

BILL NO. 91-2

ORDINANCE NO. 149

AN ORDINANCE ESTABLISHING THE REQUIREMENTS OF A MERCHANT'S LICENSE, ESTABLISHING STANDARDS THEREFOR, PENALTIES FOR THE VIOLATION THEREOF, AND MATTERS RELATING THERETO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY AS FOLLOWS:

Section 1: That cities of the fourth class, Foley being such, have the authority under the Revised Statutes of Missouri, Sections 79.390, 79.450, and Chapter 150, and Section 150.010 et seq. to institute a merchant's license.

Section 2: As used in this Ordinance the term "merchant" shall mean and include every person who shall deal in the selling of goods, wares and merchandise at any store or place occupied for that purpose, or who is required by law to have a state sales tax number and to collect state or city sales tax. Every person doing business in the City who shall, as a practice in the conduct of any such business, make or caused to be made any wholesale or retail sales of goods, wares, and merchandise to any person shall be deemed to be "a merchant" whether their sales be accommodation sales, whether they be made from a stock of goods on hands, or by ordering goods from another source, and whether the subject of their sales be similar or different types of goods than the type, if any, regularly manufactured, processed or sold by the seller. The term "merchant" shall be construed to include merchants, commissioned merchants, grocers, manufacturers and dealers in pharmaceuticals and medicines, except physicians for medicines used in their practice, whether trading as wholesale or retail dealers.

Section 3: All merchants doing business within the City shall be required to obtain a merchant's license.

Section 4: Merchant's license shall be obtained on an annual basis during the month of January of each year at the cost of \$ 15.00 per year.

Section 5: All merchants doing business within the City shall be required to keep on display at the usual place of business the City's merchant's license.

Section 6: All applications for and holders of merchant's licenses to do business within the City shall comply with all the ordinances enacted by the Board of Aldermen. Holders of merchant's license shall coordinate any alterations with their business premises with

City officials to assure compliance with the flood plain ordinances. In addition, all merchants shall promptly pay all City taxes due and owing.

Section 7: Merchant's licenses may be revoked upon application by the City Attorney to the Board of Aldermen after service of notice upon the concerned merchants and when it is determined by the Board that the concerned merchant has not paid sales tax for the City, or has failed or refused to comply with the reasonable regulations contained in City ordinances. Any merchant who continues to do business after the revocation of such license shall be liable for fines and penalties as set forth hereinafter. Each application for a merchant's license shall contain the following information:

- (1) The location where the proposed business is to be operated and maintained;
- (2) The names, addresses and phone numbers of all partners or persons participating in a share of the profits;
- (3) A statement that the applicant has not been convicted of a felony and is not otherwise disqualified by law to receive a license.
- (4) A copy or listing of the applicant's sales tax number, or explanation of exemption.

Section 8: Any person violating the terms of this Ordinance shall be liable for a fine up to \$500.00 or imprisonment in the Lincoln County jail for a period not to exceed 90 days or for both such fine and imprisonment.

Section 9: This Ordinance shall take effect immediately upon its enactment and approval.

READ THREE TIMES AND APPROVED THIS 15 DAY OF MAY, 1991.


MAYOR

ATTEST:


CITY CLERK

