

AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE VI (“BUSINESS AND OCCUPATION”), CHAPTER 600 (“ALCOHOLIC BEVERAGES”), CHAPTER 605 (“BUSINESS LICENSES AND REGULATIONS”), CHAPTER 610 (“SOLICITORS AND CANVASSERS”), CHAPTER 615 (“MASSAGE ESTABLISHMENTS”), CHAPTER 630 (“PAWNSHOPS AND PAWNBROKERS”), AND CHAPTER 631 (“REGULATIONS ON BUSINESSES PURCHASING PRECIOUS METALS, PRECIOUS OR SEMI-PRECIOUS STONES, AND/OR JEWELRY”), OF THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City routinely reviews its Municipal Code to ensure conformity with state and federal law, enhance clarity, and eliminate ambiguity, as well as to further promote the City’s mission, vision, and values in the best interests of the City and its citizenship body as a whole; and

WHEREAS, the Community Development Director (“Staff”) is proposing an amendment to Title VI – “Business and Occupation” to extend the due date for business licenses to January 31st and to make editorial changes, particularly denoting the Community Development Director instead of the no longer established BUILDS Department Administrator.

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

Section 1: Title VI (“Business And Occupation”), Chapter 600 (“Alcoholic Beverages”), Chapter 605 (“Business Licenses And Regulations”), Chapter 610 (“Solicitors And Canvassers”), Chapter 615 (“Massage Establishments”), Chapter 630 (“Pawnshops And Pawnbrokers”), and Chapter 631 (“Regulations On Businesses Purchasing Precious Metals, Precious Or Semi-Precious Stones, And/Or Jewelry”), of the Municipal Code of the City of Republic, Missouri is hereby amended by the Chapters below to read as follows:

Title VI Business And Occupation

Chapter 600 Alcoholic Beverages

600.010 Definitions

When used in this Chapter, the following words shall have the following meanings:

BUSINESS As defined in Code Section **605.005**.

CLOSED PLACE A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES Intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

LIQUOR MANUFACTURER A business engaged in the production of intoxicating liquor as defined in this Chapter.

MALT LIQUOR An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

MICROBREWERY A business whose activity is the brewing and selling of beer, with an annual production of 10,000 barrels or less.

ORIGINAL PACKAGE Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "*Original package*" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

PROXIMITY The distance separating a business or entity licensed to sell intoxicating liquor and any adjacent or nearby property, premise, parcel or land use, as determined by and through the following methods:

- A. When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the established use in questions through the most direct possible route.
- B. When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use through the most direct possible route.
- C. In circumstances where neither of the above methods apply the determination of distance shall be made by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee.

RESORT Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales

as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

RESTAURANT BAR Any establishment having at least forty (40) rooms for overnight accommodations of transient guests or any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

SALE BY THE DRINK Sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

WINE A vinous liquor produced by fermentation of juices of grapes, berries or other fruits or a preparation of certain vegetables by fermentation and containing alcohol not in excess of twenty-two percent (22%) by volume.

WINE OR BRANDY MANUFACTURER A business whose activity is the production of wine or brandy.

600.015 Application Of Missouri State Statutes

Chapter 311 of the Revised Statutes of Missouri applies with respect to the licensing, purchasing, consumption, enforcement, penalties, and all other aspects relating to the control of alcoholic beverages.

600.020 License Required -- Classes Of Licenses

- A. No person shall manufacture, brew, sell or offer for sale intoxicating liquor in the City of Republic without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein. No license shall be required if the manufacture is for personal use as allowed by Section 311.055, RSMo.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell or manufacture intoxicating liquor:
 1. *Package liquor — malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.
 2. *Package liquor — all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the

premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.

3. *Liquor by the drink — malt liquor/light wine only*: Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
 4. *Liquor by the drink — all kinds*: Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection **(B)(2)** of this Section.
 5. *Common eating and drinking areas*: Sales of intoxicating liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
 6. *Liquor by the drink — resort*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any resort or qualified restaurant.
 7. *Wine or brandy manufacturer*: A producer of wine or brandy through a manufacturing process.
 8. *Microbrewery license*: A producer of beer, with an annual production of 10,000 barrels or less.
 9. *Liquor manufacturer*: A producer of intoxicating liquor not otherwise licensed under this Chapter.
- C. *Sunday Sales*. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor on Sundays between the hours of 9:00 A.M. and Midnight:
1. *Package liquor — all kinds*: Sales of liquor of all kinds in the original package at retail, not for consumption on the premises where sold.
 2. *Liquor by the drink — restaurant bar*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
 3. *Liquor by the drink — amusement place*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
 4. *Liquor by the drink — place of entertainment*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
 5. *Liquor by the drink — common eating and drinking area*: Sales of liquor of all kinds by the drink at retail not for consumption on

the premises where sold but for consumption in a common eating or drinking area.

D. *Permits.*

1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section **600.030(C)** below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections **(B)(3)** and **(C)** of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.
3. *Liquor Catering permit.* Any person wishing to exercise the sale of liquor by the drink for an event held somewhere other than the location described within the Applicant's current and valid liquor license may apply for a Liquor Catering permit. Said permit may be issued for no more than a period of 72 consecutive hours. An application for a Liquor Catering permit must meet the following requirements:
 - a) Materials required for Liquor Catering permit must be presented at the time of application:
 - (1) Signed letter from the entity requesting the permit.
 - (2) Copy of related State Liquor license.
 - (3) Signed letter of permission from the owner of the location or premise where the service of alcohol will be conducted.
 - (4) Statement of intended dates for permit.
 4. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate jurisdictions - City, County, and State.
 5. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate categories of intended sale.

600.030 License Regulations

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following

businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

B. Newly-Opened Restaurant Bars Or Amusement Places.

1. Any new establishment having been in operation for less than ninety (90) days and having received temporary license in accordance with the State of Missouri's rules and regulations may be issued a temporary license, for a period not to exceed ninety (90) days, to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 6:00 A.M. and 1:30 A.M. on weekdays and between the hours of 6:00 A.M. on Saturdays until 1:30 A.M. on Sundays. No intoxicating liquor may be sold on Sundays except in accordance with the provisions of Section **600.020(C)** of this Code of Ordinances.

C. Temporary Permit For Sale By Drink — Certain Organizations.

1. The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 9:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. Operating Hours, Days.

1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the

premises, any intoxicating liquor in any quantity except as outlined in Chapter 311 RSMo.

2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the ~~BUILDS Department Administrator~~ **Community Development Director** or their ~~Designee~~ **designee**, upon being requested, shall permit the remaining partner or partners originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the ~~BUILDS Department Administrator~~ **Community Development Director** or their ~~Designee~~ **designee**. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

600.040 Schedule Of License Fees

A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee as provided for in the fee schedule found in Section 805.030.

1. *General licenses.*

- a. Malt liquor.
- b. Intoxicating liquor (all kinds).
- c. Malt liquor and light wines.
- d. Intoxicating liquor (all kinds).
- e. Common eating and drinking places.
- f. Wine and brandy manufacturer.
- g. Microbrewery.
- h. Liquor manufacturer not otherwise licensed under this Chapter.

NOTE: Not to exceed Statutory fee limits per Sections 311.180, 311.190 and 311.195, RSMo.

2. *Sunday sales.* (Additional fees)

- a. Intoxicating liquor.
- b. Restaurant bars.
- c. Amusement places.
- d. Common eating and drinking places.
- e. Liquor by the drink — charitable organizations.

3. *Permits.*

- a. Temporary permit — by the drink for certain organizations (7 days max.).
- b. Tasting permit.
- c. Liquor Catering permit

4. *Temporary license*

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

600.050 Application For License And Renewal

A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied

by a proper remittance reflecting the appropriate license fee made payable to the City.

- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee may request such additional information as deemed necessary or appropriate in determining whether or not an application should be granted or denied.
- C. *Review Of Application.* Upon the submission of an application to the City, the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall review the application and all documents filed therewith and approve or deny the application in accordance with the following:
1. License applications shall be reviewed with respect to their proximity to particular established uses at the time of application to ensure that a separation of a least one hundred (100) feet exists between any business licensed to sell intoxicating liquor and any previously established school, church, or building regularly used as a place of worship.
 - a. Proximity shall be determined through the following methods:
 - (1) When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the

established use in question through the most direct possible route.

(2) When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use **through the most direct possible route.**

(3) In circumstances where neither of the above methods apply the determination of proximity shall be made by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee.

b. If a license applicant obtains the consent, in writing, of the Board of Directors of the school, or the consent, in writing, of the majority of the Managing Board of the church or place of worship then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for the denial of the application.

c. If the subject location of an application had previously been issued a license which was valid within one (1) year immediately preceding the application for a new license, then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for denial of the application.

2. The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall not approve the issuance of a license if in the opinion of the issuer extraordinary or unusual circumstances exist which would result in detrimental harm to the surrounding community. In such a circumstance, the matter shall be referred to the City Council for its determination.

3. The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall approve the application and issue a license if after said application is reviewed it is found that:

a. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;

b. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;

c. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has

been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;

- d. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter;
 - e. The provisions of Subdivisions (1) or (2) of this Subsection do not apply.
- D. Upon approval of any application for a license the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- E. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall review such renewal applications in accordance with the provisions of this Chapter and all other ordinances of the City which may affect any such renewal application. Upon being satisfied that the renewal application is proper and in order and upon payment of the appropriate license fee, the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall renew the license.

