

BILL NO. 040127A

ORDINANCE NO. 040127A

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, IMPOSING A BUSINESS LICENSE TO BE REQUIRED AND ISSUED TO ALL SELLERS FOR THE PRIVILEGE OF ENGAGING IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY OR RENDERING TAXABLE SERVICES AT RETAIL.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS, TO WIT:

SECTION 1. IMPOSING A BUSINESS LICENSE TO BE REQUIRED AND ISSUED TO ALL APPROVED SELLERS FOR THE PRIVILEGE OF ENGAGING IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY OR RENDERING TAXABLE SERVICES AT RETAIL.

SECTION 2. THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, HEREBY DECLARE THIS ORDINANCE TO BE IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF WOOD HEIGHTS, MISSOURI, RAY COUNTY.

SECTION 3. ANY AND ALL BUSINESS ARE HEREBY REQUIRED TO OBTAIN A BUSINESS LICENSE FROM THE CITY OF WOOD HEIGHTS, RAY COUNTY, MO.

SECTION 4. ANY AND ALL BUSINESS ARE HEREBY REQUIRED TO FORWARD COPIES OF THE FOLLOWING TO THE CITY OF CLERK, IN ORDER TO OBTAIN A BUSINESS LICENSE WITHIN THE CORPORATE CITY LIMITS.

- A. COPY OF BUSINESS LICENSE ISSUED BY RAY COUNTY, MO.
- B. COPY OF MISSOURI RETAIL SALES LICENSE ISSUED BY THE DIRECTOR OF REVENUE.
- C. COPY OF EXEMPTION FROM MISSOURI SALES AND USE TAX ON PURCHASES. (IF APPLICABLE)
- D. COPY OF FIRST OR CURRENT QUARTER'S SALES TAX RETURN FOR THE STATE OF MISSOURI.

SECTION 5. ANY AND ALL BUSINESS ARE HEREBY REQUIRED TO PAY THE CITY OF WOOD HEIGHTS SALES TAX AT THE RATE OF ONE PER CENT (1%) ON THE RECEIPTS FROM THE SALE AT RETAIL OF ALL TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES AT RETAIL WITHIN SAID CITY LIMITS, AS IN ACCORDANCE WITH ORDINANCE NO. 502 OF THE CITY OF WOOD HEIGHTS, AND PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF SECTION 94.500 THROUGH 94.570 RSMo.

SECTION 6. ANY AND ALL BUSINESS OPERATING WITHIN THE CORPORATE CITY LIMITS PRIOR TO THE PASSAGE AND APPROVAL OF THIS ORDINANCE, SHALL HAVE THIRTY (30) DAYS TO COMPLY WITH SECTIONS I, II, III, AND IV. THE CITY CLERK SHALL NOTIFY IN WRITING ALL BUSINESS CURRENTLY OPERATING WITHIN THE CORPORATE CITY LIMITS.

SECTION 7. ANY AND ALL BUSINESS SHALL OBTAIN A BUSINESS LICENSE FROM THE CITY OF WOOD HEIGHTS ANNUALLY. SAID BUSINESS LICENSE SHALL BE RENEWABLE UPON APPROVAL BY THE BOARD OF ALDERMAN AND OR THE PLANNING AND ZONING BOARD.

SECTION 8. NO BUSINESS SHALL OPERATE IN THE CORPORATE CITY LIMITS OF WOOD HEIGHTS, MO WITHOUT OBTAINING A BUSINESS LICENSE.

SECTION 9. ANY AND ALL BUSINESS SHALL OBTAIN A BUSINESS LICENSE FROM THE CITY OF WOOD HEIGHTS PRIOR TO THE COMMENCEMENT OF OPERATING A BUSINESS WITHIN THE CORPORATE CITY LIMITS.

SECTION 10. ANY AND ALL BUSINESS LOCATED IN THE CORPORATE CITY LIMITS SHALL HAVE THEIR BUSINESS ADDRESS LISTED AS "WOOD HEIGHTS, MO 64024" ON ALL APPLICABLE PAPERWORK.

SECTION 11. LICENSE FEE. THE BUSINESS LICENSE SHALL BE AT NO COST TO THE BUSINESS UNLESS APPROVED BY THE QUALIFIED VOTERS OF THE CITY OF WOOD HEIGHTS, MISSOURI AS REQUIRED.

SECTION 12. ANY PERSON, FIRM OR CORPORATION VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL, UPON CONVICTION, BE FINED IN AN AMOUNT OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) OR BY IMPRISONMENT FOR A TERM OF NOT TO EXCEED NINETY (90) DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT FOR EACH OFFENSE. EACH DAY IN WHICH ANY SUCH OFFENSE SHALL CONTINUE SHALL BE DEEMED A SEPARATE OFFENSE.

SECTION 13. ANY PERSON, FIRM OR CORPORATION WHO SHALL CONTINUE ANY VIOLATION BEYOND THE TIME LIMIT PROVIDED FOR, SHALL BE GUILTY OF A MISDEMEANOR, AND ON CONVICTION THEREOF SHALL BE FINED IN THE AMOUNT NOT EXCEEDING (\$500.00) FIVE HUNDRED DOLLARS FOR EACH VIOLATION OR BY IMPRISONMENT FOR A TERM OF NOT TO EXCEED NINETY (90) DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT FOR EACH VIOLATION. EACH DAY IN WHICH ANY SUCH VIOLATION SHALL CONTINUE SHALL BE DEEMED A SEPARATE OFFENSE.

