

BILL NO. XXXX-XX

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BUSINESS LICENSE REGULATIONS OF THE CITY OF SMITHVILLE, MISSOURI

WHEREAS, the City of Smithville, Missouri enacted Ordinance Number 287-67 setting forth business regulations; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Smithville, Missouri have updated the provisions numerous times since it was enacted; and,

WHEREAS, the Board of Aldermen have sought to consolidate all of the City's fees and charges into its' annual Comprehensive Schedule of Fees, including those contained in this ordinance; and

WHEREAS, that a review of the ordinance while preparing for the changes to the fee structure changes, several other changes became necessary in order to simplify and improve the efficiency of the business licensing program for all businesses; and,

WHEREAS, the Board of Aldermen believe the best interests of all affected parties to delete the prior ordinances in their entirety and replace them with a comprehensive, updated ordinance regulating business licenses in the City of Smithville;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

Section 1. That Sections 610.010 through 610.140 of the Code of Ordinance be deleted in their entirety, and replaced and renumbered as follows:

Section 610.010 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

CITY ~~CLERK~~ FINANCE DIRECTOR

The City ~~Clerk~~ FINANCE DIRECTOR and his or her duly authorized deputies and agents.

CONTRACTORS

Every individual, including ~~any and~~ all building crafts and enterprises, which shall engage in the business of building, erecting, repairing, remodeling or otherwise constructing or reconstructing houses, buildings, bridges, stonework, sewers, streets, sidewalks, parking lots or other structures or any parts thereof or contracting with others for the performance of any such work.

FESTIVAL ORGANIZERS

Persons or entities that sponsor a festival within the city limits with Festival Vendors

FESTIVAL VENDORS

For-profit and not-for-profit vendors selling at ~~City-approved or sanctioned~~ festivals within the City limits.

NON-PERMANENT VENDOR

A business operation with no permanent physical structure attached to real estate within the city limits that operates less than eleven (11) months of each year.

Section 610.020 Licenses Required — Fees To Be Paid.

Every person, firm or corporation who shall maintain, operate or conduct any of the businesses or trades listed in Section 610.130 or exercise any of the privileges specified in this Section shall obtain a license to do so and pay the license fee or tax prescribed in Section 610.130. All license taxes or fees required in this Section shall be due and payable on the first day of December of each year and shall be delinquent on the 31st day of December each year. A late payment fee equal to ten percent (10%) of the required fee shall also be required for all payments received after the due date and shall additionally accrue additional penalties in the amount of one percent (1%) per month for each month or part thereof for payments received after such fees become delinquent.

Section 610.030 Terms Of Licenses — Prorating Of Fees.

The regular license period for the City of Smithville is from December 1 through November 30 of the following year and when any person shall apply for a new license ~~or a renewal of an existing license~~ from the City after December 1st and the remaining period for which the business may be operated shall be less than twelve (12) months, the license fee shall be as follows: If such license shall run more than one (1) month and less than ~~six (6)~~ four (4) months, then the license fee charged shall be ~~one-half (1/2)~~ one-third (1/3) the license fee charged for the full twelve (12) months. If such period be more than ~~six (6)~~ four (4) months and less than ~~nine (9)~~ eight (8) months, then the license fee charged shall be ~~three-fourths (3/4)~~ two-thirds (2/3) of the license fee charged for the full twelve (12) months. If such period is for more than ~~nine (9)~~ eight (8) months, then the license fee shall be the same as for twelve (12) months.

Section 610.040 Applications For Occupation License.

A. No license shall be issued under the terms of this Article unless the applicant provides the following information:

1. A completed application for a license, or renewal application, upon the forms provided by the City Administrator, or designated representative, for each application.

2. A copy of a retail sales license from the Missouri Department of Revenue, or an affidavit from the applicant that no retail sales license is required for the type of business intended to be performed under the occupation license.
 3. A copy of a statement, issued by the Missouri Department of Revenue, stating that no tax is due in accordance with the requirements of Section 144.083, RSMo., that is dated no longer than ninety (90) days before the date of submission of the application.
 4. A ~~zoning~~ occupancy statement from the Planning and Zoning Director that the intended location of the business is in conformance with the zoning requirements of the City of Smithville, unless the business is one that in common practice would not necessarily have a business location in the City. In such a case the business must provide the address of its business location on its application and must provide the City with notice of any change of address within a reasonable time after the change.
 5. A certificate of insurance for Workers' Compensation Insurance Coverage. The applicant shall have the affirmative responsibility to provide the City with additional certificates throughout the term of the license sufficient to show that such coverage is in effect during the entire term of the occupation license. Nothing in this Section 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 such certificates.
 6. If the business is food-service related, a preopening food service establishment inspection report from the Clay County Health Department must be submitted.
 7. If the business is a plumbing, electrical, or mechanical contractor, the applicant shall also provide a copy of a valid master's license issued by any City that proctors a nationally recognized exam for such purpose, ~~such as Block~~, prior to the issuance of such master's license.
 8. If the business requires any special license issued by the State of Missouri, the applicant shall provide a copy of such license, along with a certification from the issuer that the license is currently valid. If the license expires during the term of the license granted herein, the applicant is required to supplement its initial application with a copy of such license renewal prior to the expiration date of the previous State license.
- B. It shall be unlawful to provide fraudulent documents or fraudulent information on the application required herein.

