

BILL NO: 2021-3229

ORDINANCE NO: 2021-3229

AN ORDINANCE OF THE CITY OF AURORA, MISSOURI, AMENDING TITLE VI "BUSINESS AND OCCUPATION" CHAPTER 605 "BUSINESS REGULATIONS"

WHEREAS, the City of Aurora, Missouri (the "City"), is a city of the third class and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the constitution and laws of the State of Missouri; and

WHEREAS, upon review of the current ordinances regarding "Business Licenses" and the regulations governing the issuance, renewal and oversight of business licenses within the City of Aurora, the following recommended amendments governing business licenses are submitted to the City Council for consideration and adoption.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, MISSOURI, AS FOLLOWS:

Section One. The City Council hereby amends Title VI: "Business and Occupation" Chapter 605: "Business Regulations" and replacing it with the following recommended language to read as follows:

Section 605.010 License, Payment Of License Fee Required.

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 hereinafter named in this Chapter, without first obtaining a license therefor and without paying in advance the license fees hereinafter prescribed.

Section 605.020 Merchant's Licenses.

A. Upon all sundry businesses, persons, occupations and avocations within this City, including home occupations, except as provided herein, a license tax shall be paid by said businesses, persons, occupations, avocations, persons, objects and subjects within the City.

~~The Council shall have power and authority to levy and collect a license tax on wholesale houses, auctioneers, architects, druggists, grocers, banks, brokers, wholesale merchants, merchants of all kinds, confectioners, delivery trucks, ice trucks, cigar and tobacco stands, wood dealers, coal dealers, lumber dealers, real estate agents, loan companies, abstracters, abstract agencies, loan agents, collection agencies, undertakers, public grounds, photographers in office or upon the streets, canvassers, artists, patent right dealers, automobile agents and dealers, automobile accessory dealers, auto-related repair service providers, car washes, insurance companies, insurance agents, taverns, hotels, rooming houses, boardinghouses, health schools,~~

telephone companies, street contractors, paper hanger contractors, painting contractors, plastering contractors, and all subcontractors, flour mills, feed mills, express company agencies, barbershops, hairdressing shops, whether conducted in connection with other business or separate beauty parlors, tattoo parlors, pet groomers, pest control services, tax preparation/booking services, burglar alarm/security service providers, IT providers, computer sales/service/repair providers, cell phones sales and service providers, tailors, florists, nursery stock agents, book binders, monument dealers and agencies, manufacturing agents, shoe cobbler shops, storage warehouses, shoe shining parlors, newspaper offices, job printing plants, ready-to-wear clothing agencies, tailor-made clothing agencies, sewing machine agents, piano and organ dealers and agents, foreign coffee and tea dealers and agents, service providers of all kinds and all other vocations whatsoever; and to levy and collect a license tax and regulate hawkers, peddlers, pawnbrokers, restaurants, butchers, wholesale butchers, bathhouses and masseurs, lunch stands, lunch counters, lunch wagons, soft drink and ice cream stand and vendors, ice cream parlors, peanut and popcorn stands, and stands of every kind, outdoor advertising, horse and cattle dealers, stockyards, auto yards, oil stations, wholesale and retail, inspectors, gaugers, mercantile agents, manufacturing and other corporations, or institutions, medical/dental equipment manufacturing/repair providers, machine shops, blacksmith shops, foundries, sewer contractors, building contractors, stone contractors, plumbing contractors, brick contractors, cement contractors, sidewalk contractors, bridge contractors, and all subcontractors, laundries, laundry agencies, ice plants and ice plant agencies, ice dealers, traveling and auction stores, plumbers, pressing establishments, produce and poultry dealers, feather renovators, bakers and bakeries, bakery delivery wagons, and delivery autos, bottling works, dye works, cleaning establishments, janitorial services, sand plants, steam fitters, corn doctors, chiropodists, hackmen, taxicabs, buses, within the limits of the City, and all others pursuing like occupations; and to levy and collect a license tax, regulate, restrain, prohibit and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, dance studios, fitness studios, martial arts studios, counseling services, fortune tellers, pistol galleries, shooting galleries, palmists, museums, menageries, equestrian performances, fluoroscopic views, picture shows, telescopic views, muscle developers, ten pin alleys, ball alleys, bowling alleys, billiard tables, pool and other tables, miniature golf courses, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, amusement parks, and the sales of unclaimed goods by express companies or common carriers, solid waste haulers, auto wrecking shops, bill posters, junk dealers, porters, carnival and street fairs, circuses and shows, for parade and exhibition, or both, skating rinks, bid awardees, and all other vocations and business whatsoever, and all others pursuing like occupations.

B. Renewal and New Business Licenses:

1. Any Merchant renewing their business license to do business within the City of Aurora, Missouri, shall be charged a fee of forty dollars (\$40.00) ~~twenty-five dollars (\$25.00)~~ for such license to do business. All required documentation for renewal must be received by City staff prior to June 30th of each year to receive the renewal discount.
2. Renewal Business Licenses that occur after June 30th of each year shall be charged sixty dollars (\$60.00) for such license to do business
3. New business licenses shall be charged sixty dollars (\$60.00) for such license to do business.

Section 605.025 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 Aurora.

Section 605.030 Separate License For Each Location.

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 605.040 General License Requirements, No Arrears to the City, Proof of

Sales Tax Payment Required Prior To License Issuance, Specific License Requirements.

