

Chapter 600

ALCOHOLIC BEVERAGES

Section 600.005. Purpose.

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors, and retailers.

Section 600.010. Definitions.

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

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 — An 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.

MALT LIQUOR — An intoxicating liquor containing alcohol 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.

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.

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.

Section 600.015. Sale by the Drink Defined.

The 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.

Section 600.020. License Required — Classes of Licenses.

- A. No person shall sell or offer for sale intoxicating liquor in the City of Tarkio 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.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:
 - 1. *Package liquor — malt liquor only:* Sales of malt liquor at retail by grocers and other merchants and dealers for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold. This license may include Sunday sales from 9:00 A.M. to Midnight.
 - 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 Subsections (B)(1) and (4) of this Section.
 - 4. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales from 9:00 A.M. to Midnight.
 - 5. *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.

- C. *Sunday Sales.* Except for any establishment that may apply for a license under Section 311.089, RSMo., any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail may apply to the City for a special license to sell intoxicating liquor at retail between the hours of 9:00 A.M. and Midnight on Sundays.
- 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(B) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
 2. *Tasting permit — retailers.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) 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. *Tasting permit — winery, distiller, manufacturer, etc.*
 - a. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subsection (D)(3), a "*sales transaction*" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.
 - b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 311.218, 311.482, 311.485, 311.486, or 311.487, RSMo., or on any tax exempt organization's licensed premises as described in Section 311.090, RSMo.
 - c. *Any winery, distiller, etc., may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises — when.*
 - (1) Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 311.294, RSMo., or hold a by the drink for consumption on the premises where sold retail license. No money or anything of value shall be given to

the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

- (2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer or brewer or by a sampling retained by the retailer, winery, distiller, manufacturer or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.
- (3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

Section 600.030. License Regulations. [R.O. 2013 §600.030(G); CC 1991 §§600.050(B), 600.060(B), 600.180(B), 600.190(B); CC §§50.050 — 50.070, 50.200 — 50.210; Amending Ords. passed 7-10-1979; 12-9-1980; Ord. No. 8.041-86A, 8-12-1986; Ord. No. 600.060, 5-24-1994; Ord. No. 11-03 §1, 10-9-2003; Ord. No. 29-05, 6-14-2005]

- 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. *Temporary Permit For Sale By Drink — Certain Organizations.*
 1. Notwithstanding any other provision of this Chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor 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 11:00 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.

C. *Operating Hours, Days.*

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday except as otherwise authorized and licensed for Sunday sales, and if said person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in Section 600.010 of this Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. on Sunday and 6:00 A.M. on Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.
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.

D. *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 Clerk 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 Clerk, 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 Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.
- E. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

Section 600.035. Sales of Liquor Prohibited Near Schools and Churches. [R.O. 2013 §600.050(C)(1); CC §50.115; CC 1991 §600.100; Ord. No. 71-08 §1, 5-13-2008]

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Aldermen, except that when a school, church or place of worship shall hereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within one hundred (100) feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of Federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for

more than ninety (90) days.

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 indicated:

1. *General licenses.*

- a. Malt liquor — original package: \$75.00.
- b. Intoxicating liquor (all kinds) — original package: \$150.00.
- c. Malt liquor — by drink: \$75.00.
- d. Malt liquor and light wines — by drink: \$75.00.
- e. Intoxicating liquor (all kinds) — by drink: \$450.00.

2. *Sunday sales (additional fee).*

- a. Intoxicating liquor at retail: \$300.00.

3. *Permits.*

- a. Temporary permit — by the drink for certain organizations (7 days max.): \$37.50.
- b. Tasting permit: \$37.50.
- c. Caterers: \$15.00 per each calendar day.

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 January first (1st).

Section 600.045. Temporary Location for Liquor by the Drink, Caterers — Permit — Fee Required.

A. The City may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(3)(c) above, or fraction thereof, for which the permit is issued.

B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the

ordinances, rules and regulations of the City, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.

- C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.
- D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.

Section 600.050. Table Tap Dispensing of Beer Permitted, When.

- A. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a table tap dispensing system to allow patrons of the licensee to dispense beer at a table. Before a patron may dispense beer, an employee of the licensee must first authorize an amount of beer, not to exceed thirty-two (32) ounces per patron per authorization, to be dispensed by the table tap dispensing system.
- B. No provision of law or rule or regulation of the City shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish table tap dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of table tap dispensing systems.

Section 600.055. Application for License and Renewal. [R.O. 2013 600.050(D — E); CC §50.115; CC 1991 §600.100; Ord. No. 71-08 §§2 — 3, 5-13-2008]

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk 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 Board of Aldermen also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.

- C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirty-first (31st) of December next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- D. Applications for renewal of licenses must be filed on or before the first (1st) day of December of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in this Subsection.

Section 600.060. Minors.

- A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.*
 - 1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
 - 2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
 - 3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed

to sell intoxicating liquor.

4. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

B. Sales To Minor — Exceptions.

1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.
2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of

twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. *Minors In Possession Of Intoxicating Liquor.*

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.010, or shall be visibly in an intoxicated condition as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.
2. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:
 - a. The type of test administered and the procedures followed;
 - b. The time of the collection of the blood or breath sample or urine analyzed;
 - c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - d. The type and status of any permit which was held by the person who performed the test;
 - e. If the test was administered by means of a breath-testing instrument, the date of

performance of the most recent required maintenance of such instrument.

"Full information" does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.

3. The provisions of this Subsection shall not apply to a student who:
 - a. Is eighteen (18) years of age or older;
 - b. Is enrolled in an accredited college or university and is a student in a culinary course;
 - c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
 - d. Tastes a beverage under Subsection (D)(3)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

Section 600.065. Burden of Proof on Violator Concerning Manufacturer-Sealed Container.

For purposes of determining violations and prosecution under this Chapter, or any rule or regulation of the Supervisor of Alcohol and Tobacco Control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

Section 600.070. Miscellaneous Offenses.

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Packaging, Labeling, Repackaging Prohibited, When.* Any retailer licensed pursuant to this Chapter shall not:
 1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by

weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or

2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. *Unlawful To Sell Unlabeled Liquor — Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.
- G. *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.

Section 600.080. Warning Sign Displayed — Liquor Licenses.

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place

on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

Section 600.090. Administration of Law — License Suspension/Revocation.

- A. *Suspension Or Revocation Of License — When — Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board or a hearing officer not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk 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 600.100 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, Chapter 311, RSMo., or any ordinance of the City; or
 2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control; or
 3. Making a false affidavit in an application for a license under this Chapter; or
 4. Failing to keep an orderly place or house; or
 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; or
 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, or
 - b. Any person during unauthorized hours on the licensed premises, or
 - 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 Board.
- 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 this Chapter or Chapter 311, 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 Board 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 Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

Section 600.100. Hearings Upon Suspension or Revocation of Licenses.

- A. *Hearing Officer.* Hearings may be had before the Board of Aldermen or before a hearing officer appointed by the Board who shall be an attorney licensed to practice law in the State of Missouri. If held before a hearing officer, he/she shall report to the Board findings of fact, conclusions of law and recommendations. The Board may accept, modify or refuse to accept the report of the hearing officer or any portion thereof.
- B. *Witnesses — How Summoned.* Subpoenas may be issued by the Board 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 Board 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 City Clerk 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 600.090 of this Chapter, the Board shall issue a written order which shall include specific findings of fact 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 Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

Chapter 605

BUSINESS LICENSES AND BUSINESS REGULATIONS

ARTICLE I In General

Section 605.010. License Required.

It shall be unlawful for any person, firm or corporation to engage in any business or occupation in the City of Tarkio without having first applied for and obtained a license to conduct such business or occupation from the City Clerk and without paying the license fee therefor, all as provided for in this Chapter.

Section 605.020. License Application and Issuance.

- A. All applications for the licenses required herein shall be made to the City Clerk on appropriate forms provided for that purpose by the City. All licenses issued by the City Clerk shall be in such form as is provided by the Board of Aldermen; provided however, that such license shall bear the signature of the Mayor of the Board of Aldermen and the City Clerk, the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Aldermen.
- B. Each applicant for a business license under this Chapter shall submit a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due, which statement is a prerequisite to the issuance or renewal of a City business license. The statement required by this Section shall be dated within ninety (90) days of submission of the business license application or renewal application.

Section 605.030. License Fees. [R.O. 2013 §605.030; CC §54.020; CC 1991 §605.020]

Every person, firm or corporation who shall sell or offer to sell any goods or merchandise of any kind within the City of Tarkio, at retail, who has not heretofore received a license under any of the provisions of this Chapter or other ordinances of the City of Tarkio, so to do, shall pay a license tax as set out below; this Chapter is not limited to the sale of goods and merchandise but shall extend to and include services as shown below:

| Business | Fee |
|--|------------|
| All persons having established places of businesses who are not taxed under any of the provisions of this Chapter or the ordinances of the City of Tarkio who deal in the selling of cigars, candy, newspapers, magazines or any other commodities | \$18.00 |
| Amusement facilities with pool tables only (each table) | \$18.00 |

