

## **TITLE 4**

### **BUSINESS LICENSES AND REGULATIONS**

#### Chapters:

- 4.04 Franchises
- 4.24 Taxicab Franchise
- 4.28 Occupational Licenses
- 4.44 Pawnbrokers
- 4.48 Salvage Yards
- 4.52 Rummage, Garage and/or Yard Sales
- 4.56 Pseudoephedrine and Phenylpropanolamine Records

#### **CHAPTER 4.04**

##### **FRANCHISES**

#### Sections:

- 4.04.01 Franchises listed by reference

4.04.01 Franchises listed by reference. The following is a reference list of franchises adopted by the City of Blytheville:

1. Gas Franchise – Ord. No. 758;
2. Telephone - Ord. No. 894;
3. Cable T.V. – Ord. No. 1527 amended by 1679;
4. Bus Franchise – Ord. No. 706;

#### **CHAPTER 4.24**

##### **TAXICAB FRANCHISE**

#### Sections:

- 4.24.01 Definitions
- 4.24.02 Certificate of taxicab permit
- 4.24.03 Certificates automatically issued for taxicabs currently in operation, Limitations on number of taxicabs
- 4.24.04 Application for additional taxicabs, Hearing
- 4.24.05 Permits, Compliance with laws
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4.24.15	Semiannual sworn statement required
4.24.16	Sanitary, Mechanical requirements, Age and Inspection
4.24.17	Failure to pay permit fee
4.24.18	Display of names
4.24.19	Penalty

4.24.01 Definitions.

(a) Taxicab -the term "Taxicab" as herein employed means a motor driven vehicle having a seating capacity not in excess of the number of seat belts and used for the transportation of persons for hire and not operated over defined routes.

(b) Company -wherever used in this chapter, the term "Company" shall be deemed to include any person, association, partnership, corporation or other organization owning or operating or proposing to operate a taxicab.

(c) Operator - the term "Operator" shall mean the individual driving or operating a vehicle as a taxicab whether as owner or employee of owner.

(d) Certificate -the term "Certificate" means a permit issued by the City Council authorizing the holder thereof to conduct a taxicab business in the City of Blytheville.

(e) Manifest - the term "Manifest" shall be held to mean a daily record prepared by the operator or company on all trips made by each taxicab showing the time and place of origin and destination for each passenger transported.

(f) Rate Chart-the term "Rate Chart" means a card approved by the City of Blytheville to be displayed in each taxicab reflecting the rates of fare then in force.

(g) Taxicab Driver's Permit-the term "Taxicab Driver's Permit" means the permission granted by the City of Blytheville to a person to drive a taxicab upon the streets of Blytheville.

(h) Waiting Time - the term "Waiting Time" means the time when a taxicab is not in motion and not engaged by a passenger, and the time consumed while standing at the direction of a passenger or person who has engaged such taxicab. (Ord. No. 1621, Sec. 1)

4.24.02 Certificate of taxicab permit.

(a) Required- No person shall operate or permit a taxicab owned, leased, or controlled by him to be operated as a vehicle for hire upon the streets of the City of Blytheville without having first obtained a permit from the City Council.

(b) Application for Permit-Application for such permit shall be made by such person, firm or corporation, their lessees, trustees or receivers, to the City Council, on a form that may be obtained from the City Collector's office. The applicant shall have printed in local newspaper, the intent to open and operate a Taxicab business, fifteen days prior to a Public Hearing before the City Council. The application shall specify all of the following information:

- 1) Name and address of the applicant. The names and addresses of its officers, if a corporation, and the place of its office in the City of Blytheville, Arkansas, and every such person, firm or corporation, their lessees, trustees or receivers, that shall maintain an office in the City of Blytheville.
- 2) That part of Blytheville over which the applicant intends to engage, together with the description of each vehicle, which the applicant intends to use, including seating capacity of each vehicle.
- 3) The names of all drivers of motor vehicles to be used by the applicant shall be stated in the application, together with their age, address and previous experience. After the permit is approved, if a new driver is substituted, then the same information concerning them shall be given to the Chief of Police of Blytheville, Arkansas, on an application that will be provided by the City Collector's office.
- 4) The applicant shall also designate the location in the City of Blytheville where the taxicab business will be maintained.

(c) Public Hearing - Upon filing of an application, the City Clerk shall fix a time and place for a Public Hearing thereon. Notice of hearing shall be given to the applicant and to all persons who have certifications of Taxicab Permits. Any interested person may file with the City Clerk a memorandum in support of or opposition to the issuance of a certificate.

