BILL NO. 3136-26 **ORDINANCE NO. 3330-26**

AN ORDINANCE AMENDING CHAPTER 610, BUSINESS LICENSES, OF TITLE VI, BUSINESS AND OCCUPATIONS, OF THE MUNICIPAL CODE RELATING TO GENERAL BUSINESS LICENSES IN THE CITY OF SMITHVILLE

WHEREAS, the current provisions of the Municipal Code relating to business licensing were last significantly updated in 2015 and 2016; and

WHEREAS, the Board of Alderman finds that it is in the best interests of the City to update Chapter 610 of the Municipal Code to provide additional clarity to those doing business in the City and to provide the City with additional methods to ensure compliance with the Municipal Code.

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

Section 1. That Chapter 610, Business Licenses, of Title VI, Business and Occupations, shall be repealed and replaced with the language contained in **Exhibit A**, attached hereto and incorporated herein.

Section 2. That all ordinances or parts of ordinances in conflict with this Ordinances are hereby repealed.

Section 3. That should any sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS 20th DAY OF OCTOBER, 2026

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 10/20/2026

Second Reading: 10/20/2026

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:

A. Applicant

The authorized and responsible person completing the license application or renewal on behalf of the business.

B. Business

Any sole proprietorship, partnership, association, trust, limited liability company, corporation, or any other legal or commercial entity recognized by law as the subject of rights and duties.

C. Business Occupation

Any business, vocation, occupation, profession, enterprise, service trade, and all other kinds of activities and matters engaged in or at any location in the City of Smithville.

D. Construction Industry

A business that constructs, alters, repairs or demolishes any structure. This includes, but is not limited to, building and ground maintenance, construction sales and service, industrial, and utilities type licensing.

E. Contractor

Any business that undertakes with or for another to construct, alter, repair or demolish any structure, house, building, bridge, stonework, sewer, street, sidewalk, parking lot, or any parts thereof. The following shall not be considered a contractor as defined herein: a homeowner who personally occupies and undertakes the construction, alteration, repair or maintenance of such homeowner's single-family residence or accessory structure.

F. Delinquency Period

Applies to businesses with a physical location in the City of Smithville and is one to 60 days after license expiration.

G. Holiday

Any federal, state or city holiday.

H. License

The authorization a business receives from the City of Smithville to engage in a business occupation or nonprofit business in the city.

I. City Development Director

The development director of the City of Smithville and his or her duly authorized deputies, agents, and designees.

J. Nonprofit Business

A lawfully registered business not making a profit or organized for purposes other than generating profit, including public, charitable, educational, fraternal or religious purposes.

K. Premises

All lands, structures, places and also the equipment and appurtenances connected or used therewith in any business occupation, and also any personal property which is either affixed to or is otherwise used in connection with any such business occupation conducted on such premises.

L. Renewal Period

45 days prior to license expiration.

M. Retail

Goods sold to a consumer or to anyone other than for the purpose of resale.

N. Doing Business

Being engaged in a business occupation as defined above, including, but not limited to: selling any good or service; soliciting or offering a good or service for sale or hire; or acquiring or using any vehicle or premises in the city for business purposes.

Section 610.015. License required — Fees to be Paid; Term of License.

A. No business or nonprofit business shall engage in a business occupation within the city without having first obtained an occupation license from the City Development Director and paying the license fee in compliance with the requirements of this article.

B. The occupation license fee provided in the city Comprehensive Schedule of Fees is the fee for the privilege of doing business in the city and shall be due and payable prior to the issuance of any license issued under this Article, along with any city inspection fees, as applicable.

C. The regular license period for the City of Smithville is from December 1 through November 30 of the following year. All license fees required in this Article 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.

D. If any person applies for a license from the City after January 1st and the remaining term of the license is less than twelve (12) months, the license fee shall be as follows:

1. If the application for a license is submitted on or before April 30, the full license fee shall be charged.
2. If the application for a license is submitted between May 1 and August 31, the license fee shall be two-thirds (2/3) the license fee charged for the full twelve (12) months.
3. If the application for a license is submitted on or after September 1, the license fee shall be one-third (1/3) the license fee charged for the full twelve months.

Section 610.020. Exemptions from License Requirements.

