

## Chapter 605

### LICENSES AND BUSINESS REGULATIONS GENERALLY

**Section 605.010. License Required.** [R.O. 2012 §605.010; CC 1979 §15-1; Ord. No. A-1361 §1, 12-31-1953]

No person, either as principal or agent, shall pursue, conduct, carry on or operate within the City any trade calling, business, vocation, occupation or profession named in this Chapter without first obtaining a license therefor and without paying in advance the license fee prescribed in this Chapter.

**Section 605.015. 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 Monett.

**Section 605.020. License Fee Schedule Generally.** <sup>1</sup>

All other professiona, businesses, vocations, occupations and professions as defined in Section 94.110, RSMo., and not listed in Section 605.015 as exemptions will be charged a license fee in the amount of fifteen dollars (\$15.00).

---

<sup>1</sup>. Editor's note — Prior to adoption of the 2013 codification, the city replaced this section with the language set out above. Prior section 605.020 derived from R.O. 2012 §605.020; CC 1979 §15-2; ord no. A-1361 §2, 12-31-53; ord. no. A-4215 §§1 — 2, 11-3-80; ord. no. A-4912 §1, 11-6-87.

**Section 605.030. Merchants' Licenses Generally.** [R.O. 2012 §605.050; CC 1979 §15-5; Ord. No. A-1361 §2, 12-31-1953; Ord. No. A-4216 §1, 11-3-1980; Ord. No. A-4809 §1, 11-10-1986; Ord. No. A-6609 §605.050, 12-16-1997]

- A. *Merchant Defined.* Any person who shall deal in the selling of goods, wares or merchandise at retail or wholesale, at any store, stand or place occupied for that purpose within the City, is hereby declared to be a merchant for the purposes of this Chapter; provided, that this Section shall not apply to those persons designated and required to obtain a license under Section 605.020 or any other Section of this Chapter.
- B. *Fees.* Every person dealing as a merchant shall pay an annual license fee as follows:
1. For a merchant who carries a stock that has been assessed under the last City assessment at \$1,000.00 or less: \$15.00
  2. For a merchant who carries a stock that has been assessed under the last City assessment at more than \$1,000.00 and less than \$2,500.00: \$20.00
  3. For a merchant who carries a stock that has been assessed under the last City assessment at \$2,500.00 or more: \$25.00
  4. In the event a person desiring a license as a merchant has a stock which was not included in the last City assessment, for the purposes of determining the license fee under this Section, the assessed value shall be deemed to be the reasonable value of the stock with which such person shall commence business as a merchant, and the license fee shall be computed in accordance with the schedule set forth in this Subsection.
- C. *Exceptions.*
1. Any farmer who has grown his/her own food products for resale shall be exempt from this Section.
  2. Any consignors of flea markets or craft malls which lease spaces and pay the owner a commission for merchandise sold shall be exempt from this Section.

**Section 605.040. Permit — Required — Compliance With This Section Prerequisite To Issuance — Transfer — Display — Permits For Temporary Establishments.** [R.O. 2012 §260.160; CC 1979 §12-26; Ord. No. A-2564 §H, 7-29-1968]

It shall be unlawful for any person to operate a food service establishment within the City, or its police jurisdiction, who does not possess a valid permit issued to him/her by the Health Authority. Only a person who complies with the requirements of this Section shall be entitled to receive and retain such a permit. Permits shall not be transferable from one (1) person to another person or place. A valid permit shall be posted in every food service establishment. Permits for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) days.

**Section 605.050. Application For Licenses.** [R.O. 2012 §605.060; CC 1979 §15-6; Ord. No. A-1361 §2, 12-31-1953]

Every applicant for a license to be issued under this Chapter shall make written application therefor, verified by oath, which application shall set forth in detail all information concerning the business, trade, calling, occupation or profession for which the applicant desires a license and all information necessary for determining the license fee applicable.

**Section 605.060. Proof of Sales Tax Payment Required Prior To License Issuance.** [R.O. 2012 §605.065(B — C); Ord. No. A-6603 §§1 — 3, 11-19-1997]

- A. 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.
- B. Any person, firm or corporation failing to provide proof of payments of such sales tax shall not be issued a City business license until such time as said State and City sales taxes and penalties and interest thereof are fully paid and the Department of Revenue for the State of Missouri certifies that same are fully paid.
- C. Any person, firm or corporation, upon initial application for a merchant's license in the City of Monett, Missouri, must show proof to the City Clerk that a State sales tax identification number has been obtained in the name of the person, firm or corporation, making application of the merchant's license.

**Section 605.070. Issuance of Licenses — Payment of License Fees.** [R.O. 2012 §605.070; CC 1979 §15-7; Ord. No. A-1361 §3, 12-31-1953; Ord. No. 7593 §1, 8-22-2005]

All licenses issued under this Chapter shall be issued by the City Clerk. No license shall be issued until the license fee prescribed therefor shall be paid in full to the City. All fees so paid shall be credited to the general funds of the City.

**Section 605.080. Assignment or Transfer of Licenses.** [R.O. 2012 §605.080; CC 1979 §15-8; Ord. No. A-1361 §4, 12-31-1953]

No license under this Chapter shall be assigned or transferred.

**Section 605.090. Posting or Exhibition of Licenses.** [R.O. 2012 §605.090; CC 1979 §15-9; Ord. No. A-1361 §5, 12-31-1953]

All persons obtaining licenses shall keep the same posted in their places of business in such a manner as to expose the same to public view. When a licensee has no regular place of business, he/she shall exhibit his/her license to any person upon demand.

**Section 605.100. Separate License Required For Each Place of Business.** [R.O. 2012 §605.100; CC 1979 §15-10; Ord. No. A-1361 §6, 12-31-1953]

Every person who shall carry on a business at two (2) or more different places shall secure a license for each place of business.

**Section 605.110. Terms and Expiration of Licenses.** [R.O. 2012 §605.110; CC 1979 §15-11; Ord. No. A-1361 §7, 12-31-1953]

All licenses issued under this Chapter shall be for a period of one (1) year and shall only be valid during the continuous operation of the business. All annual licenses shall expire one (1) year from the date of issuance.

**Section 605.120. Revocation of License — Grounds.**

- A. Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the City Council for any of the following reasons, as well as for any other reasons specified in this Chapter:
1. Any failure to comply with or any violation of any provisions of this Chapter, or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee; or
  2. Violation of the terms and conditions upon which the license was issued; or
  3. Failure of the licensee to pay any tax or obligation due to the City; or
  4. Any misrepresentation or false statement in the application for a license required herein; or
  5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

**Section 605.130. Revocation of License — Procedure.**

- A. In any case in which a complaint has been made to the City Council, or in which the City Council have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:
1. The City Council shall set a date for a hearing to consider the question of revocation.
  2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address as shown in the records of the City Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.

3. During the pendency of this hearing before the City Council, the licensee shall be permitted to continue the operation of his/her business.
4. At the hearing set by the City Council, the City Council shall hear all relevant and material evidence justifying the retention of the license.
5. The licensee may be present in person and/or by his/her attorney and may present evidence.
6. After hearing the evidence presented, the City Council shall vote on the issue of whether the subject license shall be revoked.
7. The affirmative vote of a majority of the City Council shall be necessary to revoke any license.

**Section 605.140. 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.