(d) Upon conditional approval by the City Council, the applicant must pass all State of Arkansas regulations and City of Blytheville regulations as set out in this ordinance.

(e) Transfer of Certificates - No Certificate of Taxicab Permit may be sold, assigned, mortgaged, or otherwise transferred.

(f) Suspension and Revocation of Certificates - A Certificate issued under the provisions of this Ordinance may be revoked or suspended by the City Council if the holder thereof:

- 1) Has had excessive complaints registered regarding the operation of the Taxicab Company;
- 2) Has violated any of the provisions of this ordinance;
- 3) Has discontinued operation for more than twenty days;
- 4) Has violated any Ordinance of the City of Blytheville, of the laws of the United States or the State of Arkansas, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation;
- 5) Prior to suspension or revocation, the holder shall be given fourteen days' notice of a hearing to show cause why such action should not be taken. (Ord. No. 1621, Sec. 2)

4.24.03 Certificates automatically issued for taxicabs currently in operation; Limitations on number of taxicabs. Each person, firm or corporation now licensed to operate and operating taxicabs in the city of Blytheville shall be entitled to a Certificate to continue such operation, but for only the number of taxicabs for which permits have been paid to the City Collector as of the effective date of this ordinance, except as hereinafter provided.

4.24.04 Application for additional taxicabs, Hearing. The holder of a valid permit to operate and operating taxicabs in the city may file with the City Collector's office an application for an increase in the number of taxicabs operated by such holder, which application shall set forth:

- A. That the applicant is in compliance with the Statutes of the State of Arkansas, the Ordinances, the Rules and Regulations of the city of Blytheville pertaining to the operation of taxicabs;
- B. The number of taxicabs operated by the applicant;
- C. The number of additional taxicabs requested by applicant;
- D. The facts which justify the additional service.

Upon the filing of such application, a public hearing on the application shall be conducted by the City Council or any committee designated by the Mayor and the Council. All persons interested in or affected by such application may appear in person or by a representative at such hearing and introduce evidence and be heard in support of or in opposition to such application. (Ord. No. 1621, Sec. 4)

After such hearing, the City Council shall determine whether necessity requires additional service of the class and character described in such application and, if the City Council

finds that the public convenience and necessity requires additional service, it shall by appropriate ordinance or resolution, authorize the applicant to put into operation additional taxicabs in any number not to exceed the number requested in the application; provided, however, that the City Council and the City Collector shall not issue permits for additional taxicabs until after ten (10) days from the effective date of such ordinance or resolution to provide for review of the finding of the City Council as to convenience and necessity for the additional service. (Ord. No. 1621, Sec. 5)

4.24.05 Permits, Compliance with laws. The City Council shall require from each taxicab company, upon written application, a sworn statement by the owner of said company that applicant will comply with all sections of this ordinance and the Laws of the State of Arkansas regulating taxicabs.

No permit should be granted to any person who fails to furnish satisfactory evidence of compliance with this and all other ordinances and State Laws regulating taxicab or taxicabs who does not have such a permit or whose Permit, License, or Certificate has been revoked. (Ord. No. 1001, Sec. 6 & Ord. No. 1621, Sec. 6)

4.24.06 Taxicab driver's permit.

- (a) Required – No person shall operate a taxicab for hire upon the streets of Blytheville and no person who owns or controls a taxicab shall permit or allow it to be driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a Taxicab Driver's Permit issued under the provisions of this Ordinance.
- (b) Form; Contents; Records; Approval; Renewal -The form of this permit shall be approved by the Mayor or his designated representative and shall include the following information:

- 1) Name, age
- 2) License number of State of Arkansas Class D license with passenger endorsement.
- 3) Employer
- 4) Photograph.
- 5) A Taxicab Driver's Permit number
- 6) Expiration date

Application forms shall be provided by the City Collector's office. A Police records check, and fingerprints shall be made at the Blytheville Police Department, the applicant paying the customary fee for that service. A copy of all issued permits shall be on file with the City Collector. The Mayor or his designated representative shall be responsible for approving individual Taxicab Driver's Permits. An identification card with photo will be issued to each driver. Permits shall be renewed annually. A fee of \$10.00 will be charged for the City issued Taxicab Driver's Permit.

(c) Display of Permit- Every driver under this article shall post his Taxicab Driver's Permit in the vehicle in such a place as to be in full view of all passengers while such driver is operating a taxicab subject to approval of the Mayor or his designated representative.

