

**AN ORDINANCE OF THE VILLAGE OF INNSBROOK, MISSOURI,  
ESTABLISHING A BUSINESS PERMIT AND REGULATIONS FOR  
THOSE WISHING TO DO BUSINESS WITHIN THE VILLAGE**

**WHEREAS**, the Board of Trustees finds it would be beneficial to residents of the Village of Innsbrook, Missouri (the "Village") to codify the requirements for business operations within the Village; and,

**WHEREAS**, the Board of Trustees desires to establish a business permit, application, and associated regulations to promote the welfare of the Village by ensuring consistent standards are applied to all businesses; and,

**WHEREAS**, the Board of Trustees desires to enact this Ordinance so that all current and future businesses are operating with the Village's knowledge and in compliance with State law so that the Village may adequately protect the safety and welfare of the Village.

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

**SECTION 1:** The Board of Trustees of the Village of Innsbrook hereby enacts the following Ordinance as Ordinance No. 291.

**SECTION A – DEFINITIONS**

**BUSINESS**

A Merchant, as defined herein.

**FEE**

Permit fees levied on or required by any Merchant, as defined herein.

**MERCHANT**

Any business, service, occupation, pursuit, profession or trade, or the keeping or maintaining of any institution, establishment, article, utility or commodity within the Village, except as may be otherwise provided by this ordinance.

**PERMIT**

Any permit required to be secured under this ordinance.

**PERMIT YEAR**

Unless otherwise provided, shall mean the year beginning July 1 or, in the case of businesses newly established, at the beginning of doing business and ending on the following June 30.

**PERSON**

Any natural individual, partnership, firm, corporation or association. As applied to partnerships, firms or associations, the term includes the individual partners or members thereof and the singular includes the plural.

## **SECTION B - PERSONS NOT TO BE CHARGED FOR BUSINESS PERMIT**

- 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 Village shall be made liable to pay any municipal tax 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 tax 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 Village shall be made liable to pay any municipal tax for the privilege of following or carrying on his/her profession unless that Person maintains a business office within the Village of Innsbrook.

## **SECTION C – BUSINESS PERMIT REQUIREMENT**

- A. No Person shall act as a Merchant as described in this ordinance within the Village without first having obtained a business permit therefore from the Village Administrator/Clerk and paying to the Village Administrator/Clerk the designated business permit fee. The business permit shall be for the annual permit year.
- B. Each Merchant shall include in his/her business permit application the following information:
  - 1. Name of Business in Innsbrook
  - 2. Date Business began or will begin operation in Innsbrook
  - 3. Local Business Address for each property in Innsbrook associated with the Business
  - 4. Local Business Telephone Number
  - 5. Name of Manager or Agent for Business
  - 6. Contact Telephone Number for Manager or Agent
  - 7. Email Address for Business
  - 8. Federal Employer Identification Number for Business
  - 9. Missouri Retail Sales Tax Identification Number for Business
  - 10. Certificate of No Tax Due
  - 11. Number of Employees at Business Location
  - 12. Brief description of Business

- C. Additionally, each applicant for a business permit under this ordinance 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 Village business permit. The statement required by this Section shall be dated within ninety (90) days of submission of the business permit application or renewal application.

#### **SECTION D - MERCHANTS TO FILE STATEMENTS**

The Village Administrator/Clerk shall, after January first (1<sup>st</sup>) and before June first (1<sup>st</sup>) in each year, post notice on the Village's website and make available to Merchants the application for business permit; and it shall be the duty of every Merchant, whether so notified or not, to furnish to the Village Administrator/Clerk, prior to June first (1<sup>st</sup>) of each year an application for a business permit. The application and statement shall be on such form or forms as the Village Administrator/Clerk shall prescribe.

#### **SECTION E - AMOUNT OF BUSINESS PERMIT FEE**

Every Merchant coming within the definitions of this Ordinance shall on or before July first (1<sup>st</sup>) of each year pay to the Village of Innsbrook an annual business permit fee for administrative costs. The amount of the fee is set as follows:

1. A fee of thirty dollars (\$30.00) per application.
2. No Merchant shall be required to pay any business permit fee who is exempt as set forth in Section B of this Ordinance.

