

Chapter 605

BUSINESS REGULATIONS

ARTICLE I General Provisions

Section 605.010. License Required To Engage in Business, Trade, Occupation, Vocation, Activity or Profession. [Ord. No. 845 §1, 12-9-1993]

It shall be unlawful and a violation of this Chapter for any person or entity, either directly or indirectly, to engage in or conduct any kind of business, trade, occupation, vocation, activity or profession or to use in connection therewith any vehicle, premises, structure, machine or device licensed under this Chapter without first obtaining a license therefor as prescribed herein and thereafter kept in effect at all time as required by this Chapter.

Section 605.020. Obtaining Licenses Prohibited When Taxes Delinquent. [Ord. No. 493 §§1 — 2, 6-7-1955]

A. *Definitions.* As used in this Chapter, the following terms shall have these prescribed meanings:

CITY TAXES — Includes, but not be limited to, the following taxes levied and assessed by said City:

1. Real estate.
2. Personal property.
3. Tangible or corporeal.
4. Intangible or incorporeal.
5. Merchant's or other licenses and permits.
6. Street oiling or other public improvement assessments.

PERSON — Includes any individual, firm, co-partnership, joint partnership, joint venture, association, corporation, estate, business trust, trustee, receiver, syndicate, or any other group or combination acting as a unit, in the plural as well as the singular number.

B. No license or permit provided for or required under any ordinance of the City, either now existing or which shall hereafter be enacted, shall hereafter be issued by any department thereof to any person until all City taxes owed by such person, which are then due and delinquent, shall have been paid.

- C. Each applicant for a business license under this Chapter shall submit a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due, which statement is a prerequisite to the issuance or renewal of a City business license. The statement required by this Section shall be dated within ninety (90) days of submission of the business license application or renewal application.

Section 605.030. When A Person Is Deemed in Business. [Ord. No. 845 §2, 12-9-1993]

Except as may be otherwise provided in this Chapter, a person or entity shall be deemed to be engaged in a business, trade, occupation, vocation, activity or profession within the meaning of this Chapter when the person or entity engages in selling any goods or service, soliciting business or offering goods or service for sale or hire or using any vehicle, premises or structure within the City limits for such business purposes.

Section 605.040. Separate License For Each Business — Exception For Businesses At Same Location. [Ord. No. 845 §3, 12-9-1993]

- A. For each business, occupation, trade, vocation, activity or profession required by this Chapter to be licensed, a separate license shall be obtained. A person or entity engaged in more than one (1) business at the same location shall not be required to obtain a separate license for each business but, when eligible, shall be issued one (1) license which shall specify on its face all businesses so licensed.
- B. When any person or entity engages in more than one (1) business, occupation, trade, vocation, activity or profession at the same location under one (1) license, the license fee shall be equal to the sum of all the fees for each business, occupation, trade or profession so licensed.

Section 605.050. Operating More Than One Business At The Same Location. [Ord. No. 845 §4, 12-9-1993]

The operation of any business, occupation, trade, vocation, activity or profession which includes sales of merchandise and the service, maintenance and upkeep of such merchandise and like items at the same location shall not be considered as more than one (1) business. The operation of any business, occupation, trade, vocation, activity or profession consisting primarily of personal services shall not be considered as more than one (1) business even though said person or entity operating said business may be engaged in more than one (1) activity, unless one (1) or more of the said activities includes or is connected with a mercantile business. No person or entity operating automobile service stations shall be required to obtain more than one (1) license for any one (1) automobile service station premises provided that the activities engaged in at said premises have a direct relationship to the care, maintenance and upkeep of motor vehicles.

Section 605.060. City License Officer To Determine Application of Chapter To Business. [Ord. No. 845 §5, 12-9-1993]

The City License Officer shall make the initial determination whether any particular business, trade, occupation, vocation, activity or profession shall be covered within the provisions of this Chapter. Such determination shall be reasonably made, based upon the generally accepted concept of each such business and with regard to compliance with Section 94.270, RSMo. Such determination by the City License Officer shall be final and binding on persons affected thereby.

Section 605.070. Business Representative Responsible For Compliance With Chapter. [Ord. No. 845 §6, 12-9-1993]

The local agent or representative of non-resident person(s) or entity(s) engaged in any business, trade, occupation, vocation, activity or profession in this City shall be personally responsible for compliance with all Sections of this Chapter for his/her principal and for the business, trade, occupation, vocation, activity or profession he/she represents or on whose behalf he/she acts.

Section 605.080. License Not Required For Delivery of Goods Purchased Outside of City. [Ord. No. 845 §7, 12-9-1993]

Except as may otherwise be provided by this Chapter, no license shall be required of any person or entity for any delivery within the City of any property purchased or acquired from a business operating outside the City limits where such business exhibits no intent or indication to evade the provisions of this Chapter.

Section 605.090. Fees For Operating Vehicle Upon The Public Highways. [Ord. No. 845 §8, 12-9-1993]

Any general or special license fees for any kind of vehicle for the privilege of operating such vehicle upon the public highways shall be in addition to any other licenses, permits, insignias or fees for such vehicles otherwise required by Federal, State or local law.

