

ORDINANCE 13-03

AN ORDINANCE PROVIDING FOR REGISTRATION BY LANDLORDS FOR RENTAL HOUSING UNITS IN CAMMACK VILLAGE, ARKANSAS; PROVIDING FOR A BUSINESS LICENSE; PROVIDING FOR THE PAYMENT OF THE INSPECTION FEE ASSOCIATED WITH ORDINANCE 13-02; AND PROVIDING FOR AN EMERGENCY AND OTHER PURPOSES

WHEREAS, issues have arisen over the years making it necessary for representatives of the City of Cammack Village, Arkansas to be in contact with Owners (as defined within Section 2(f) of Ordinance 13-02) of Rental Housing Units (as defined within Section 2(g) of Ordinance 13-02) within the city limits of Cammack Village, Arkansas; and

WHEREAS, problems have arisen due to the City of Cammack Village, Arkansas having difficulty maintaining contact with Owners of Rental Housing Units in Cammack Village, Arkansas for police, trash pickup and other services; and

WHEREAS, Ordinance 08-02 is hereby replaced and superseded by this Ordinance 13-03; and

WHEREAS, as a requirement of obtaining a Certificate of Compliance in accordance with Ordinance 13-02 each Owner of one or more Rental Housing Units must obtain a business license that requires a separate inspection by the Building Official of the Rental Housing Unit (or Units); and

WHEREAS, as part of obtaining said business license; the City also deems it to be appropriate to pass the cost of such inspection fee (as adjusted and increased for any overhead charges incurred by the City) to the Owner.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMMACK VILLAGE, ARKANSAS:

SECTION 1: Registration and Obtaining of a Business License. It shall be necessary for any Owner (“Rental Owner”) of one or more Rental Housing Units in Cammack Village, Arkansas that is rented and occupied by one or more third persons to register annually with the City Clerk of Cammack Village, Arkansas and obtain a business license on a form as presented by Cammack Village, Arkansas. Said registration and obtaining of a business license shall include the actual name of the Rental Owner, the Rental Owner’s current mailing address, the Rental Owner’s current phone number and a current email address for the Rental Owner. Said registration and the obtaining of a business license shall occur on an annual basis and shall be provided by the Rental Owner to the City Clerk no later than January 31 of each year. Hence, the initial business license for 2014 as to existing Rental Owners shall be paid by each Rental Owner on or before January 31, 2014. New Rental Owners that come into existence on or after February 1, 2014 shall be required to obtain said business license within thirty (30) days of entering into a lease or rental agreement with the occupant of the Rental Housing Unit.

SECTION 2: Registration/Business License Fee. The carrying on of providing Rental Housing Units to Tenants and/or Invitees by a Rental Owner is a privilege subject to an annual business license. Each Rental Owner shall pay for an annual business license. A fee of \$100.00 per Rental Housing Unit shall apply to a Rental Owner and be paid by said Owner to the City of Cammack Village each year on or before January 31. For example a Rental Owner that owns 3 Rental Housing Units shall pay an annual business license fee of \$300.00. As mentioned above, new Rental Owners that come into existence on or after February 1, 2014 shall be required to obtain said business license within thirty (30) days of entering into a lease or rental agreement with the occupant of the Rental Housing Unit.

SECTION 3: Biennial Inspection Fee. Each Rental Owner in addition to the annual business license fee referenced in Section 2 above, shall also be responsible for and pay to the City the applicable inspection fee as incurred by the City (and adjusted for any overhead charges incurred by the City to administer the Residential Rental Housing Unit Inspection Program) that applies to each Rental Housing Unit that is incurred by the City under the Residential Rental Housing Unit Inspection Program as set forth under Ordinance 13-02. The payment of the inspection fee shall be required in order to obtain the above referenced Business License in Section 2 above and shall be paid separately by the Rental Owner within thirty (30) days of being invoiced by the City of Cammack Village for such inspection.

SECTION 4: Delinquent License/Penalties. Rental Owners who fail to comply with this Ordinance shall be guilty of a violation of this Ordinance. The penalty for such violation shall be as follows:

1. If business license and/or the inspection fee provided for in this article is not paid within thirty (30) days after such becomes annually due, it is hereby declared as delinquent and a penalty of ten (10) percent will be added to the total outstanding balance.
2. In the event the business license and/or the inspection fee is not paid within sixty (60) days, an additional ten (10) percent penalty will be added to the total outstanding balance.
3. In the event the business license and/or the inspection fee is not paid within ninety (90) days, an additional thirty (30) percent penalty will be added to the total outstanding balance.

In the event said business license fee and/or the inspection fee is still not paid, a lien shall be placed against said Rental Housing Unit or Units in accordance with Arkansas law.

SECTION 5: Issuance of Business License.

(a) It shall be the duty of the City Clerk, upon receipt of the amount of the business license required by this Ordinance (and as applicable the biennial inspection fee referenced in Section 3 above), to issue a license to the person(s) liable therefore. The business license shall reflect the amount paid, the period of time covered, the name of the person to whom issued, the location by street address where the person plans to conduct business and the nature of the business, occupation or profession involved. The City Clerk will not issue a business license to any person who is delinquent in the payment of a business license for a preceding year (or years), nor shall a business license be issued to any person whose place of business does not conform with City zoning laws or Pulaski County laws. Mistakes in computation or incorrect information given verbally as to the amount of the license due shall not prevent or prejudice the collection by the City of what is actually provided for as due under the provisions of this article.

(b) Each business license when issued shall be posted in a conspicuous place where such business occupation or profession is carried on (of which a conspicuous place shall include the back of and/or near the front door of the Rental Housing Unit). The business license referenced above in Section 2 shall not be transferrable from one person to another and such shall be reflected in the license.

SECTION 6: Emergency Clause. Due to the desire by the City of Cammack Village, Arkansas to safeguard the stock of decent, safe and sanitary Rental Housing Units within the City of Cammack Village, Arkansas and to protect Rental Owners, tenants and their invitees, it is necessary to update the City's Ordinance as to the Registration of Landlords and Require said

Rental Owners to obtain a Business License and be subject to a biennial inspection, the City of Cammack Village, Arkansas hereby determines that said procedures herein are essential for the orderly administration and operation of the City of Cammack Village, Arkansas and an emergency is declared to exist, and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect on and after January 1, 2014.

ADOPTED:

DATE: _____

ATTEST:

DATE: _____

APPROVED:

Harry A. Light, Mayor

Mary Lynn Walker, Recorder