(d) Suspension and Revocation – The Driver's Permit of any taxicab driver shall be revoked or suspended for not less than five days nor more than one year for any such driver, being convicted in the Municipal Court of the City of Blytheville or any court of record, of any traffic laws and/or any ordinance, or sections of ordinances, of said City of Blytheville, now in force or which may hereafter be adopted, or of any criminal statutes of the State of Arkansas. An appeal may be made to the Circuit Court within thirty days from any order of conviction or suspension by the Municipal Court, but an appeal shall not stay a suspension or revocation. Any person convicted the second time will face additional days of suspension/revocation. Any person convicted a third time will be forever barred from the operation of a taxicab in the City of Blytheville, and the Court shall order him barred by proper mandate at the time of said conviction.

A proper record of the conviction under this section of this Ordinance shall be kept by the Blytheville Police Department and shall be certified to the City Council of the City of Blytheville at its request. Be it further provided, that any owner or operator of any taxicab who shall continue to employ, or to permit any driver to continue to drive, a taxicab for the purpose of transporting persons for compensation over the streets of Blytheville, Arkansas, after such person has been suspended or his operator's license has been revoked as herein provided, shall upon conviction, be subjected to the same fine as was imposed upon the driver and the vehicle so driven removed from service for the same period of time as that of such driver's suspension or revocation.

(e) Failure to comply with City, State, and Federal Law – Every driver licensed under this article shall comply with all City, State, and Federal Laws. (Ord. No. 1621, Sec. 7)

4.24.07 General rules of operation. No taxicab shall be operated by anyone other than the licensed owner of such vehicle or his duly licensed authorized employee. An operator, when operating a taxicab, shall give his full attention to the operation of same. No taxicab shall be operated unless the proper licenses therefore have been obtained. The operation of taxicabs shall be conducted in accordance with the Laws of the State of Arkansas and the Ordinances of the City of Blytheville and with due respect for the safety, comfort, and convenience of passengers, and for the safe and careful transportation of property of passengers and the safety of the general public; and all reasonable efforts shall be made to promote such safety at all times and under all conditions. Seat belts and child protection seats shall be used as State law requires.

It shall be unlawful for the operator of any taxicab to permit any other person to occupy or ride in the taxicab when the same is occupied by a fare-paying passenger without the consent

of such fare-paying passenger. Additional passengers shall be charged only the rates established and posted on the rate chart, as approved by the City Council of the City of Blytheville, Arkansas.

No taxicab shall be operated at a rate of speed greater than that fixed by proper authority or without proper regard for the conditions of traffic and of the highways; or in such a manner or condition as to endanger the safety of passengers, pedestrians, vehicles, or the property of others. (Ord. No. 1621, Sec. 8)

4.24.08 Manifest. Every company shall maintain a daily manifest upon which is recorded all trips made by each taxicab, showing the time and place of origin and destination of each trip for each passenger. The form for the manifest shall be approved by the Chief of Police. (Ord. No. 1001, Sec. 9)

4.24.09 Taxicab service. All persons engaged in the taxicab business in the City of Blytheville shall maintain a central place of business for the purpose of receiving calls and dispatching cabs. The location of the business must be in compliance with the current zoning regulations for the area. They shall answer all calls received by them for service inside the City limits of Blytheville as soon as they can do so and, if said services cannot be rendered within a reasonable time, they shall then notify the respective passenger how long it will be before the said call can be answered and give the reason thereof. The owner of the taxicab service will have the option to refuse any service calls if they have had a previous problem with that customer or have reason to believe the safety of the taxicab driver may be in question. (Ord. No. 1621, Sec. 10)

4.24.10 Loading or unloading passengers. No driver of any taxicab shall stop to load or unload any passenger while situated in an intersection or crosswalk, or in such a manner as to interfere with an orderly flow of traffic. All operators of taxicabs shall in the use of the public streets give careful attention to the rights and needs of the public generally using such streets at the same time.

Operators of taxicabs shall not receive or discharge passengers in the street, but shall pull up to the sidewalk, or in the absence of a sidewalk, to the extreme right side of the street to receive or discharge passengers. Double parking for the purpose of loading or unloading passengers is prohibited. No taxicab operated within the City shall engage in cruising for the purpose of picking up passengers. When a passenger is discharged, the taxicab shall proceed to the taxicab service's central place of business. Nothing herein shall be construed as prohibiting a driver of a taxicab from taking on a passenger while en route to the taxi location.