#### **SECTION F - RECORD KEEPING**

The Village Administrator/Clerk shall cause to be kept a record of every business permit issued, the amount of the fee paid, the purpose for which such business permit was issued, the location where the business permit privilege is to be exercised and the name of the permittee. The Village Administrator/Clerk shall make a copy of the approved business permit to send to the Merchant while the original will be kept by the Village.

#### **SECTION G - EFFECTIVE DATE OF BUSINESS PERMIT FEE INCREASED AND BUSINESS PERMIT FEE ENACTED FOR THE FIRST TIME**

Any increase in business permit fees and any business permit fees enacted for the first (1<sup>st</sup>) time under this Chapter shall be in effect and shall become due as specified herein on July 1, 2021.

#### **SECTION H - BUSINESS PERMIT PERIOD**

The period of the business permit herein covered under this Chapter shall be from

July first (1<sup>st</sup>) of one year to June thirtieth (30<sup>th</sup>) of the succeeding year.

## **SECTION I - PENALTIES**

- A. Whenever this Ordinance, or any rule, regulation, notice or order promulgated by any officer of the Village under authority duly vested in him/her by this Ordinance, any act which is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, upon conviction of a violation of any such provision of this Ordinance, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County Jail not exceeding ninety (90) days, or by both such fine and imprisonment.

Every day any violation of this Ordinance shall continue shall constitute a separate offense.

Whenever any act is prohibited by this Ordinance, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Ordinance, an attempt to do the act is likewise prohibited.

- B. *Penalty For Fake Affidavits.* Whoever shall make or file with the Village Administrator/Clerk under the provisions of this Chapter a false statement under oath shall, upon conviction thereof, forfeit his/her business permit and be subject to the penalty prescribed in Subsection (A) of this Section. It shall be the duty of the Village Administrator/Clerk to carefully examine all statements filed by such Merchant and refer to the proper authorities for prosecution all violations of this Chapter.

## **SECTION J - REVOCATION**

- A. Any business permit issued pursuant to this Chapter shall be revoked immediately upon notification by the Missouri Director of Revenue that the permittee's State retail sales license has been revoked pursuant to Section 144.083, RSMo.
- B. Business permits issued under provisions of this Chapter may be revoked by the Board of Trustees, after notice and hearing, for any of the following causes:
1. Fraud, misrepresentation or any false statement in the application of the business permit.
  2. Any violation of this Chapter or the conditions under which the business permit was granted by the Board of Trustees.
  3. Conviction of any crime or misdemeanor involving moral turpitude.
  4. Conducting the business in an unlawful manner or in such a manner as to constitute a nuisance or menace to the health, safety or general welfare of the public.

- C. Revocation of a business permit issued pursuant to this Chapter may be in addition to any other fine or penalty imposed under this Code.

**SECTION K - NOTICE OF HEARING ON BUSINESS PERMIT REVOCATION**

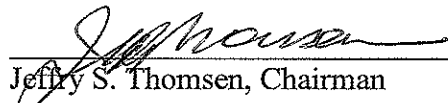
Notice of the hearing on the revocation of a business permit issued pursuant to this Chapter shall be in writing, setting forth the grounds of the complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the permittee at his/her last known address or location of business at least five (5) days before the date set for the hearing.

**SECTION 2:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 3:** If any provision or clause of this section is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this section, and clauses of this section are declared to be severable.

**SECTION 4:** This Ordinance shall take effect and be in full force from and after passage and approval thereof.

Said Bill was passed and approved this 13<sup>th</sup> day of April, 2021, by the Board of Trustees of the Village of Innsbrook, Missouri after having been read by title, or in full, two times prior to passage.

  
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Jeffrey S. Thomsen, Chairman  
Village of Innsbrook Board of Trustees

ATTEST:

  
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Carla Ayala  
Village Administrator/Clerk

