connection with this permit. (Ord. No. 202, Sec. 8.)

4.40.06 Franchise fee The Grantee shall pay the City as a permit fee and as compensation for the rights and privileges enjoyed hereunder an initial sum upon final passage of this ordinance and for each year thereafter until commencement of services to subscribers the sum of \$250.00. Upon commencement of services to subscribers, a guaranteed annual minimum sum of Seven Hundred Fifty (\$750.00) Dollars or 4 per cent of its gross subscription receipts received by the Grantee from all of its collection from said electronic cable system derived from customers within the City. The said gross receipts shall be computed annually at the end of each calendar year and amounts due to the City shall be paid on or before the 15th day of January of each year; provided, however, that the final payment to the City after the termination of this permit shall be made within fifteen (15) days after the date of said termination. The City shall have the right and privilege by and through its auditor or other persons designated by it to freely examine the books, vouchers, records of the Grantee, its successors or assigns, in order to determine the amount to be paid to the City under the provisions of this ordinance. The above payments shall be made in lieu of any other tax or increased rate of tax, or other imposition, assessment or charge, made by the City except ad valorem taxes, and increased therein. (Ord. No. 202, Sec. 9.)

4.40.07 Grant not exclusive

- A. This permit and grant is not exclusive and nothing herein contained shall be construed to prevent the City from granting any other like privilege to any other person. (Ord. No. 202, Sec. 10.)
- B. The Grantee shall pay the City the cost of publishing this Ordinance according to law. (Ord. No. 202, Sec. 11.)
- C. The Grantee shall not sell or transfer any right or privilege under the permit except with the written approval of the Council, except that the legal title and operation of the system may be vested temporarily in a partnership if advisable to facilitate funding. (Ord. No. 202, Sec. 12.)
- D. Grantee shall have thirty (30) days after final passage of this ordinance in which to file its written acceptance thereon with the governing body of the City. (Ord. No. 202, Sec. 13.)

4.40.08 Popular name This ordinance shall be known and cited as the “Community Antenna Television and Audio Communications Ordinance.” (Ord. No. 224, Sec. 1.)

4.40.09 Grant of right and privilege

- A. In consideration of the faithful performance and observance of the conditions and covenants hereinafter set forth, there is hereby granted to Sherwood Cablevision, Inc., hereinafter called “Grantee”, its successors, assigns or designees, the right and privilege to erect, install, construct, reconstruct, replace, remove, repair, maintain and operate in or upon, under, above, across and from the streets, avenues, highways, sidewalks, bridges and other public ways, easements, right-of-way and lands, as now existing and all extensions thereof and additions thereto, in the city of Sherwood, hereinafter called “the City”, all equipment, facilities, appurtenances and apparatus of any nature, for the purpose of receiving, amplifying, transmitting and distributing by studios, cameras, projectors, recorders, antennas, transmitters, microwaves, wires, cables, coaxial cables, wave guides and cables, of television, radio, electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional and multi-directional of every nature and description, audio and video, embracing any and all of the frequencies of the electromagnetic spectrum, and to otherwise engage in the business, services and activities generally known as and practiced now and in the future by community antenna television and audio communications services, in accordance with the laws of the United States of America, the state of Arkansas, and the City. (Ord. No. 224, Sec. 2.)

- B. This right and privilege shall be effective on the effective date of this ordinance and shall continue in full force and effect until the expiration of a period of fifteen (15) years from such date, and shall be automatically renewed for a like period of fifteen (15) years unless written notice of termination is given by the Grantee not less than one year prior to the termination date of this grant. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person at any time during the period of this grant. (Ord. No. 224, Sec. 3.)

4.40.10 Revenue payments to the City ; maintenance of records; establishment and review of rates In consideration of the grant of this right and privilege, the Grantee shall pay to the City the minimum amount of Two Hundred Fifty Dollars (\$250.00) per year during the term of this agreement or five per cent (5%) of the gross revenues received from the cable television service fees charged subscribers, including monthly service charges and installation fees, whichever is greater. The first payment hereunder shall be due and payable thirty (30) days following the effective date of the passage of this Ordinance and each succeeding payment shall be due and payable thirty days following each anniversary date of the passage of this ordinance.

Such payment shall be deemed compensation for services rendered, review, supervision and inspection of equipment and facilities, and for other expenses relating to the installation and operation of this system on the part of the City as provided in this ordinance.

The Grantee shall keep complete records of accounts showing dates and payments received. The duly authorized agent of the City shall have the right, power and authority to inspect the service charge records of the Grantee.

In addition thereto, the Grantee shall file with the City Clerk and shall keep in its local office, to be available for inspection by the City and the public, a copy of the rules, regulation, terms and conditions adopted by the Grantee and in effect with its subscribers. The Grantee shall also keep available at its local office, to be available for inspection by the City, and shall file with the City Clerk an annual summary report showing the gross monthly cable television revenues received by the Grantee from its operations within the City during the preceding annual period as above described.

Grantee shall submit to the City the form of its service agreement, if any, between the Grantee and its subscribers. A schedule of the initial subscription rates to be charged by the Grantee is attached hereto and made a part hereof as Exhibit "A".

The City shall have the right and the continuing authority to review and approve any changes in said subscriber rates for services furnished by the Grantee and to formulate rules and procedures for the review and, as necessary, adjustment of such rates which shall require, in part, reasonable advance notice by given to the public of all proposed rate changes. Said notice shall

be published once a week for two consecutive weeks setting out the time, place, proposed new rate schedule and right of the public to attend and to be heard. The advertisement herein provided for shall begin at least thirty days before the date of the public hearing, and shall be published in a newspaper of general circulation in the City. (Ord. No. 224, Sec. 4.)

