

Chapter 54 -- Business Licenses

54.010. License required. It shall be unlawful for any person or entity, other than a not-for-profit entity, either directly or indirectly, to conduct or engage in any business within the City of Holts Summit, or to use in connection therewith, any vehicle, premises, machine or device unless such person or entity is in possession of a license therefor issued by the City as hereinafter provided.

54.020. Doing business. For purposes of this Chapter, a person or entity shall be deemed to be conducting or engaging in business and thus subject to the requirements of Section 54.010 upon the doing of any one of the following acts within the City of Holts Summit:

- a. selling any goods or services;
- b. soliciting business or offering goods or services for sale or hire;
- c. acquiring or using any vehicle or any premises in the City for the purpose of selling any goods or services or soliciting business or offering goods or services for sale or hire.

54.030. Agents responsible for obtaining licenses. Agents or other representatives of nonresidents who are conducting or engaging in business in the City shall be personally responsible for compliance of their principals and of the businesses they represent, with the requirements of this Chapter.

54.040. Separate license for branch establishments. A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business; provided, that warehouses used in connection with and incidental to a business licensed under the provisions of this Chapter shall not be deemed to be separate places of business or branch establishments.

54.050. No license required for mere delivery. No license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good

faith from such person at a regular place of business outside the City where no intent by such person is shown to evade the provisions of this Chapter.

54.060. Garage sales excepted. No license shall be required for the conduct of a garage sale as hereinafter defined. For purpose of this Chapter, a garage sale shall be defined as the sale or offering for sale to the general public of personal property on any portion of a lot, whether within or outside of any building provided that no such garage sale shall include the sale of motor vehicles or industrial or commercial equipment. A garage sale shall last no longer than three consecutive days. A garage sale is allowed no more than one time on the same property in one three month period. (Revised Ord. 1899, Oct. 27, 2008)

54.070. Issuance of license.

1. Every person required to procure a license under the provisions of this Chapter shall submit an application therefore to the City Clerk of the City of Holts Summit, Missouri, said application to be in writing and submitted on forms provided by the City Clerk. Said written application shall include:

A. The sales tax number issued by the State of Missouri to the applicant.

B. A "tax clearance letter", if applicable, issued by the Department of Revenue of the State of Missouri showing that the applicant is not indebted to the State of Missouri or the City of Holts Summit for any taxes of any kind or nature, including, but not limited to, sales taxes; nor shall a business license be issued to any applicant who is in arrears for any debt of any kind or nature owed to the City of Holts Summit.

C. Said application shall be accompanied by a copy of a valid certificate of insurance for workers' compensation coverage for the applicant if the applicant for the license is required to cover his liability under Chapter 287 RSMo. Workers compensation coverage is required for all employers who have five or more employees. Construction industry employers who erect, demolish, alter or repair improvements must carry workers' compensation insurance if they have one or more employees. Construction industry employers include plumbing and electrical contractors. If a Construction industry employer claims to have no employees or no more than two owners and no other employees, the Construction industry employer must sign a non-coverage verification form for business license as supplied by the Missouri Department of Labor & Industrial Relations.

D. Said applicant shall, in the case of an entity applying for a license, disclose the name of the individual or individuals who shall be managing or operating the business and shall state the nature of the business for which the application is being submitted.

E. The applicant shall furnish a license history of the applicant showing whether any such applicant, is previously operating in this or another state under a license, has had such license revoked or suspended, the reasons therefore and the disposition of any such license subject to any such action.

F. The location and business address of the business and the zoning of that location.

G. The application shall expire and the license fee shall be forfeited to the City, if supporting documents as required under this Section are not received within ten (10) working days of the date of application.

H. The applicant of a mobile home park shall further submit the name of any current or past tenant of a specific lot upon the request of the City.

I. An applicant applying for a license with respect to electrical or plumbing work, who under Section 42.1300.10 will sign a statement of completion, must submit a current journeyman or masters plumber or electrical license issued by the State of Missouri or a City or County of the State of Missouri in accordance with Section 77.505 RSMo and Section 341.010 to 341.080 RSMo. (Ord. No. 1927 2-9-2009)

2. Every business located inside the city limits of the City of Holts Summit shall have suitable toilet facilities and must comply with all applicable building permit requirements. (Revised Ord. 1899, 27 Oct. 2008)

54.080. Licenses issued. In the event the application evidences that operation of the business at the location disclosed in the application is lawful under the zoning ordinance of the City and that the applicant has received a sales tax number from the State of Missouri and in the further event the tax clearance letter submitted with said application evidences that the applicant is not indebted to the State of Missouri or City of Holts Summit, Missouri, for any taxes of any kind or nature whatsoever, including, but not limited to sales taxes; nor shall applicant be in arrears for any debt of any kind or nature owed to the City of Holts Summit; and that the business located inside the city limits of the City of Holts Summit has *suitable toilet facilities and must comply with all applicable building permit requirements*; and in the further event that a copy of a valid certificate of insurance for workers' compensation coverage for the applicant is produced, if the applicant for the license is required to cover his liability under Chapter 287 RSMo., and if the application otherwise complies with the requirements of this chapter, then the city clerk shall promptly issue a business license to the applicant, otherwise the city clerk shall not issue a license to the applicant. No license issued pursuant to the provisions of this Chapter shall be transferable to any other person or entity. (Revised: Ord. 851, November 18, 1996)

54.090. Issuance of license. A non-refundable fee of Thirty Five Dollars (\$35.00) per application shall be charged in advance for each business license application, which fee shall reimburse the City for the City's expenses in processing and issuing or denying such license. All licenses shall expire on June 30 of each calendar year, and applications for renewal licenses shall be submitted to the City Clerk with the appropriate application fee no more than ninety (90) days and no less than ten (10) days prior to June 30 of each year. A non-refundable fee of Sixty Dollars (\$60.00) per application shall be charged in advance for each delinquent application for a business license that has expired. (Revised Ord. 1899, 27 Oct. 2008)

54.100. Revocation. The Board of Aldermen may, on its own motion, revoke any business license issued pursuant to this Chapter if the Board of Aldermen determines that the person or entity holding any such license has failed to pay any tax of any kind or nature due the State of Missouri or the City of Holts Summit, Missouri, including, but not limited to, sales tax, or if any statement made or information furnished in connection with the application for the license is determined by the Board of Aldermen to have been false when made, or for any reason for which the City might deny the issuance of a license. **(Ord. _____, 3-10-97)**

54.110 One Time City Contract Exception.

1. Businesses who are not located in the City of Holts Summit; who respond to a request for proposals issued by the City for work performed for the City; who are awarded a contract to complete said work for the City; who have not worked for the City in the past; and who are not likely to perform work in the City before the 30th day of June immediately following; may be issued a one time business license, at no expense, limited to the specific period of time and work being completed for the City. All other provisions of this chapter establishing qualifications and making application for a business license must be met.

2. All provisions of this chapter must be met before a "Notice to Proceed" may be issued to a business to begin work for the City.
(Ord. No. 1927 3-9-2009)