(Ord. No. 1621, Sec. 11)

4.24.11 Fares Every person, firm, or corporation licensed or authorized to drive or operate a taxicab or taxicab business in the City shall display in each vehicle a schedule of rates to be charged to customers for transportation. A copy of this rates list shall be kept on file at the City Collector's office.

Any owner/operator getting complaints lodged against them for charging excessive rates can be brought before the City Council in accordance with this Ordinance, Section Two, article (f). (Ord. No. 1621, Sec. 12)

4.24.12 Fee, Expiration date, Half year fees, Right of council to cancel. An annual license fee of \$100.00 for each vehicle shall be paid to the City Collector by each company for the operation of the taxicab company within the City limits of Blytheville.

Such license shall terminate on December 31<sup>st</sup> each year. In case of license issued on or after July 1<sup>st</sup> of each year, the fee for the remainder of such calendar year shall be one-half of the annual fee as above provided. (Ord. No. 1621, Sec. 13)

4.24.13 Insurance required The owner or operator of any taxicab or taxicabs shall furnish proof of insurance with the City Collector and keep in effect at all times a policy or policies of liability insurance issued by responsible insurance company, or companies, duly licensed to transact such business in the State of Arkansas, at a rate required by the State of Arkansas.

The insurance shall be written in the taxicab company name and list each vehicle and each driver insured by the effective insurance.

Provided, that if any such insurance be cancelled, it shall be unlawful for any person to own and operate any taxicab without such insurance. (Ord. No. 1621, Sec. 14)

4.24.14 Person convicted of a felony ineligible as operator or driver. No permit shall be granted, and no taxicab driver's license or certificate shall be issued, to any individual who has been convicted of a felony, and it shall be unlawful for any such individual to operate a taxicab business or for any person to employ such an individual to operate or drive a taxicab, within the City limits of Blytheville, Arkansas. (Ord. No. 1621, Sec. 15)

4.24.16 Sanitary, Mechanical requirements, Age and Inspection. Each taxicab owner or operator is hereby required to keep each and every cab or cabs operated by said company or operator in proper sanitary and mechanical condition. Unpaid passengers shall not be permitted to ride in any cab other than a duly qualified inspector working at the direction of the Chief of Police, who shall be permitted, at all times, to ride therein for the purpose of inspection of the sanitary and mechanical conditions and operations of said vehicle and to determine whether or not the terms of this Ordinance are being violated. No vehicle over ten (10) years in age shall be used as a taxicab. (Ord. No. 1621, Sec. 16)

4.24.17 Failure to pay permit fee. Each taxicab company authorized to do business in the City of Blytheville, Arkansas, shall pay the annual fees as provided by this Ordinance for each permit, and failure to pay said fees on or before January 1<sup>st</sup>, or by due date set by City Collector, of each year shall automatically revoke any permit on which said fee has not been paid. In case of failure on the part of any person, firm, or corporation to pay said annual fee on each permit, said person, firm, or corporation shall be deemed to be guilty of a misdemeanor, punishment for which shall be as here and after provided. (Ord. No. 1621, Sec. 17)

4.24.18 Display of names. All taxicabs operated in the City of Blytheville, Arkansas, shall have prominently displayed on the left and right front doors of each said taxicab, the name of the company to whom the permit to operate said cabs was issued and cab number, if more than one vehicle is used as a taxicab.

4.24.19 Penalty. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and each day the violation occurs or continues shall be deemed a separate offense. (Ord. No. 1621, Sec. 19)

## **CHAPTER 4.28**

### **OCCUPATIONAL LICENSES**

#### Sections:

- 4.28.01      Privilege
- 4.28.02      Occupation license tax
- 4.28.03      City employer excise tax
- 4.28.04      Payment period
- 4.28.05      Payment schedule
- 4.28.06      Transfer prohibited
- 4.28.07      Delinquent penalty
- 4.28.08      False Statements or Failure to Furnish Information
- 4.28.09      Display of license
- 4.28.10      Revocation
- 4.28.11      Right of review
- 4.28.12      Rules and regulations
- 4.28.13      Act 9 industry
- 4.28.14      Schedule of taxes

General Conditions The conducting and carrying on of all trades, businesses, occupations, vocations, callings and professions, except those specifically exempted by the laws of the State of Arkansas, and also exempting public utilities otherwise taxed by the City, within the boundaries of the City of Blytheville, is hereby declared to be a privilege, and each and every person, firm of corporation conducting or engaging in such trades, businesses, occupations, vocations, callings or professions, shall apply for and pay for a license therefor in the amounts and compliance with the procedural requirements as set out. (Ord. No. 1537, Sec. 1.)