600.070 Miscellaneous Offenses

A. Off-Premises Consumption.

- 1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than fifty (50) milliliters.
- 2. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor in any unsealed glass, bottle, can or other open container of any type.
- 3. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING".

B. Drinking In Public Places Prohibited.

- 1. For purposes of this Section, the term "*public place*" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
- 2. No person shall drink or ingest any intoxicating liquor in or on any public place.
- 3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.

4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

600.080 Administration Of Law -- License Suspension

- A. *Suspension Or Revocation Of License — When — Manner.* The Hearing Officer may suspend or revoke the license of any person for cause shown. In such cases the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall schedule a hearing before the Hearing Officer not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the ~~BUILDS~~ **City** shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section **600.090** of this Chapter.
- B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:
 1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;
 2. Failing to obtain or keep a license from the State Supervisor of Liquor Control;
 3. Making a false affidavit in an application for a license under this Chapter;
 4. Failing to keep an orderly place or house;
 5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
 6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
 7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years,
 - b. Any person during unauthorized hours on the licensed premises,

- c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Council.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Hearing Officer shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Hearing Officer's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

600.090 Hearings Upon Suspension Or Revocation Of Licenses

- A. *Testimony — Evidence.* Hearings before the Hearing Officer shall be in the nature of a contested case. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the establishment shall have the right to produce witnesses and testimony.
- B. *Witnesses — How Summoned.* Subpoenas may be issued by the Hearing Officer for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Hearing Officer also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the ~~BUILDs Department Administrator~~ **Community Development Director** or their designee to tell the truth and nothing but the truth.
- D. *Decision — Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Hearing Officer shall issue a written order which shall include specific findings of fact and conclusions of law setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.

- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Hearing Officer may appeal such decision to the Circuit Court pursuant to the procedure set out in Code Section **430.090**. The appeal shall not stay the effect of the Hearing Officer's decision.

600.100 Wine Sampling And Tasting

- A. A person or entity holding a license granted by the City for the sale of liquor in the original package not to be opened or consumed on the premises may provide a sampling or tasting of wine, malt beverages and distilled spirits to customers upon issuance of a permit by the Supervisor of Liquor Control and obtaining a City permit for sampling subject to the following:
1. Such sampling or tasting shall be limited to a serving of one (1) ounce samples and not more than a total of two (2) ounces to any one (1) person from any one (1) bottle of product. No person shall be allowed combined samples in excess of that allowed under the Division of Alcohol and Tobacco Control Tasting Guidelines for food demonstrations at any given sampling session whether or not a food demonstration is occurring.
 2. Consumption of the sample must take place within the licensed premise where the sample is served.
 3. No sampling or tasting shall be permitted for any customer under the age of twenty-one (21) years.
 4. Alcoholic beverage samples shall not be consumed during hours or days when the licensed premise is prohibited by law from being open to the public.
 5. Except as specifically permitted by this Section, all other requirements of this Chapter shall remain in full force and effect.

600.110 Penalties

Any person violating any of the provisions of this Chapter shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding one hundred eighty (180) days, or by both such fine and imprisonment.

Chapter 605 Business Licenses And Regulations

Cross References — As to requirements that dogs be vaccinated, see ch. **210** of this Code.

Article 605-I Business Licenses

605.005 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

APPROVED Complying with all applicable State laws and City ordinances. The word "approved" does not give any City Officer or employee discretion to fail to approve any item or method, except for failure to comply with applicable City ordinances and State laws.

BUSINESS Every person, sole proprietorship, corporation, partnership or other types of business enterprises, contractor, subcontractor, manufacturer, merchant or wholesaler, excluding charitable and civic groups, engaged in any business, occupation, pursuit, profession or trade or in keeping or maintaining an institution, establishment, article, utility or commodity specified in this Article, except as may be otherwise provided in this Article.

CITY OFFICER When duties and responsibilities are given to any City Officer such as the Finance Director or the Chief of Police, the duties may be performed by the named officer or any City Officer or employee under the officer's supervision, if that City Officer or employee has been assigned by his/her superior to perform the duties in question. Duties concerning drafting regulations, drafting forms or making recommendations to the City Council are not to be delegated. Duties concerning administrative appeals are not to be delegated.

~~BUILDS DEPARTMENT ADMINISTRATOR~~ COMMUNITY DEVELOPMENT DIRECTOR ~~The Administrator of the BUILDS Department~~ Director of the Community Development Department of the City of Republic.

CONTRACTOR A person who performs, or causes to be performed by employees or subcontractors, one (1) or more of the categories of building trades whether for new construction or related to maintenance or repair of existing structures or buildings.

EMPLOYEE Any person in the regular employ of a merchant, business or contractor and whose wages, tips, commissions, fees, draw accounts, salary or any combination thereof are computed on an hourly, weekly or monthly basis.

FEES Unless otherwise provided, all license and permit fees and taxes levied on or required to be paid, as provided in this Code, by any merchant, manufacturer, contractor or business.

FINANCE DIRECTOR The Finance Director or designated representative.

LICENSE Unless otherwise provided, all licenses and permits required to be secured or had, as provided in this Code, by any merchant, manufacturer, business or contractor.

LICENSE YEAR Unless otherwise provided, the license year shall begin on January first (1st) and shall end on December thirty-first (31st) next.

MANUFACTURER Every person, excluding charitable and civic groups, engaged in the process of manufacturing, fabricating or refining at any place occupied for that purpose within the City, except as may be otherwise provided by ordinance.

MERCHANT Every person, excluding charitable and civic groups, engaged in the selling or leasing of any goods (new or used), wares (including food or beverages) or merchandise at any store, vehicle, stand or place occupied for that purpose within the City, or from catalog stores and similar operations within the City,

directly to ultimate consumers for use or consumption except as may be otherwise provided by ordinance.

PERSON Natural person, firm, partnership, co-partnership, corporation, company, association, joint stock association and/or their lessees, duly constituted trustees or receivers, heirs, administrators or assigns.

RETAILER Any person who sells to a consumer or to any person for any purpose other than resale.

SAFE Having no defect in design, materials, workmanship, method of installation or method of normal use which creates a hazard to any person or property.

SPECIAL EVENT An activity that takes place over a short period of time usually less than one (1) week and generally occurring once per year. Examples of special events include Pumpkin Daze, the fair and the rodeo.

SUBCONTRACTOR A licensed contractor under contract or performing for and not on the payroll of a licensed contractor or owner.

TEMPORARY LICENSE An extension of time within which the prior year's license may be used to operate on a temporary basis but not to extend longer than March second (2nd) of the license year or a license issued for a brief duration as authorized in this Chapter.

TEMPORARY SEASONAL BUSINESS LICENSE A business license to a business that operates during a specific period of time during the year and operates ninety (90) days or less in a year.

WHOLESALE Any person engaged in the business of making sales of merchandise or products to any other person engaged in the business of making sales of merchandise or products at retail within the City.

605.010 General Provisions

- A. *Scope.* The provisions of this Section apply to all business licenses of the City, except where an ordinance concerning a particular business contains a specific provision to the contrary, in which case the specific provision shall apply.
- B. *License Required.* It shall be unlawful for a person to operate a business within the City without first having obtained a valid business license or permit. It shall be unlawful for a person to continue to operate a business after the expiration of the license unless an application has been made for a new license and a new license has been issued.
 1. Advertising or soliciting constitutes engaging in business. It shall be unlawful for any person who is required by the provisions of this Chapter to secure a license to advertise the activity without first securing such license. The listing in an advertisement of an address which is inside the City or a telephone number which is located inside the City shall constitute prima facie evidence that the person is engaged in the business activity that is being advertised. For purposes of this Section, "advertising" means the

use of any handbill, billboard, sign, newspaper, radio, loudspeaker, television, telephone listing, internet listing or other message or device whereby the services or products are offered to the public.

2. It shall be unlawful for any person who is required by the provisions of this Chapter to have a license in order to engage in the licensed activity to solicit, to accept consideration or to offer the services or products to the public without first securing a license.

C. Application.

1. Issuance Of License. In the absence of a provision to the contrary, applications for business licenses shall be made to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee on forms supplied by the ~~BUILDS Department~~ **City**. No license shall be issued to any merchant, manufacturer, business, occupation or trade until all of its delinquent financial obligations to the City have been paid. Financial obligations include, but are not limited to, personal property taxes, other license fees, water service fees, sewer service fees, permit fees or inspection fees. If all required information is supplied, the requested fees have been paid, and it does not appear that any applicable State law or City ordinance will be violated by the operation of the business, the license shall be issued.
2. **Materials Required. Application shall include at least the following:**
 - a. **The business's Missouri retail sale license as required by state law Section 144.083, RSMo., or an exemption certificate, or other proof of exemption from the Missouri sales tax law.**
 - b. **If applicable, a certificate of no sales tax due issued by the Missouri Department of Revenue dated within 90 days of application date.**
 - c. **If the business is any entity other than a sole proprietorship, partnership, or government, then a copy of the business's organization filing with the Missouri Secretary of State showing the applicant is authorized to lawfully conduct business in Missouri.**
 - d. **If applicable, a Health Permit issued by the Greene County Health Department.**
 - e. **If applicable, a construction business shall provide a Workers' Compensation Liability Certificate, or the Affidavit of Exemption for Workers' Compensation**

Insurance form, or other proof of exemption from the Missouri Department of Labor and Industrial Relations.

f. Any other information reasonably required by the City to aid in the enforcement of this article or any other provision of this Code.

