

CITY OF CONCORDIA

HEARTS IN HARMONY SINCE 1860



618 South Main Street, P.O. Box 847
Concordia, MO 64020-0847

Telephone 660-463-2228
FAX 660-463-7574

APPLICATION FOR BUSINESS LICENSE

Business Name: _____

Physical Address: _____

Mailing Address: _____

Phone Number: _____

Description of Business: _____

Number of Employees: _____ Sales Tax # _____

Will sales tax be remitted in the business name listed above or under a different name
(corporate or partnership name): ____ Same or Other: _____

Ask for assistance from the City Clerk if you have not already applied with the Dept. of Revenue for a sales tax number.

Your Name: _____ Home Phone # _____

Home address: _____

Soc. Sec. or Dr. Lic. # _____ Date of Birth: _____
(You may be asked to show a picture ID)

Owner's Name, if different from above: _____

Additional Owner information: _____
(Phone #) Address

Signed Statement: I AFFIRM THE FACTS SHOWN HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature

Date

ATTACHED IS THE ORDINANCE REGULATING BUSINESS ACTIVITIES. YOU ARE ENCOURAGED TO STUDY ITS CONTENTS.

(This section to be completed by City Administrator)

Decision: _____ Decision Date: _____ Decision By: _____

Receipt No: (\$35.00 fee) _____

Water Department
4517 Hwy. 23 South
Telephone 660-463-2286

Wastewater Department
607 South Main Street
Telephone 660-463-3286

Police Department
618 South Main Street
Telephone 660-463-2140

Street Maintenance Department
104 SW 3rd Street
Telephone 660-463-7266

Parks & Recreation
802 South Gordon Street
Telephone 660-463-4277

AN ORDINANCE ENTITLED "AN ORDINANCE OF THE CITY OF CONCORDIA, MISSOURI REPEALING ORDINANCE 595, ADOPTED APRIL 17, 2000, PERTAINING TO REGULATION OF BUSINESS LICENSES AND ADOPTING A NEW ORDINANCE.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF CONCORDIA, MISSOURI:

Section 1: Ordinance 595, adopted, April 17, 2000 is hereby repealed.

Section 2: PURPOSE

Section 94.270 RSMo., grants the Mayor and Board of Aldermen the power to license, tax and regulate certain businesses and occupations. The fee required by this ordinance shall be in addition to general ad valorem taxes now or hereafter levied under law and the license shall be in addition to licenses prescribed in other parts of the City of Concordia Code or licenses required by other city, county, local, state or federal laws.

Section 3: DEFINITIONS

For the purpose of this Ordinance, a "business" is a trade or business activity, regardless of the form under which the activity is conducted (such as sole proprietorship; partnership; corporation; Subchapter S corporation; limited liability company; limited liability partnership and the like), that is required under the US Internal Revenue Code to file an income tax return. The following additional definitions apply:

FOR PROFIT BUSINESS: Any trade, profession, occupation or pursuit, the purpose of which is to make a profit, whether or not a profit is actually made, as defined by the US Internal Revenue Code, as amended from time to time.

NON-PROFIT BUSINESS: Any business that qualifies as a non-profit business under the US Internal Revenue Code, as amended from time to time.

PUBLIC UTILITY: Any business regulated by the Missouri Public Utilities Commission or federal agency, such as the Federal Communication Commission, that delivers water, sewer, gas, electric, cable television, cable modem, satellite television, satellite modem or telecommunication services within the City of Concordia.

EXEMPT BUSINESS:

- a) Ministers of the gospel or priests, duly accredited Christian Science practitioners, teachers or professors, lawyers, certified public accountants,

dentists, chiropractors, optometrists, chiropodists, physicians or surgeons; and no person following for a livelihood the profession of insurance agent or broker or salesman in this State, 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 by the City unless that person maintains a business office within the City in compliance with Section 71.620 RSMo.

