

AN ORDINANCE OF THE VILLAGE OF INNSBROOK, MISSOURI, REPEALING CERTAIN ORDINANCES RELATED TO BUSINESS PERMITTING AND ENACTING A NEW ORDINANCE RELATED TO BUSINESS PERMITTING

WHEREAS, on April 13, 2021, the Board of Trustees of the Village of Innsbrook, Missouri (the “Village”), enacted Ordinance No. 291, thereby establishing business permitting regulations; and

WHEREAS, various amendments were made to the Village’s business permitting regulations since that time; and

WHEREAS, the Board of Trustees of the Village desires to repeal certain ordinances related to business permitting and enact a new ordinance containing all regulations relevant to business permitting; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INNSBROOK, AS FOLLOWS:

SECTION 1: That Ordinances Nos. 291 and 360 of the Village of Innsbrook, Missouri shall be and hereby are repealed.

SECTION 2: That the Board of Trustees of the Village of Innsbrook, Missouri, hereby enacts and adopts the following business permitting regulations, as follows:

Section A. Definitions. The following terms shall be defined, for purposes of this ordinance, as follows:

APPLICANT

Any person who applies for a business permit or business permit renewal as required by ordinance.

BUSINESS

A merchant, as defined herein.

FEE

Costs associated with issuing a permit levied against or required to be paid by any merchant.

GOODS

Any tangible personal property, including items intended for consumption, use, or trade, that may be bought, sold, or otherwise exchanged.

MERCHANT

Any person who engages in the business of selling any goods, wares, merchandise, or personal property of any description, or who renders any service in connection therewith, at any store, stand, or place maintained or occupied for that purpose. This includes those who, in the ordinary course of such business, make wholesale or retail sales, whether as accommodation sales, from existing stock, or by ordering goods from another source, and whether the goods or services sold are similar to or different from those regularly offered by the seller, except as otherwise provided by this ordinance.

PERMIT

Any permit required to be secured under this ordinance.

PERMIT YEAR

The year beginning January 1, or in the case of a newly established business, the date the business begins operation, and ending on the following December 31.

PERSON

Any natural individual, partnership, firm, corporation, limited liability company, or other association. As applied to partnerships, firms, limited liability companies, or associations, the term includes the individual partners or members thereof.

Section B. *Business Permit Required.*

1. No person shall act as a merchant within the Village without first having obtained a business permit from the Village Clerk and paying to the Village Clerk the designated business permit fee.
2. Each business permit shall be in effect for the permit year.
3. It shall be unlawful to engage in, prosecute, or carry on as a merchant, in whole or in part, for compensation, by maintaining an office or business location within the Village or by soliciting orders through such office, or by any other manner whatsoever, without a business permit.

Section C. *Person Not to be Charged for Business Permit.*

1. 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 Village shall be taxed or made liable to pay any municipal or other corporation tax or permit fee of any description whatsoever 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 permit fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law or ordinance to the contrary notwithstanding.
2. 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 Village shall be taxed or made liable to pay any municipal or other corporation tax or permit fee of any description whatsoever for the privilege of following or carrying on his/her profession unless that person maintains a business office within the Village.

Section D. *Business Permit Applications.*

1. Applications for a business permit shall be made in writing on forms provided by the Village and submitted to the Village Clerk.
2. All applications for a business permit shall include, in addition to the permit fee, the following information:
 - a. Name of business subject to the permit;
 - b. Date business began or will begin operation in the Village;
 - c. Local address for each property upon which the business is to be operated;
 - d. Local business telephone number;
 - e. Name of manager or agent for business;
 - f. Name and contact information (telephone, email, mailing address) for manager or agent for the business;
 - g. Missouri Retail Sales Tax Identification number;
 - h. Certificate of No Tax Due letter issued by the Missouri Department of Revenue;

- i. Average number of employees employed at the business; and
- j. Description of business operations.
- k. A copy of the business's retail sales license and a statement from the Missouri Department of Revenue stating the business is compliant with state sales and use tax obligations, as described in Section 144.083, RSMo., which shall be a prerequisite to the issuance of a business permit. This statement shall be dated within ninety (90) days of submission of the same to the Village.

3. *Issuance.* All business permits shall be granted and signed by the Village Clerk upon proof of compliance with the provisions of this ordinance and shall be valid for the permit year, as applicable.

4. *Denial.* The Village may refuse to grant or renew any business permit for any of the following reasons:

- a. Providing fraudulent information on an application for business permit;
- b. The business sought to be permitted would be conducted in violation of any law of the United States or of the State of Missouri or ordinance of the Village;
- c. Failure to comply with any requirement of this ordinance.

Section E. *Permit Fees.* The permit fee for the initial issuance and renewal of all business permits shall be one hundred dollars and no cents (\$100.00). No business exempted pursuant to this ordinance shall be required to pay the permit fee. The permit fees are imposed for the privilege of carrying on the business and the administrative cost of processing such permits and shall be valid for the permit year. Permit fees for business permits issued during the permit year shall not be prorated.

Section F. *Record Keeping.* The Village Clerk shall keep a record of every business permit issued. A copy of each approved business permit shall be sent to the applicant, and the original shall be retained by the Village.