4.40.11 Authority to lease equipment; manner of operation

- A. There is hereby granted the further right, privilege and authority to the Grantee to lease rent or in any other manner obtain the use of towers, poles, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City and to use such towers, poles, lines, cables and other equipment and facilities as provided herein subject to all existing and future ordinances and regulations of the City. The Grantee shall also have the right to erect, install and maintain its own towers, poles, guys, anchors and ducts as may be necessary for the proper construction and maintenance of the antenna site, head-end and distribution system, provided that poles placed on municipal properties shall first have their location approved by the City Engineer. Such permission shall not be unreasonably withheld.
- B. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places.
- C. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the City Engineer, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good condition as before said work was commenced.
- D. In event that at any time during the period of this grant the City shall lawfully elect to alter, or change the grade of any street, alley or public way, the Grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.
- E. The Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric or telephone fixture, water, hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual traffic on said streets, alleys and public ways.

- F. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than five (5) days' advance notice to arrange for such temporary wire changes.
- G. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense of the Grantee.
- H. The Grantee shall remove all its plant and equipment located in the streets, highways and public places of the City within twelve (12) months of its termination of use of said facilities, and without any cost or expense to the City. (Ord. No. 224, Sec. 5.)

4.40.12 Obligations of Grantee to provide service; educational television The Grantee shall, during the existence of this grant, furnish reasonable, adequate and efficient community antenna reception service to the residents of the City, maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements may be temporarily suspended by disaster or emergency conditions or other circumstances beyond the reasonable control of the Grantee. The Grantee shall provide to its subscribers all existing educational television stations having studio facilities within thirty-five (35) miles of the City (Ord. No. 224, Sec.6)

4.40.13 No preference

- A. The Grantee shall not as to rates, charges, service facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage; provided, however, this shall not be deemed to prohibit the establishment of a graduated scale of charges and classification shall be permitted when approved by the City as hereinbefore set forth. (Ord. No. 224, Sec. 7)
- B. No privilege or exemption is granted or to be inferred by this grant except those specifically prescribed herein. Any privilege claimed under this grant in any street shall be subordinate to any prior lawful occupancy of the street. (Ord. No. 224, Sec. 8.)

4.40.14 Right of assignment This grant shall be held in trust by the Grantee or its successor in interest, provided, however, that it may assign its right, title and interest hereunder to another corporation or lawful business entity through the sale of stocks or assets, or otherwise,

provided that prior approval of such assignment shall be obtained from the City which approval shall not be unreasonably withheld and provided that such other corporation or lawful business entity is duly authorized to receive such assignment, and agrees to undertake and assume all the obligations of the original corporation hereunder subject to all of the terms and conditions of this grant. In the event such assignment takes place with such consent, then immediately upon the delivery to the City of the appropriate assumption agreement, duly executed by the assignee, all of the right, obligations and privileges herein granted to the Grantee shall forthwith devolve upon the assignee who shall in all respects stand in the place and stead of the original Grantee hereunder. (Ord. No. 224, Sec. 9.)

4.40.15 Grantee's installation and construction obligations

- A. The Granter's plant and equipment, including the antenna site, head-end and distribution system towers, structures, poles, wires and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so as not to endanger or interfere with the lives of persons or to interfere with improvements the City may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on public way, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provision of the National Electrical Safety Code prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable laws of the state of Arkansas and applicable ordinances of the City which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe and suitable condition, in good order and repair.
- B. Any opening or obstruction in the streets or other public ways made by the Grantee in the course of the construction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bound of which during periods of dusk and darkness shall be clearly designated by warning lights. (Ord. No. 224, Sec. 10)
- C. The Grantee shall not engage in the business of repairing television or radio receivers in connection with its operation of its community antenna television and audio communications service. (Ord. No. 224, Sec. 11.)

4.40.16 No interference with other television reception The community antenna television and audio communications system installed by the Grantee will be so designed, engineered and maintained so as not to interfere with the television reception of residents of the City who are not subscribers to its services. (Ord. No. 224, Sec. 12.)

4.40.17 Public service provided by Grantee The Grantee will supply one free drop to public and parochial, primary and secondary schools, fire stations, police stations, churches, public libraries, and the city of Sherwood City Hall located within the City which are passed by a cable belonging to the Grantee. There shall be no monthly service charge for said service. (Ord. No. 224, Sec. 13.)

4.40.18 Grantee to hold City harmless

- A. The Grantee shall at all times defend, indemnify, protect and save harmless the City from and against any and all liability, losses and physical damage to property and bodily injury or death to persons, including payments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance and operations of the Grantee's community antenna television and audio communications service, and resulting from or by any negligence, faulty or misconduct on the part of the Grantee, its agents, officers, servants and employees. The Grantee shall also carry Arkansas State Workmen's Compensation coverage on its employees who are engaged in any manner in the erection, construction, replacement, repair, maintenance and operations of the Grantee's plant and equipment. (Ord. No. 224, Sec. 14.)

- B. If the Grantee shall fail to comply with any of the provisions of this ordinance, or default in any of its obligations hereunder, except for causes beyond the reasonable control of the Grantee, and shall fail within thirty (30) days after written notice from the City to commence, and within a reasonable time, complete the correction of such default or non-compliance, the City shall have the right to revoke this grant and all rights of the Grantee hereunder. In the event the Grantee shall be adjudged bankrupt or placed in receivership, the City may declare the special rights herein granted forfeited and terminated. (Ord. No. 224, Sec. 15.)