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| Amusement sales and supplies | \$30.00 |
| Any business such as plumbing, electrical or any construction company, firms or persons operating within the City limits | \$30.00 |
| Any person, firm or corporation who shall in the City of Tarkio hold for sale at auction any merchandise, except as hereinafter provided or conduct what is commonly known as an auction store upon the street, avenue or alley within the City | \$24.00 |
| Appliances and TV sales | \$18.00 |
| Auto parts only | \$24.00 |
| Auto repair and/or auto body shop | \$18.00 |
| Automobile salesmen or dealers, provided they or the firm for which they work are not otherwise taxed under this Chapter | \$12.00 |
| Banks | \$30.00 |
| Barber shops per chair | \$9.00 |
| Beauty shops per operator | \$ 6.00 |
| Beverage distributors | \$18.00 |
| Bowling alley | \$30.00 |
| Building contractors | \$30.00 |
| Canvassers or agents taking orders or selling goods to consumers by canvassing or going from house to house (not in interstate commerce) | |
| — by the day | \$3.60 |
| — by the year | \$18.00 |
| Canvassers or agents soliciting the tailoring, cleaning, dyeing or pressing of goods or laundering (except canvassers or agents of businesses now paying licenses under this Chapter) | \$30.00 |
| Circuses (unsponsored) | \$100.00 |
| Dealers in truck or pickup loads of produce, fruit or other goods sold on the street when shipped or hauled into City by owner or other persons | |
| — by the day | \$3.60 |
| — by the week | \$18.00 |
| — by the month | \$30.00 |
| Dog kennels | \$12.00 |
| Drug stores with prescription service (with or without fountain) | \$30.00 |
| Eating establishments with beer licenses | 24.00 |
| Eating establishments with hotel or other rooming facilities | \$30.00 |
| Eating establishments without beer licenses | \$18.00 |
| Every person, firm or corporation who shall use a motor vehicle of any kind for the | \$30.00 |

purpose of delivering tea, coffee, bread, groceries, meat or other merchandise at wholesale or retail (except where manufacturing company delivers its own manufactured goods or where transactions are in interstate commerce)

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| Excavation, ditching or draining contractors | \$24.00 |
| Farm implements, supplies with trucks and pickup sales | \$30.00 |
| Farm implements, supplies without trucks and pickup sales | \$24.00 |
| Flower and/or gift shop | \$18.00 |
| Funeral directors | \$30.00 |
| Furniture stores alone | \$24.00 |
| Garbage hauling | \$12.00 |
| Gasoline stations with groceries and eating facilities | \$24.00 |
| Gasoline stations with tank wagon service | \$30.00 |
| Gasoline stations without tank wagon service | \$24.00 |
| Grain elevators with or without feed | \$30.00 |
| Grain storage only | \$24.00 |
| Grocery stores | \$30.00 |
| Hardware with appliances with or without bottle gas sales | \$30.00 |
| Hardware without appliances | \$24.00 |
| Hotels or motels with amusement facilities | \$18.00 |
| Hotels or motels with eating facilities | \$30.00 |
| Hotels or motels without eating facilities | \$30.00 |
| House trailer rental space | \$30.00 |
| Insurance agents, real estate agents, bond salesmen, alone or combined except one (1) agency shall pay one (1) tax only | \$18.00 |
| Laundry and/or cleaning | \$30.00 |
| Laundry self-service | \$18.00 |
| Lumberyards | \$30.00 |
| Men and women's clothing stores | \$30.00 |
| New car sales and service | \$30.00 |
| Painting or papering, decorators or contractors | \$24.00 |
| Photographic or optometrist | |
| — by the day | \$4.20 |
| — or by the year | \$24.00 |
| Photographic shop or studio | \$18.00 |

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| Plumbing or electrical contractors or both | \$30.00 |
| Printing--job and/or newspaper | \$30.00 |
| Produce stores with spraying, feed and other sidelines | \$24.00 |
| Public accountants | \$24.00 |
| Ready mix concrete sales | \$24.00 |
| Real estate sales | \$24.00 |
| Roofing or spraying contractors | \$24.00 |
| Salesmen for oil burners, gas furnaces and other similar devices when sold by salesmen not in the employ or connected with operators of a business already taxed under this Chapter | \$12.00 |
| Seed corn sales | \$12.00 |
| Shoe repair | \$18.00 |
| Stockyards--sales in all animals | \$18.00 |
| TV repair and/or radio repair | \$12.00 |
| Tank wagon sales in gasoline or fuel oil | \$18.00 |
| Theater | \$30.00 |
| Variety store | \$18.00 |
| Veterinarian | \$30.00 |
| Welding shop and implement sales | \$30.00 |
| Welding shop only | \$18.00 |

Section 605.040. License Not Transferable.

No license issued under the provisions of this Chapter shall be assignable or transferable but shall apply only to the person to whom same is issued. In the event any licensee, as provided for herein, shall move his/her place of business from one location to another location within the City, said licensee shall submit a statement of the fact of such change to the City Clerk who may transfer such license as to location only. In no event, however, shall such license be transferred from one person to another or from the kind of business or occupation originally licensed to another type of business or occupation.

Section 605.050. Term of License. [R.O. 2013 §605.050; CC §54.050; CC 1991 §605.050]

All licenses issued under the terms of this Chapter shall be for the term of one (1) year except as herein otherwise provided, and shall be dated on May first (1st) of each year, and any license after such date will expire on the last day of April following, and the City Collector shall collect a license tax for the full year so expiring; (except as otherwise provided in this Chapter) licenses may be issued for any length of time so that the same shall end on said above named yearly date; provided further, that when any person has been arrested for doing business for which a license

is required, without a license therefor, it shall be no defense that a license has been obtained subsequent to the arrest of such person covering the time charged against such person.