Occupation license required It shall be unlawful for any person in the city to engage in, exercise, or pursue any line of business without first having obtained and paid for a city license from the City Collector, the amount of which license is hereby fixed in Section 7 of this Ordinance. However, any person, firm or corporation whose primary business location is outside the city limits, maintains no permanent business in Blytheville, and who pays occupational license in another city which is located in the State of Arkansas, is exempt from this license. (Ord. No. 1537, Sec. 2)

City employer excise tax. It shall be unlawful for any, employer to employ any employee within the City of Blytheville without having first paid a City Employer Excise Tax according to the provisions in Section 8. (Ord. No. 1537, Sec. 3)

Payment schedule. The Occupation License including the fee paid therefore, may be issued and paid for in periods of six months, and must be paid in full by the 1st day of February and the 1st day of August of each year. The City Employer Excise Tax shall be paid at the same time that the employer obtains a City Occupation License and the Occupation License shall be withheld until such tax has been paid. (Ord. No. 1537, Sec. 4)

Delinquent fees If the fees set forth in this Ordinance are not received by the City Collector by the terms in Section IV, the penalty for delinquent payment will be as follows:

- (a) If such fees are not paid within thirty (30) days after the due date, a penalty often percent (10%) shall be added thereto; and
- (b) If such fees are not paid within sixty (60) days after the due date, a penalty twenty percent (20%) shall be added thereto; and
- (c) If such fees are not paid within ninety (90) days after the due date; and
- (d) The City Collector shall proceed to revoke such license, that business owner shall also be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court of Mississippi County Arkansas in Blytheville. (Ord. No. 1642, Sec. 5.)

Applications Any person desiring to engage in, pursue, or carry on any business, trade, vocation, profession or calling in the City of Blytheville must submit a written application form containing that information which the City Collector may require, including the exact type of business to be conducted and the physical location of the business. Upon approval the City Collector shall collect from the applicant the license fee provided for herein, and the City Collector shall issue to the applicant his receipt and license certificate. The City Collector may at any time request and receive an updated application form. (Ord. No. 1696, Sec. 6.)

License taxes. For the privilege of engaging in, operating or carrying on businesses, trades, vocations, professions or callings in the city, the following schedule shall apply and shall be paid each year.

- (a) Each person engaging in a profession of attorney-at-law, physician, dentist, certified public accountant, architect, professional engineer, optometrist, osteopath, chiropractor, or veterinarian shall pay an Occupation License Tax in the amount of Seventy-Five Dollars (\$75.00) for each professional annually.

(b) Each person engaging in any sole proprietorship, partnership, corporation, association, firm, or other legal entity which engages in, carries on, or follows any trade, business, vocation, profession or calling within the City of Blytheville, except such persons who are exempt from payment of occupation taxes and licensing procedures by the laws of the State of Arkansas or the laws of the United States and further exempt all utilities that fall under the franchise law or any persons covered under Section (a) above shall pay an Occupation License Tax in the amount of Fifty Dollars (\$50.00) annually. (Ord. No. 1537, Sec. 7.)

Employer excise tax At the time that an employer applies for an Occupation License each year, such employer shall state the total number of employees they had during the preceding year. The employer shall pay an employer excise tax often dollars (\$10.00) per employee, due at the time the Occupation License tax is due.

- (a) The term employer refers to any person who employs one or more employee in such trade, business, vocation, profession or calling.
- (b) The term employer shall not include solicitors, peddlers, hawkers, itinerant merchants or transient vendors. These types of merchants are addressed in a separate ordinance.
- (c) The term employer shall not include manufacturing firms who manufacture and/or process products that are not for the general consumption and/or sale within the City of Blytheville.
- (d) The term employer shall not include persons 62 years of age or older receiving social security benefits at the time of issuance or renewal of an occupation license, nor shall it include minor(s) eighteen years of age or younger. Persons in this category will be issued a license at no cost.
- (e) The term employee shall refer to any natural person including a minor, whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, written or oral, express or implied. (Ord. No. 1537, Sec. 8.)

False Statements or Failure to Furnish Information. Any person violating the provisions of Sections VI of this Ordinance and/or any person who knowingly and willfully makes a false written or verbal statement in applying for a license shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than \$25.00 nor more than \$500.00 and each day of violation shall constitute a separate offense. (Ord. No. 1537, Sec. 9.)