4.40.19 Application and construction deadlines The Grantee shall arrange to have application made to the Federal Communications Commission for a microwave service within sixty (60) days from the effective date of this Ordinance. The Grantee shall commence construction of the system so as to establish an operable head-end within one year after the Federal Communication Commission has granted the Grantee a certificate of compliance. The City shall have the right and authority to establish substantial percentage figures for extension of energized trunk cable within the City said figures requiring up to a maximum required energized trunk cable extension of twenty (20) per cent of the franchised area per year, for the first five years of operation, with extensions to begin within one year after the Federal Communication Commission issues its certificate of compliance. Any delay(s) caused by the City or by events or circumstances not under the Grantee's control shall extend the deadlines herein established for the period of said delay(s). (Ord. No. 224, Sec. 16.)

4.40.20 Local business office The Grantee shall at all times maintain a local business office or agent for the specific purpose of investigating and resolving of all complaints regarding

the quality of service, equipment, malfunction, and similar matters. Any complain shall be given immediate prompt attention to insure that the matter complained of is promptly and efficiently resolved or the complaining person furnished with a written statement fully explaining when the matter will be resolved and which party or person will be responsible for the matter. (Ord. No. 224, Sec. 17.)

4.40.21 Grant of right and privilege; Associated Cable, Inc. In consideration of the faithful performance and observance of the conditions and covenants hereinafter set forth, there is hereby granted to Associated Cable, Inc., hereinafter called "Grantee", its successors, assigns or designees, the right and privilege to erect, install construct, reconstruct, replace, remove, repair, maintain and operate in or upon, under, above, across and from the streets, avenues, highway, sidewalks, bridges and other public ways, easements, rights-of-way and land, as now existing and all extensions thereof and additions hereto, in a portion of the city of Sherwood, hereinafter called "the City", all equipment, facilities, appurtenances and apparatus of any nature, for the purpose of receiving, amplifying, transmitting and distributing by studios, cameras, projectors, recorders, antennas, transmitters, microwaves, wires, cables, coaxial cables, wave guides, and cables of television, radio, electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional and multi-directional of every nature and description, audio and video, embracing any and all of the frequencies of the electromagnetic spectrum, and to otherwise engage in the business, services and activities generally known as and practiced now and in the future by community antenna television and audio communications services, in accordance with the laws of the United States of America, the state of Arkansas, and the City. (Ord. No. 640, Sec. 1.)

4.40.22 Portion of city That the portion of the city of Sherwood which Associated Cable, Inc. is granted this right and privilege is as follows, to wit:

The Point of Beginning is at the northwest corner of the SW 1/4, NW 1/4 Section 33, Township 3 North, Range 11 West, thence east 3,960.0 feet, more or less to the northeast corner of the SW 1/4 NE 14 of said Section 33; thence south 1,320.0 feet, more or less to the southeast corner of said SW 1/4 NE 1/4; thence east 1,320.0 feet, more or less to the northeast corner of the NE 1/4 SE 1/4 of said Section 33; thence south 2,640.0 feet, more or less to the southeast corner of said Section 33; thence west 1,320.0 feet, more or less to the southwest corner of the SE 1/4 SE 1/4 of said Section 33; thence north 1,320.0 feet, more or less to the northwest corner of the said SE 1/4 SE 1/4; thence west 2,640.0 feet, more or less to the southwest corner of the SE 1/4 NW 1/4 of said Section 33; thence north 1,320.0 feet, more or less to the northwest corner of said SE 1/4 NW 1/4; thence west 1,320.0 feet, more or less to the southwest corner of the SW 1/4 NW 1/4 of said Section 33; thence north 1,320.0 feet, more or less to the Point of Beginning; containing 280 acres, more or less. (Ord. No. 640, Sec. 2.)

4.40.23 Term This right and privilege shall be effective on the effective date of this ordinance and shall continue in full force and effect until the expiration of a period of five (5) years from such date, and shall be automatically renewed for a like period of fifteen (15) years

unless written notice of termination is given by the Grantee not less than one year prior to the termination date of this grant. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alley, public ways and places, to any person at any time during the period of this grant. (Ord. No. 640, Sec. 3.)

4.40.24 Revenue payments and maintenance of records In consideration of the grant of this right and privilege, the Grantee shall pay to the City the minimum amount of Two Hundred Fifty Dollars (\$250.00) per year during the term of this agreement or five per cent (5%) of the gross revenues received from the cable television service fees charged subscribers, including monthly service charges and installation fees, whichever is greater. The first payment hereunder shall be due and payable thirty (30) days following the effective date of the passage of this ordinance and each succeeding payment shall be due and payable thirty days following each anniversary date of the passage of this Ordinance.

Such payment shall be deemed compensation for services rendered, review, supervision and inspection of equipment and facilities, and for other expenses relating to the installation and operation of this system on the part of the City as provided in this ordinance.

The Grantee shall keep complete records of accounts showing dates and payments received. The duly authorized agent of the City shall have the right, power and authority to inspect the service charge records of the Grantee.

In addition thereto, the Grantee shall file with the City Clerk and shall keep in its local office, to be available for inspection by the City and the public, a copy of the rules, regulation, terms and conditions adopted by the Grantee and in effect with its subscribers. The Grantee shall also keep available at its local office, to be available for inspection by the City, and shall file with the City Clerk an annual summary report showing the gross monthly cable television revenues received by the Grantee from its operations within the City during the preceding annual period as above described. (Ord. No. 640, Sec. 4.)

4.40.25 Authority to lease equipment; manner of operation There is hereby granted the further right, privilege and authority to the Grantee to lease, rent or in any other manner obtain the use of towers, poles, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City and to use such towers, poles, lines, cables and other equipment and facilities as provided herein subject to all existing and future ordinances and regulations of the City. The Grantee shall also have the right to erect, install and maintain its own towers, poles, guys, anchors and ducts as may be necessary for the proper construction and maintenance of the antenna site, head-end and distribution system, provided that poles placed on municipal properties shall first have their location approved by the City Engineer. Such permission shall not be unreasonably withheld.

