

Ordinance No. 2007-03

**AN ORDINANCE ESTABLISHING PENALTIES FOR THE VIOLATION OF
CHEROKEE VILLAGE ANNUAL OCCUPATION PERMIT ORDINANCE AND
DECLARING AN EMERGENCY TO EXIST**

WHEREAS, the City of Cherokee Village, Arkansas, has established a business licensing requirement for the privilege of conducting business in the City of Cherokee Village, Arkansas; and

WHEREAS, entities conducting business in the City of Cherokee Village, Arkansas, have failed to comply with the licensing requirements established by the City of Cherokee Village, Arkansas; and

WHEREAS, the City of Cherokee Village, Arkansas, has the obligation and duty to protect the citizens of the City of Cherokee Village, Arkansas;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS, THAT:

SECTION 1. Violation of the provisions of the Cherokee Village Annual Occupation Permit Fee Code or failure to comply with any of its requirements shall constitute a misdemeanor and a citation shall be issued.

SECTION 2. Any individual or entity conducting business in the City of Cherokee Village that receives three (3) citations for violation of the ordinances of Cherokee Village shall have its Annual Occupation Permit suspended by the Planning & Zoning Commission. Any individual or entity that has its Annual Occupation Permit suspended may request a hearing before the Planning and Zoning Commission to request that the Planning and Zoning Commission reconsider the suspension of the Annual Occupation Permit. Any individual or entity that has its Annual Occupation Permit suspended by the Planning and Zoning Commission under this ordinance can appeal the decision of the Planning and Zoning Commission to the City Council of the City of Cherokee Village, Arkansas.

SECTION 3. Any individual or entity conducting business in the City of Cherokee Village that receives three (3) citations for violation of the ordinances of Cherokee Village shall have all currently active building permits issued in the name of the individual or entity suspended by the Planning & Zoning Commission immediately.

SECTION 4. Any individual or entity that has its Annual Occupation Permit and/or building permits suspended for violating of the ordinances of the City of Cherokee Village, Arkansas, may have its Annual Occupation Permit and building permits reinstated upon application for reinstatement presented to the Planning and Zoning Commission and proof that the fines and expenses and violations associated with the citations issued to the individual or entity have been fully satisfied or that the citations have been dismissed by a court of competent jurisdiction.

SECTION 5. Any Annual Occupation Permit that has been suspended for a period of six (6) months for violation of this ordinance shall be revoked and a new Annual Occupation Permit shall not issue to the individual or entity until such time as the individual or entity shall present proof of satisfaction of all fines and expenses associated with the citations and payment of a new annual fee for the Annual Occupation Permit.

SECTION 6. Any building permit suspended for the violation of this ordinance that is not reinstated within six (6) months of the date of its suspension shall be revoked and cancelled.

SECTION 7. Any individual or entity that conducts business in the City of Cherokee Village, Arkansas, while its Annual Occupation Permit is suspended or revoked for violation of this ordinance shall be guilty of a misdemeanor and subject to a fine of not less than \$100.00 for each day such violation continues, each day being considered a separate offense, or imprisonment for no more than thirty (30) days for each offense, or both.

SECTION 8. Nothing contained in this ordinance shall prevent the City of Cherokee Village, Arkansas, from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 9. SEVERABILITY

It is the intention of the City Council that this ordinance, and every provision thereof, shall be considered separable, and the validity of any section, clause, provision, part or portion shall not be affected by the invalidity of any other section, clause, provision, part or portion.

SECTION 10. This ordinance being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety, and welfare of the City of Cherokee Village, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its approval.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL on the 29th day of April, 2007.

APPROVED: 


ATTEST:


Phyllis Endrihs, Clerk/Treasurer