ORDINANCE NO. 83-4

AN ORDINANCE TO CONTROL TRANSIENT MERCHANTS AND THE SALE OF THEIR MERCHANDISE IN THE INCORPORATED LIMITS OF THE CITY OF MULBERRY, ARKANSAS: DECLARING AN EMERGENCY: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1: It shall be unlawful for any transient merchant or sales person to sell his merchandise within the corporate limits of the City of Mulberry, Arkansas without first securing a permit. The permit shall be obtained from the Mayor's Office in the City Complex.

For the puposes of this ordinance, the term "Transient Merchant" shall mean a merchant who engages in the vending or sale of merchandise at any place in the City temporarily, who does not intend to become, and does not become, a permanent merchant of the City of Mulberry, Arkansas.

The cost of the permit shall be in the sum of six hundred dollars ($600.00) and shall be good for a period of ten (10) days from date of issuance.

This ordinance shall not be applicable to the sale of agricultural produce.

No sales are to be made upon the streets and highways or their right-of-ways within the incorporated limits of Mulberry, Arkansas, but upon private property only after consent of the owner.

SECTION 2: Any person found guilty of violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upom conviction thereof, shall be fined in an amount not more than five hundred dollars ($500.00) for each violation, or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in any sum not more than two hundred and fifty dollars ($250.00) for each day which the same shall be unlawfully committed.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are herby repealed.

SECTION 4: Should any protion of this ordinance be unconstitutional or invalid and is so declared byaa court of competent jurisdiction, then the remainder of this ordinance shall not be affected by such partial unconstitutionality or invalidity.

SECTION 5: The recent repeated incidences of this nature occuring in the City of Mulberry, Arkansas are becoming a serious problem. An emergency is therefore declared and this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

DATED: March 1, 1983

APPROVED: Arnold D. Feller
Arnold D. Feller,
Mayor

ATTEST: Michael Ray Roe
Michael R. Roe,
Recorder-Treasurer