All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places.

In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the City Engineer, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good condition as before said work was commenced.

In event that at any time during the period of this grant the City shall lawfully elect to alter, or change the grade of any street, alley or public way, the Grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

The Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric or telephone fixture, water, hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual traffic on said streets, alleys and public ways.

The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than five (5) days' advance notice to arrange for such temporary wire changes.

The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense of the Grantee.

The Grantee shall remove all its plant and equipment located in the streets, highways and public places of the City within twelve (12) months of its termination of use of said facilities, and without any cost or expense to the City. (Ord. No. 640, Sec. 5.)

4.40.26 Obligations of Grantee

- A. The Grantee shall, during the existence of this grant, furnish reasonable, adequate and efficient community antenna reception service to the residents of the City, maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements may be temporarily

suspended by disaster or emergency conditions or other circumstances beyond the reasonable control of the Grantee.

- B. The Grantee shall provide to its subscribers all existing educational television stations having studio facilities within thirty-five (35) miles of the City (Ord. No. 640, Sec.6)

4.40.27 No preference

- A. The Grantee shall not as to rates, charges, service facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage; provided, however, this shall not be deemed to prohibit the establishment of a graduated scale of charges. (Ord. No. 640, Sec. 7)
- B. No privilege or exemption is granted or to be inferred by this grant except those specifically prescribed herein. Any privilege claimed under this grant in any street shall be subordinate to any prior lawful occupancy of the street. (Ord. No. 640, Sec. 8.)

4.40.28 Right of assignment This grant shall be held in trust by the Grantee or its successor in interest, provided, however, that it may assign its right, title and interest hereunder to another corporation or lawful business entity through the sale of stocks or assets, or otherwise, provided that prior approval of such assignment shall be obtained from the City which approval shall not be unreasonably withheld and provided that such other corporation or lawful business entity is duly authorized to receive such assignment, and agrees to undertake and assume all the obligations of the original corporation hereunder subject to all of the terms and conditions of this grant. In the event such assignment takes place with such consent, then immediately upon the delivery to the City of the appropriate assumption agreement, duly executed by the assignee, all of the right, obligations and privileges herein granted to the Grantee shall forthwith devolve upon the assignee who shall in all respects stand in the place and stead of the original Grantee hereunder. (Ord. No. 640, Sec. 9.)

4.40.29 Grantee's installation and construction obligations

- A. The Granter's plant and equipment, including the antenna site, head-end and distribution system towers, structures, poles, wires and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so as not to endanger or interfere with the lives of persons or to interfere with improvements the City may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on public way, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provision of the

National Electrical Safety Code prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable laws of the State of Arkansas and applicable ordinances of the City which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe and suitable condition, in good order and repair.

- B. Any opening or obstruction in the streets or other public ways made by the Grantee in the course of the construction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bound of which during periods of dusk and darkness shall be clearly designated by warning lights. (Ord. No. 640, Sec. 10)
- C. The Grantee shall not engage in the business of repairing television or radio receivers in connection with its operation of its community antenna television and audio communications service. (Ord. No. 640, Sec. 11.)
- D. The community antenna television and audio communications system installed by the Grantee will be so designed, engineered and maintained so as not to interfere with the television reception of residents of the City who are not subscribers to its services. (Ord. No. 640, Sec. 12.)

4.40.30 Grantee to hold City harmless

- A. The Grantee shall at all times defend, indemnify, protect and save harmless the City from and against any and all liability, losses and physical damage to property and bodily injury or death to persons, including payments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance and operations of the Grantee's community antenna television and audio communications service, and resulting from or by any negligence, fault or misconduct on the part of the Grantee, its agents, officers, servants and employees. The Grantee shall also carry Arkansas State Workmen's Compensation coverage on its employees who are engaged in any manner in the erection, construction, replacement, repair, maintenance and operations of the Grantee's plant and equipment. (Ord. No. 640, Sec. 13.)
- B. If the Grantee shall fail to comply with any of the provisions of this Ordinance, or default in any of its obligations hereunder, except for causes beyond the reasonable control of the Grantee, and shall fail within thirty (30) days after written notice from the City to commence, and within a reasonable time, complete the correction of such default or non-compliance, the City shall have the right to revoke this grant and all rights of the Grantee hereunder. In the event the Grantee shall be adjudged bankrupt or placed in receivership, the City may declare the special rights herein granted forfeited and terminated. (Ord. No. 640, Sec. 14.)

4.40.31 Local business office

- A. The Grantee shall at all times maintain a local business office or agent for the specific purpose of investigating and resolving of all complaints regarding the quality of service, equipment, malfunction, and similar matters. Any complaint shall be given immediate prompt attention to insure that the matter complained of is promptly and efficiently resolved or the complaining person furnished with a written statement fully explaining when the matter will be resolved and which party or person will be responsible for the matter. (Ord. No. 640, Sec. 15.)
- B. The Grantee shall reimburse to the City the cost of publishing this ordinance. (Ord. No. 640, Sec. 16.)

4.40.32 Right and privilege not exclusive Nothing herein contained shall be construed to prevent the City from granting any other like privilege to any others (Ord. No. 640, Sec. 17.)