Revocation of license In the event that any holder of an Occupation License hereunder is found by the City Council, or its designated agent, to be in violation of the provisions of this Ordinance, or to be maintaining a nuisance or unsanitary premises or to be engaging in or permitting disorderly conduct on the premises where the business of such licensee is conducted, the City Collector at the direction of the City Council shall be authorized to serve notice on the

licensee of the City Council's intention to revoke such license. Unless the licensee has filed a notice for review the City Collector, within ten (10) days of receipt of such notice, the City Collector shall proceed to revoke such license. If such notice for review is filed with the City Collector, the review shall be conducted by the City Council at the next regular or special called meeting of the body. (Ord. No. 1537, Sec. 10.)

Fee not Returnable The license fee provided for in this Ordinance, when paid for any period provided herein, shall not be returnable in case the licensee for any reason surrenders his license or discontinues his business. (Ord. No. 1537, Sec. 11.)

Transfer prohibited. No license issued under the provisions of this Ordinance shall be transferred from one person to another or from one business to another without authorization from the City Council. (Ord. No. 1537, Sec. No. 12)

Display of license. Each license procured under the provisions of this Ordinance shall be posted in a permanent place where the business covered thereby is carried on, and the holder thereof shall immediately show such license to any officer of the city, upon being requested to do so. (Ord. No. 1537, Sec. 13)

## **CHAPTER 4.44**

### **PAWNBROKERS**

#### Sections:

- 4.44.01      Records, Copy to chief of police
- 4.44.02      Redemption or resale prohibited for 24 hours
- 4.44.03      Minors
- 4.44.04      Penalty

4.44.01 Records Copy to chief of Police. Every person engaged as pawnbrokers or in buying and selling secondhand goods either clothing, furniture, automobile assessors, implements or hardware, guns, or any other items not mentioned of a similar nature, shall keep a well bound book and therein record in legible handwriting a particular and detailed description of each article pawned or bought, together with its number, if any, and the name, color and residence of the person pawning or selling the article, which book shall be open at all times for inspection by the police.

Every person engaged either in the pawnbrokers business of buying and selling secondhand goods and merchandise who are required to keep the book or ledger mentioned above shall make a true and exact copy of the entries on their ledger and deliver the same to the chief of police or his designated agent by nine o'clock (9:00) a.m. on the day succeeding the pawning or purchase.

4.44.02 Redemption or resale prohibited for 24 hours. The redemption of any and all goods or the resale of all goods is hereby prohibited for a period of twenty-four (24) hours after their purchase or pawning shall have been reported to the police.

4.44.03 Minors. It shall be unlawful for any person to knowingly receive in pawn or buy any pawn or pledge from a minor or to receive in pawn or pledge or purchase the property of a minor.

4.44.04 Penalty. Any person who shall deliberately make a false entry on their ledger or upon their report to the police shall lose their license to do business in the city. (Ord. No. 441)

## **CHAPTER 4.48**

### **SALVAGE YARDS**

#### Sections:

4.48.01	Definitions
4.48.02	License required
4.48.03	Application for license
4.48.04	Investigation
4.48.05	Issuance of license
4.48.06	Refusal of license
4.48.07	Duration; Fee
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4.48.09	Bond
4.48.10	Location of business
4.48.11	Construction and maintenance of site
4.48.12	Minors; Title
4.48.13	Penalty

#### 4.48.01 Definitions.

- A. Automobile wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.
- B. Junk yard. a place where waste, discarded or salvaged metals, used plumbing fixtures, and other materials are bought, sold, exchanged, baled or cleaned, and places or yards for the storage of salvaged materials and equipment from house wrecking, and salvaged structural steel materials and equipment, or storage of wrecked or dismantled automobiles, junk farm machinery, wrecked airplanes, etc.