Section 610.050_Requirements For Issuance Of License.

No license shall be issued to any applicant who is in arrears of payment of any debt to the City of Smithville, including, but not limited to, real estate taxes, personal property taxes, special assessments, special tax bills, water usage bills, fines, fees or expenses related to any other approvals from the City, unless a payment plan has been approved by the City of Smithville. It shall not be a defense to the requirements of this provision that any such real estate taxes are owed by the owner of the real estate in which the applicant is merely a tenant. Licenses shall be signed by the City ~~Clerk-Director of Finance and contain the City's logo and Mayor and the Clerk shall affix the corporate Seal of the City thereto.~~

Section 610.060 City ~~Clerk~~Finance Director To Classify — Appeal From City ~~Clerk's~~Finance Director's Decision.

The City ~~Administrator~~Finance Director, or designated representative, shall classify all applicants for licenses and issue the appropriate license. In performing these duties, the City ~~Administrator~~Finance Director, or designated representative, may request the applicant provide evidence to support any of the classifications. Any such information provided for this classification shall be considered personal and confidential records and will be returned to the applicant upon completion of any review. Any person aggrieved by the ~~Administrator's~~Director of Finance's, or designated representative's, decision may pay such fee under protest and appeal to the Board of Aldermen within thirty (30) days of such payment. The Board shall have the power to order the license canceled, the fee repaid and a new and more appropriate license or licenses issued.

Section 610.070 Non-Transferability Of Licenses.

All licenses issued by the City shall be deemed to be mere personal privileges and shall not be transferable or assignable.

Section 610.080 Display Of Licenses.

All licenses issued hereunder, and State-issued licenses of any employee required to be maintained for the work performed at the business, shall be posted in a conspicuous place for all members of the public to view. No person shall refuse to exhibit such license(s) to any City Official upon demand.

Section 610.090 Separate Licenses For Each Business.

A separate license shall be obtained for each place of business conducted, operated, maintained or carried on by every person engaged in any occupation, trade or enterprise for which a license is required under this Article. Whenever any applicant for a license under this Article is engaged in more than one (1) occupation or business at the same address, such applicant shall make a separate application and pay the required fee for each of such separate businesses, occupations or enterprises conducted on said premises.

Section 610.100 Two Licenses For One Business Not Required.

If, by the provisions of any other Code Section a separate license is required for conducting business in the City of Smithville, then no such fee shall be due under this provision.

Section 610.110 Festival, Non-Permanent And Fireworks Vendors.

A. All Festival Organizers shall be required to provide the following information in order to obtain a license:

1. The name of the festival organizer or contact person.
2. The booth number or location assigned to each vendor.
3. If a food-service-related operation, a Clay County Health Department approval letter.

B. All non-permanent vendors shall be subject to the fees required under Section 610.130 and must provide the information required under Section 610.040, as well as the following additional information:

1. Evidence of authorization to operate at the proposed location from the owner of the real estate. Such proof must be signed by the owner.
2. Evidence that adequate required utility services, including, but not limited to, water and sewer facilities, are available.

C. All fireworks vendors shall obtain a permit for the sale of fireworks as described herein and be subject to a fee ~~of one thousand five hundred dollars (\$1,500.00)~~ as determined by the Board of Aldermen and contained in its' annual Schedule of Fees for such permit.

1. Applicants for a fireworks vendor permit shall submit an application in which they agree to the following:

- a. They shall adhere to the laws of the State of Missouri regulating the sale of fireworks, including, but not limited to, Chapter 320, RSMo., as amended.
- b. They shall indemnify and hold harmless the City of Smithville in any way for the action or damages resulting from the operation of their fireworks stand or from the sale of their fireworks.
- c. They shall agree to abide by all other ordinances of the City.

2. All applications must be submitted between the days of May 1 and June 6 of the year in which a permit is requested, and such application shall include: the specifications of the firework stand or tent; its location; written approval of the owner of the property upon which the stand will be located; a certificate of liability insurance covering the sale of fireworks for accident or damages caused from the operation of the fireworks stand, with the City of Smithville named as an additional insured on the policy in an amount not less than the municipal sovereign immunity limit imposed by the Statutes of the State of Missouri; and the required fee herein.

3. Before any permit is issued herein, the applicant shall pass a background check conducted by the Chief of Police or his or her designee and the location and specifications of firework stand or tent shall be approved, in writing, by the Chief of the Fire District.

4. Any fireworks stand permitted as required above shall also meet the following requirements:

a. The sale of fireworks shall be limited to the hours of 9:00 A.M. and 10:00 P.M. on the following days: June 20 until July 5, as well as December 20 until January 2 of the year

following the year in which the permit was issued, and no other sales outside those dates and times shall be permitted.

b. The applicant must prominently post signs that read: "Fireworks For Sale — Keep Open Flames Away — No Smoking Allowed."

