

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI AMENDING THE OSAGE BEACH CODE OF ORDINANCES BY REPEALING AND REPLACING CHAPTER 605: BUSINESS LICENSES AND REGULATIONS OF THE OSAGE BEACH MUNICIPAL CODE.

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

Section 1. That the Chapter 605: Business Licenses and Regulations is hereby repealed in its entirety.

Section 2. A new Chapter 605: Business Licenses and Regulations is hereby enacted to read as follows:

Chapter 605: Business Licenses and Regulations

Article I Occupational Licenses

Section 605.010 Definitions.

[R.O. 2006 §605.010; Code 1975 §§52.200, 52.250; CC 1985 §23-26]

The following words, terms and phrases, when used in this Article, shall have the meanings as prescribed to them in this Chapter, except where the context clearly indicates a different meaning:

BUSINESS

Includes any business, trade, profession, occupation, vocation, or calling carried on for a profit, or open to the public and including all activities and any activities reasonably associated with the activities listed in section 605.070 A herein.

CONTRACTOR

Any person, firm, partnership, corporation, association, or other organization, or a combination of them, which undertakes to or offers to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation, or other structure, project, development or improvement, or perform any work to build, erect, construct, improve, repair, remodel, expand or otherwise construct, reconstruct, alter any structure or permanent physical improvement on real property, or to do any part thereof, including the erection of scaffolding or other structure or works in connection therewith and includes subContractor, electrical Contractor, plumbing Contractor, and special trade Contractor including acoustical, air conditioning, and heating insulation.

DEALER

Any person who sells, exposes or offers for sale any article.

LICENSEE

Any person who shall secure a license under the terms of this Chapter.

MERCHANT

Every person, except motor vehicle dealers as defined in Sections 150.010 to 150.015, RSMo., who shall deal in the selling of goods, wares and merchandise at any store, stand or place occupied for that purpose. Every person doing business in this City shall, as a practice in the conduct of such business, make or cause to be made any wholesale or retail sales of goods, wares and merchandise to any person, shall be deemed to be a merchant whether said sales be accommodation sales, whether they be made from a stock of goods on hand or by ordering goods from another source, and whether the subject of said sales be similar or different types of goods than the type, if any, regularly manufactured, processed or sold by said seller. "Merchant" shall include all merchants, commission merchants, grocers, manufacturers and dealers in drugs and medicines, except physicians for medicines used in their practice, whether trading as wholesale or retail dealers.

OCCUPATIONAL LICENSE

Occupational License shall mean any Business License or Contractor License issued under this chapter.

PERSON

Includes an individual, firm, corporation, partnership, association, or other legal entity.

REAL ESTATE AGENT

Any person who or which shall be employed to negotiate loans on real estate. Real estate agent includes any person who sells or aids in the sale of any real or personal property not belonging to such person and receives a commission or compensation for making or aiding in the making of such sale.

Section 605.020 Required.

It shall be unlawful for any person to engage in any such business within the City without first having obtained an occupational (Business License or a Contractor License) license. ~~therefor.~~

A. Business License. A license required by any person engaging in business in the City not otherwise defined as a Contractor.

B. Contractor Licenses. A license required by any firm, person, or corporation who meets the definition of a Contractor under section 605.010 of this code.

Section 605.030 Requirements For Issuance.

[R.O. 2006 §605.030; CC 1985 §23-27.5; Ord. No. 89.12 §1, 5-18-1989; Ord. No. 93.39 §1, 8-5-1993; Ord. No. 03.06 §1, 3-20-2003; Ord. No. 09.06 §1, 2-5-2009]