A. The following business occupations shall not be required to obtain an occupation license:

1. No-impact home business occupations as defined by RSMo 71.990;
2. Credit Unions;
3. Convalescent, Nursing, and Boarding Homes;
4. Ministers;
5. Christian Science Practitioners;
6. Teachers;
7. College professors;
8. Priests;
9. Lawyers;
10. Accountants;
11. Dentists;
12. Chiropractors;
13. Optometrists;
14. Chiropodists;
15. Physicians and surgeons;
16. Cable TV Franchises;
17. Business occupations which are specifically provided for, taxed and regulated by separate ordinances;
18. Minors under the age of 18 years old and currently enrolled in school; and

19. Businesses which only provide delivery services in the city where there is no intent to evade the licensing requirements and no occupancy of a physical site in the city.

B. The following business occupations shall not be required to obtain an occupational license unless they maintain an office within the corporate limits of the City of Smithville:

1. Insurance agents or brokers;
2. Veterinarians;
3. Architects;
4. Engineers;
5. Land surveyors;
6. Auctioneers; and
7. Real estate salesmen or brokers.

Section 610.025. Exemptions from license fee.

The following business occupations shall not be required to pay a license fee:

A. Business occupations which are specifically excluded from license fee by state law.

B. Nonprofit Businesses, as defined.

Section 610.030. Duties of the City Development Director.

The City Development Director shall collect all occupation license fees and issue all city occupation licenses. The City Development Director shall:

1. Promulgate and enforce all reasonable rules and regulations necessary for the operation and enforcement of this Article;
2. Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers;
3. Create a city license application with questions and acknowledgements reasonably necessary to the fair administration of this Article;
4. Determine eligibility, obtain approval from city staff, and investigate as to compliance of the business or business occupation with all city regulations which they have the duty of enforcing;
5. Notify any business in writing of the denial of any license application and the reason(s) for denial; and
6. Keep a complete record of all licenses issued and dates of expiration.

Section 610.035. General standards of conduct.

Every business under this Article shall:

1. Comply with all laws and regulations applicable to such licensed businesses including, but not limited to, compliance with City of Smithville zoning regulations, occupancy regulations, and other regulations set forth in the Code of Ordinances;
2. Operate properly and avoid all unlawful, improper or unnecessary practices or conditions which may affect the health, safety or general welfare of the public including, but not limited to, historical operating practices and general operating history;
3. Refrain from operating the licensed business or premises after expiration of the license or during the period the license is revoked or denied;
4. Allow all reasonable inspections of the business by public authorities so authorized by law; and
5. Pay all obligations to the City of Smithville and not be in default to the city except for current taxes, as applicable.

Section 610.040. Application required.

All licenses issued under this Article shall be applied for on an application provided by the City Development Director. The city license application shall have questions and acknowledgements reasonably necessary to the fair administration of this article.

The City Development Director shall review all applications for licensure under this chapter, and within 10 days of the submission of a license application shall notify the applicant whether the application is complete or incomplete. If the license application is deemed incomplete, the City Development Director shall notify the applicant in writing of any deficiency and provide a list of additional documentation to be submitted by the applicant.

Any applications submitted under this Section which are not deemed complete within 60 days after submission of the application shall automatically be denied.

Section 610.045. Inspections prior to issuance of a license.

A. Prior to the issuance of a license under this Article, a business occupying a physical location within the city is required to obtain certain inspections and approvals, including zoning approval and third-party Fire District and Health Department Inspections, as required by the business type. It is the responsibility of the applicant to obtain these inspections and approvals. The license inspection fee shall be as provided in the city Comprehensive Schedule of Fees.

B. Inspections prior to the issuance of a renewal license are not required, unless the City Development Director deems it necessary pursuant to this Article.

Section 610.050. Application materials required.

A. No license shall be issued under the terms of this Article unless the applicant provides the following materials to the City Development Director:

1. A completed application for a license, or renewal application upon the forms provided by the City Development Director.
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 license.
3. 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 or an affidavit from the applicant stating that the business does not occupy a physical location within the City.
4. An occupancy inspection Certificate by the Smithville Area Fire Protection District or other fire department having jurisdiction.
5. If the business sells goods at retail, an unexpired statement from the Missouri Department of Revenue stating no tax is due under RSMo 143.191—143.265 or 144.010—144.510.
6. If the business is food service related, a pre-opening food service establishment inspection report from the Clay County Health Department.