Section 605.095. Persons Not To Be Charged For Business License.

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or

carrying on his/her profession unless that person maintains a business office within the City of Mound City.

Section 605.100. Businesses, Occupations, Trades, Vocations, Activities and Professions Covered By Chapter. [Ord. No. 845 §9, 12-9-1993]

Businesses, trades, professions, occupations, vocations or activities including, but not limited to, the following shall not be operated, practiced, engaged in or otherwise conducted in the City unless and until the owner, operator, manager, proprietor or practitioner thereof shall have applied for and obtained a license to operate, practice, engage in or otherwise conduct same from the City License Officer and shall have paid to the City the license tax hereinafter set forth, such license and tax thereafter to be issued and paid on an annual basis as set forth in this Chapter except where otherwise herein specifically provided:

agent

appliance sale

appliance service

art shop

artist

auctioneer

auto wrecking shop

automobile agencies and dealers

automobile repair shops

banks

barbershop

beauty shop

bill posters

billiard and pool tables and other tables

bowling alleys

broker

butcher

butcher shop

car wash

clothier

coal dealer

concerts
confectioner/baker
dance studio
day care center
dealers in automobile accessories
delivery service
dray
druggist
dry cleaner
dry cleaner and pressing and laundry
express companies
farm machinery and implements
farm supply
florist
funeral home
furniture and/or cabinet maker
gasoline filling stations
gauger
graphic designer/artist
grocers
grocery
gymnasium and/or physical fitness center
hardware
hawker
horse, hog, poultry or cattle dealer
hotel or motel
ice dealer
insurance agent
insurance companies
intelligence agencies and/or investigators

jeweler
junk dealer
landscaper
laundry
light, power, water and gas companies
loan agent
loan companies
locker plant
lumber dealer
manufacturing and other corporations and institutions
mercantile agent
merchants of all kinds
money broker
money changer
moving picture shows
newspaper
nursery
nursing home
omnibuses
opera houses
optician
package liquor
patent right dealer
pawnbrokers
peddler (excepting participants in community events and programs approved by the City)
pharmacy and sundries
photographers
plumber and all other business, trades and avocations
porter
printer

private clinic
private hospital
private rehabilitation facility
public boarding houses
public buildings
public garages
public halls
public lecturers
radio repair
real estate agents
restaurant/food and drink service
restaurants
sale of beer (intoxicating) sold by the package or drink
sale of beer (non-intoxicating) sold by the package or drink
sale of dairy or dairy products
sale of fertilizer or phosphate
sale of furniture
sale of grain
sale of lawnmower and/or repair
sale of produce
sale of shoes
sale of tobacco
savings and loan
shoe repair
stockyards
storage facility
street railroad cars
taverns
taxi
taxidermist

telephone companies
television repair
theater
transfer and all other vehicles
traveling and auction store
tree trimmer
upholsterer
vehicle for hire and/or rent
warehouse
watch repair
wood crafter

Section 605.110. City Collector Designated As City License Officer — Duties. [Ord. No. 845 §10, 12-9-1993]

The City Collector shall be the City License Officer and shall issue in the name of the City all licenses and permits required by this Chapter to all qualifying applicants therefor when any and all required taxes and fees have been paid in full in accordance with the provisions of this Chapter.

Section 605.120. Annual Tax. [Ord. No. 845 §11, 12-9-1993]

The amount of the tax under this Chapter shall be fifteen dollars (\$15.00) per year payable in advance and shall accompany the application for license. The amount of tax for partial or fractional parts of a year shall be determined as set forth in Section 605.130 of this Chapter.

Section 605.130. License Term. [Ord. No. 845 §12, 12-9-1993]

All licenses issued under and by virtue of this Chapter shall be for a period of one (1) year; provided however, that at the option of the applicant the same may be issued for a period of six (6) months, or a fraction thereof, to expire on the next succeeding first (1st) day of July or first (1st) day of January as the case may be. No license shall be for periods expiring other than on the aforementioned dates and when the same are for a period in excess of six (6) months, the fee shall be equivalent to that for a full year. Where the period is six (6) months or less, one-half (½) of the fee applicable to a full year shall be paid.

Section 605.140. Promulgation of Rules and Regulations By City License Officer — Duties. [Ord. No. 845 §13, 12-9-1993]

- A. The City License Officer shall adopt and promulgate such rules and regulations as he/she may deem necessary for the administration of this Chapter; provided however, that such rules and regulations shall be approved by the Mayor. When approved by the Mayor, such rules and regulations shall be placed on file in the office of the City License Officer for inspection and use by the public and the provisions thereof shall be enforced by the City License Officer.
- B. The City License Officer shall investigate and determine the eligibility of any applicant for a license or a renewal.

Section 605.150. Evidence of Workers' Compensation Insurance. [Ord. No. 845 §14, 12-9-1993]

No license required under the provisions of this Chapter shall be issued by the City License Officer to any person or entity until such person or entity produces a copy of a certificate of insurance for Workers' Compensation coverage if the applicant for the license is required to cover his/her liability under Chapter 287, RSMo. If the applicant is excepted from application of Chapter 287, RSMo., the applicant must attest as to such status on a form supplied by the City License Officer. It is further made a violation of this Chapter to provide fraudulent information concerning same to the City License Officer.