Section 605.060. Renewal Applications. [R.O. 2013 §605.060]

All applications for renewal of a license provided for herein shall be filed no later than June first (1st) of each year.

Section 605.070. Display of License.

Each license issued by the City under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.

Section 605.080. Persons Not to Be Charged for Business License.

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Tarkio.

Section 605.090. Revocation of License — Grounds.

- A. Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reasons specified in this Chapter:
 - 1. Any failure to comply with or any violation of any provisions of this Chapter, or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee; or
 - 2. Violation of the terms and conditions upon which the license was issued; or
 - 3. Failure of the licensee to pay any tax or obligation due to the City; or
 - 4. Any misrepresentation or false statement in the application for a license required herein; or

5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

Section 605.100. Revocation of License — Procedure.

- A. In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:
 1. The Board of Aldermen shall set a date for a hearing to consider the question of revocation.
 2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address as shown in the records of the City Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.
 3. During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his/her business.
 4. At the hearing set by the Board of Aldermen, the Board of Aldermen shall hear all relevant and material evidence justifying the retention of the license.
 5. The licensee may be present in person and/or by his/her attorney and may present evidence.
 6. After hearing the evidence presented, the Board of Aldermen shall vote on the issue of whether the subject license shall be revoked.
 7. The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke any license.

Section 605.110. Violation and Penalty — Delinquency.

- A. All license fees not paid to the City by the person required to remit the same on the date when the same becomes due and payable to the Director of Revenue shall bear interest at the rate determined by Section 32.065, RSMo., from and after such date until paid.
- B. In case of failure to apply for any license fee required by this Chapter on or before the date prescribed therefor, determined with regard to any extension of time for making an application, unless it is shown that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the amount required to be shown as tax on such return five percent (5%) of the amount of such tax if the failure is not for more than one (1) month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five percent (25%) in the aggregate.
- C. In case of failure to pay the full amount of any license fee due hereunder on or before the

date prescribed therefor, determined with regard to any extension of time for payment, unless it is shown, by the applicant, that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the tax an amount equal to five percent (5%) of the deficiency. The City shall, upon request by a taxpayer, apprise the taxpayer of the factual basis for the finding of negligence, or the specific rules or regulations disregarded if the City assesses a penalty under this Subsection.

ARTICLE II
Garage Sales

Section 605.120. Garage Sales, Yard Sales, Rummage Sales and Similar Activities Limited. [Ord. No. 105-10 §§1 — 3, 8-23-2010]

- A. *Garage Sale.* A sale of goods for profit offered to the public conducted on residential premises.
- B. *Limitations On Frequency And Length Of Sales.* Effective with the passage and approval of this ordinance it shall be unlawful to hold within the City limits of Tarkio, Missouri, more than three (3) yard sales, garage sales, rummage sale or other similar activity per year. No sale shall extend more than two (2) days in duration and shall be limited to 7:00 A.M. to 7:00 P.M. Goods for sale may not be left outdoors after the two (2) days has expired.
- C. *Special Permits.* Tarkio residents wishing to hold more than three (3) sales per year must apply at City Hall for a special permit for each sale. The cost of the special permit will be five dollars (\$5.00) for each sale. Residents may join together in applying for permits, but tenant or homeowner where the sale is to be held is the responsible party.

Chapter 610

PEDDLERS AND SOLICITORS

Section 610.010. Definitions.

As used in this Chapter, the following words have the meaning indicated:

CANVASSER — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

PEDDLER — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "*peddler*" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "*solicitor*".

SOLICITOR — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of

1. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or
2. Distributing a handbill or flyer advertising a commercial event or service.

Section 610.020. Exception.

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

Section 610.030. Permit Required for Peddlers and Solicitors, Available for Canvassers.

No person shall act as a peddler or as a solicitor within the City without first obtaining a permit in accordance with this Chapter. A canvasser is not required to have a permit but any canvasser wanting a permit for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

Section 610.040. Fee. [R.O. 2013 §620.040(2)]

- A. The fee for the issuance of each permit shall be:
1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the City: No fee.
 2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City: A fee of ten dollars (\$10.00) per day.
 3. For a solicitor, including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence: No fee.
 4. For a canvasser requesting a permit: No fee.

Section 610.050. Application for Permit.

Any person or organization, formal or informal, may apply for one (1) or more permits by completing an application form at the office of the issuing officer during regular office hours.

Section 610.060. Contents of Application.

- A. The applicant, person or organization shall provide the following information:
1. Name of applicant.
 2. Number of permits required.
 3. The name, physical description and photograph of each person for which a permit is requested. In lieu of this information, a driver's license, State identification card, passport or other government-issued identification card issued by a government within the United States containing this information may be provided and a photocopy taken.
 4. The permanent and, if any, local address of the applicant.
 5. The permanent and, if any, local address of each person for whom a permit is requested.
 6. A brief description of the proposed activity related to this permit. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
 7. Date and place of birth for each person for whom a permit is requested and, if available, the Social Security number of such person.
 8. A list of all infraction, offense, misdemeanor, ordinance violation and felony convictions of each person for whom a permit is requested for the seven (7) years immediately prior to the application.
 9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a permit is requested.
 10. If a permit is requested for a peddler:

- a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
 - b. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.
 - c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
11. If a permit is requested for a solicitor:
- a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.
 - b. The web address for this organization, person or group or other address where residents having subsequent questions can go for more information.
12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

Section 610.070. Issuance of Permit.