- b) Churches and governmental agencies;
- c) A service business operated by a person under the age of eighteen (18) such as a lawn mowing business, a newspaper delivery business, snow removal business, and the like);
- d) Building trades which shall be licensed and regulated by the City's Building Code Administration Program.
- e) Delivery of items purchased outside of the City limits of Concordia, where such materials received is quoted in the price of the package at the time of purchase. For the purpose of this Ordinance, "delivery" shall include the placement of the materials purchased as well as providing the necessary connections to existing receptacles, water connections (interior of structure only to an existing stub-out) and drainage (interior of structure only to an existing stub-out). Installation of new electrical circuits, new waterlines and drainage whereby a separate branch to an existing line is required, is not considered exempt under this definition and will require a trade license. The City reserves the right to require a trade license be purchased if work required for successful installation falls under the requirements for a trade license within the City.
- f) Warranty work, whether the warranty is part of the original warranty or purchased as an extended warranty, so long as the work is being performed on the item purchased and the work being performed is in compliance with "delivery", as defined in Section 2(e) as stated above.

Section 4: **REQUIREMENT TO OBTAIN A BUSINESS LICENSE; PAY APPLICATION FEE; AND APPLY FOR EXEMPTION**

1. All persons carrying on or transacting any Business, Non-Profit Business or Public Utility as defined in Section 2 of this ordinance, where physical business activity is undertaken within the City of Concordia, shall be required to apply for and obtain a business license, unless such person is an Exempt Business, or the business is not required to obtain a license under another provision of this ordinance. A business that believes it is exempt from obtaining a business license shall apply for an exemption on a form provided by the City.

2. Where a business is owned by a corporation or operates under a franchise, it shall be the responsibility of the local manager to obtain the required license.
3. The following provision apply to the obligation to obtain a business license:
 - a. Any business that conducts physical activities in the City of Concordia whether or not such business operates from a physical structure or location within the City of Concordia is subject to this ordinance. Businesses that have their primary location outside the City of Concordia, but that conduct business activity within the City of Concordia (including, but not limited to delivery, repair business installation of components, when not included in a package price as outlined in Section 2(e) of this Chapter, and the like) are required to be licensed under this ordinance.
 - b. If two or more related businesses are carried on at the same premises by the same owner(s), one license issued in the name of the business for which the premises is primarily used shall be sufficient for all such activities.
 - c. Where:
 - i. A business, firm or corporation has more than one (1) location of business there shall be a separate license due for each and every separate, unrelated type of business at each location. In the event a business moves, the license may be amended to authorize the conduct of the same business or manufacturing at a different location, provided the control of same remains with the same person.
 - ii. There are business operations with more than one (1) business activity under separate ownership at the same location; each owner shall have a separate license.
 - iii. A business owner is conducting multiple, related business activities at the same location, only one (1) license is required. However, whenever a new business activity is added, approval must first be obtained for compliance with the City's zoning ordinance. Upon approval, the owner's business licensing will be updated to reflect the additional activity.
 - iv. For the purpose of this ordinance, no employee of a business whose income is based solely on an hourly, daily, monthly or annual wage or salary shall be considered a person transacting business. The intention of this ordinance is that all business license fees assessed by this ordinance shall be borne by the employer or proprietor for the privilege of doing business.

- v. Charitable organizations that have no physical location other than a post office box are not required to obtain a license under this ordinance.
- vi. Activities that qualify as hobbies under the US Internal Revenue Code are not required to obtain a license under this ordinance.
- vii. Wholesale vendors, doing business by distributing products to or rendering service to regular retail customers on established routes in the City are not required to be licensed under this ordinance.

Section 5: REQUIREMENT FOR CONTRACTORS APPLYING FOR LICENSE

No business license shall be issued to an individual, firm, partnership or corporation doing business as a contractor unless a certificate of Workers' Compensation Insurance or an affidavit signed by the contractor attesting that the contractor is exempt from Workers' Compensation, is provided.

Section 6: AMOUNT OF LICENSE FEE-TERM

All license applicants shall pay a license fee per year as set out in Chapter 150, Table B of Title I of this Code. Fees shall be prorated over the year, such that each month or portion of a month of the licensee's issuance shall be a charge at one-twelfth (1/12) of its annual fee. Licenses renew yearly on June 1 (1st). Any business which has been licensed by the City for a period of at least one (1) year may purchase a license for a period of three (3) years.