- A. Salvage yard. a place where used parts of automobiles or other equipment are collected and processed for resale. (Ord. No. 554, Sec. 1, 6-29-54)

4.48.02 License required. No individual partnership, or corporation shall keep, conduct, or maintain any junk or salvage yard, or engage in the business of automobile wrecking without first having obtained and paid for a license as hereinafter provided. (Ord. No. 554, Sec. 2, 6-29-54)

4.48.03 Application for license.

- A. Application for the license required by Section 4.48.02 must be made in writing to the City Clerk and shall set forth the full name and residence of the applicant, or members of the firm or corporation, residence for the past five years, and the location and type of business he expects to operate.
- B. The application shall be made by the person who is to be actively engaged in the business. (Ord. No. 554, Sec. 4, 6-29-54)

4.48.04 Investigation. Before granting the license required by Section 4.48.02 the Mayor, City Engineer, Fire Department, Health Department and the Police Department shall make an investigation of the person applying for the license and of the location of the proposed business. If any of the departments shall find that the proposed business will tend to create a hazard to the public health, a fire hazard, or that it will tend to depreciate property in the area unduly, or that it will retard the natural development of the area, or that it will constitute a violation of any of the ordinances of the city, the license shall not be granted. Provided, however, that the applicant may appeal any adverse decision to the City Council. (Ord. No. 554, Sec. 5, 6-29-54)

4.48.05 Issuance of license.

- A. Before issuing any license for a junk yard, salvage yard, or automobile wrecking business, the City Clerk shall refer the application to the Mayor, City Engineer, Fire Department, Health Department, and the Police Department for their investigation.
- B. The City Clerk is hereby authorized and empowered to issue licenses as required by Section 4.48.02 after he has received favorable reports and recommendations from the Mayor, City Engineer, Fire Department, Health Department and the Police Department. (Ord. No. 554, Sec. 3, 6-29-54)

4.48.06 Refusal of license. The City Clerk may refuse to issue a license for a junk yard or junk, automobile wrecking and salvage operations, if the establishment of the same in any given location in or at which the applicant seeks to establish such junk yard, automobile wrecking and salvage business would prove in the opinion and sound discretion of the City Council, detrimental to the public health, safety, morals or welfare of the city. (Ord. No. 554, Sec. 6, 6-29-54)

4.48.07 Duration; Fee. The license required by Section 4.48.02 shall be issued for a period of not more than one year; and the fee shall be One Hundred Dollars (\$100.00) per annum. (Ord. No. 554, Sec. 6, 6-29-54; Ord. No. 581, 11-21-56)

4.48.08 Not transferable. The license required by Section 4.48.02 shall not be transferable. (Ord. No. 554, Sec. 4, 6-29-54)

4.48.09 Bond. A bond running to the city in the amount of One Thousand Dollars (\$1,000.00), shall be posted by the licensee with the City Clerk guaranteeing full compliance with the terms of this chapter and the zoning ordinance of the city relating to the kind and character of the business for which the license was issued. (Ord. No. 554, Sec. 7, 6-29-54)

4.48.10 Location of business. In no event shall a license be issued for a junk yard, automobile wrecking or salvage yard, whose property is closer than three hundred (300) feet from the boundary of any business or residential property. The location shall further comply with the provisions of all zoning ordinances of the city with respect to the said business and shall not adversely affect the appropriate use of property in the neighborhood. This section will not apply to businesses already established as of June 29, 1954, who have already paid their license. (Ord. No. 554, Sec. 8, 6-29-54)

4.48.11 Construction and maintenance of site.

- A. The site shall be maintained at all times in an orderly and sanitary manner so as not to create a fire or health hazard or to constitute a nuisance for reason of noise or disagreeable odors, fumes or unsightly conditions.
- B. No burning shall be permitted on the premises except within a building or in an incinerator; said building and incinerator shall be of such construction and of such materials as to comply with the practice recommended by the National Board of Fire Underwriters.
- C. Junk, auto salvage yards or auto wrecking yards shall be within a building completely enclosed with walls and a roof, or within a yard enclosed on all sides by a fence acceptable to the Fire Department and the City Engineer. Said fence or walls shall be constructed not closer than ten (10) feet from the property line. Materials of any kind shall not be piled or stacked higher than a plane formed by the top of the surrounding wall or fence. (Ord. No. 554, Sec. 9, 6-29-54)

4.48.12 Minors, Title.

- A. No licensee shall purchase any secondhand materials from any person under the age of eighteen (18) years.

B. No licensee shall purchase any secondhand or junk automobile from any person without first securing a good and valid title from the seller. (Ord. No. 554, Sec. 10, 6-29-54)

4.48.13 Penalty. Any person violating any of the provisions of this chapter shall be subject to suspension or revocation of the offender's license. (Ord. No. 554, Sec. 11, 6-29-54)

## **CHAPTER 4.52**

### **RUMMAGE, GARAGE AND/OR YARD SALES**

#### Sections:

- 4.52.01 Definitions
- 4.52.02 Permits for B or I zones
- 4.52.03 Permits in residential zones
- 4.52.04 Penalty

4.52.01 Definitions. "Rummage sales" shall be defined, for the purpose of this ordinance, as the offering for sale of merchandise by a person, firm or corporation from an area not firmly established as a place of business or offering for sale of merchandise on a part-time basis.