4.40.33 Granted - Cablevision Management, Inc. In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the non-exclusive right is hereby granted to Cablevision Management, Inc., its successors and assigns (hereinafter referred to as Grantee), to erect, maintain and operate a cable antenna television transmission and distribution facilities in, under, over, along, across, and upon the streets, lanes, avenues, sidewalks, alleys, bridges, and other public places in Sherwood for the purpose of transmission and distribution of television impulses and television energy, both community antenna and closed-circuit, including programs recorded on film and television tape or otherwise recorded in accordance with the laws and regulations of the United States of America and the State of Arkansas, and the ordinances and regulations of Sherwood for a period of fifteen (15) years with option to renew the same upon the same terms and conditions herein provided for by giving written notice of the desire to do so at least three (3) months prior to the expiration hereof, subject to the conditions hereof. (Ord. No. 738, Sec. 1.)

4.40.34 "Television" defined Wherever used in this ordinance, the word "television" shall mean a system for simultaneous transmission of audio signals and transient visual images by means of electrical impulses. (Ord. No. 738, Sec. 2.)

4.40.35 Not an exclusive grant Rights-of-way for the use and purposes herein set forth shall not be exclusive, but is merely an assurance that the Grantee may occupy the city road rights-of-way within the area for the purposes herein set forth. (Ord. No. 738, Sec. 3.)

4.40.36 Grantee - duties

- A. The Grantee's transmission and distribution system, poles, wires, and appurtenances shall be located, erected and maintained so as not to endanger or interfere with any improvements the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, alleys, bridges or public property.

- B. Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable ordinances and regulations of the City affecting electrical installations which may be presently in effect or may be enacted by the City of Sherwood.
- C. Installation and house drop hardware shall be uniform throughout the area, except the Grantee shall be free to change its hardware and installation procedure as improvements therein are developed and except where changes are not permitted or required by regulations and ordinances of the city of Sherwood presently in effect or which may be enacted hereafter. (Ord. No. 738, Sec. 4.)
- D. In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the Grantee shall proceed as to cause the least possible inconvenience to the general public. Any opening or obstruction in the streets or other public places, made by the Grantee in the course of its operations shall be guarded and protected at all times.
- E. Whenever the Grantee shall take up or disturb any pavement, sidewalk or other improvement of any street, avenue, alley or other public place, the same shall be replaced and the surface restored in as good condition as before entry as quickly as is reasonably possible.
- F. The Grantee shall at all times comply with any and all rules and regulations which the city of Sherwood has made or may make to apply to the public generally with reference to the removal or replacements of pavements and to excavations in streets and other public places, not inconsistent with its use for the purposes contemplated by this ordinance. (Ord. No. 738, Sec. 5.)

4.40.37 Right of Grantee The Grantee shall have the right to prescribe reasonable service rules and regulations for the conduct of its business; service rules and regulations shall be kept on file at all times with the City Clerk. (Ord. No. 738, Sec. 6.)

4.40.38 Quality of service The antenna, receiving and distribution equipment shall be installed and maintained so as to provide pictures on subscriber receivers throughout the system essentially of the same quality as those received at the antenna site and/or transmitted by the Grantee. (Ord. No. 738, Sec. 7.)

4.40.39 Right of city to terminate agreement In the event of the failure of the Grantee to begin construction to render community television in the area or portions of the area as contemplated and provided for by this ordinance within a period of eight (8) months from the effective date of this ordinance, the City Council of Sherwood shall have the right, on reasonable

notice to the Grantee, to declare this ordinance and the rights granted thereunder forfeited; provided, however, that failure to comply with this stipulation by reason of cause or causes beyond the reasonable control of the Grantee, which could not be anticipated at the time of their acceptance by the Grantee, shall not be sufficient ground to declare a forfeiture. (Ord. No. 738, Sec. 8.)

4.40.40 Grantee shall hold city harmless The Grantee shall indemnify and hold the City harmless at all times during the term of this grant from demand or judgment growing out of any injury to any person or property as a result of the violation or failure on the part of the Grantee, its successors and assigns, to observe its proper duty or because of negligence, in whole or in part, arising out of the construction, repair, extension, maintenance or operation of its distribution lines, amplifiers or equipment of any kind or character used in connection with this ordinance and the franchise granted thereby. (Ord. No. 738, Sec. 9.)

4.40.41 Upon termination

- A. Upon termination or forfeiture of this grant, in accordance with any of its terms, the Grantee shall, within a reasonable time, remove its poles, cables, wires and appliances from the City streets, lanes, avenues, sidewalks, alleys, bridges, highways, other public places and from the premises of Grantee's customer within the area. (Ord. No. 738, Sec. 10.)
- B. If the Grantee shall fail to comply with any of the provisions of this grant, or default in any of its obligations except for cause beyond the reasonable control of the Grantee, and shall fail, within thirty (30) days after written notice from the City of Sherwood to correct such default or non-compliance, the City of Sherwood shall have the right to repeal this ordinance and all rights of the Grantee hereunder. (Ord. No. 738, Sec. 11.)

4.40.42 Franchise fee

- A. All provisions by law provided and prescribed for the granting of this authority are hereby declared to have been fully complied with and the authority shall be in full force and effect from and after execution and approval of this ordinance. The Grantee shall pay, and in consideration of the granting of this permit and authority, agree to pay to the city of Sherwood as a franchise tax and as compensation for the right and privileges enjoyed hereunder, a sum equal to three percent (3%) of its monthly subscriber program revenues received from customers located within the area by the Grantee in the operation of said system (but in no event less than \$250 per annum), which sum may be added to subscriber bills and passed through to subscribers. The said gross receipts shall be computed annually at the end of each calendar year, and the amounts due to the city of Sherwood shall be paid on or before the 30th day of and against all claims for injury or damages to persons or property, both real and personal, caused by the

construction, erection, operation or maintenance of any structures, equipment, appliance or products authorized or used pursuant to authority of this ordinance.

