BILL NO. 201810

ORDINANCE NO. 110.000.01

AN ORDINANCE REPLACING CHAPTER 110 OF THE CITY OF HAWK POINT IN ORDER TO THE BETTER REGULATE BUSINESSES OPERATING WITHIN THE CITY FOR THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF HAWK POINT

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF HAWK POINT, LINCOLN COUNTY, MISSOURI, AS FOLLOWS:

Chapter 110 -- Business Licenses

SECTION 110.01: DEFINITION OF BUSINESS

A. For the purpose of this Chapter, "business" is defined as a person, business or other legal entity doing business within the City of Hawk Point and maintaining an office or place of business within the City limits for more than thirty (30) consecutive days in a given year, and landlords owning more than one unit of rental property within the City limits.
B. "Business" shall not include a 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 the City.
C. "Business" shall not include any 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 the City unless that person maintains a business office within the City of Hawk Point.
D. "Business" shall not include any person selling goods or services for not-for-profit or charitable purposes on a temporary basis or any person selling agriculture products at a temporary location.

SECTION 110.02: LICENSE REQUIRED

A. All businesses shall be required to purchase and keep on display (or readily produce) a City of Hawk Point business license.
B. Any business operated under the same name at multiple locations shall be required to have a separate license for each such location.
C. All business at one location shall be required to have a separate license.
D. It is hereby declared unlawful for a business to operate within the City limits without a valid business license obtained under this Chapter.
E. Police officers shall have the right of entry to any structure for the purpose of verifying compliance with this Chapter.

SECTION 110.03: PAYMENT FOR LICENSE Business licenses shall be purchased at City Hall from the City Clerk each year at a cost of at least thirty dollars ($30.00). Lost, stolen or destroyed business licenses shall be replaced within thirty (30) days after such loss, theft or destruction upon appropriate application for replacement at City Hall and upon payment of a replacement fee of at least five dollars ($5.00). Business licenses shall be effective from July 1st through the next June 30th. Business licenses bought after July 1st in any given year shall only be good until the next June 30th with no reduction in fee. These fees are effective August 6, 2018, and may be increased by vote of the Board of Alderman without further amendment of this ordinance. Nothing in this ordinance shall prevent the Board of Aldermen from imposing additional licensing fees on certain businesses as allowed by law.

SECTION 110.04: APPLICATION FOR BUSINESS LICENSE

A. All licenses issued under the provisions of this chapter shall be issued only upon duplicate written application therefor to the City Clerk upon an application form prepared by the City Clerk and received of the City Clerk by the applicant or his or her duly authorized agent.
B. The application shall contain blanks, requesting the insertion of the following information:

(1) Date;

(2) Person to whom issued;

(3) Address;

(4) Business or occupation address;

(5) If applicant is an agent, give name and address of principal;

(6) Type of business; and

(7) Other information as may be requested by the City Clerk.

C. The applicant shall make affidavit printed at the end of such application form, swearing to the truth of the application as filled out.

SECTION 110.05: ADDITIONAL REQUIREMENTS FOR BUSINESS LICENSE

A. No license provided for or required under the provisions of this chapter or any other ordinance of the city shall be issued by the city to any person until the personal property tax and merchants' ad valorem tax for the year next preceding the year for which such license is issued shall first have been paid.
B. It shall be the duty of the City Clerk to establish and promulgate rules and regulations relative to an orderly method of checking unpaid city personal property taxes and merchants' ad valorem taxes in order to determine the amounts thereof due and owing to the city by such applicant.
C. Business licenses are not assignable or transferable.
D. Business licenses shall be prominently displayed by the business or readily produced upon demand of any City official or agent.

SECTION 110.06: DENIAL OF LICENSE

No business license shall be issued to applicants who have outstanding water and/or sewer charges due to the City. No business license shall be issued to applicants who have outstanding taxes, assessments, judgments, fines, or court costs due to the City. The City Clerk may establish procedures to ensure compliance with this Section.

SECTION 110.07: COMPLIANCE WITH ORDINANCES AND STATE STATUTES

A. All holders of business licenses shall comply with all City ordinances and State statutes.

B. Business licenses may be revoked by the Board of Aldermen when it is found that the holder of a business license is in violation of City ordinances or State statutes, or that the applicant provided false information to obtain a business license, or that the holder habitually fails to timely pay water and/or sewer charges due to the City. Prior to revocation, the holder of the business license shall be given a ten (10) day written notice and an opportunity to be heard at a regularly scheduled Board of Aldermen meeting.

C. Any business that continues to do business after such revocation shall be liable for fines and penalties prescribed in Section 110.99.

110.99: PENALTY: Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than $500.00, under such limits as may be imposed by the state statute.

Savings Clause.

Except as expressly set forth herein, nothing contained in this ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant, or otherwise nullify any other ordinance of the city, or the requirements thereof, whether or not relating to or in any manner connected with the subject matter hereof.

Severability Clause.

If any term, condition, or provision of this ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Alderman that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provisions which had been held invalid is no longer invalid, said provisions shall thereupon return to full force and effect without further action by the city and shall thereafter be binding.

Effective Date.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved by the Board of Aldermen of the City of Hawk Point, Missouri, on this 6 day of August, 2018.

By: _____
Mayor

ATTEST:

By: _____
City Clerk