- A. The permit(s) shall be issued promptly after application but in all cases within eight (8) business hours of completion of an application, unless it is determined within that time that:
1. The applicant has been convicted of a felony, a misdemeanor or an ordinance violation involving moral turpitude within the past seven (7) years,
 2. With respect to a particular permit, the individual for whom a permit is requested has been convicted of any felony, a misdemeanor or an ordinance violation involving moral turpitude within the past seven (7) years, or
 3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

Section 610.080. Investigation.

During the period of time following the application for one (1) or more permits and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the eight (8) business hours provided in Section 610.070, the permit will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests a permit, the investigation will proceed as described above, but if the City refuses to issue the permit (or revokes it after issuance), the canvasser will be advised that the failure to procure a permit does not prevent him/her from canvassing the residents of the City.

Section 610.090. Denial — Administrative Revocation. [R.O. 2013 §620.100]

If the issuing officer denies, or upon completion of an investigation revokes, the identification card to one (1) or more person, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the Municipal Court of the City, provided that such a hearing will be scheduled at the next regular session of the court, due notice of which is to be given to the public and the applicant.

Section 610.100. Hearing on Appeal.

If the applicant requests a hearing under Section 610.090, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of the County in which the City is located. The hearing shall also be subject to the Missouri open meetings and records law.

Section 610.110. Display of Permit.

Each permit shall be, when the individual for whom it was issued is acting as a peddler or solicitor, worn on the outer clothing of the individual as so to be reasonably visible to any person who might be approached by said person.

Section 610.120. Validity of Permit.

A permit shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

Section 610.130. Revocation of Permit.

- A. In addition to the administrative revocation of a permit, a permit may be revoked for any of the following reasons:
1. Any violation of this Chapter by the applicant or by the person for whom the particular permit was issued.
 2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
 3. Conviction of any felony, a misdemeanor or an ordinance violation involving moral turpitude within the last seven (7) years.
 4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- B. The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the Board of Aldermen.

Section 610.140. Distribution of Handbills and Commercial Flyers.

- A. In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:
1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
 2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
 3. No handbill or flyer shall be left at or attached to any of the property having a "no solicitor" sign of the type described in Section 610.150(1) and (2).
 4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing a permit or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.

Section 610.150. General Prohibitions.

- A. No peddler, solicitor or canvasser shall:
1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.
 2. Remain upon any private property 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, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
 3. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
 4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
 5. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M.
- B. Except that the above prohibitions shall not apply when the peddler, solicitor or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

Section 610.160. Violation to Be Prosecuted as Trespass.

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.

Chapter 615

CIGARETTE TAX

Section 615.010. Definitions. [R.O. 2013 §610.010]

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

CIGARETTE — An item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three (3) pounds per one thousand (1,000) cigarettes and which is commonly classified, labeled or advertised as a cigarette.

PACKAGE — A container of any type composition in which is normally contained twenty (20) individual cigarettes, except as in special instances when the number may be more or less than twenty (20).

PERSON — Any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity.

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

SALE — Sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "*Sale*" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption.

WHOLESALER — Any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his/her or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the State who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this Chapter, who so sells or so distributes cigarettes or tobacco products.

Section 615.020. Amount of License Fee. [R.O. 2013 §610.020; CC §82.020; CC 1991 §615.020]

Every person engaged in the retail business of selling cigarettes or offering or displaying the same for sale within the City shall procure a license therefor for each place of business that he/she desires to have for sale of cigarettes in the City and at the time such license is issued shall pay to the City Collector the sum of one dollar (\$1.00) as a registration fee for each such place of business and, in addition thereto, each such person engaged in said business shall pay an occupation tax at the rate of one dollar (\$1.00) per thousand (1,000) for each and all cigarettes so

sold or offered or displayed for sale. The intent and meaning of this Chapter is that the same shall levy an occupation tax based upon and pursuant to the method provided for by the Revised Statutes of Missouri and pursuant to the powers therein granted and the powers further granted under the Statutes and the stamps hereinafter provided for shall be affixed by the person selling such cigarettes or displaying or offering the same for sale and after the same shall have come to rest in this City and before being displayed or offered for sale by any retail dealer in this City.

Section 615.030. Manner of Payment. [R.O. 2013 §610.030; CC 1991 §615.030 Ord. No. 615.100 §2, 11-12-1996]

The occupation license tax provided for by this Chapter shall be paid by purchase from the City Treasurer of stamps of such design and denomination as shall be prescribed by the City Treasurer or, alternatively, by payment of such license occupation tax contemporaneously with delivery of the sales report pursuant to Section 615.110 below. The City Treasurer shall allow a discount of ten percent (10%) of the denominational value.