- D. *Late Fee.* Businesses (except temporary and seasonal businesses) failing to submit an application for license renewal by ~~January first (1st)~~ **January 31st** will be deemed to be late and be assessed a late fee as provided for in the fee schedule found in Section 805.060.
- E. *License Non-Assignable.* No license shall be assignable, transferable or refundable.
- F. *Occupancy Permit Required.* Licenses required by this Article shall not be issued until an occupancy permit has been issued and approved by the Community Development Department unless the business is one that in common practice would not necessarily have a business location in the City. In such a case, the business must provide the address of its business location on its application and must provide the City with notice of any change of address within a reasonable time after the change. In addition, no occupancy or building permit may be issued until such time contractors and/or subcontractors have made application for a business license. Occupancy permitting may be waived for businesses operating out of residences at the discretion of the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee.
- G. *Issuing Agency.* The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall issue all approved licenses and subsequent licenses.
- H. *Maintenance And Posting Of License.* All licenses granted by the City shall be carefully preserved at the address for which they were issued as shown thereon, be prominently posted and be available for examination during normal business hours by any duly authorized agent of the City.
- I. *Denial Of License.* No license or permit shall be issued to any applicant who shall have failed to pay any other obligation then due and owing to the City, including, but not limited to, sales tax, tourism tax, personal property tax, inspection fees and sewer connection fees, or be in violation of any lawfully imposed building, health, safety or zoning code and/or ordinance; nor shall any license or permit be issued to any applicant for the purpose of conducting business at any location where any neighborhood improvement district assessment is delinquent and unpaid.
- J. *Inspections.* Any business in the City may be inspected by City Officers and employees authorized to enforce provisions of ordinances relating to that business. In the absence of an emergency and in the absence of sound reasons whereby an inspection cannot be made during regular business hours, inspections shall be made during regular business hours.

Immediately upon arriving at the place of business for the purpose of making an inspection, the City Officer or employee making the inspection shall identify himself/herself and shall state that the purpose of the visit is to make an inspection. No person having control of any business premises shall refuse to permit a City Officer or employee to enter for the purpose of making an inspection. If entry is refused, the City Officer or employee shall leave and seek a search warrant or other appropriate court order to gain entry.

- K. *Issuance.* Licenses shall be issued to each applicant complying with all applicable State laws and City ordinances and licenses shall be refused for any applicant failing to comply with all such applicable laws and ordinances.
- L. *Issuance Of Temporary License.* Upon application for a new business license and if the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee determines that the requirements for obtaining a license have been substantially met except for minor procedural or ministerial matters, a temporary license may be issued for a period of thirty (30) days upon payment of a processing fee as provided for in the fee schedule found in Section 805.060. The temporary license may be extended for one (1) additional thirty (30) day period upon written application to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee and a determination that the applicant is making progress toward compliance with the requirements of this Code.
- M. *Issuance Of A Temporary Seasonal License.* Upon application for a temporary seasonal business license and if the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee determines that the requirements for obtaining a business license have been met, a temporary seasonal business license shall be issued for a period not to exceed ninety (90) days upon payment of a processing fee as provided for in the fee schedule found in Section 805.060. For purposes of this Chapter, a temporary seasonal business license is not a renewal of a previous license but is a request for issuance of a new license and may not be issued in lieu of renewal.

605.015 License Fees To Be Paid By Businesses

- A. Every merchant, manufacturer or business, unless exempted by law or other provisions of this Code, shall pay a license fee as provided for in the fee schedule found in Section 805.060.
- B. This Chapter shall not apply to religious, charitable and non-profit civic organizations, sales made by participants at a special event, or any business which the City is prohibited from licensing or regulating by State Statute or other superseding law. This provision will include teachers, professors in a college, lawyers, certified public accountants, dentists, chiropractors, optometrists, physicians, surgeons, veterinarians, architects, professional engineers or land surveyors.

- C. No claims or refunds shall be allowed under this Article.
- D. *Exemptions From Obtaining A Business License.* A business license is not required for delivery within the City for goods purchased or acquired outside the City where there is no intent to evade the provisions of this Chapter.
- E. No license or permit provided for or required under any provision of the Code or other ordinance of the City shall be issued by any department of the City Government to any contractor until such contractor has provided a certificate of insurance for Workers' Compensation coverage if said contractor is required to cover such liability under Chapter 287, RSMo.
- F. *Child Day Care Centers.* It shall be unlawful for any person to establish, maintain or operate a child day care center for children or to advertise as being able to perform services for a child day care center without having, in full force and effect, a written license granted by the Missouri Department of Health and Senior Services (State license).

605.020 Duration Of Licenses -- Prorating Of License Fees, Etc.

- A. The term of licenses issued pursuant to this Chapter shall be for one (1) year beginning January 1 and ending December 31 of the same year. All license fees shall be paid in full and in advance.
- B. Every merchant, manufacturer, contractor or business renewing a license shall submit the required license application and fee on or before ~~January 1~~ **January 31st**. Any new merchant, manufacturer, contractor or business commencing operations or business in the last quarter of the year shall pay a prorated fee as provided for in the fee schedule found in Section 805.060.[Ord. No. 14-09 §2, 4-28-2014]

605.030 Separate License For Each Place Of Business

- A. A separate license shall be obtained for each place of business operated by a licensee under this Chapter.
- B. A license may be amended to authorize the conduct of the same business or manufacturing at a different location, provided the control of the business remains with the same person, upon filing with the ~~BUILDING~~ **Community Development Director** or their designee an amended application, within fifteen (15) days of the change. It shall also be compulsory that all requirements of the building, health, safety or zoning codes or ordinances be met in respect to the new location and premises.

605.040 Engaging In More Than One Occupation At The Same Place Of Business

Every person engaged in more than one (1) occupation, where such occupations are operated as one (1) business under the same management and at the same location, shall pay an individual license for each of such businesses.

605.050 Record Of Licenses Issued

The City shall keep a complete record of all licenses issued under this Chapter showing the name and address of the licensee, the nature of the license and the dates of issuance and expiration of such licensee.

605.060 Proof Of Taxes Paid Required

- A. Any person, firm or corporation who is required to pay sales tax to the City of Republic, Missouri, must show proof to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee that all sales taxes due to the State of Missouri and the City of Republic, Missouri, have been paid to the date of the application prior to being issued a City business license.
- B. Any person, firm or corporation failing to provide proof of payment 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 thereon are fully paid and the Department of Revenue for the State of Missouri certifies that same are fully paid.

605.070 Violations -- Denial, Non-Renewal, Suspension Or Revocation

- A. Delinquent Payments. All license fees provided for in this Article shall be deemed delinquent if not paid on or before the due date.
- B. Safety Precautions. No contractor or trade doing business within the City limits and actively engaged in the business of electrical work, paving, plumbing, sewer work or gas fitting shall permit any unsafe conditions to be left without placement of suitable warning lights, signs or barriers and recognized suitable trench safety. Any such violation shall be deemed a public nuisance and may be abated by action for civil damages or injunction or both such remedies.
- C. Grounds For Denial Or Non-Renewal. The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall not issue a business license when ~~the has~~ **they have** reason to believe that the issuance of the license will result in the operation of the business in violation of this Code or that the operation of the business will cause or result in a nuisance or that a nuisance is on the land where the business is to be licensed. Upon the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee making a determination that there may be a violation of this Section, the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall notify the applicant in writing that the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee ~~Administrator or their designee~~ will not issue the license or that the ~~BUILDS Department City~~ will not renew the license, stating the reasons for the decision of ~~the BUILDS Department Administrator~~ **Community Development Director** or their designee.
- D. Procedure For Denial Or Non-Renewal. If the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee determines that the application for a license is not to be granted or if the

~~BUILDS Department~~ **City** determines not to renew the license, then a written notice to the person requesting the license or renewal thereof shall give the applicant at least five (5) days' notice to request an informal meeting with the ~~BUILDS Department~~ **City Administrator** or their designee. ~~The BUILDS Department Administrator~~ **Community Development Director** or their designee shall, if an informal meeting is requested within that time, hold a meeting with the applicant, informing the applicant of the basis upon which the decision was made and shall attempt to informally resolve the matter. The informal meeting shall be held within ten (10) working days of receipt of the written request for an informal meeting. After such informal meeting, the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee may reverse the decision of the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee or may reaffirm the prior decision in writing. The written decision of the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall be issued within five (5) days of the informal meeting. Thereafter, the applicant may request a public hearing by filing a written request with the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee within ten (10) days of the date of the written decision of the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee. At the public hearing, a hearing officer appointed by the City Administrator shall hear evidence, determine the facts upon the evidence presented at the hearing and render a decision. The public hearing shall be held within twenty (20) days of the receipt of the written request by the ~~BUILDS Department~~ **City**. The decision of the hearing officer shall be in writing and shall be issued within ten (10) days of the hearing. The hearing may be continued by the hearing officer for good cause shown by any party to the proceeding.