Section G. *Business Permit Renewal.*

- 1. Business permit renewal shall be as follows:
 - a. Any person wishing to continue conducting business shall apply to the Village Clerk for business permit renewal, on such application form as shall be provided by the Village Clerk, no later than December 1 of each year.
 - b. An application for renewal shall contain the name, address and contact information for the business manager/agent, and a current copy of a certificate of no tax due issued by the Missouri Department of Revenue. The applicant

shall indicate any changes from the information furnished to the Village Clerk at the time of the original or previous renewal application.

c. An application for renewal shall also be accompanied by the then-current permit fee, as well as a current copy of the Missouri retail sales license and statement from the Missouri Department of Revenue stating the business is compliant with state sales and use tax obligations, such statement described in Section 144.083, RSMo. The statement required by this section shall be dated within ninety (90) days of submission of the same to the Village.

d. The Village Clerk shall renew such business permit if he/she finds that the application is complete and such operation has been conducted in accordance with all applicable laws and ordinances.

2. The Village Clerk shall, after August 1 of each year, post a notice on the Village website and make available the application for business permit renewal, and it shall be the duty of every merchant, whether notified or not, to furnish the Village Clerk, prior to December 1 of each year, an application for business permit renewal. Failure to submit a renewal application shall require the business to apply for a new business permit.

Section H. Revocation.

1. Any business permit issued pursuant to this ordinance shall be revoked upon notification from the Missouri Director of Revenue that the business's state retail sales license has been revoked pursuant to Section 144.083, RSMo.

2. Any business permit may be revoked by the Village Clerk at any time for conditions or considerations which, had they existed at the time of issuance or renewal, would have been valid grounds for its denial, or for any misrepresentation of a material fact in any original or renewal application discovered after issuance of the business permit.

3. Notice of revocation shall be sent by U.S. certified mail, return receipt requested, to the manager/agent listed on the business permit application. The notice shall specify the reasons for revocation and may provide conditions under which reinstatement of the business permit may be obtained. Upon compliance with such conditions within the time specified, such business permit may be restored. The notice shall also state that the business may request a hearing within seven (7) days following receipt of the notice.

4. A business whose business permit is revoked or suspended shall discontinue the business for which the business permit was issued. A separate offense shall be deemed committed each day the business continues to do business after a business permit revocation.

5. A business whose business permit has been revoked may request a hearing before the Village to contest the revocation. All requests for a hearing must be filed in writing with the Village Clerk within seven (7) days of receiving the notice sent under subsection (3) of this Section (H), as confirmed by the return receipt.

6. Notwithstanding any other provision of this ordinance to the contrary, the Village Clerk may suspend, for a period not exceeding thirty (30) days, without prior warning, notice or hearing, any business permit issued under this ordinance during the term of such business permit, for the failure of any business to comply with any ordinance of the Village or a Statute of the State of Missouri relating to the business for which such business permit was issued if, in the judgment of the Village Clerk, such failure constitutes a clear and present danger to the public safety.

Section I. Appeals.

1. *Hearing Procedure.* Where a hearing has been properly requested pursuant to this ordinance, the matter shall be set for hearing within a reasonable time. The appeal of the revocation shall be heard and determined by the Board of Adjustment.

a. Notice of Hearing. The Village shall cause a copy of the request for hearing and a notice of the date, time and place of the hearing to be served upon the affected person.

2. *Evidence, witnesses.*

a. Each party shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, and impeach any witness.

b. Oral evidence shall be taken only on oath or affirmation.

c. All evidence shall be suitably recorded and preserved.

d. The technical rules of evidence shall not apply, except the Chairman of the Board of Adjustment may exclude evidence which is irrelevant or repetitious.

e. Each party shall be entitled to present oral arguments or written briefs at or after the hearing.

3. *Final Order.* After a hearing, the Board of Adjustment shall issue a final order based upon its findings of fact and conclusions of law.

4. *Right Of Appeal.* Any person aggrieved by the decision of the Board of Adjustment shall have the right to appeal to the Circuit Court pursuant to Chapter 536, RSMo.

Section J. Penalties.

1. Any person, including any employer of any person, who fails to comply with, or commits any violation of, any provision of this ordinance shall be guilty of an ordinance violation, and shall be punishable, upon conviction thereof, for an amount not to exceed five hundred dollars (\$500.00).

2. Any person carrying on or pursuing any business which requires a business permit without first having obtained the appropriate permit therefor shall be liable for the following penalty:

a. Initial licensing. If any person shall commence business in the Village without first having been permitted, and if the permit fee (where applicable) is not paid within thirty (30) days after opening, a penalty of twenty-five dollars (\$25.00) will be added for each thirty-day period of operation without the appropriate permit, but in no event shall the amount of the penalty exceed one hundred fifty dollars (\$150.00), and the delinquent may be prosecuted.

b. Renewal licensing. If any person shall continue to operate a business within the Village without first renewing the appropriate permit as described herein, a penalty of twenty-five dollars (\$25.00) will be added for each thirty-day period of operation without the appropriate permit renewal, but in no event shall the amount of the penalty exceed one hundred fifty dollars (\$150.00), and the delinquent may be prosecuted.

SECTION 3. To the extent of any inconsistency or conflict between this and any other Ordinance of the Village regarding business permitting regulations, the terms of this Ordinance shall supersede and control.

SECTION 4. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the Village or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 5. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.

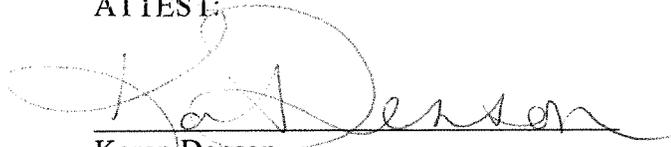
SECTION 6. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

This Bill was passed and approved this 18th day of December, 2025, by the Board of Trustees of the Village of Innsbrook after having been read by title or in full two times prior to passage.



Cynthia Bowers, Chairman
Board of Trustees

ATTEST:



Karen Denson
Village Clerk