Section 615.040. Amount Equal to Revenue Accruing From License Fees to Be Deposited to the Credit of General Fund. [R.O. 2013 §610.040; CC §82.040; CC 1991 §615.040]

An amount equal to all the revenue accruing to the City from permits and occupation licenses relating to the retail sale of cigarettes is hereby ordered and directed to be deposited to the credit of the General Fund.

Section 615.050. Sale of Unstamped Cigarettes Unlawful. [R.O. 2013 §610.050; CC §82.050; CC 1991 §615.050]

No person shall sell or offer for sale or display for sale at retail any cigarettes without having first affixed to the package thereof the stamp or stamps required to be affixed thereto under the provisions of this Chapter.

Section 615.060. Forging, Etc., Stamp Unlawful. [R.O. 2013 §610.060; CC §82.060; CC 1991 §615.060]

No person shall falsely and fraudulently make, forge, alter or counterfeit any stamp or stamps prescribed by the Board of Aldermen under the provisions of this Chapter or cause or procure to be falsely or fraudulently made, forged, altered or counterfeited any such stamp or stamps or knowingly and willfully utter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps.

Section 615.070. Credits for Unexpired Licenses. [R.O. 2013 §610.070; CC §82.070; CC 1991 §615.070]

Any person who, at the time this Chapter takes effect, shall be engaged in the business of selling cigarettes or offering or displaying the same for sale under an unexpired general merchant's license or "blended license" shall be entitled to receive credit upon purchase of stamps required by this Chapter in an amount to be determined as follows: The total amount of cost of said unexpired general merchant's license or blended licenses shall be prorated between the expired and unexpired term of said license as of the effective date of this Chapter; and the amount to be credited upon purchase of stamps shall be the amount equal to such proportionate part of the sum

so prorated for the unexpired term, as the total amount of sales of cigarettes for the year previous to the issuance of such unexpired general merchant's license bears to the total amount of sales of all goods, wares and merchandise sold by said merchant for said year; provided however, that no such credit shall be allowed where the amount paid for the unexpired general merchant's license or "blended license" does not exceed the minimum amount required. All claims for any of such credits shall be in writing and supported by affidavit and shall be subject to the approval of the City Collector.

Section 615.080. Applications and Permits. [R.O. 2013 §610.080; CC §82.080; CC 1991 §615.080]

Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at retail within the City shall file an application for a cigarette permit or permits as hereinbefore provided. Every application for a cigarette permit shall be made upon a form prescribed, prepared and furnished by the City Collector and shall set forth such information as he/she shall require. Upon approval of the application, the City Collector shall grant and issue to the applicant a cigarette permit, as herein provided, for each place of business within the City set forth in the application. Cigarette permits shall not be assignable and shall be valid only for the persons in whose names they are issued and for the transaction of business in the places designated therein and shall at all times be conspicuously displayed at the places for which issued. All permits shall expire one (1) year from the date of issue unless sooner suspended, surrendered or revoked by the City Collector. Whenever any permit issued under the provisions of this Chapter is defaced, destroyed or lost, the City Collector shall issue a duplicate permit for the defaced, destroyed or lost permit upon the payment of a fee of fifty cents (\$.50).

Section 615.090. Suspension and Revocation. [R.O. 2013 §610.090; CC §82.090; CC 1991 §615.090]

The Board of Aldermen may suspend or, after hearing, revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this Chapter or any rules or regulations prescribed or promulgated under this Chapter. Upon suspending or revoking any cigarette permit, the Board of Aldermen shall request the holder thereof to surrender to the City Collector immediately all permits or duplications thereof and the holder shall surrender promptly all such permits to the City Collector as requested. Whenever the Board of Aldermen suspends a cigarette permit, it shall cause the holder to be notified immediately and afford him/her a hearing, if desired, and if the hearing has not already been afforded. After such hearing, the Board of Aldermen shall either rescind its order of suspension or, good cause appearing therefor, continue the suspension or revoke the permit.

Section 615.100. Sale Restricted. [R.O. 2013 §610.100; CC 1991 §615.100; Ord. No. 615.100 §4, 11-12-1996]

No person shall sell or offer for sale or display for sale at retail within the City any cigarette unless on the container thereof there has been affixed a Missouri State decal, the occupation license tax has been paid thereon, and evidence of payment has been made pursuant to Section 615.030.

Section 615.110. Evidence of Payment. [R.O. 2013 §610.110; CC 1991 §615.110; Ord. No. 615.100 §3, 11-12-1996]

- A. It shall be the duty of every wholesale dealer or jobber, before delivering to any retail dealer or other person within the City for sale at retail with the City:
1. To affix to each package of cigarettes a stamp purchased from and furnished by the City Treasurer, which stamp so affixed and canceled shall evidence the payment of the occupation license tax imposed by this Chapter and such stamp shall be canceled as soon as it shall be affixed to the package containing such cigarettes.
 2. Alternatively, the wholesale dealer or jobber shall agree to provide to the City a report showing daily purchases and return of each package of cigarettes by each retail dealer and vending machine operator within the City, which report shall net out the dollar amount due the City for the occupation license tax by the month. The reporting form shall be approved by the City and shall be due not later than the fifteenth (15th) of each month for the preceding month. Each wholesale dealer or jobber shall authorize the City to verify such reports with information provided to the Missouri Department of Revenue.