5. The sale of fireworks not in accordance with the timeframes included in Subsection (C)(4) above shall result in the immediate revocation of the permit issued herein, as well as may constitute a violation of Section 205.680 of the City Code.

Section 610.120 Building Contractors — License.

No building permit shall be issued to any contractor who has not obtained a license as required in this Article. ~~Contractors may, at their option, purchase a blanket license for a fee of two hundred fifty dollars (\$250.00). Such blanket license would authorize the contractor and any subcontractor under him/her to perform work under any building permit issued to the contractor. If any subcontractor will perform any plumbing, electrical or mechanical work under a building permit, such subcontractor must separately provide a copy of a master's license as is required for a contractor performing the same work.~~

Section 610.130 License Fee ~~Based On Gross Annual Receipts.~~

A. Every person, firm, corporation, partnership or association engaged in the following listed businesses shall pay the City ~~Collector~~ Finance Director a license fee ~~based upon gross annual receipts in accordance with the following schedule. as determined by the Board of Aldermen and contained in its' annual Schedule of Fees.~~

~~1. Schedule:~~

~~\$0.00 to \$100,000.00 annual gross receipts: \$50.00.~~

~~\$100,000.00 to \$150,000.00 annual gross receipts: \$75.00.~~

~~\$150,000.00 and over annual gross receipts: \$100.00.~~

~~2. List of businesses:~~

Abstracting business	Chair rental concern
Abstracting agency	Collection agency
Adding machine company	Contractor
Addressing business	Confectioner
Advertising agency	Dairy products dealer
Advertising company	Druggist, retail and wholesale
Auction house	Dye house
Automobile accessory dealer	Dance hall or house
Automobile dealer or agency	Dancing school
Automobile rental or leasing company	Delivery truck or auto
Automobile repair shop	Drummer
Automobile washing and oiling concern	Electric battery or changing station
Accountant	Florist

Adjustor or adjusting company	Flour mill
Ambulance company	Foreign coffee and tea dealer and agent
Architect, engineer or draftsman	Foundry
Baker, retail or wholesale	Groceries, retail and wholesale
Ball or bowling alley	Grain elevator
Bathhouse	Hat cleaner
Blueprint maker	Hay merchant
Bookbinder	Hospital, private
Bottling works	Hotel and motel
Butcher, retail and wholesale	Hothouse
Bakery delivery wagon or truck	Ice dealer
Bank or trust company	Ice plant
Barbershop	Ice plant agency
Beauty parlor	Ice cream parlor
Bicycle repair shop	Ice cream stand
Blacksmith shop	Ice truck or wagon
Bondsman and agent	Insurance broker
Building or housecleaning company	Insurance company or agency
Building mover or wrecking company	Investment company
Business licenses	Job wagon or truck
Business or correspondence school	Junk dealer or auto yard
Cafe	Land title — guarantor of
Cigar and tobacco stand	Land title insurance
Clothes cleaner	Laundry
Clothes presser and dyer	Laundry wagon or truck
Clothes rental concern	Laundry branch or agency
Coal dealers, retail and wholesale	Lumber dealer
Cold storage house or locker plant	Lunch stand or counter
Cash register agency	Mail order merchant or house
Caterer	Manufacturer
Masseur	Theaters
Merchants, retail and wholesale	Wholesale house or merchant
Monument dealer or agency	Towel supply agency
Moving picture show	Trade school
Machine shop	Trailers, business
Manufacture agent	Tree surgeons and trimmers
Merchant delivery company	Trucker and transfer company
Messenger or delivery service	Typewriter agency
Milk wagon or truck	Upholsterer
Miniature golf course	Vacuum cleaner sales or rental business
Newspaper, advertising	Vermin exterminator
Nursery	Waste paper company
Oil station, retail or wholesale	Welding business
Piano and organ dealer or agent	Well driller

Popcorn stand or peanut stand
Printing business
Produce dealer
Poultry dealer
Publishing business
Patent right dealer
Pawnbroker
Photographer, business or studio
Pool hall and pool tables
Ready to wear clothing agency
Restaurant
Radio or television station, commercial
Real estate loan or rental company
Renovating or repair business
Sand plant
Secondhand business
Soft drink stand or vendor
Safe deposit company
Sale of unclaimed goods
Sales agent or agency
Sewing machine
Shoeshine parlor
Shoe repair shop
Sign hanger
Sign maker
Skating rink, ice or roller
Storage warehouse
Tailor-made clothing agency
Tailors
Window cleaning business
Wood dealer

B. The fees referenced herein may be limited pursuant to Section 71.620, RSMo.

Section 610.140 Violations And Penalties.

It shall be unlawful for any person to violate any of the provisions of this Article and, upon conviction, shall be subject to a fine as set out in Section 100.220 of this code. Each day that a violation of the provisions of this Article occurs shall constitute a separate offense.