- E. Revocation Or Suspension Of License Authorized. The license of a merchant, manufacturer, contractor or business may be revoked by a hearing officer after public hearing and notice for any one (1) or more of the following reasons:
1. Failure to comply with the provisions of this Article or any other ordinance pertaining to the business codes, building codes, fire codes, health codes or zoning codes or ordinances of the City.
 2. Failure to operate the business as required by law.
 3. Creation of a public nuisance.
 4. Providing false information to obtain a license.
 5. Failure to pay any obligation due and owing to the City.
- F. Notice Of Suspension Or Revocation Hearing. Upon the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee ~~Administrator~~ or their designee Administrator or their designee determining that a possible violation of this Article has occurred, the

~~BUILDS Department~~ **City** shall issue a notice that a hearing relative to the possible suspension or revocation of the business license is to be held pursuant to this Section. The licensee shall have at least five (5) days' written notice of the time and place of such hearing. The written notice shall be directed by certified or registered U.S. mail to the business address of the licensee on the licensee's application on file **with the City** ~~in the office of the BUILDS Department~~ and shall specify the grounds upon which the license is sought to be suspended or revoked. At the public hearing, a hearing officer appointed by the City Administrator shall hear evidence, determine the facts based upon the evidence presented at the hearing and render a decision. The decision of the hearing officer shall be in writing and shall be issued within ten (10) days of the hearing. The hearing may be continued by the hearing officer for good cause shown by any party to the proceeding.

- G. Hearing On Suspension Or Revocation — Appeals. The licensee may present such evidence on licensee's behalf as the Hearing Officer deems relevant. The Hearing Officer's decision may be appealed pursuant to the procedure set out in Code Section 430.090. The appeal shall not stay the effect of the Hearing Officer's decision.
- H. Conduct Of Hearings. The hearing officer shall have all the powers set forth in this Article and Chapter 430 of this Code and shall conduct the hearing in accordance with the procedures set forth in this Article and Chapter 430. The hearing officer shall determine whether or not there is a basis for not issuing the license, not renewing the license, suspending the license or revoking the license. The decision of the hearing officer and the right to appeal his decision shall be in accordance with this Article and Chapter 430 of this Code. All notice for purposes of this Section shall be deemed to occur two (2) days after the date the notice is placed in the United States mail, postage prepaid.
- I. Suspension Disposition. If the hearing officer determines that the violation has been corrected or that the licensee is actively and continuously working to correct the violation, then the hearing officer may issue a suspension order not to exceed sixty (60) days. Upon expiration of the period of suspension, the licensee shall submit a written request to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee for reinstatement of the license. If the ~~BUILDS Department~~ **City** determines that the licensee is in compliance with the requirements of this Article, the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall issue a written notice of reinstatement. If the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee determines that the licensee is not in compliance with this Article, the proceedings for revocation of a license shall be instituted.
- J. Revocation Disposition. If the hearing officer determines that there is a violation of this Article that has not been corrected or that the violation is incapable of being corrected or that the licensee is not actively and

continuously working to correct the violation, the hearing officer shall revoke the business license. Upon revocation of a license, a business shall not be eligible to apply for a business license in the City for one (1) year from the date of revocation. After one (1) year, the licensee may apply for a license subject to meeting all requirements set forth in this Article.

- K. **Discontinuance Of Or Withholding Of City Services.** The City, its boards, commissions or agents shall withhold or discontinue all City improvements or services of whatsoever nature, including the furnishing of sewer, water, electricity and gas, and further, no permits shall be issued by the Community Development Department or Public Works Department to any entity or persons operating a business within the City limits without a valid business license issued pursuant to this Article. Disconnection from the City water utilities may be carried out if such violation is not corrected within ten (10) days after delivery of a notice of such violation. [Ord. No. 16-23 § 1, 11-28-2016]

605.080 Penalty

It shall be unlawful for any person to engage in any activity requiring a business license without obtaining a license or for any person to knowingly makes any false statement in applying for a license or for any person to fail to comply with any provision of this Article and, upon conviction thereof, shall be punished as provided by Section **100.220**.

Article 605-II Itinerant Merchants

605.100 License -- Required

No person shall exercise, carry on or engage in selling, exchanging or trading personal property, goods, wares or merchandise from a motor vehicle in the City without first having obtained a license therefor from the City.

605.110 License -- Fees

- A. The license required by Section **605.100** shall be issued by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee upon payment of a fee as provided for in the fee schedule found in Section 805.060.
1. A vehicle with a capacity of one-half (1/2) ton or less.
 2. A vehicle with a capacity of one-half (1/2) ton not exceeding one and one-half (1 1/2) ton.
 3. A vehicle with a capacity of over one and one-half (1 1/2) ton.

605.120 Non-Applicability Of Article To Agricultural Or Horticultural Products, Etc.

This Article shall not apply to agricultural or horticultural products, grown or produced in the State, when the same are offered for sale or exchange by the producer thereof, nor to their agents or employees; nor shall this Article apply to motor vehicles used and operated by established merchants or by persons who have paid an ad valorem tax in the City for the current year, equal to or more than

the prescribed privilege tax levied by Section **605.110**; nor to those merchants of the City in delivering goods, wares or merchandise sold at their establishment or place of business within the limits of the City.

605.130 Collection And Accounting For Taxes Collected Under Article

The license taxes provided for in Section **605.110** shall be collected by the Director of Finance and accounted for as other license taxes. The license required by Section **605.100** shall not be issued until the amount prescribed therefor shall have been paid to the Director of Finance, and no license shall be assigned or transferred. All licenses shall be signed by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee.

Article 605-III Exchange Telephone Service -- Gross Receipts License Tax

605.140 Exchange Telephone Service -- License Tax

- A. Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Republic, Missouri, shall pay the said City as an annual license tax, three percent (3%) of the gross receipts derived from the furnishing of such service within said City, as hereinafter set forth.
- B. All such persons, firms, companies or corporations mentioned in Subsection **(A)** hereof shall file with the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee of the said City on or before the fifteenth (15th) day of July, 1969, a sworn statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period from January 1, 1969 to June 30, 1969 and on or before the fifteenth (15th) day of July and January of each calendar year thereafter a similar statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the six (6) month period immediately preceding. At the time of filing any such statement, the person, firm, company or corporation involved shall pay to the City Collector of the City three percent (3%) of such gross receipts.
- C. The first payment of tax provided for herein shall be due and payable on July 15, 1969 and shall be for the period from January 1, 1969 to June 30, 1969.
- D. The payments required by the provisions of this Section shall be in lieu of all other excises, changes, exactions, rentals, impositions or other license or occupation taxes heretofore imposed upon any person, firm, company or corporation engaged in the business described in Subsection **(A)** hereof, but nothing herein contained shall be construed to exempt such person, firm, company or corporation from any general or special ad valorem tax imposed upon the public generally by said City.
- E. By letter dated April 12, 2006, the Director of Revenue set forth information as to gross receipts and taxes paid by telecommunications companies. The figures appear to show a substantial under payment of

taxes to the City of Republic and are at best in need of further analysis to determine if other inaccuracies in the figures may exist that would substantially alter the calculation of the revenue neutral rate. That based upon the most reliable information now before the Board, the Board determines that the revenue neutral rate for the City of Republic to be three percent (3%) and the percentage set forth in Subsections **(A — B)** of this Section is adjusted to reflect the revenue neutral rate and is to be effective July 1, 2006.

- F. It is the intent of the City of Republic to fully comply with the requirements of law; however, certain Cities in the State of Missouri have filed suit challenging the validity of Section 92.086, RSMo., and should a court of law determine in that case or any other case instituted to establish a different revenue neutral rate for the City of Republic that a lesser rate should apply, then the City's rate shall be adjusted to meet the judgment of the court upon exhaustion of all appeals.

Article 605-IV Video Services Providers And Utility Use Right-Of-Way And Other Property

605.150 Current Franchises Not Affected

Nothing herein shall be deemed to alter the continuing obligations of the current cable franchisee of the City as more fully set forth in Section 605.160(6) of this Article.

605.160 Video Services Providers

- A. The following provisions relating to video service providers are hereby adopted as ordinance provisions of a general and permanent nature: Video Service Providers.
1. *Definitions.* The words and phrases used in this Section of this Article shall have the meaning as set forth in Section 67.2677, RSMo., or, if not defined therein, shall have such meanings as established by City Code.
 2. *Franchise fee.* Pursuant to Section 67.2689 RSMo., and as partial compensation for use of the City's public rights-of-way, each video service provider or other person providing cable services or video services within the City shall, to the extent permitted by law, pay to the City a fee of five percent (5%) of the gross revenues from such video service provider in the geographic area of the City. Such payment shall be made as required by Section 67.2689, RSMo. The City shall have the right to audit any video service provider as authorized by Section 67.2691, RSMo. Late payments shall accrue interest due to the City compounded monthly at one and one-half percent (1.5%) or such other maximum rate as may be established by law.
 3. *Customer service requirements.* All video service providers providing service within the City shall adopt and comply with the

minimum customer service requirements set forth in Section 67.2692, RSMo. Notice or receipt of this Article by the video service provider shall be deemed notice of the City invoking such customer service requirements.

4. *Rights-of-way regulation; indemnification; permits and compliance with other laws.* Video service providers shall comply with the requirements of Sections 67.2707 and 67.2709, RSMo., and Chapter **515** of this Code relating to use of the City rights-of-way. Each video service provider shall indemnify and hold harmless the City and its officers, employees and agents from any loss or damage including, but not limited to, attorneys' fees as provided in such ordinances or regulations, but in no event less than the obligation on video service providers set forth in Section 67.2695, RSMo. The City may require documentation of such indemnification by written agreement or other instrument to the extent permitted by law. In addition, video service providers shall be subject to and comply with such supplementary provisions relating to placement, screening and relocation of facilities as provided in Article and such other applicable laws of the City, except as may be otherwise validly pre-empted. Notwithstanding any other ordinance to the contrary, no facilities to be used for video services shall be installed without obtaining a permit from the City authorizing the location and plans for such facilities; provided that this provision shall not apply to installation of otherwise lawful and authorized poles or wires.
5. *Public, educational and governmental channels.* Each video service provider shall designate a number of channels for public, educational and governmental programming consistent with Section 67.2703, RSMo.; provided that any greater number of channels, as may be required in the incumbent cable franchise or franchise ordinance, shall be required pursuant to Section 67.2703.2, RSMo. The City shall bear no cost relating to the transmission, availability or maintenance of such channels unless expressly authorized by the City in writing and approved by the Governing Body. Incumbent cable operators and other video service providers shall provide support for such public, educational and governmental channels consistent with Section 67.2703.8, RSMo.
6. *Continued obligations.* The obligations of a cable service provider or video service provider as set forth in any existing cable services or video services franchise or ordinance shall also continue to apply to the full extent permitted by applicable law.
7. *Reservation of rights.* The City retains all rights in Sections 67.2675 through 67.2714, RSMo., inclusive, and may take any and all actions permitted by law to exercise such rights or to enforce such obligations on providers of video service.