Section 615.120. Refunds for Stamps Purchased — When Made. [R.O. 2013 §610.120; CC §82.120; CC 1991 §615.120]

Whenever any cigarettes upon which stamps have been placed by a retail dealer have been sold and shipped by him/her into another City or State for sale or use there or have become unfit for use and consumption or unsaleable or have been destroyed, the retail dealer shall be entitled to a refund of the actual amount of tax paid by him/her with respect to such cigarettes. If the City Collector is satisfied that any retail dealer is entitled to a refund, he/she shall issue to such retail dealer stamps of sufficient value to cover the refund. The City Collector is hereby authorized to adopt, prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as he/she may deem advisable.

Section 615.130. Seizure and Sale of Unstamped Cigarettes. [R.O. 2013 §610.130; CC §82.130; CC 1991 §615.130]

Whenever the City Collector or any of his/her duly authorized representatives shall discover any cigarettes subject to tax provided by this Chapter and upon which said occupation tax has not been paid or the stamps affixed as herein required, the City Collector or such representatives are hereby authorized and empowered forthwith to seize and take possession of such cigarettes, together with any vending machine or receptacle in which they are held for sale, and the same shall thereupon be deemed to be forfeited to the City. The City Collector may, within a reasonable time thereafter, by a public notice at least five (5) days before the day of sale, sell such forfeited cigarettes at a place designated by him/her and from the proceeds of such sale shall collect the tax due thereon, together with a penalty of fifty percent (50%) thereof and the costs incurred in such proceedings. The City Collector shall pay the balance, if any, to the person in whose possession such forfeited cigarettes were found; provided however, that such seizure and sale shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provisions of this Chapter.

Section 615.140. Oaths and Affidavits Administered by Collector. [R.O. 2013 §610.140; CC §82.140; CC 1991 §615.140]

The City Collector or his/her employees or agents duly designated and authorized by him/her shall have power to administer oaths and take affidavits in relation to any matter or proceedings in the exercise of their powers and duties under this Chapter.

Chapter 620

JUNKYARDS

Section 620.010. Chapter Definitions. [R.O. 2013 §615.010; CC §51.010; CC 1991 §620.010]

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Chapter:

BUSINESS PREMISES OR PREMISES — The area of a junkyard as described in a junk dealer's license or application for license, as provided for in this Chapter.

ITINERANT JUNK DEALER — An individual (natural person) who buys, sells, collects or delivers junk within the City as a business or employment within the City, but who is not an operator of a junkyard within the City or an employee of such an operator.

JUNK — Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

JUNK DEALER — A person who operates a junkyard, as defined below, within the City.

JUNKYARD — An establishment, area, or place of business maintained, operated, or used for the storing, keeping, buying, or selling of junk or for the operation of an automobile graveyard, garbage dump or sanitary fill.

Section 620.020. License Required. [R.O. 2013 §615.020; CC §51.020; CC 1991 §620.020]

It shall be unlawful for any person to act as a junk dealer or itinerant junk dealer in the City, whether personally, by agents or employees, singly or along with some other business or enterprise, without first having obtained a license therefor from the City Clerk in accordance with the provisions of this Chapter.

Section 620.030. Application. [R.O. 2013 §615.030; CC §51.030; CC 1991 §620.030]

An applicant for license under this Chapter shall file with the City Clerk a written application upon forms provided by the City Clerk and pay a fee as hereinafter prescribed. Said application shall include the junk dealer or itinerant junk dealer's name, residence address and telephone number of applicant; the exact address or location of the place where the business is or is proposed to be carried on; and such other information as the City Clerk may reasonably require.

Section 620.040. License Fees. [R.O. 2013 §615.040; CC §51.040; CC 1991 §620.040]

The fees for licenses required under this Chapter shall be as established from time to time by ordinance of the Board of Aldermen and on file in the office of the City Clerk.

Section 620.050. Investigation — Approval and Issuance of License. [R.O. 2013 §615.050; CC §51.050; CC 1991 §620.050]

Upon receipt of an application for a junk dealer's license as provided for herein, the Chief of Police shall cause an investigation to be made of the applicant's business responsibility and moral character. If the findings of said investigation are favorable to the applicant, the City Clerk shall, within thirty (30) days after the filing of the application and payment of the fee, issue a junk dealer's license to the applicant.

Section 620.060. License Not Transferable. [R.O. 2013 §615.060; CC §51.060; CC 1991 §620.060]

No license issued under this Chapter shall be transferred or assigned or used in any way by any person other than the one to whom it was issued.