"Garage sales" shall be defined, for the purpose of this ordinance, as the offering for sale of merchandise by a person, firm or corporation from a dwelling or other structure in the residential neighborhood.

"Yard sale" shall be defined, for the purpose of this ordinance, as the offering for sale of merchandise by a person, firm or corporation from the premises, vacant lot, or other open area in the city of Blytheville, Arkansas. (Ord. No. 976, Sec. 1)

4.52.02 Permits for B or I zones. Rummage sales may be conducted in B or I zones, as established by the Land Use Ordinance of the City of Blytheville, Arkansas. a permit must be obtained for the time and place of the sale from the office of the City Collector prior to the date of the sale. a person, firm or corporation shall pay the fee of Five Dollars (\$5.00) per day or Fifty Dollars (\$50.00) per year for such permit in advance.

Churches and/or non-profit organizations may have rummage sales in B or I zones, but subject to the rules that apply for R zones. (Ord. No. 976, Sec. 2)

4.52.03 Permits in residential zones. Garage or Yard sales may be conducted in residential zones as established by the Land Use Ordinance of the City of Blytheville, Arkansas.

a permit must be obtained by the person, firm or corporation from the City Collector prior to the date of the sale. Such permit will be for a time and place. a garage and/or yard sale may be conducted for no more than four (4) days in each quarter in a calendar year. a charge of Two Dollars (\$2.00) for each day shall be paid in advance of the date of the sale, with the exception that one (1) day in the three (3) month period shall be allowed without charge. Churches and non-profit organizations shall be permitted two (2) days without charge.

The permit shall be displayed in a conspicuous place at the time of the sale. (Ord. No. 976, Sec. 3)

4.52.04 Penalty. Any person, firm or corporation who shall violate any of the provisions of this ordinance, or who shall fail to comply with any provisions hereof within the corporate limits of the city of Blytheville, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) and the costs of the court. Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (Ord. No. 976, Sec. 4)

## **CHAPTER 4.56**

### **PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE RECORDS**

Sections:

- 4.56.01 Findings
- 4.56.02 Definitions
- 4.56.03 Electronic Record Keeping Requirement by Pharmacies and Retail Establishments
- 4.56.04 Violations

4.56.01 Findings The City Council, in order to protect the public from the harmful effects of methamphetamine, and to provide the methods and needed tools to combat the methamphetamine problem has concluded that the establishment of an electronic record keeping system which will require that certain transactions which involve the distribution of the precursor chemicals ephedrine, pseudoephedrine and phenylpropanolamine must be documented and maintained in a written or electronic log or receipt of transaction of the distribution or sale. This Ordinance is enacted pursuant to Chapter 64 of Arkansas State code Uniform Controlled Substance Act. (Ord. No. 1661, Sec. 1.)

4.56.02 Definitions As used in this article and unless otherwise specified, the following terms are defined as follows:

- (1) *Listed Precursor Chemical.* A chemical substance designated as such by the State Board of Pharmacy that in addition to legitimate uses, is used in the unlawful manufacture of a controlled substance or controlled substances.

- (2) *Pharmacy*. A retail establishment as licensed by the State Board of Pharmacy.
- (3) *Retail Establishment*. Any individual, corporation, partnership, association or other entity within the City of Blytheville which manufactures, sells, transfers or possess a listed precursor chemical. (Ord. No. 1661, Sec. 2.)

4.56.03 Electronic Record Keeping Requirement by Pharmacies and Retail Establishments Any pharmacy, business or retail establishment which includes a pharmacy in the City of Blytheville shall participate in a methamphetamine monitoring program as administered by the City which requires an electronic record keeping system of transactions involving the sale and distribution of ephedrine, pseudoephedrine and phenylnpropanolamine products by pharmacists and registered pharmacy technicians that must be recorded and maintained pursuant to Arkansas State Law 5-64-1103, Sales Limits. (Ord. No. 1661, Sec. 3.)

4.56.04 Violations Any such pharmacy, business or retail establishment that fails to participate in the electronic record keeping program, as administered by the City, shall be in violation of this Ordinance and will be subject to the possible revocation and suspension of its business license. This Ordinance being necessary for the safety and wellbeing of the citizens of Blytheville, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval. (Ord. No. 1661, Sec. 4.)