8. *Notice.* A copy of this Article shall be delivered to each video service provider operating in the City after notice to the City that such provider is authorized to provide service within the City; provided that the provisions of this Article shall, to the extent permitted by law, not be affected by any claimed or actual failure of a service provider to have received delivery of a copy of this Article.

605.170 Severability

The portions of this Article shall be severable. In the event that any portion of this Article is found by a court of competent jurisdiction to be invalid, the remaining portions of this Article are valid, unless the court finds the valid portions of this Article are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Chapter 610 Solicitors And Canvassers

Article 610-I Solicitors

610.010 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

PROFESSIONAL SOLICITOR A person who receives compensation in any form whatsoever for solicitation, sales or offers as described in this Section.

PUBLIC SOLICITATION The act of soliciting from the public through professional solicitors money, donations, property or financial assistance of any kind, selling or offering to sell any article, service, publication, advertisement, ticket or subscription of any type, including the selling of any publication or advertisement for the same when such publication is printed less frequently than quarterly on the direct or implied plea that such solicitation or sale is for charitable, educational, fraternal, civic, patriotic, religious or philanthropic purposes on the streets, in office or school buildings, by house to house canvass, in any public place, by telephone, by mail or in any other way; provided that the term "*public solicitation*" shall not include a solicitation by any established religious body which secures substantially all of its funds from its own members and constituents, and neither from the public nor through professional solicitors.

610.020 Registration Of Persons Making Public Solicitations -- Required

No person shall conduct a public solicitation unless the person for whose benefit the public solicitation is conducted is registered with the City and has received a solicitor's identification card.

610.030 Registration -- Exemptions

The following persons shall be exempt from registration in connection with solicitation for the regular purposes for which they are organized: political,

fraternal, civic and labor organizations which secure all or substantially all of their funds from their own members and constituency and not from the public, and through volunteers or persons regularly employed by them on an annual basis for a fixed wage or salary and for purposes other than solicitation.

610.040 Identification Card -- Application

- A. Any person required to register under Section **610.020** shall make application to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee upon an approved form for registration. No application will be accepted until satisfactory evidence is presented to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee that:
1. Shall not have been convicted of a felony in the last five (5) years;
 2. Shall not have had his/her registration revoked within the past three (3) years; and
 3. Shall have paid a non-refundable annual application fee as provided for in the fee schedule found in Section 805.060 for a calendar year. In addition, a person may obtain a quarterly permit for ninety (90) days as provided for in the fee schedule found in Section 805.060.
 4. The applicant shall deliver the application in person.

610.050 Identification Card -- Term Of

Registration will be accepted only for the period of time so specified on the application not to exceed twelve (12) months.

610.060 Identification Card -- Termination

- A. Any registration may be revoked or suspended upon a finding by the Hearing Officer that the registrant has failed to maintain compliance with the provisions of this Chapter by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee or the conditions of the acceptance of the application.
- B. The hearing procedures set forth in Code Section **605.070** shall apply to this Chapter.

610.070 Licenses Required

No professional solicitor shall participate in public solicitation until he/she has obtained the proper licensing from the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee and has paid the applicable merchant license fee.

610.080 Background Check

For purposes of ascertaining if criminal convictions have occurred, criminal history record information shall be required with the applicants or licensees bearing both the responsibility and the cost of obtaining the criminal record history per the fees established by the State of Missouri. A criminal history shall

be good for a period of January first (1st) through December thirty-first (31st) of the year of the application.

610.090 Reports By Registrants -- Records Open To Inspection

All persons registered with the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee must maintain, for his/her inspection or that of his/her duly authorized agent, complete records of all transactions in which the registrant engages and for which the public solicitation was made.

610.100 Solicitations From Occupants Of Motor Vehicles Prohibited

Without prior approval from the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee, it shall be unlawful for any person to engage in any public solicitation from the occupants of any motor vehicle while said motor vehicle shall be upon the public streets or ways of the City unless the vehicle shall be lawfully parked at the time of said solicitation.

610.110 Selling And Soliciting In City-Owned Buildings

No person shall offer for sale, solicit sales, or sell any item, including personal services, to employees of the City in City-owned buildings except offers or sales made to the City.

610.120 Display Of Identification Card

An identification card shall be (when the individual for whom it was issued is acting as a solicitor) worn on the outer clothing of the solicitor so as to be reasonably visible to any person who might be approached by said solicitor.

610.130 General Prohibitions

- A. No solicitor shall enter upon any private property for the purpose of soliciting funds or other solicitations where the property is clearly posted in the front yard of said property by a sign visible from the right-of-way, public or private, indicating a prohibition against soliciting at said property. Such sign need not exceed one (1) square foot in size and contain words "No Soliciting" or "No Solicitors" in letters of at least two (2) inches in height.
- B. Any solicitor who shall enter upon any private property for the purpose of soliciting funds or other solicitations which property is not posted by a yard sign, as provided in Subsection (A) above, but where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter the residence or dwelling, said sign to contain letters not less than one (1) inch in height and containing words "No Soliciting" or "No Solicitors", and which are visible to any solicitor or companion, the solicitor shall forthwith remove himself/herself from the property without disturbing the persons living therein.
- C. Even though a solicitor obtains the consent of the manager or owner to solicit in the multi-family dwellings or development, the solicitor shall not solicit from any tenant therein whose property is posted in the manner

provided in Subsection **(B)** above. For purpose of this paragraph, a multi-family dwelling unit shall be any building containing two (2) or more dwelling units within said building, a multi-family development shall be construed as two (2) or more multi-family dwelling buildings owned or managed by the same person(s), firm or corporation.

- D. Any solicitor soliciting funds or other solicitations shall make said solicitations at the front entrance of the residence or dwelling unit, unless the residence or dwelling does not have a front entrance or it is obvious that the front entrance is not used, in which case the solicitor shall use such entrance as is most obviously used as a guest entrance to the residence, but no solicitor shall go from door to door in the residence in an attempt to avoid a "No Solicitation" notice.
- E. Public solicitation as defined in Section **610.010**, Definitions, shall only be allowed between the hours of 9:00 A.M. and 9:00 P.M. All other requirements as set out in Chapter **610**, Solicitors and Canvassers, shall apply.

Chapter 615 Massage Establishments

Article 615-I General

615.010 Definitions

As used in this Chapter, the following terms shall mean:

BOARD The Board of Therapeutic Massage.

CERTIFIED MENTOR A practitioner who is qualified for license in this State pursuant to Sections 324.240 to 324.275, RSMo., and who has practiced professionally for five (5) years, with an average of four hundred fifty (450) hours per year of teaching and massage hours and who has been approved by the Board as a massage therapy instructor.

DIRECTOR The Director of the Division of Professional Registration of the Department of Economic Development.

DIVISION The Division of Professional Registration of the Department of Economic Development.

MASSAGE BUSINESS Any place of business in which massage therapy is practiced.

MASSAGE THERAPIST A health care practitioner who provides or offers to provide massage therapy, as provided in Sections 324.240 to 324.275, RSMo., to any person at no cost or for a fee, monetary or otherwise, implying that the massage therapist is trained, experienced and licensed in massage therapy, and who holds a current, valid license to practice massage therapy.

MASSAGE THERAPY A health care profession which involves the treatment of the body's tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows, or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client, but does not include the prescription of

medication, spinal or joint manipulation, the diagnosis of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law, or to those occupations defined in Chapter 329, RSMo.

MASSAGE THERAPY INSTRUCTOR An individual who possesses teaching credentials satisfactory to the board for the purpose of teaching massage therapy.

PERSON An individual, corporation, association or other legal entity.

Article 615-II Massage Business Licensing

615.020 License Required

No person shall engage in the massage business within the City unless such person has first been issued a massage business license by the State of Missouri, and unless such license remains in effect during the term of the City license. No person shall engage in the practice of massage business until such person has been issued a merchants license by the City. Before an individual engages in providing massage therapy the individual must obtain a massage therapist license from the State of Missouri and must maintain the State license so long as the individual is providing massage therapist services.

615.030 License Fee

- A. Any person obtaining a license to act as a massage business shall pay to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee a license fee as provided for in the fee schedule found in Section 805.060. The term of licenses issued shall be for one (1) year beginning January 1 and ending December 31 of the same year. All license fees shall be paid in full and in advance. Any new massage business commencing business in the last quarter of the year shall pay a prorated fee as provided for in the fee schedule found in Section 805.060.
- B. Every massage business renewing a license shall submit the required license application and fee on or before ~~January 1~~ **January 31st**.

615.040 Transfer Of License

No massage business license shall be transferable.