- B. The Grantee shall, at all times during the existence of this ordinance, carry and require its contractors to carry:
1. Insurance in such form and in such companies as shall be approved by the city of Sherwood to protect Sherwood and itself from and against any and all claims or injury or damages to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, equipment or appliance, and the amount of such insurance against liability due to damage of property shall not be less than One Hundred Thousand Dollars (\$100,000.00), as to any one person, and Two Hundred Thousand Dollars (\$200,000.00) as to any one accident, and against liability due to injury or death of persons, One Hundred Thousand Dollars (\$100,00.00), as to any one person, and Three Hundred Thousand Dollars (\$300,00.00) as to any one accident.
 2. Worker's compensation insurance in compliance with the laws of the state of Arkansas,
 3. Automobile insurance with limits of not less than \$100/300,000 and automobile property damage insurance with a limit of not less than Ten Thousand Dollars (\$10,000.00) to cover all automotive equipment.
- C. The grantee, upon receipt of due notice in writing from the city of Sherwood, shall defend at its own expense any action or proceedings against the city of Sherwood in which it is claimed that the injury or damage arose from the Grantee's activities in the construction or operation of its television system; and in the event of a determination of liability, shall indemnify the city of Sherwood. More particularly, the Grantee, its successors and assigns, do hereby agree to indemnify and hold harmless the city of Sherwood from any and all liability, claim, January of each year; provided, however, that the final payment to the city of Sherwood after the termination of this authority shall be made within fifteen (15) days after the date of said termination (Ord. No. 738, Sec. 12.)

4.40.43 Franchise fee and fair rates

- A. The franchise payments herein provided for shall not be in lieu of any business or occupation licenses or taxes, and shall not be in lieu of ad valorem taxes assessed with respect to real or personal property of the Grantee. (Ord. No. 738, Sec. 13.)

- B. By its acceptance of this franchise, the Grantee specifically agrees that its rates and charges to its subscribers for television and radio signal shall be fair and reasonable and no higher than necessary to meet all lawful costs of operation (assuming efficient and economical management) including a fair return on investment. (Ord. No. 738, Sec. 14.)

4.40.44 Grantee - 30 days to accept

- A. Grantee shall have thirty (30) days after final passage of this ordinance in which to file its written acceptance thereon with the City Council. (Ord. No. 738, Sec. 15.)
- B. This franchise may not be assigned without approval of the City Council. (Ord. No. 738, Sec. 16.)

4.40.45 Mayor to file two F.C.C. Forms 328

- A. The Mayor is hereby authorized and directed to file two completed F.C.C. Forms 328 by registered mail (not certified mail) with return receipt requested to:

Federal Communications Commission
Cable Franchising Authority Certification
P.O. Box 18539
Washington, D.C. 20036
(Ord. No. 1118, Sec. 1.)

- B. The Mayor is further directed to mail a completed copy of this form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the F.C.C. (Ord. No. 1118, Sec. 2.)

4.40.46 City will follow basic F.C.C. Rate Regulations

- A. The City will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provision in the Franchise. (Ord. No. 1130, Sec. 1.)
- B. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties. (Ord. No. 1130, Sec. 2.)
- C. The Mayor, or his or her designee, is authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges. (Ord. No. 1130, Sec. 3.)

4.40.47 Consultant and costs

- A. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.
- B. All costs for the review of initial rates or rate changes shall be paid by the cable operator upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and the reasonable value of services (as determined by the City) rendered by the City or any City employees, agents or representatives of the City. (Ord. No. 1130, Sec. 4.)

CHAPTER 4.44**ELECTRONIC RECORD KEEPING BY PAWNSHOPS**Sections:

- 4.44.01 Inventory-tracking system
- 4.44.02 Definition
- 4.44.03 Uploading information
- 4.44.04 Fine

4.44.01 Inventory-tracking system Pursuant to Ord. No. 1698, every owner or operator of a pawnshop, pawnbroker or dealer of second-hand goods must maintain an electronic inventory tracking system. (Ord. No. 1858, Sec. 1.)

4.44.02 Definition

Second-hand goods means any merchandise or property, other than vehicles subject to state titling laws, that has been passed through a person outside the normal and usual distribution channels from manufacturer to distributor, whether or not the property or merchandise has actually been used. Junk or scrap materials and automobile parts and accessories are considered second-hand goods. (Ord. No. 1858, Sec. 2.)

Precious metals shall also be considered a second-hand good. The requirements as set forth in Ord. No. 1858 shall now apply to second-hand purchasers of precious metals. (Ord. No. 1906, Secs. 1-2.)

4.44.03 Uploading information The owners or operators of pawnshops, pawnbrokers and dealers in second-hand goods shall be required to upload the required information to the

entity designated by the Sherwood Police Department within five (5) business days of the receipt of the goods purchased or pawned. (Ord. No. 1858, Sec. 3.)

4.44.04 Fine The failure on the part of any pawnshop owner or operator, pawnbroker or dealer in second-hand goods to comply with the provisions of this and other applicable ordinances shall constitute a violation and shall be deemed a misdemeanor. Upon a conviction of a violation the offender shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00). Each day a pawnshop owner or operator, pawnbroker or dealer in second-hand goods fails to comply with the provisions of this section shall constitute a separate offense and shall be punished accordingly. (Ord. No. 1858, Secs. 4-5.)