Section 7: CITY CLERK TO KEEP RECORDS AND ISSUE LICENSES

It shall be the duty of the City Clerk to keep a complete and accurate record of all licenses issued under this Chapter, showing the nature of the license. Licenses will be signed by the Mayor of the City of Concordia and the City Clerk, who shall affix the Seal of the City thereto. License fees shall be paid prior to issuance of license. Issuance of a license is not evidence that the applicant is in compliance with any other provision of law.

Section 8: LICENSE NOT TRANSFERABLE

No license issued under the provision of this Chapter shall be assignable or transferable but shall apply only to the person to whom same is issued. In the

event any licensee, as provided for 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 9: APPLICATION FOR LICENSE

Each person wishing to engage in a new business shall apply for a license to carry on business for the license year. Suitable application forms will be furnished by the City. The application shall be filed with the City Clerk and shall contain at a minimum:

- 1) A description of the nature of the Business activity, Non-Profit Business activity or Utility to be engaged in;
- 2) The date that business operations will commence;
- 3) The name of the applicant; if partnership, the names and addresses of all partners; if a business is a corporation, the name and address of the home office and the name and address of the local agent or representative, who will be in charge of the business in this City; if a foreign corporation, the name and address of the designated agent in the State as well as the name and address of the local agent or representative, who will be in charge of the business in this City;
- 4) The address(es) where the business will be located or have its City office and all branches, storefronts, warehouses and any other associated location within the City;
- 5) The date of application;
- 6) Emergency contact information as the applicant wishes to provide;
- 7) Any other information the City Clerk determines the application should contain;
- 8) The signature of the applicant or agent making the application;
- 9) If the applicant is a foreign corporation or a non-resident of this State, and no permanent business location is proposed to be created in the City, the applicant shall appoint a local person, acceptable to the City Administration, as an agent for accepting service of a process, notice or demand required or permitted by law to be served upon the applicant. The applicant shall submit with the application, the agent's acknowledged consent to acceptance of said service on the form provided by the City.

Section 10: DISPLAY OF LICENSE

Each license issued by the City under 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 license. If there is no place of business, said license shall be carried on the licensee's person.

Section 11: REVOCATION OF LICENSE-GROUNDS

Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reasons specified in this Chapter:

- 1) Any failure to comply with, or any violations of any provisions of this Chapter, 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.
- 2) Violation of the terms and conditions upon which the license was issued.
- 3) Failure of the licensee to pay any tax or obligations due to the City.
- 4) Any misrepresentation or false statement in the application for a license required herein
- 5) Failure to display the license required herein.

Section 12: REVOCATION OF LICENSE-PROCEDURE

In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:

- 1) The Board of Aldermen shall set a date for a hearing to consider the question of revocation.
- 2) 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.
- 3) During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his/her business.

- 4) At the hearing set by the Board of Aldermen, the Board of Aldermen shall hear all relevant and material evidence justifying the retention of the license.
- 5) The licensee may be present in person and/or by his/her attorney and may present evidence.
- 6) After hearing the evidence presented, the Board of Aldermen shall vote on the issue of whether the subject license shall be revoked.
- 7) The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke any license.

Section 13: CONTINUING REQUIREMENTS FOR OTHER LICENSES

Any business or profession required to be licensed by any other provision of city, state, county or federal law shall continue to be responsible for obtaining and maintaining such licensure. Nothing in this ordinance excuses a business from obtaining all other necessary licenses, and the issuance of a business license under this ordinance shall not excuse a licensee from compliance with any other law.

Section 14: REFUNDS NOT ALLOWABLE

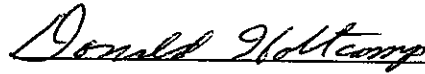
No claims for refund shall be allowable under this Ordinance.

Section 15: PENALTY AND DELINQUENCY

Any person, firm or corporation or co-partnership who shall violate any provision of this Chapter or who shall exercise or attempt to exercise any of the occupations, trades or avocations, or who shall carry on or engage in, or attempt to carry on or engage in, any of the business for which a license is required in this Ordinance, in the City of Concordia, without first paying the tax herein levied, and obtaining a license therefor, shall upon conviction, be deemed guilty of an ordinance violation and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

Section 16: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF
CONCORDIA, MISSOURI THIS 17th DAY OF MAY, 2010.



Donald Holtcamp-Mayor

Attest:



Susan Flandermeyer, Assistant City Clerk