B. It shall be unlawful to provide fraudulent documents or fraudulent information on the application required under this Article.

Section 610.055. Evidence of insurance.

A. At the time of license application or license renewal a business in the construction industry, solid waste or towing services shall submit a current copy of:

1. A certificate of insurance showing general liability coverage in an amount not less than $1,000,000 and naming the City of Smithville, Missouri, a certificate holder.
2. A certificate of insurance showing workers' compensation coverage, if required by the Revised Statutes of Missouri, as amended, and naming the City of Smithville, Missouri, a certificate holder.

B. The following businesses in the construction industry, as defined, are exempt from the evidence of insurance.

1. Cleaning or janitorial.

2. Lawn care.
3. Pest control.
4. Storage units.
5. Warehousing or distribution.

Section 610.060. Contractor trade license requirement.

At the time of license application or license renewal a contractor, as defined in this Article, licensed for plumbing, mechanical, or electrical work shall submit a current copy of their qualified individual's trade license or Class D Master license. Typical qualifications may include, but are not limited to, a Johnson County Kansas license, a state contractor license, a master trade license, or a copy of the individual's test score (e.g. Prometric, Block, ICC). No building permit shall be issued to any contractor who has not obtained a license as required in this Article.

Section 610.065. State license.

At the time of license application or license renewal businesses licensed by the State of Missouri or with employees required to hold a license by the State of Missouri shall submit with their occupation license application a current copy of their state license(s) and to maintain copies of all employee licenses available on-site for inspection by any city official.

Section 610.070. Change of location, business type, or ownership or contact information.

When a business occupying a physical location within the City of Smithville changes location, type of business occupation, contact information or ownership, the business must first apply for a new license. Upon receiving approval of the City Development Director, including approval of any inspections, as required, and paying any required fees, the new license may be issued. The previously paid annual license fee may be transferred to the new license upon approval of the City Development Director.

Section 610.075. Transfer of license.

No license required under this Article shall be transferable or assignable.

Section 610.080. License contents.

Each license issued hereunder shall state upon its face the following:

A. The name and address of the licensed business;
B. The type of business;
C. The issue date and expiration date; and

D. Any other such information as the City Development Director shall determine.

Section 610.085. Display of license and insignia.

Licenses issued under this Article shall at all times be prominently displayed in a conspicuous manner upon the licensed premises within the city. If there is no such licensed premises within the city, the license shall be maintained at the business address on the application and produced upon request.

Section 610.090. Inspections, authority.

A. All persons authorized to inspect businesses occupying a physical location within the city shall have the authority to enter, with or without a search warrant, at all reasonable times. Authorized persons shall include, but are not limited to, police officers, the City Development Director and city officials having duties to perform inspections.

B. The City Development Director shall have the authority to order the inspection of businesses and premises by all authorized persons. Authorized persons inspecting businesses and premises shall provide the City Development Director a report of their findings.

Section 610.095. Renewals; delinquency penalty fee; automatic revocation; appeal.

Every attempt will be made to notify a business prior to license expiration at the contact locations identified in the original application; however, failure to receive a notification will not invalidate required compliance. License delinquency penalties provided for in this Article will not begin until day 31 past expiration. During the renewal period, businesses not able to renew should contact the City Development Director.

A. Businesses not occupying a physical location in Smithville shall renew their license during the renewal period.

    1. If a license remains delinquent on day one past its expiration, the business will be notified, and the account will be inactivated.

    2. After the license is inactivated, a business should contact the City Development Director to reactivate their account. No penalties will be assessed.

B. Businesses occupying a physical location in Smithville shall renew their license during the renewal period.

    1. If a license is renewed during the renewal period, there is no penalty fee.

2. If a license remains delinquent on day one past its expiration, the business will be notified. No penalties will be assessed.
3. If a license remains delinquent on day 31 past its expiration, the business will be notified. Penalty fees will be assessed as provided in the Comprehensive Schedule of Fees. Penalty fees are not pro-rated.
4. If a license remains delinquent on day 61 past its expiration, the business will be notified in writing, and the license will automatically be revoked. The business may appeal this revocation to the city administrator pursuant to the process provided in this Article.
5. If a license is renewed after revocation, the business shall pay the license fee in addition to any delinquent penalty fees accrued.

Section 610.100. Failure to pay sales tax; automatic revocation; appeal.