615.050 Suspension Or Revocation

- A. Grounds. The City may, in addition to other penalties provided by ordinance, deny renew, suspend or revoke the license of any massage business upon conviction for any of the following offenses:
 1. An offense resulting in a conviction involving the use of force or violence upon the person of another;
 2. An offense resulting in a conviction involving provisions of Sections 563.011 through 563.140, 563.270 through 563.290, Revised Statutes of Missouri, or similar laws in any other jurisdiction;

3. Making any false, misleading or fraudulent statement of fact in the license application for a massage business or in any other document required by the City in conjunction therewith.

B. Notice Of Hearing. The City shall notify the licensee in writing of the intended action and the reasons therefor and the hearing procedures set forth in Code Section **605.070** shall apply.

Chapter 630 Pawnshops And Pawnbrokers

630.010 Definitions

For the purposes of this Chapter the following terms, phrases, and words shall have the following meanings unless otherwise indicated by context:

CHIEF OF POLICE The Chief of Police of the City of Republic Police Department.

~~**BUILDS DEPARTMENT ADMINISTRATOR**~~ **COMMUNITY DEVELOPMENT DIRECTOR** The ~~Administrator of the BUILDS Department~~ **Director of the Community Development Department** of the City of Republic.

DIRECTOR OF FINANCE The Director of Finance of the City of Republic.

MONTH Period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last date of such following month, and when computations are made for a fraction of a month, a day shall be one-thirtieth (1/30th) of a month.

NET ASSETS The book value of the current assets of a person or pawnbroker less its applicable liabilities as stated herein. Current assets include the investment made in cash, bank deposits, merchandise inventory, and loans due from customers, excluding the pawn service charge. Current assets do not include the investments made in fixed assets of real estate, furniture, fixtures, or equipment; investments made in stocks, bonds, or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable; accrued sales, income, or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or part by current assets. Applicable liabilities do not include liabilities secured by assets other than current assets. Net assets must be represented by a capital investment unencumbered by any liens or other encumbrances to be subject to the claims of general creditors.

PAWNBROKER Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PAWNSHOP The location at which, or premises in which, a pawnbroker regularly conducts business.

PERSON An individual, partnership, corporation, limited liability company, joint venture, trust, association, or any other legal entity however organized.

PERSON OF GOOD MORAL CHARACTER A person who has not been convicted of any State, Federal, or municipal offense involving drugs or narcotics, robbery,

burglary, theft, stealing, receiving stolen property, embezzlement, extortion, forgery, gambling, bribery, perjury, any weapons offense, or any crime of violence.

PLEGGED GOODS Tangible personal property other than choses in action, securities, or printed evidence of indebtedness, which property is deposited with, or otherwise actually delivered into the possession of, a pawnbroker in the course of his/her business in connection with a pawn transaction.

SECURED PERSONAL CREDIT LOAN Every loan of money made in this City, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation.

630.020 Licenses

- A. *Licenses Required.* No person shall operate a pawnshop in the City of Republic unless such person obtains a pawnshop license issued by the City in accordance with the general licensing provisions of the Municipal Code and the specific provisions of this Chapter. A license is required for each place where pawnbroking business is transacted, and no one shall act as an agent, employee, or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license. It shall be unlawful for any person to conduct or transact a pawnbroker business in the City unless he/she shall keep posted in a conspicuous place in the place of business, license certificate therefor, and a copy of all ordinances relating to pawnbrokers.
- B. *Licensing Year.* All licenses issued under this Chapter are for a period of one (1) year, or portion of one (1) year, and expire on Midnight of March fifteenth (15th). The license fee for any license which is issued for a portion of a year shall be prorated by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee.
- C. *Application For New Pawnshop License.* An application for a new pawnshop license shall be under oath and on forms prescribed and provided by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee and shall contain other relevant information sufficient to inform the ~~BUILDS Department~~ **City** regarding the qualifications of the applicant for a license as required by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee. At a minimum, the application shall include:
 1. The full name and address of the applicant, and each prospective pawnshop employee, if known, for the past two (2) years;
 2. The address where the business is to be conducted;
 3. A statement as to whether the applicant, and each prospective pawnshop employee, if known, have ever been convicted of a felony;

4. The name, address and phone number of at least two (2) persons of good moral character who may be used as character references for the applicant, and each prospective pawnshop employee, if known; and
5. If the applicant is a partnership, the application shall include the required information for each partner, and whether such partner is a general partner or a limited partner. If the applicant is a corporation or limited liability company, the application shall include the required information for each officer, shareholder and director.
6. The application shall be accompanied by:
 - a. An investigation fee is required, as provided for in the fee schedule found in Section 805.060, if the applicant is unlicensed at the time of applying for the pawnshop license, an additional fee is required as provided for in the fee schedule found in Section 805.060, if the applicant is unlicensed at the time of applying for the pawnshop license, or two hundred fifty dollars (\$250.00) if the application involves a second (2nd) or additional license to an applicant previously licensed for a separate location, or involves substantially identical principals and owners of a licensed pawnshop at a separate location;
 - b. Proof of general liability insurance in the amount of five hundred thousand dollars (\$500,000.00);
 - c. An annual fee as provided for in the fee schedule found in Section 805.060; and
 - d. If the applicant is a corporation, a "certificate of good standing" issued by the Missouri Secretary of State.

D. *Non-Use And Transfer Of License.*

1. If a pawnbroker shall not conduct business for any continuous period of ninety (90) days at any time after the issuance of a license, the license shall be null and void.
2. Licenses are personal to the licensee and shall not be transferred to any other person. Any attempt to transfer such license to any other person shall render said license null and void. It shall be unlawful for any person to do business, or to attempt to do business under a license transferred to him.

- E. *Investigation By ~~BUILDS Department~~ **The City**.* The ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall investigate the facts contained in an application for a new pawnshop license, and shall request the assistance of the Chief of Police and any other person who has knowledge of the facts contained in the application or who is authorized to investigate these facts.

F. *Standards For Issuance.* No license shall be issued to any person who:

1. Is not of good moral character, or to any pawnshop employing persons who are not of good moral character;
2. Makes a false statement of material facts in the application for a license or a renewal license;
3. Fails to show that the pawnshop will be operated lawfully and fairly within the purposes of the Chapter;
4. Has a felony or misdemeanor conviction which either directly relates to the duties and responsibilities of the occupation of pawnbroker or which otherwise makes the applicant presently unfit for a license;
5. Does not have net assets of at least fifty thousand dollars (\$50,000.00) readily available for use in conducting business as a pawnshop for each licensed pawnshop; or
6. Does not file with the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee a bond satisfactory to the ~~BUILDS Department~~ **City** in an amount of five thousand dollars (\$5,000.00) with a surety company qualified to do business in this City. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person(s) who may have a cause of action against the obligor of such bond under the provisions of this Chapter. Such bond shall be conditioned that the obligor will comply with the provisions of this Chapter and by all rules and regulations adopted by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee and will pay to the City and to any such person(s) any and all amounts of money that may become due or owing to the City or to such person(s) from such obligor under and by virtue of the provisions of this Chapter or any rules adopted by the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee pursuant to this Chapter during the time such bond is in effect.

If the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop as required by Subparagraph (5) of this Subsection, the ~~BUILDS Department~~ **City** may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant, that the accountant has reviewed the books and records of the applicant, and that the applicant meets the net assets requirement of this Chapter.

- G. *Exemption From Requirement For New Pawnshop License.* No person who is lawfully operating a pawnshop on the date of the enactment of this Chapter shall be required to obtain a license under this Section in order

to continue operating such pawnshop, so long as such person does not violate any other provisions of Sections 367.011 to 367.060, RSMo., or this Chapter. Such persons may continue to operate those pawnshops then in existence, but thereafter must receive annual renewal licenses even though the operation of such pawnshop might cause the number of pawnbrokers in the City to exceed the number determined by operation of Subsection (H) hereof. Such persons shall be required to pay the five hundred dollar (\$500.00) annual fee prescribed in Subsection (I), but such payment shall be in lieu of any occupational license fee.

- H. *Limitation On Number Of Pawnbrokers In The City.* Subject to the provisions of Subsection (G) hereof, no license for engaging in the business of pawnbroker shall be issued when the issuance thereof would increase the number of such licenses outstanding and in force at that time to more than one (1) per each twelve thousand (12,000) inhabitants residing in the City.
- I. *Subsequent License Applications.* Subsequent to the first year for which a license is issued to a pawnbroker, each pawnbroker shall make a renewal application to the ~~BUILDS Department~~ City Administrator or their designee. The application shall be filed by March first of the current licensing year, and shall be on the forms, and shall contain such information, as the ~~BUILDS Department Administrator~~ Community Development Director or their designee may require. The forms shall contain such information as will assist the ~~BUILDS Department~~ City in determining whether conditions have changed and whether a renewal license should be issued for the subsequent licensing year. The ~~BUILDS Department Administrator~~ Community Development Director or their designee may request the assistance of the Chief of Police or any other City employee or person having knowledge of the truth or falsity of the matters contained in the application, or who is able to investigate those matters. The annual fee for the issuance of a renewal license applies as provided for in the fee schedule found in Section 805.060.
- J. *Denial, Suspension Or Revocation Of License.*
1. If the ~~BUILDS Department Administrator~~ Community Development Director or their designee believes that any condition prevents issuance of a license or such condition has changed in the case of a renewal of a license such that the licensee would not be eligible to receive a pawnbroker's license, or that the licensee is in violation of this Chapter or any State or municipal law, the ~~BUILDS Department Administrator~~ Community Development Director or their designee shall notify the licensee in writing of the intended action and the reasons therefor and the hearing procedures set forth in Code Section **605.070** shall apply.
 2. If the ~~BUILDS Department Administrator~~ Community Development Director or their designee believes that the

licensee is capable of remedying the adverse change in conditions, and if the licensee has not previously been in violation of this Chapter or State or municipal law, the ~~BUILDS Department~~ **Community Development Director** or their designee shall notify the licensee in writing of the intended action and the reasons therefor and the hearing procedures set forth in Code Section **605.070** shall apply. If the ~~BUILDS Department~~ **City** believes that the changed condition(s) are such that, if true, the licensee would not be able to remedy the situation in a reasonable time, or if the licensee has previously been in violation of this Chapter or State or municipal law, then the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee shall notify the licensee in writing of the intended action and the reasons therefor and the hearing procedures set forth in Code Section **605.070** shall apply.