Section 605.160. Taxes and Fees To Be Paid To The City Collector — Issuance of Receipt. [Ord. No. 845 §15, 12-9-1993]

Taxes and fees required by this Chapter to be paid by any person or entity shall be payable to the City Collector who shall issue a proper receipt to any such person or entity making such payment.

Section 605.170. Application For Initial License. [Ord. No. 845 §16, 12-9-1993]

Every person and/or entity required by virtue of this Chapter to have a license shall submit an application to the City License Officer by a written statement upon forms provided by the City License Officer, which shall disclose all information including, but not limited to, evidence as to Workers' Compensation insurance coverage, which the City License Officer shall find to be reasonably necessary to the fair administration of this Chapter and which shall be accompanied by a receipt from the City Collector for the full amount of the fees chargeable for such license, which receipt shall not be construed as approval for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to this Chapter.

Section 605.180. Application For Renewal of License. [Ord. No. 845 §17, 12-9-1993]

Any applicant for the renewal of a license under this Chapter shall submit an application therefor to the City License Officer upon forms provided by such officer, which shall include such information which the City License Officer shall deem to be reasonably necessary to the administration of this Chapter and which shall also include such information as to the conduct and operation of applicant's business during the preceding licensing period.

Section 605.190. Refunds — Unlawful To Engage in Business During Appeal. [Ord. No. 845 §18, 12-9-1993]

Upon disapproving any application under this Chapter, the City License Officer shall direct the City Collector to refund all money paid in advance by or on behalf of the applicant; provided however, that the applicant is not otherwise indebted to the City. When the issuance of a license under this Chapter is denied and any action or proceeding is pursued by the applicant to compel its issuance, such applicant and/or applicant's agent or representative shall not engage in the business for which the license was refused.

Section 605.200. Confidentiality of Information. [Ord. No. 845 §19, 12-9-1993]

The City License Officer, and all other City Officers and officials who may be concerned with administering and enforcing this Chapter, shall keep all information furnished or secured under the authority of this Chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known, except to the persons charged with the administration of this Chapter; provided, that this Section shall not prohibit any City Officer from testifying as to such information in compliance with a subpoena issued from a court of competent jurisdiction or from the Board of Aldermen in any proceeding before it.

Section 605.210. Prohibition of Operation of Business On Expiration or Revocation. [Ord. No. 845 §20, 12-9-1993]

Each business, trade, occupation, profession, activity or vocation shall refrain from operating such business after expiration of its license and during any period said license is revoked or suspended and it shall be a violation of this Chapter to continue operation after the expiration or revocation of said license.

Section 605.220. Posting or Display of License. [Ord. No. 845 §21, 12-9-1993]

Every licensee under this Chapter shall post and maintain the license issued hereunder upon the premises of such business, trade, occupation, activity or vocation in a place where it may be seen at all times. Every licensee under this Chapter who does not have a business premises shall carry said license on his/her person and shall display it to City Officers having authority to enforce this Chapter and to persons with whom he/she transacts business upon request.

Section 605.230. Enforcement of Chapter. [Ord. No. 845 §23, 12-9-1993]

For purposes of enforcing this Chapter, the City License Officer and the City Police shall have authority to inspect and examine any business, trade, occupation, vocation, activity or profession. Such persons authorized to inspect to enforce compliance under this Chapter shall have the authority to enter, with or without a search warrant, any business, trade, occupation, vocation, activity or profession premises at all reasonable times.

Section 605.240. Violation and Penalty — Delinquency.

- A. All license fees not paid to the City by the person required to remit the same on the date when the same becomes due and payable to the Director of Revenue shall bear interest at the rate determined by Section 32.065, RSMo., from and after such date until paid.
- B. In case of failure to apply for any license fee required by this Chapter on or before the date prescribed therefor, determined with regard to any extension of time for making an application, unless it is shown that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the amount required to be shown as tax on such return five percent (5%) of the amount of such tax if the failure is not for more than one (1) month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five percent (25%) in the aggregate.
- C. In case of failure to pay the full amount of any license fee due hereunder on or before the date prescribed therefor, determined with regard to any extension of time for payment, unless it is shown, by the applicant, that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the tax an amount equal to five percent (5%) of the deficiency. The City shall, upon request by a taxpayer, apprise the taxpayer of the factual basis for the finding of negligence, or the specific rules or regulations disregarded if the City assesses a penalty under this Subsection.

Section 605.250. License Not To Be Assigned or Transferred. [Ord. No. 845 §25, 12-9-1993]

No license issued hereunder shall be assigned or transferred to any other person or entity.

Section 605.260. No Cause of Action Against City As To Evidence of Workers' Compensation Coverage. [Ord. No. 845 §26, 12-9-1993]

Nothing in this Chapter shall be construed to create or constitute a liability to or a cause of action against the City in regard to the issuance or non-issuance of any license for failure to provide evidence of Workers' Compensation insurance coverage.