CHAPTER 4.48

ICE CREAM VENDORS

Sections:

4.48.01	Provisions
4.48.02	Permit
4.48.03	Driver regulations
4.48.04	Insurance
4.48.05	Background check
4.48.06	Safety equipment
4.48.07	Operational requirements
4.48.08	Fine

4.48.01 Provisions The sale of pre-packaged ice cream, frozen confections and other similar pre-packaged frozen desserts, including soft drinks, (hereinafter “Frozen Confections”) shall be permitted from mobile vehicles licensed for use on public streets (hereinafter “Ice Cream Trucks”) pursuant to the following provisions of this ordinance. (Ord. No. 1870, Sec. 1.)

4.48.02 Permit Prior to operating in the city of Sherwood, all vendors of Frozen Confections shall first apply for a permit to operate within the city of Sherwood. All such permits shall be renewed on an annual basis. Vendors shall submit an application to the office of the City Clerk along with the following:

- A. The proposed vendor’s physical address. Proposed vendors must have a fixed physical business location on properly zoned property where all Ice Cream Trucks are regularly stored and maintained.

- B. A copy of proposed vendor's proof of automobile general liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) combined single limits, or \$500,000/\$1,000,000/\$300,000 split limits per vehicle. Proof of insurance must be provided annually.
- C. A copy of vendor's Arkansas sales tax permit. A copy of said permit must also be provided annually. (Ord. No. 1870, Sec. 2.)

4.48.03 Driver regulations

- A. All drivers of Ice Cream Trucks vending Frozen Confections within the city limits of Sherwood must work with an approved vendor, must submit a copy of their valid Arkansas driver's license to the city of Sherwood and must obtain a permit from the office of City Clerk prior to operating said vehicle.
- B. All applicant must also submit a current copy of their motor vehicle record, dated within thirty (30) days of the date of their application for permit, showing all accidents and violations, and indicating that their Arkansas driver's license is current.
- C. Regardless of the status of their driver's license, any applicant with a record for driving under the influence of alcohol or drugs on their driving record, or with multiple violations and/or accidents on their record such that in the sole judgment of the Chief of Police of the city of Sherwood it would not be safe to allow such applicant to operate an Ice Cream Truck on the city street, will not be eligible for a permit to operate an Ice Cream Truck in the city limits of Sherwood.

All such permits shall be valid for one (1) year only, and must be renewed on an annual basis. (Ord. No. 1870, Sec. 3.)

4.48.04 Insurance All individual driver permit applicants shall also be required annually to show proof of individual automobile liability insurance in at least the Arkansas minimum statutory limits. (Ord. No. 1870, Sec. 4.)

4.48.05 Background check All individual driver permit applicants shall also provide annually a current criminal background check performed by the Arkansas State Police and a Child Abuse Central Registry clearance provided by the Division of Children and Family Services Central Registry Unit. Listing on the Child Abuse Central Registry, or any offense, actual or attempted, involving homicide, kidnapping, assault or assaultive offensives, sexual assault or rape, any offense requiring registration as a sexual offender in any state, theft (including robbery or burglary), prostitution or obscenity shall be grounds for disqualification of an applicant. (Ord. No. 1870, Sec. 5.)

4.48.06 Safety equipment All Ice Cream Trucks operating with the city of Sherwood shall operate with the following safety equipment:

- A. Signs stating “Watch For Children” or “Children Crossing” must be prominently located on the front, back and both sides of the vehicle in at least four inch letters of contrasting colors.
- B. The company name, physical address as provided in 4.48.02 above, and phone number must be on both sides of the vehicle in at least three inch letters in contrasting colors.
- C. A serving window, capable of being closed when not in use, must be provided and must be located on the curbside of the vehicle only.
- D. Left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the front and back of the vehicle must be provided to enable the driver to see around the entire vehicle.
- E. Operable yellow or amber flashing hazard lights clearly visible not less than one hundred (100) yards from the mobile unit under average daylight conditions shall be provided. Such lights shall be mounted no more than twelve (12) inches below the roofline of the Ice Cream Truck. No fewer than two lights shall be visible from each approach.
- F. A rear bumper cover shall be installed to prevent children from standing or jumping on the rear of the vehicle.
- G. All Ice Cream Trucks and vendors must meet or exceed any applicable Pulaski County, Arkansas Health Department or other state or federal requirements now or hereafter in effect regulating the vending of food, drink or confections, and shall display any required permits or notices. (Ord. No. 1870, Sec. 6.)

4.48.07 Operational requirements The following operational requirements shall apply to all Ice Cream Truck vendors and drivers operating within the city limits of Sherwood:

- A. Ice Cream Trucks shall be permitted to vend in an area for no more than fifteen (15) minutes, then they must move on to another area.
- B. Vending is prohibited within city of Sherwood parks unless the vendor has applied for and received a permit for said vending from the Sherwood Parks and Recreation Department.

- C. Ice Cream Trucks shall not vend within one (1) block of any block containing an elementary school, a junior high school or a high school during school hours or within one (1) hour before or after school hours on a day that school is scheduled to be in session. This section shall not apply to special events when the Ice Cream Trucks have been invited onto school grounds by school officials.
- D. Ice Cream Trucks shall not vend within one hundred (100) feet of any intersection.
- E. Frozen Confection vending may only occur from 10:00 a.m. until one-half (½) hour before sunset.
- F. Use of sound equipment from an ice Cream Truck shall be limited to music or human speech. All music shall be instrumental only.
- G. Sound shall not be audible more than one hundred (100) yards from the Ice Cream Truck. Sound shall not be in violation of any city or state ordinances or statutes.
- H. Sound may be used only from 10:00 a.m. until one-half (½) hour before sunset.
- I. Sound shall not be broadcast within one hundred (100) yards of any school during school hours, or within one hundred (100) of any hospital, church, courthouse, funeral home or cemetery.
- J. Sound shall be turned off while the vehicle is stopped for vending.
- K. Drivers shall check around the vehicle before leaving any area to ensure that children are not remaining. When handing the purchased product to the children, drivers shall make certain traffic is clear, in case a child leaves the Ice Cream Truck immediately and fails to observe oncoming traffic.
- L. Child customers shall not be allowed inside the vehicle.
- M. Ice Cream Trucks shall only be allowed to vend on public streets which are solely residential streets and on which the speed limit is twenty-five (25) miles per hour or less. (Ord. No. 1870, Sec. 7.)