Section 620.070. Duration — Proration and Refund of Fees. [R.O. 2013 §615.070; CC §51.070; CC 1991 §620.070]

All licenses issued under the provisions of this Chapter shall expire on the thirtieth (30th) day of April following the issuance thereof. For a partial year license, the fee shall be prorated quarterly. No license fee shall be returned to the holder upon sale, transfer or dissolution of the business for which the license was issued.

Section 620.080. General Operating Requirements. [R.O. 2013 §615.080; CC §51.080; CC 1991 §620.080]

- A. The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this Chapter:
1. The license issued pursuant to this Chapter shall be plainly displayed on the business premises.
 2. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
 3. No space not covered by the license shall be used in the licensed business.
 4. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
 5. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four (4) inches.
 6. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as described herein and is in use in the licensed business.
 7. No junk shall be allowed to rest upon or protrude over any public property, street, alley, walkway or curb or become scattered or blown off the business premises.
 8. Junk shall be stored in piles not exceeding ten (10) feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes.

9. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
10. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
11. No junk or other material shall be burned on the premises in any incinerator not meeting the approval of the Chief of the Fire Department, which approval shall not be unreasonably denied.
12. No noisy processing of junk or other noisy activity shall be carried on in connection with the license business on Sunday, Christmas, Thanksgiving or at any time between the hours of 6:00 P.M. and 7:00 A.M.
13. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid vertical wall or fence of a minimum height of eight (8) feet measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business.

Section 620.090. General Operating Requirements Not Applicable to Junkyards Operated Outside City Limits. [R.O. 2013 §615.090; CC §51.090; CC 1991 §620.090]

Section 620.080 shall not apply to the operation of junkyards outside of the City limits, even though the owner thereof be licensed in accordance with this Chapter.

Chapter 625

GROSS RECEIPTS TAX ON UTILITIES

Editor's Note — As to telephone tax, see Ord. No. 20.013, enacted February 13, 1990.

Section 625.010. Definitions. [Ord. No. 44-06 §630.010, 11-7-2006]

As used in this Chapter, the following terms shall have these prescribed meanings:

GAS COMPANIES — Any company engaged in the business of transmitting natural or manufactured gas for resale to consumers to be used by such consumers for whatever use such natural or manufactured gas may be put to by such consumers.

Section 625.020. Gross Receipts Tax Imposed. [Ord. No. 44-06 §630.020, 11-7-2006]

Every person, firm or corporation engaged in the business of selling and distributing natural gas, manufactured gas, steam, electricity, or both gas and electricity or commercial, business, manufacturing, industrial, or for any other purposes in the City who shall furnish these services within the City shall pay to the City a tax equal to five percent (5%) of the gross receipts solely derived from the sale of natural gas, manufactured gas, steam, electricity, or both gas and electricity in the City as a license tax for conducting such business within the City.

Section 625.030. Statement of Gross Receipts Payment. [Ord. No. 44-06 §630.030, 11-7-2006]

It is hereby made the duties of those persons, firms or corporations mentioned in Section 625.020 to file with the City Clerk, on or before the fifteenth (15th) day of each calendar month, a statement of the gross receipts of such person for the calendar month immediately preceding the date of the statement, clearly showing the gross receipts as calculated under this Chapter of such person from the sale of natural gas, manufactured gas, steam, electricity, or both gas and electricity. Such statement shall be verified by the affidavit of an individual person, or in the case of a firm or corporation, by the principal officer thereof. At the time of filing the monthly statement required, the person, firm or corporation shall pay to the City the license tax required under Section 625.020.

Section 625.040. Exemptions. [Ord. No. 44-06 §630.030, 11-7-2006]

- A. There shall be no exemptions for any class of customers except as provided in this Section. The total gross revenues of all classes of rates and customers received by all persons, public and private, or governmental entities, hereunder shall be included in determining the amount of tax payable under this Chapter. No sales of utility services as set forth in 625.020 shall be excluded from computations hereunder and no purchaser of utility services shall be exempt from payment of charges added to customer bills as permitted under Missouri Public Service Commission or Federal Communications Commission

rulings to recover payments hereunder.

- B. The provisions of Subsection (A) notwithstanding, the reportable, taxable gross receipts for each utility customer per product and/or service stated in Section 625.020 derived from persons engaged in manufacturing shall not exceed an amount which, when the tax is applied, results in a total tax of fifteen thousand dollars (\$15,000.00) per year per utility service per manufacturer. "*Manufacturing*" is defined for purposes of this Section to be the conversion of materials into articles, substances, goods, wares, or merchandise and shall include large-scale assembly and distribution facilities. Manufacturing must be the primary activity of the entity, and the limitation of tax shall not apply to retail, wholesale or commercial facilities of the manufacturers. It shall be the duty of the City Finance Director to review applications of persons seeking status as a manufacturer under this Subsection, and to issue a certificate of qualification for manufacturer. The limitation of tax shall not be effective until such certificate is delivered to the utility. The State owned buildings comprising the capitol complex shall receive the same consideration as manufacturers for the purpose of establishing maximum tax liabilities under this Section (i.e, fifteen million dollars (\$15,000,000.00) maximum annual tax liability per utility service.)