- A. No **Occupational** License shall be issued to any firm, person or corporation who shall be in arrears of payment of any debt to the City unless an acceptable payment plan has been approved by the City.
- B. No **Occupational** License shall be issued to any firm, person or corporation which will occupy or transact business on any property or in any structure when the property or structure is assessed a fee, charge or tax by the City and the lessor or owner of such property or structure is in arrears of payment of those fees, charges, taxes or any other debt to the City unless an acceptable payment plan has been approved by the City.
- C. Evidence of Workers' Compensation Insurance Prior To License Issuance. No **Occupational** License required under the provision of this Section shall be issued by the City Clerk to any person until such person 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. It is further made a violation of this Chapter to provide fraudulent information to the City Clerk.
- D. No **Occupational** License required under the provisions of this Section shall be issued by the City Clerk to any person until such person produces a copy of a Missouri Sales Tax License issued by the State of Missouri listing Osage Beach as their place of business. It is further a violation of this Chapter to provide fraudulent information to the City Clerk.
- ~~E.~~ 1. Each applicant for an **Occupational** business License under this Article 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.
 - 2. If applicant is not required to hold or maintain a Missouri Sales Tax License by the State of Missouri under Chapter 144 RSMo the applicant shall execute and file with the City Clerk an affidavit stating the business activity that the applicant is pursuing within the city and that such activity is not subject to retail sales tax under Chapter 144 RSMo.
- ~~⊖~~ E. The City Administrator may waive the requirements of Section 605.030(C) and 605.030(F) for any firm, person or corporation if the firm, person or corporation: [Ord. No. 17.84 §1, 12-21-2017]

1. Is a member of a recognized religious sect or division thereof and is an adherent of established tenets or teachings of such sect or division and therefore pursuant to those tenets and teachings the firm, person or corporation is conscientiously opposed to the acquisition of insurance benefits, and;
2. Which qualifies under Section 287.804, RSMo., for a Waiver of Worker's Compensation, and;
3. Has filed an Application for Religious Exemption from the provision of the Missouri Workers' Compensation Law pursuant to 8-CSR 50-2.020 (1)(D)1.A and an Employer's Affidavit of Exemption for Workers' Compensation Benefits pursuant to 8-CSR 50-2.020 (1)(D)l. C, and received the division's approval thereof.

Such firm, person, or corporation shall be required to establish irrevocable evidence of creditworthiness for the period of the Contractor's license in the amounts required by 605.030(F).

F. Requirements for Contractor Licenses. No Contractor License ~~as a Contractor~~ shall be issued to any firm, person or corporation without proof of general liability insurance in the form of a Certificate of Insurance providing for ~~limits of not less than three hundred thousand dollars (\$300,000.00) for a single incident~~ **minimum limit of one million dollars (\$1,000,000) combined single limit for bodily injury and property damage.** The Certificate of Insurance shall be dated **within ninety (90) days of submission of the Contractor License application or renewal application.** Said coverage shall be kept in full force and effect for the duration of the Contractor license. [Ord. No. 15.80 §1, 10-1-2015]

Section 605.035 – Penalty for Operating a Business Without a Valid Business License

Any person, firm, corporation or partnership, who shall engage in any business as defined in Section 94.270, RSMo., 1986 within the City limits of the City of Osage Beach, Missouri, without a valid business license as required by Section 605.010 shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) and/or imprisonment not to exceed Ninety (90) days, or both such fine and imprisonment. Each day that said violation continues after citation therefor shall be considered a separate offense and shall further be subject to the same penalties therefor.

Section 605.038 – Revocation of Business Licenses – When

All applicants for a City Business license shall be in good standing with the City on all other taxes and fees and in compliance with all ordinances of the City. Delinquent taxes and fees and non-compliance with any ordinances of the city shall be grounds for revocation of a city Business license. Before any revocation of a city business License the City Clerk shall mail certified mail, return receipt requested and U.S. Postage paid a

Notice on intended revocation stating the reason for the proposed revocation and giving the holder of the license 30 days to respond. If no response is received within the 30 days, the license shall stand revoked. If a response is received the city Administrator shall examine the reason for the proposed revocation and the response and may request more information or may revoke or deny the revocation according to the facts and the compliance of the license holder with the terms of all city ordinances and applicable state statutes.

Section 605.040 Separate License for Each Business.

[R.O. 2006 §605.040; Code 1975 §52.220; CC 1985 §23-28]

A separate occupational license shall be obtained for each place of business conducted, operated, maintained or carried on by every person engaged in any occupation, calling, trade, or enterprise for which a license is required by ordinance.

Section 605.050 Multiple Businesses at Same Address.

[R.O. 2006 §605.050; Code 1975 §52.230; CC 1985 §23-29]

Whenever any applicant for any occupation license is engaged in more than one (1) occupation and business at the same address, such applicant shall make application for any occupation license for each business so engaged in.

Section 605.060 City Clerk to Prepare Blank Licenses.