SECTION 14. NO LICENSE ISSUED UNDER THESE PROVISIONS SHALL BE ASSIGNABLE OR TRANSFERABLE, BUT SHALL APPLY ONLY TO THE PERSON TO WHOM SAME IS ISSUED. IN THE EVEN ANY LICENSEE, AS PROVIDED FORE HEREIN SHALL MOVE HIS/HER PLACE OF BUSINESS FROM ONE LOCATION TO ANOTHER LOCATION WITHIN THE CITY, SAID LICENSEE SHALL SUBMIT A STATEMENT OF THE FACT OF SUCH CHANGE TO THE CITY CLERK, WHO MAY TRANSFER SUCH LICENSE AS TO LOCATION ONLY. IN NO EVENT, HOWEVER, SHALL SUCH LICENSE BE TRANSFERRED FROM ONE PERSON TO ANOTHER OR FROM THE KIND OF BUSINESS OR OCCUPATION ORIGINALLY LICENSED TO ANOTHER TYPE OF BUSINESS OR OCCUPATION.

SECTION 15. EACH LICENSE ISSUED BY THE CITY UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE CAREFULLY PRESERVED AND SHALL BE DISPLAYED IN A CONSPICUOUS PLACE IN THE PLACE OF BUSINESS AUTHORIZED TO BE CONDUCTED BY SAID LICENSEE. IF THERE IS NO PLACE OF BUSINESS SAID LICENSE SHALL BE CARRIED ON THE LICENSEE'S PERSON.

SECTION 16. ANY LICENSE ISSUED BY THE CITY PURSUANT TO THE PROVISIONS OF THIS ORDINANCE MAY BE REVOKED BY THE BOARD OF ALDERMAN AND OR THE PLANNING AND ZONING BOARD FOR ANY OF THE FOLLOWING REASONS, AS WELL AS FOR ANY OTHER REASONS SPECIFIED IN THIS ORDINANCE.

AA. ANY FAILURE TO COMPLY WITH, OR ANY VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE, 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.

BB. VIOLATION OF THE TERMS AND CONDITIONS UPON WHICH THE LICENSE WAS ISSUED.

CC. FAILURE OF THE LICENSEE TO PAY ANY TAX OR OBLIGATION DUE TO THE CITY.

DD. ANY MISREPRESENTATION OR FALSE STATEMENT IN THE APPLICATION FOR A LICENSE REQUIRED HEREIN.

EE. FAILURE TO DISPLAY THE LICENSE REQUIRED HEREIN.

SECTION 17. REVOCATION OF ANY LICENSE SHALL BE IN ADDITION TO ANY OTHER PENALTY OR PENALTIES WHICH MAY BE IMPOSED PURSUANT TO THESE PROVISIONS.

SECTION 18. IN ANY CASE IN WHICH A COMPLAINT HAS BEEN MADE TO THE BOARD OF ALDERMAN AND OR THE PLANNING AND ZONING BOARD, OR IN WHICH THE BOARD OF ALDERMAN HAVE ON THEIR OWN DETERMINED THAT CAUSE MAY EXIST FOR THE REVOCATION OF A LICENSE UNDER THE PROVISIONS OF THIS ORDINANCE, THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

I. THE BOARD OF ALDERMAN AND OR PLANNING AND ZONING BOARD SHALL SET A DATE FOR A HEARING TO CONSIDER THE QUESTION OF REVOCATION.

II. 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.

III. DURING THE PENDENCY OF THIS HEARING BEFORE THE BOARD OF ALDERMAN AND OR THE PLANNING AND ZONING BOARD, THE LICENSEE SHALL BE PERMITTED TO CONTINUE THE OPERATION OF HIS/HER BUSINESS.

IV. AT THE HEARING SET BY THE BOARD OF ALDERMAN AND OR THE PLANNING AND ZONING BOARD, THE BOARD SHALL HEAR ALL RELEVANT AND MATERIAL EVIDENCE JUSTIFYING THE RETENTION OF THE LICENSE.

V. THE LICENSEE MAY BE PRESENT IN PERSON AND OR BY HIS/HER ATTORNEY AND MAY PRESENT EVIDENCE.

VI. AFTER HEARING THE EVIDENCE PRESENTED, THE BOARD SHALL VOTE ON THE ISSUE OF WHETHER THE SUBJECT LICENSE SHALL BE REVOKED.

VII. THE AFFIRMATIVE VOTE OF A MAJORITY OF THE BOARD OF ALDERMAN SHALL BE NECESSARY TO REVOKE ANY LICENSE.

SECTION 19. THAT IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE OR PHRASE OF THIS ORDINANCE IS, FOR ANY REASON, HELD TO BE INVALID OR UNCONSTITUTIONAL, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OR CONSTITUTIONALITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE CITY OF WOOD HEIGHTS, MISSOURI, HEREBY DECLARES THAT IT WOULD HAVE PASSED THIS ORDINANCE, AND EACH SECTION, SUBSECTION, CLAUSE OR PHRASE HEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE SECTIONS, SUBSECTIONS, SENTENCES, CLAUSES AND PHRASES BE DECLARED UNCONSTITUTIONAL.

SECTION 20. ALL ORDINANCE OR PARTS OF ORDINANCE THAT CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED. READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 27th DAY OF JANUARY ~~1998~~. 2004


MAYOR

ATTEST:


CITY CLERK
SEAL