3. If the ~~BUILDS Department~~ **City** believes that the safety, morals, or peace of residents of the City is immediately affected by the change in conditions, the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee may suspend or revoke the license prior to the hearing called for below, but he/she shall afford the licensee an informal meeting to determine if the emergency suspension should continue in place and the informal meeting will be within five (5) business days of the suspension or revocation. If the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee believes that the changed condition is not of such imminent hazard to the safety, morals, or peace of the residents of the City, he/she shall notify the licensee in writing of the intended action and the reasons therefor and the hearing procedures set forth in Code Section **605.070** shall apply. This procedure shall apply to a hearing as a result of an emergency suspension described above.

K. *Issuance Of Pawnshop Licenses Prohibited, When.*

1. No license shall be issued for the operation of a pawnshop as defined within this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of any church or other building regularly used as a place of religious worship, school, or residentially zoned property. The one-thousand-foot distance provided for in this Section shall be measured from the center threshold of the main entrances of such premises by the most direct walking route.
2. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of property on which there is located another pawnshop. The one-thousand-foot distance

provided for in this Section shall be measured from the center threshold of the main entrances of such premises by the most direct walking route.

3. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of any residence, unless the licensee shall provide to the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee written authorization for such operation from the owner of record of such property and each adult resident thereof. The one-thousand-foot distance provided for in this Section shall be measured from the center threshold of the main entrances of such premises by the most direct walking route.

630.030 Record Requirements Of Pawnshop Operations

- A. *Pawn Number.* The pawnbroker shall affix to each item of tangible personal property a tag upon which shall be inscribed a pawn number of legible characters which shall correspond to the number on any pawn ticket or receipt for payment.
- B. *Pawn Ticket For Pledged Property, Contents, Loss Of, Effect.* At the time of making the secured personal credit loan, the lender shall execute and deliver to the borrower a pawn ticket for, and describing, the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:
 1. The name and address of the pawnshop;
 2. The name and address of the pledgor, date of birth, height, weight, sex, race or nationality, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
 3. The date of the transaction;
 4. An identification and description of the pledged goods, including but not limited to serial numbers, if reasonably available, and an estimated value of each item pledged;
 5. The amount of cash advanced or credit extended to the pledgor;
 6. The amount of the pawn service charged;
 7. The total amount which must be paid to redeem the pledged goods on the maturity date;
 8. The maturity date of the pawn transaction;
 9. A statement to the effect that the maximum legal interest rate may not exceed two percent (2%) per month on the amount of any loan; and

10. A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty (60) days after the specified maturity date.
- C. *Employee Registration.* Every employee of a pawnshop shall, within thirty (30) days from the issuance of any license, register his/her name and address with the Police Department of the City and shall have had his/her thumbprints, fingerprints, and photograph taken and filed with the City, and such employee shall receive a certificate showing compliance therewith, except that employees registered with the City need not register a second (2nd) time. The term "*employee*" means all persons working in a pawnshop, including any owner, any officer, treasurer, or stockholder if the owner is a corporation, any partner or any other person who receives income in any manner from engaging in the operation of said pawnshop.
- D. *Affidavit Of Lost Ticket.* If a pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction, or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the Secretary of State pursuant to Section 486.205, RSMo., to perform notarial acts in this State.
- E. *Receipt For Payment To Be Furnished.* Upon any payment by a pledgor, or upon the redemption of any pledge, the pawnbroker shall furnish to the pledgor a written signed receipt indicating the exact amount paid on principal, interest and any other charges. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, shall include the date of payment and shall be legibly written so that the figures thereon are clearly discernible.
- F. *Pawn Register.* Each pawnbroker shall keep a register of all items pawned at each pawnshop, which register shall contain the information listed in Subsections **(A)** and **(B)** of this Section. This record shall be kept in a bound book, or in a continuous sheet of paper or tape, handwritten in ink or typed using a ribbon other than carbon, so that it will be obvious if an entry has been erased, obliterated or defaced. Such information may be made on cards, individual sheets or order pads if each sheet or card is numbered, so that if an entry is removed it will be obvious.
- G. *Daily Report.* Each pawnbroker must, before the hour of 6:00 P.M. of every day, except Sunday and days the pawnbroker is closed all day, make and deliver to the Chief of Police, at the Police Station, a full, true and

detailed copy of that day's pawn register. If no article or thing has been pawned or received during said day, a report must be made to that effect.

H. *Photographic Records.*

1. All pawnbrokers shall install a proper camera in operative condition and shall use such equipment to photograph every person and the receipts of pawnshop tickets given to such persons with all loans and with all purchases of items from persons.
2. All pawnbrokers shall display, in a prominent place, a notice to customers that they are required to be photographed when they pawn, sell, or offer as a part or full payment, any item to the pawnbroker.
3. All such photographs shall be available for development, and developed by the pawnbroker, upon request by the Chief of Police.
 - a. *Retention and use of records.* Each licensee shall keep and maintain the originals of the foregoing records, or an original copy as may be appropriate, for a period of at least two (2) years from the date of the last transaction recorded therein, and each such record shall at all reasonable times be open to inspection by the Chief of Police or at his/her direction.

630.040 Operational Regulations

- A. *Interest Rates.* It shall be unlawful for any pawnbroker to charge interest exceeding two percent (2%) per month on any pledge. All pawnbrokers shall display, in a prominent place, a notice to customers that the maximum legal interest rate may not exceed two percent (2%) per month on the amount of any loan.
- B. *Safekeeping Of Pledges.*
 1. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire or loss by theft. A pawnbroker shall not fail to exercise reasonable care to protect pledged goods from loss or damage.
 2. In the event such pledged goods are lost or damaged as a result of a pawnbroker's negligence while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind of merchandise. Pawnbrokers shall not be responsible for loss of pledged articles due to acts of God, acts of war, or riots. Each lender shall employ a reputable company for the purpose of fire and theft security.
- C. *Loans Due, When — Return Of Collateral, When — Restrictions.*

1. Every secured personal credit loan shall be due and payable in lump sum thirty (30) days after the date of the loan contract, or if extended, thirty (30) days after the date of the last preceding extension of the loan, and if not so paid when due, it shall, on the next day following, be in default. The pawnbroker shall retain possession of the tangible personal property subjected to the security interest to secure payment of any secured personal credit loan for a period of sixty (60) days next following the date of default. If during the period of sixty (60) days the pledgor shall pay to the pawnbroker the principal sum of the loan, with the loan fee(s), and the interest due thereon to the date of payment, the pawnbroker shall thereupon deliver possession of the tangible property to the pledgor. But if the pledgor fails during the period of sixty (60) days to make payment, then the title to the tangible personal property shall, on the day following the expiration of the period of sixty (60) days, pass to the pawnbroker, without foreclosure, and the right of redemption by the pledgor shall be forever barred.
2. A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction.
3. Any person properly identifying himself/herself and presenting a pawn ticket to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.

D. Hold Orders.

1. Whenever any Peace Officer has probable cause to believe that property in possession of a pawnbroker licensed by the City is stolen or embezzled, said officer may place a written hold order on the property. A hold order required by this Section shall contain the following:
 - a. Name of the pawnbroker;
 - b. Name, title and identification number of the Peace Officer placing the hold order;
 - c. Name and address of the agency to which the Peace Officer is attached and the offense number;
 - d. Complete description of the property to be held, including model number, serial number and transaction number;
 - e. Name of the agency reporting the property to be stolen or embezzled; and
 - f. Mailing address of the pawnshop where the property is held.
2. The pawnbroker or his/her designee shall sign and date a copy of the hold order as evidence of its receipt.

3. While the hold order is in effect, the pawnbroker may consent to release, upon written receipt, the stolen or embezzled property to the custody of the law enforcement agency to which the Peace Officer placing the hold order is attached. Such consent shall not be considered a waiver or release of the pawnbroker's property rights or interest in the property.
4. Except as provided in Subparagraph (3) of this Subsection, the pawnbroker shall not release or dispose of the property except pursuant to a court order or the termination or expiration date, if any, of the hold order including any extensions thereof.
5. In the event criminal charges have been filed in any Missouri court involving property which is in the possession of a pawnbroker licensed by the City and which may be needed as evidence, the appropriate Prosecuting Attorney's office may place a written hold order on the property. Such order shall contain the case number, the style of the case and a description of the property. The pawnbroker shall hold such property until receiving notice of the disposition of the case from the Prosecuting Attorney's office. The Prosecuting Attorney's office shall notify the pawnbroker in writing within fifteen (15) days of the disposition of the case.
6. Willful non-compliance by a pawnbroker with a written hold order shall be cause for the pawnbroker's license to be suspended or revoked. A hold order may be terminated at any time by written release from the law enforcement agency or Prosecuting Attorney placing the initial hold order.

