

That the Code of Ordinances of the Village of Claycomo, Missouri, is hereby amended by repealing Chapter 16, Sections 16-1, 16-2, 16-3, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9 and by adding Chapter 16, Section 16-1 – BUSINESS LICENSE - GENERAL, which reads as follows:

Chapter 16 - LICENSES

Sec. 16-1 – Business License: General

Section 16-1.1. Required

- (a) It shall be unlawful for any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the Village, any type of the business or merchant's activities defined herein without obtaining a license therefor from the Village and paying the license tax as herein provided.

Section 16-1.2. Issuance

The procedure for the issuance of a Village of Claycomo business license is set as follows:

- (a) Submit a completed application with required attachments, including certificate of occupancy.
- (b) Successfully pass a fire safety inspection within the last 4 months.
- (c) Pay required fees
- (d) Board approves License application.
- (e) Receive valid Business License.

Section 16-1.3. Display

All licenses granted by the Village shall be displayed, in a conspicuous place, in the places of business authorized to be conducted by such licenses.

Section 16-1.4. Term

All licenses issued under this chapter shall expire on June 30 of each year. All licenses shall be issued for the year beginning on July 1 of each year; however a license obtained for the first time may be prorated from the date of issuance until the following June 30 if more than six (6) months of the license year has expired.

Section 16-1.5. Transfer

All licenses issued under this chapter shall not be assignable or transferable.

Section 16-1.6. Application

- (a) Every applicant for license under this chapter shall file an application with the Village Clerk. The application shall set forth the name of the business, type of business, proposed physical location and

mailing address (if different than physical), phone number and email address, nature of business, business owner(s) contact information, building owner's information if located in the Village of Claycomo, emergency contacts and information, and have all applicable operational permits selected.

(b) Included with the application:

- (1) The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under RSMo 144.010 to 144.510 or 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail.
- (2) Proof that all merchants and business personal property taxes to date have been paid.
- (3) Annual gross receipts or value of gross receipts derived from products distributed, packaged, assembled, manufactured or produced within the Village for the next preceding calendar year shown by the books and records, by the federal and state income tax returns, or by any other records or copies thereof, which correctly and accurately show such gross annual receipts for such period and may be validated by a letter from a certified accountant for the business, which statement shall not be made public or used by the Village except for the purpose of establishing a correct basis for fixing and collecting the amount of the license fee as provided in this chapter
- (4) Certificate of Liability Insurance with a minimum of one-million dollars (\$1,000,000) coverage.
- (5) If this is an initial business license application, then you will need to include a certificate of occupancy application. If this is a business license renewal, then you will need to submit a copy of current certificate of occupancy.
- (6) Supporting documentation as required by applicable Operational Permits. This would include, Hazardous Materials Information Sheet(s), Site/Layout Map, Missouri Tier II report.

(c) All licenses issued under this chapter shall be signed by the Chairman of the Board of Trustees and attested by the Village Clerk and no licenses shall be issued until the amount prescribed herein shall have been paid.

(d) A certified public accountant the Village may hire shall have the right at all reasonable times during regular business hours to audit or examine the books and records of the applicant or licensee for the purpose of determining the truthfulness and accuracy of any statements made by the applicant or licensee in an application for a current or preceding year's occupation license. If it is determined that the statements submitted are inaccurate or false statements have been made, the business shall be responsible for all expenses incurred to obtain an audit and any legal fees incurred to enforce this chapter. All applications accepted by the Village Clerk shall be accepted subject to audit. No license shall be issued to any applicant so long as the applicant refuses to permit such audit or examination to be made on all prior years' licenses.

Section 16-1.7. Fees.

Any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the village any one of the following businesses or occupations in the village shall first take out a license and pay a license tax as indicated by the following:

- (a) Any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the village, that distributes, packages, assembles, manufactures, produces or sells a product of any kind for profit within the village shall pay one hundredth of one (0.01) percent of annual gross receipts or the value of gross receipts derived from products distributed, packaged,

assembled, manufactured or produced within the village per year as a license tax with a minimum license tax of twenty-five dollars (\$25.00).

- (b) Any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the village, any business or occupation that provides a service for profit shall pay twenty-five dollars (\$25.00) per year.
 - (1) Private patrol persons; fire watch; security persons must follow all provisions of chapter 16.1 must be followed prior to issuance of a license under this section.
 - (2) Massage establishment, bath house, modeling studio, body painting studio, tattoo parlor must follow all provisions of chapter 16.5 must be followed prior to issuance of a license under this section.

Section 16-1.7.1. License Tax

Any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the Village any one of the following businesses or occupations in the Village shall first take out a license and pay a license tax as indicated by the following:

- (a) Any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the Village, that distributes, packages, assembles, manufactures, produces or sells a product of any kind for profit within the Village shall pay one hundredth of one (0.01) percent of annual gross receipts or the value of gross receipts derived from products distributed, packaged, assembled, manufactured or produced within the Village per year as a license tax with a minimum license tax of twenty-five dollars (\$25.00).
- (b) Any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the Village, any business or occupation that provides a service for profit shall pay twenty-five dollars (\$25.00) per year.
 - (1) Private patrol persons; fire watch; security persons must follow all provisions of chapter 16.1 must be followed prior to issuance of a license under this section.
 - (2) Massage establishment, bath house, modeling studio, body painting studio, tattoo parlor must follow all provisions of chapter 16.5 must be followed prior to issuance of a license under this section.

Section 16-1.7.2. Underestimated anticipated gross receipts, gross business, or gross commissions.

When any preliminary license fee shall be based upon the best estimate of the applicant and such estimate shall prove to be less than eighty (80) percent of the actual gross receipts, annual gross business or annual gross commissions, or any combination thereof, computed pursuant to section 16-5, a penalty of ten (10) percent per annum upon any resulting deficiency of the preliminary license fee shall be added to the annual license fee, computed from the date of the payment of the preliminary license fee to the date of payment of the annual license fee; provided, however, no penalty shall be applied to a resulting deficiency wherein the preliminary license fee was paid on the basis of the licensee's true preceding year's gross receipts, annual gross business or annual gross commissions.

Section 16-1.8. Inspections

- (a) Any licensee operating in the Village of Claycomo will be subject to inspections by the Fire Code Official or their designee, County Planning and Zoning Official, Code Enforcement Official, and Police Officer during normal business hours.
- (b) Prior to the initial granting or renewal of a license, the licensee must be inspected by the Fire Code Official, or his designee to ensure the buildings and premises conform to the Building and Fire Code of the Village of Claycomo.

Section 16-1.9. Chapter provisions supplementary.

The provisions of this chapter shall apply to all business licenses required under this Code except where inconsistent with such other provisions.

Section 16-1.10. Violations.

It shall be unlawful for any person or the managing officer of any business, company, partnership, corporation, franchise or subsidiary, branch or division of any business, company, partnership, corporation or franchise to exercise, carry on or engage in, within the Village, any type of the business or merchant's activities defined herein without obtaining a license therefor from the Village and paying the license tax as herein provided and anyone in violation of the provisions of this chapter shall after thirty (30) days grace be summoned to court and upon conviction thereof shall be fined as provided in section 1-17.

In addition to any penalties by reason of a conviction in the municipal court for violating any of the provisions of this chapter, the failure to timely obtain an occupational license shall also result in a ten (10) percent penalty per month or any portion thereof until the proper fee has in fact been paid.

Passed Aug 24th, 2020