[R.O. 2006 §605.060; Code 1975 §21.420(8); CC 1985 §23-30]

The City Clerk shall prepare blank **Occupational** Licenses for all purposes for which licenses are required to be issued, and when required, shall cause the same to be issued, signing his/her name and affixing the Seal of the City thereto, and shall **inform** ~~keep an account with~~ the City Collector ~~for~~ **of** such licenses and the amount of the license tax thereon.

Section 605.070 Fee.

[R.O. 2006 §605.070; Code 1975 §§52.240, 57.110, 59.010, 60.240; CC 1985 §23-31; Ord. No. 09.06 §2, 2-5-2009; Ord. No. 10.44 §§1 — 2, 8-23-2010]

- A. Every person engaged in any of the following listed occupations, businesses, callings, pursuits, professions or trades, or in the keeping or maintaining of any institution in this Section specified and classified, shall procure from the City an occupational license. Unless otherwise specified, the fee for such license shall ~~be thirty-five dollars (\$35.00).~~ **be Fifty Dollars (\$50.00)**

This schedule includes, but not limited to, the following;

Airport;

Ambulance service;
Antique shop;
Arts and crafts shop;
Asphalt and rock, other road repair service, sand;
Auction house;
Automobile accessory dealer;
Automobile dealer or agency (new or used cars or trucks);
Automobile repair shop (where parts are sold);
Automobile salvage yards;
Bait and tackle store;
Baker, retail;
Banking institution;
Barbershop (if merchandise of any kind is sold);
Beauty shop (if merchandise of any kind is sold);
Boat sales or repairs — marinas;
Bookkeeping service (other than certified public accountant);
Bowling alley;
Bread truck (if bread and bakery products are sold and delivered);
Buildings supply store;
Business supply store;
Butcher, retail;
Carnival (per day);
Concrete or cement mixing, manufacturing or distributing plant;
Confectionery store;
Contractor;
Dairy truck (if milk or other dairy products are sold and delivered);
Dance house;
Delicatessen;
Doctor or dentist, no fee;
Druggist, retail;
Electronic supply store;
Excavating Contractor;
Exterminator;
Florist;
Grocery, retail;
Hardware, retail;
Hatchery;
Heavy equipment sales and service;
Hospital;
Hotel;

Ice cream parlor;
Ice cream truck (if merchandise is sold and delivered);
Ice dealer;
Installment agency (an installment agency is defined to be any person who conducts or carries on the business of selling goods, wares, merchandise on weekly or monthly payments);
Insurance agency maintaining an office in the City;
Junk dealer;
Kennel;
Landscaping service;
Laundromat;
Light industry;
Liquor store or tavern;
Lumber dealer;
Lunch stand or counter;
Manufacturer;
Massage establishment;
Masseuse or massage therapist;
Medical Marijuana Cultivation Facilities
Medical Marijuana Dispensary Facilities
Medical Marijuana -Infused Products Manufacturing Facilities
Medical Marijuana Testing
Merchant, retail;
Miniature golf course;
Motel or motor hotel (where merchandise of any kind is sold);
Movers;
Moving picture show or drive in theater;
Nursery stock, retail;
Oil station, retail;
Optical, retail;
Peanut and popcorn stand;
Pigeon, squab, pheasant and rabbit farm;
Poultry dealer;
Produce dealer;
Produce stand and/or truck (except farmers selling their own produce);
Radio and TV repair shop (if merchandise or parts are sold);
Radio and TV transmission, service or repair;
Real estate broker maintaining an office in the City;

Real estate agent maintaining an office in the City, who is not affiliated with a real estate broker maintaining an office in the City who shall have obtained a license under this Section;

Recreational facility or shop (where goods or services are sold);

Resort;

Restaurant and cafe;

Secondhand store;

Septic tank sales/service/cleaning;

Shoe repair shop (if merchandise of any kind is sold);

Skating rink;

Soft drink stand;

Solid waste haulers: per applicant, per vehicle;

Tailor (if merchandise is sold);

Tree Services

Tin or jewelry shop;

Travel agency;

Truck or vehicle doing contract hauling;

Wholesale house.