- A. No business or person having interest in said business applying for a business license as required under this Chapter shall be in arrears to the City for any reason for any amount. No business license shall be issued by the City to any person or business until all City taxes, utility bills, fines or other legal encumbrances owed to the City by the applicant(s) are paid.
- B. Any person, firm or corporation who is required to pay sales tax to the City of Aurora, Missouri, must show proof to the City Clerk that all sales taxes due to the State of Missouri and the City of Aurora, Missouri, have been paid to the date of the application prior to being issued a City business license.
- C. 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.
- D. Any person, firm or corporation, upon initial application for a merchant's license in the City of Aurora, 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.
- E. 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.
- F. Each applicant for a business license under this Chapter shall submit a copy of a valid state issued Driver's License or State Identification of the business owner or responsible employee of the business with application for a business license.
- G. Each Applicant for a business license under this Chapter that engages in any activity that subject the business to the requirements of the *Lawrence County Health Department Food Service Ordinance* shall submit a copy of the *Lawrence County Health Department Annual Food Establishment Permit* for the business

making application for a business license. This shall include all food trucks or temporary food vendors operating within the City of Aurora.

- H. Any business that does not have a permanent location based within the city of Aurora or Lawrence County, and shall be soliciting their business door to door within the City of Aurora, shall be required to have a criminal background check conducted for all employees working within the City. No Business License shall be issued prior to requirement being met.

Section 605.050 Issuance Of License.

- A. No licenses under this Chapter shall be issued until all requirements have been met and/or verified by City staff.
- B. All licenses under this Chapter shall be issued by the City Clerk.
- C. No license shall be issued until the license fee therefor shall be paid in full to the City Clerk.
- D. All fees so paid shall be credited to the general funds of the City.
- E. All licenses shall be signed by the Mayor, City Clerk and Tax Collector and made available to applicant within seven (7) working days of approval. The City Clerk shall affix the Corporate Seal of the City.

Section 605.060 License Transferability.

No license issued pursuant to this Chapter shall be assigned or transferred.

Section 605.070 License Display.

All persons obtaining licenses under this Chapter 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 license to any person under demand.

Section 605.080 Term Of License.

All licenses issued under this Chapter shall be for a period of one (1) year, except when other periods are specifically set forth in the schedule of license fees, in which event a

license shall be issued for the period requested by the applicant. All annual licenses shall begin on July 1 of each year.

**Section 605.090 Suspension or Revocation and Hearing Provisions — General.
Grounds For Revocation.**

Except where a specific procedure has been otherwise provided in this Chapter and notwithstanding any other ordinance or provision of the Municipal Code to the contrary, the City Council reserves the right to revoke or suspend any business license if, in the opinion of the City Council, that the actions of the holder of the license constitutes a nuisance or threat to the citizens of Aurora or is in violation of City ordinances or their criminal history reveals past conduct which would jeopardize the safety of the citizens of Aurora. If the license is revoked or suspended by the City's designee, the licensee may send a written appeal within ten (10) days of the postmark of the notice of revocation or suspension to the City Clerk for a hearing before the City Council. At least ten (10) days' notice of a hearing shall be mailed to the licensee's last known address, which notice shall state the time and place for a hearing on the suspension or revocation and shall set forth the grounds for the revocation or suspension in a general manner. The licensee shall have the right during any such hearing to be represented by an attorney and present witnesses or other competent evidence as to why the license should be reinstated.

~~Any license issued pursuant to this Chapter or any ordinance of this City shall be revocable by the City Council upon the failure of the licensee to comply with the provisions of this Chapter, to conduct the business or vocation licensed according to law and the ordinances of the City; but in no case shall the City be liable to refund any money paid for such license and it shall be a part of the consideration of every license that it may be revoked and shall not be transferable.~~

**Section 605.100 License Application Rejected or Revoked — Fee Returned.
Penalty For Violation Of Chapter.**

A. In addition to and as an alternative to the enforcement procedures contained in Section 605.090, any application for a business license may be rejected, or a license revoked (or suspended for a period up to thirty (30) days in cases where it has been previously issued), upon the determination that:

1. False or inaccurate statements or representations are contained in the application or made to a City Official at the time of application; or

2. In case any licensee or employee of any business establishment required to have a business license has a prior record of criminal convictions or during the license period has pled guilty to or been convicted of a violation of Federal, State or municipal law which violation, in the sole discretion of the City of Aurora, renders the licensee or business establishment unfit to engage in such licensed activities; or
3. There are any other matters which on the part of the applicant or licensee exhibit a moral turpitude, lack of integrity or dishonesty detrimental to the health, safety or welfare of the community; or
4. An applicant has refused to provide documentation or information requested by the City; or
5. An applicant has failed to comply with any other ordinance set forth elsewhere in the Municipal Code or other State or County Law.

B. In the event of a denial, the license fee shall be returned in full unless otherwise herein provided and provisions of Section 605.090 shall govern the appeal of such denial.

~~Any person who does not secure a license prior to doing business within the City, whose license is revoked and who continues to operate or whose license is not renewed and who continues to operate is guilty of an ordinance violation punishable by fine of not more than five hundred dollars (\$500.00). Each day of operation after one (1) of the acts described in this Section occurs shall be considered to be a separate offense.~~

Section 605.101 Penalty For Violation of Chapter – Operating Without Current License

A. Any person, including any employer of any person, who fails to comply with, or commits any violation of, any provision(s) of the Municipal Code shall be guilty of an ordinance violation and shall be punishable, upon conviction thereof, for an amount not to exceed five hundred dollars (\$500.00). This fine shall be in addition to any other penalties prescribed in this Code or ordinance of the City or the laws of the State; and each day such failure to comply or such violation continues shall be deemed a separate offense.

B. Nothing in this Section shall in any way bar or prevent the City from pursuing available legal remedies listed at Section 605.090 including, but not limited to, injunctive relief and/or civil damages.

Section Two: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section Three: This ordinance shall be in full force and effect upon passage by the City Council.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 25TH DAY OF MAY, 2021.

APPROVED:

Jason Lewis, Mayor

ATTEST:

Kimberly Breedlove, City Clerk