A. In the event the City Development Director is notified by the department of revenue in accordance with RSMo 144.083.2 that a business has failed to pay retail sales tax, the City Development Director will notify the business in writing and the license will automatically be revoked. The business may appeal this revocation to the city administrator pursuant to the process provided in this Article.

B. The license may be reinstated upon proof from the department of revenue that the business has resolved the sales tax issue.

Section 610.105. Suspension; employment of unauthorized aliens.

A business license shall be suspended by the city when directed by the attorney general upon the failure of any business to provide identity information from a business entity regarding any persons alleged to be unauthorized aliens within 15 days of the receipt of such request from the attorney general, or upon order of the circuit court of the county upon a finding that a business entity knowingly violated RSMo 285.525 to 285.550. The City Development Director will provide notice in writing to the business of the suspension.

Section 610.110. Revocation or denial of license.

A. Licenses under this Article may be revoked or denied by the City Development Director for any of the following causes:
   1. Fraud, misrepresentation, or false statement contained in the application for license;
   2. Fraud, misrepresentation or false statement made in the course of carrying on the business;
   3. Any violation of applicable law, including but not limited to, the Code of Ordinances, the Smithville Zoning Ordinance, or Missouri law;

4. Conviction of any crime, infraction or misdemeanor involving moral turpitude; or

5. Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. The City Development Director will provide notice in writing to the business when a license is revoked or denied. All notices shall include the reason for the revocation or denial, the ability of the license holder to cure or otherwise remedy the reason or reasons for the revocation or denial, and the right to appeal to the city administrator or their designee pursuant to the process provided in this Article.

C. If a license is revoked, the business shall cease all business operation under such license within ten days of the date printed on the revocation notice.

D. If a license application is denied and the business is found to be in operation without a valid license, the City Development Director shall provide a written notice of violation to the business and the business shall cease all business operations immediately.

E. If a business required to cease operations under Subsections C or D of this Section fails to do so, the City Development Director may obtain an order from a court of competent jurisdiction requiring such business to cease. This Subsection is enforceable by the City Development Director and the Chief of Police or their designee.

F. If the City Development Director determines the conduct of a business to be so detrimental to the public health, safety and general welfare as to constitute a nuisance, the City Development Director may immediately revoke a license and order a business to cease operations immediately.

1. Within 21 days of an immediate revocation order under this subsection, the city administrator or their designee shall conduct a hearing regarding the revocation.

2. Written notice of the hearing shall be provided to the business of the time and place of the hearing.

3. The business shall be notified of the city administrator's decision within five days. The decision and order of the city administrator or their designee shall be final and conclusive.

Section 610.115. Appeals to the city administrator.

Upon receiving a notice of revocation or denial by the City Development Director, the business may appeal to the city administrator or their designee by filing a notice of appeal on a form approved by the City Development Director. Such notice of appeal shall set forth the grounds for appeal and shall be filed with the City Development Director within 14 days after the date of the notice of revocation or denial. A hearing

shall be held before the city administrator or their designee. Written notice of the hearing shall be provided to the business of the time and place of the hearing. The business shall be notified of the city administrator's decision within five days of the conclusion of the hearing. The decision and order of the city administrator or their designee on such appeal shall be final and conclusive.

Section 610.120. Calculation of days.

The calculation of days shall be as defined in Section 100.180 of Title I of the Code of Ordinances. The day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Section 610.125. Compliance pending legal action.

When a license application is denied and any action is instituted by the business to compel its issuance, such business shall not engage in the business for which the license was denied unless a license is issued pursuant to a judgment ordering the same.

Section 610.130. Liabilities of violators.

A. The amount of any unpaid fee, the payment of which is required hereunder, shall constitute a debt due the city.

B. The city attorney shall, at the direction of the City Development Director, institute civil suit in the name of the city to recover any such unpaid fee.

C. No civil judgment, or any act by the city attorney, the City Development Director or the violator shall bar or prevent a criminal prosecution for each and every violation of this article.

D. In the event any business or nonprofit enterprise which is required to obtain an annual license under this Article after having received written notice of failure to obtain such license, or in the event the business or nonprofit enterprise continues to operate following suspension or revocation of such license, the city attorney may, at the direction of the City Development Director, seek injunctive relief from a court of competent jurisdiction to restrain, correct, abate or prevent further operation of any such business or nonprofit enterprise.

E. 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.