- B. In consideration for the rights, privileges and permit hereby granted, and as compensation to the City for the use of its public ways and placed by cable TV, and in lieu of all occupation and license taxes, cable TV shall, on or before the last day of January in each year in which this permit is effective, pay to the City a sum equal to two percent (2%) of the gross subscriber receipts from the sale of community antenna television service within the then existing corporation limits and the City from all consumption for the preceding twelve (12) month period ending on the last day of December. This Subsection shall not be interpreted to preclude the City from charging cable TV for regular permits and licenses including, but not limited to, building permits, electrical permits or paying out fees.

Section 605.075 Penalty For Delinquent Business License Renewals.

[Ord. No. 13.14 §1, 3-8-2013]

In addition to the annual business license renewal fee, any license fee unpaid thirty (30) days after it becomes due and payable as set forth in Section 605.070 shall be subject to a penalty in the amount of five percent (5%) of the amount due on the license with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not to exceed twenty-five percent (25%) in the aggregate. For good cause shown, the City Administrator may waive the penalty imposed in this Section.

Section 605.080 Term.

[R.O. 2006 §605.080; Code 1975 §§52.240, 52.280, 52.310; CC 1985 §23-32]

A. All ~~occupational~~ **Business** Licenses except as otherwise specifically provided for by ordinance shall be issued as of May first (1st) of the current year and shall expire on April thirtieth (30th) of the following year. No license shall be issued for more than one (1) year. A license shall become void in the event the licensee shall cease engaging in the City in the licensed business.

B. All Contractor Licenses except as otherwise specifically provided for by ordinance shall be issued as of January first (1st) of the current year and shall expire on December thirty-first (31st) of the year. No licenses shall be issued for more than one (1) year.

Section 605.090 Form and Contents — Display.

[R.O. 2006 §605.090; Code 1975 §52.270; CC 1985 §23-33]

A. An ~~occupational~~ **Business or Contractor** license shall:

1. Bear the date of issuance;
2. Recite the name of the person to whom issued and the fact that it is an ~~occupation~~ **Business or Contractor** license;
3. Be signed by the Mayor and the City Clerk;
4. Bear the Seal of the City; and
5. Otherwise be in the form to be designated by the Board of Aldermen.
6. **The license must be displayed in a public place at the location licensed.**

Section 605.100 Transfer.

No occupational license shall be assigned or transferred, and no license shall be held to authorize the conduct of the designated business at more than one (1) location in the City at the same time. A licensee may have his/her license amended to authorize conduct of the same business at a different location. The amendment must be approved by the Board of Aldermen.

A separate license shall be obtained for each place of business conducted, operated, maintained, or carried on by every person engaged in any business for which a license is required by this code. The City Clerk's Office shall be notified of any change of address or such place of business within one week of any such change. Nothing contained in this section shall be deemed to require the holder of a business license to obtain another license for the purpose of being an exhibitor at a trade show within the City.

Section 3. That within Section 2 above the City of Osage Beach Chapter 605 Business License and Regulations is hereby amended with new material set out in red and deleted material struck through.

Section 4. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgement or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 5. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 6. That this Ordinance shall be in full force and effect from and after the date of passage and approval by the Mayor.

READ FIRST TIME: May 21, 2020

READ SECOND TIME: June 4, 2020

I hereby certify that Ordinance No. 20.25. was duly passed on June 4, 2020, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 2

Abstentions: 0

Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

June 4, 2020

Date

Tara Berreth

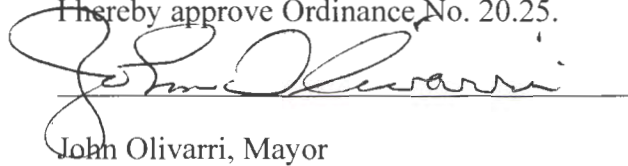
Tara Berreth, City Clerk

Approved as to form:

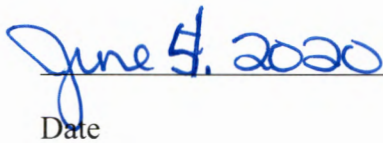
A blue ink signature of Edward B. Rucker, consisting of a stylized 'E' followed by 'B. Rucker'.

Edward B. Rucker, City Attorney

Hereby approve Ordinance No. 20.25.

A blue ink signature of John Olivarri, featuring a large, looping 'J' and 'O'.

John Olivarri, Mayor

A blue ink signature of the date 'June 5, 2020'.

Date

A blue ink signature of Tara Berreth, with a stylized 'T' and 'B'.

Tara Berreth, City Clerk