4.48.08 Fine The violation of any provision of this ordinance is declared to be an unclassified misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00). In addition, multiple violations of this ordinance, or any violation of 4.48.05 herein, may result in a suspension or revocation of a vendor's permit to operate in the city of Sherwood. (Ord. No. 1870, Sec. 8.)

CHAPTER 4.52

WATER FRANCHISE

Sections:

- | | |
|---------|----------------------------|
| 4.52.01 | Franchise fee |
| 4.52.02 | Maintenance responsibility |
| 4.52.03 | Removal of system |

4.52.01 Franchise fee Central Arkansas Water shall pay to Sherwood, Arkansas, the sum of four and one-quarter percent (4.25%) of the gross revenues it receives for the operation of the system within the corporate boundaries of Sherwood, Arkansas, for the year 2013, and future years. All such payments shall be made monthly beginning October 2013. The tax herein levied shall be in lieu of any other occupation tax, license tax, excise tax and any other character of municipal tax or fee (excepting the general ad valorem taxes, all applicable sale taxes, and special millage taxes) which are now and might in the future be imposed by Sherwood, Arkansas, under authority conferred upon the City by law. (Ord. No. 1978, Sec. 1.)

4.52.02 Maintenance responsibility The City assumes no maintenance responsibility for the Central Arkansas Water water distribution system and facilities. The City shall not be responsible for damage to the Central Arkansas Water water distribution system and facilities by the City or the utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way, easements or public grounds or places. The City assumes no liability of personal injury or property damage as a result of placement of any water distribution system and facilities and Central Arkansas Water shall indemnify and hold the City harmless from actions, claims, costs, damages and expenses to which the City may be subjected arising out of the placement of any water distribution system and facilities in the public right-of-way or easement or in any public ground or place. (Ord. No. 1978, Sec. 2.)

4.52.03 Removal of system Upon notice from the appropriate city department (as established by the Mayor), Central Arkansas Water shall remove water distribution system and facilities from the public right-of-way, easements, or public ground or place at their own expense for any public improvement project or if the situation becomes a public nuisance. (Ord. No. 1978 Sec. 3.)

CHAPTER 4.56

MARKET DISTRICT

Sections:

- 4.56.01 Area
- 4.56.02 Designation
- 4.56.03 Administration and operation
- 4.56.04 Continuation

4.56.01 Area The area at the intersection of Country Club Road and North Hills Blvd. is hereby designated the Sherwood Market District. (Ord. No. 1990, Sec. 1.)

4.56.02 Designation The vacant property located at 119 Country Club Road shall have the designation as the Sherwood Market District Farmers' Market. (Ord. No. 1990, Sec. 2.)

4.56.03 Administration and operation The city shall designate administration and operation of the Farmers' Market to the Sherwood Chamber of Commerce, the Sherwood Chamber of Commerce Office of Economic Development, and their designates. (Ord. No. 1990, Sec. 3.)

4.56.04 Continuation The designation of 119 Country Club Road as the Sherwood Market District Farmers' Market shall continue until further action by the City Council. (Ord. No. 1990, Sec. 4.)

CHAPTER 4.60

RESTAURANTS AND FOOD SERVICES

Sections:

- 4.60.01 Definitions
- 4.60.02 Special events
- 4.60.03 Zoned businesses
- 4.60.04 Fine

4.60.01 Definitions

Catering service business is defined as a food service business contracted to provide food service for a predetermined period of time during an event. Catering service businesses are not required to have a city of Sherwood Privilege License except when the main business office or kitchen is established within city limits.

Mobile canteen business is defined as a mobile food service business established to temporarily provide concessions or food service throughout a calendar year at various locations within the city. A mobile canteen business shall operate out of a legal vehicle or trailer, properly licensed, and shall not remain overnight at any location served. A city of Sherwood Privilege License, renewable annually, is required to operate a mobile canteen business within city limits.

Seasonal vendor business is defined as a business established to operate in a specific location for up to a five-month interval within a given twelve month interval. A seasonal vendor operating out of a vehicle or trailer shall operate out of a legal vehicle or trailer, properly licensed, for which the seasonal permit may be pulled. No more than one (1) permit may be pulled for any vehicle or trailer within the established twelve month interval. A city of Sherwood Privilege License is required to operate a seasonal vendor business within city limits.

Restaurant business is defined as a food service business having an established location for serving meals to the public. A city of Sherwood Privilege License, renewable annually, is required to operate a restaurant business within city limits. (Ord. No. 1996, Secs. 1-4.)

4.60.02 Special events Mobile canteen, seasonal vendor, and restaurant businesses may operate temporarily under a Privilege License pulled by another for special events including a circus, parade, auction, fair, or sporting event. (Ord. No. 1996, Sec. 5.)

4.60.03 Zoned businesses Mobile canteen and seasonal vendor businesses shall only conduct business where properly zoned, and shall maintain facilities meeting all required setbacks for the zone wherein they are established. (Ord. No. 1996, Sec. 6.)

4.60.04 Fine Violation of this ordinance shall, upon conviction thereof, be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) per each day that a violation continues after due notice has been served. (Ord. No. 1996, Sec. 7.)