E. *Embezzled, Stolen Or Encumbered Property — Police Cooperation.*

1. Each pawnbroker shall notify the Police of any article pledged, or attempted to be pledged, if the pawnbroker has reason to believe that said article was stolen or embezzled.
2. A pawnbroker shall have no recourse when a customer has pledged goods for the receipt of money except the pledged goods themselves, unless the pledged goods are found to be stolen, embezzled, mortgaged or otherwise pledged or encumbered. When a customer is notified by a Peace Officer that the goods he/she pledged or sold to a pawnbroker were stolen, embezzled, mortgaged or otherwise pledged or encumbered, the customer shall be liable to repay the pawnbroker the full amount the customer received from the pawn or buy transaction. A pawnbroker shall not charge any fee relating to the restoration of such property to its rightful owner.
3. Every pawnbroker shall give the Chief of Police notice of all pawned goods to be shipped out of town, which notice shall state the name of the pledgee and the destination and date of

shipment. Such goods shall not be shipped for at least seven (7) days after delivery of the copy of the register to the Chief of Police.

4. Every pawnbroker shall, upon request, show and exhibit to any Peace Officer any article purchased, taken, or received by the pawnbroker if the item is still in the possession of the pawnbroker.

F. *Miscellaneous Regulations.*

1. *Pawnshop not to be used as a residence.* No pawnbroker or member of the pawnbroker's family, or employee, or any other person shall be permitted to live in a pawnshop or in rooms connecting therewith.
2. *Hours of operation.* No pawn shop shall be open for business or receive as pawned, pledged, or purchased, or upon any condition whatsoever, any article of personal property or other valuable thing between the hours of 8:00 P.M. on any day and 7:00 A.M. on the following day.
3. *Keeping items seven (7) days.* No pawnbroker shall destroy, melt down, dispose of, sell or deliver to any other person any item of tangible personal property until seven (7) days have passed from the date the item was received.
4. *Dealing in weapons prohibited, when.* No pawnbroker shall receive as security or otherwise conduct any transaction involving any kind of firearm, revolver, pistol, rifle, bowie knife, spring back knife, razor, metal knuckles, billy, sword, cane, dirk, dagger, or other similar weapon, unless said pawnbroker is otherwise licensed by applicable State and Federal law to purchase and sell such weapons.
5. *Secondhand goods.* A pawnbroker shall not purchase or take in trade used or secondhand personal property unless a record is established that contains:
 - a. The name, address, physical description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the seller;
 - b. A complete description of the property, including the serial number, if reasonably available, or other identifying characteristic; and
 - c. A signed document from the seller providing that the seller has the right to sell the property.
6. *No barred windows or doors on exterior of building.* No building in which a pawnbroker shall conduct business shall have any bars

or similar security features or structures installed on the exterior of any window or door.

7. *Additional restrictions.* A pawnbroker shall not:
- a. Accept a pledge from a person who is under eighteen (18) years of age;
 - b. Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;
 - c. Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this Chapter or other law; or
 - d. Fail to exercise reasonable care to protect pledged goods from loss or damage;
 - e. Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction.

630.050 Enactment Of Rules And Regulations

The Director of Finance may issue such rules and regulations as he/she deems necessary to implement this Chapter and the policies contained herein.

630.060 Penalty

Any person operating a pawnshop without a license or otherwise in violation of the standards and requirements provided herein shall be guilty of a violation of this Section and, upon conviction thereof, shall be punished as provided in Section **100.220** of this Code.

Chapter 631 Regulations On Businesses Purchasing Precious Metals, Precious Or Semi-Precious Stones, And/Or Jewelry

631.010 Purchase Documentation

- A. Any business offering payment for the purchase of gold, silver or other precious metal, including, but not limited to, aluminum, copper, bronze or precious or semi-precious stones and/or jewelry shall, prior to accepting any such items:
 1. Every person required to make and maintain records shall make a daily report to the Chief of Police, giving a complete description of all articles purchased or taken in barter or exchange by him or pledged with him, including the date of the transaction, any number, letter, marking or engraving that may be on such property for the purposes of identification, including any owner-applied markings, and the first and last name, residential address, driver's license number, military identification number, identification certificate number, or other official number capable of identifying the seller or pledger, race, sex, color of eyes and hair, and height and weight of the person from whom a

purchase was made. For all property purchased or taken in barter or exchange, an acknowledgment that the seller provided the dealer at the time of the sale or barter or exchange with a signed document that the seller had the right to sell the property.

- a. Any person selling any of the items listed in this Section must provide the person taking such goods a valid government-issued identification to complete required forms.
 - b. No person or business, either wholesale or retail, shall receive any personal property from any minor without written consent of such minor's parents or guardian.
2. Every person regularly engaged in or conducting business for the purchase, sale, barter, exchange, recycling, reselling of antiques, coins, any metal including, but not limited to, aluminum, copper, gold, silver, brass, bronze and platinum, gems and semi-precious stones, watches, both wholesale and retail, shall keep a substantial and well-bound book or other form of permanent record in which he/she shall legibly and permanently enter a description of all personal property, including precious gems or metals, pledged or purchased by him/her, except those items purchased from wholesale dealers, including any number, letter, marking or engraving that may be on such property for purposes of identification, including any owner-applied markings. For purposes of this Chapter, the term "*offering payment*" means the purchase, sale, barter or exchange of any item mentioned in this Subsection, including the advertising thereof, and including such business conducted by an established dealer in a permanent location, and including any temporary, transient or itinerant business, whether or not such dealer is engaged in other business activities at such locations.
- a. If such property contains in whole or in part a precious gem or metal and such property is difficult to describe, the property shall be photographed and the photograph shall be attached to the record book or kept with the other permanent record describing the property. The amount of the loan or purchase price and, if a loan, the time when the loan shall be due, and the interest charged therefore shall also be recorded.
 - b. Such records shall not be defaced or erased and shall be open to any Peace Officer as defined in Section 590.010, RSMo., together with the articles purchased or pledged, provided that the articles shall be still in the possession of the dealer or merchant. For purposes of this Chapter, a secondhand dealer shall include, but not be limited to, those persons who purchase items for resale at flea

markets and persons other than wholesale dealers in such items.

- c. Every person or business required to keep permanent records under this Section shall keep those records for a period of at least two (2) years from the date of the last transaction recorded therein.
 - d. Every person or business shall make their reports of such property (pledged, taken in barter or exchange, or purchased) electronically as set out in Section 367.031, RSMo., and shall report the information prescribed by that Statute and Subsection 90-3(a) to the electronic database as authorized by the Statute. If more than one (1) such electronic database is available for such reporting, each dealer or person so licensed shall make their reports to the database directed for such reporting by the Chief of Police. The database designation information shall be on file with and available at the Police Department headquarter and the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee.
- B. Each dealer or person licensed by the City and engaged in such business as described in this Subsection, in lieu of making the daily report to the Chief of Police as described in the preceding Subsection, shall make their daily reports of such property (pledged, taken in barter or exchange, or purchased) electronically as set out in Section 367.031, RSMo., and shall report the information prescribed by that Statute and in the preceding Subsection to the electronic database as authorized by the Statute. If more than one (1) such electronic database is available for such reporting, each dealer or person so licensed shall make their reports to the database directed for such reporting by the Chief of Police. This database designation information shall be on file with and available at the Police Department headquarters and the ~~BUILDS Department Administrator~~ **Community Development Director** or their designee.
- 1. Every person required to make and maintain records pursuant to this Section, in addition to the report required in Subsection (B), shall make a report of any purchase, sale, barter or exchange of scrap metal, including aluminum, copper, platinum and all other metals regardless of kind or type, with a value of fifty dollars (\$50.00) or more within twenty-four (24) hours of the purchase, sale, barter or exchange to the Chief of Police in an electronic database designated by such Chief. The electronic database form or report shall be completed in full without missing data or information.
- C. No gold, silver, diamonds or other precious or semi-precious gems or precious metals received or purchased by any person subject to

Subsection **(A)**, including, but not limited to, all persons license by the City and engaged in such business as described in Subsection **(A)**, shall be removed from a designated location within the City within ten (10) days after receipt thereof, except when redeemed by the owner, nor shall any such precious gems or precious metals be melted or recut within ten (10) days from the receipt thereof, except when redeemed by the owner. Further, no person subject to Section **631.010**, including, but not limited to, all persons licensed and engaged in such business as described in Subsection **(A)**, shall sell, transfer ownership or possession of, or otherwise remove from said designated location any goods of any kind or type, including, but not limited to, all items described in Subsection **(A)**, received in purchase, sale, barter, exchange for seventy-two (72) hours from the time of the receipt of such goods, except for redemption of such goods by the owner.

- D. The requirements of this Section are in addition to any other requirements on businesses found elsewhere in the Republic Municipal Code.
- E. Violations of this Section shall be punishable by the general punishment provisions set forth in Section **100.220** of the Republic Municipal Code.

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for the Title and Chapter titles) is added language. Matter shown above in ~~strickthrough font~~ is deleted language.

Section 4: All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 5: The City Administrator or their designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

Section 6: The WHEREAS clauses above are specifically incorporated herein by reference.

Section 7: The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 8: This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2025.

Attest:

Eric Franklin, Mayor

Laura Burbridge, City Clerk

Approved as to Form:

DocuSigned by:
Damon Phillips 10/14/2025
11F90D87116B4F4...

Damon Phillips, Interim City Attorney

Final Passage and Vote: