

Recorded in Newton County, Missouri



Recording Date/Time: 04/28/2021 at 11:33:11 AM

Book: 370 Page: 3818

Instr #: 202103870

Type: ORDIN

Pages: 8

Fee: \$45.00 S 20210003162



Jennifer A. Childers
Recorder of Deeds

45⁰⁰

Chk#3490 90⁰⁰

VILLAGE OF LEAWOOD
P.O. Box 2032, Joplin, Missouri 64803

**Business and Occupation
Licenses and Occupational Taxes**

ORDINANCE NO. 2021-1
Passed on March 25, 2021

BILL NO. _____

ORDINANCE NO. 2021-1

AN ORDINANCE FOR THE LICENSING OF BUSINESSES IN THE VILLAGE OF LEAWOOD (HEREINAFTER REFERRED TO AS "VILLAGE"), AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Village of Leawood wishes to regulate the conduct of certain businesses within the Village of Leawood; and

WHEREAS, it is the desire of the Board of Trustees of the Village of Leawood to adequately provide for provision of business licenses and occupational taxes within the Village.

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

BUSINESS AND OCCUPATION CHAPTER 001. Licenses and Occupational Taxes

Section 001.010. License Required

- A. It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith any vehicle, premises, machine or device for which a license is required by this Chapter without the license so required having been first procured and thereafter kept in effect at all such times as required by this Code or other ordinance.
- B. No person shall engage in business as a public utility in the Village without first obtaining a license or knowingly make a false statement in the application for such license.

Section 001.020. Separate License Required For Each Business – Exceptions.

- A. For each business required by this Chapter to be licensed, a separate license shall be obtained.
- B. A person engaged in two (2) or more businesses at the same location shall not be required to obtain a separate license for each business but, when eligible, shall be issued one (1) license which shall specify on its face all such businesses.

Section 001.030. More Than One Business At Same Location.

When any person engages in two (2) or more businesses at the same location under one (1) license as authorized in Section 001.020(B), he/she shall pay a license fee equal to the sum of all the fees for each business so licensed.

Section 001.035. 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, priest, comparable religious leader of other faiths, teacher, professor in a college, 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 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 Village 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 Village of Leawood.
- C. No person engaged in residential landscaping work shall be taxed or made liable to pay any municipal 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 Village of Leawood.
- D. No person holding a valid Business License issued by the City of Joplin, pursuant to the Code of Ordinances for the City of Joplin §§ 30 *et. seq.*, as may be amended from time to time, 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 Village of Leawood.

Section 001.040. License Fees.

Except as otherwise indicated herein, business licenses issued by the Village shall be issued for a two-year period. There will be no proration of fees.

- A. General Business License. The General Business license fee for the two-year license shall be \$50.00. Unless otherwise specified in this Chapter, any person engaged in business pursuant to Section 001.050 of this Chapter shall be considered a General Business, and shall be required to operate with the General Business License.
- B. Medical Marijuana Business License. Facilities created pursuant to Constitutional Amendment 2, Amending Article XIV of the Missouri Constitution, enabling licensed citizens the right to use, cultivate, manufacture, dispense, test, transport, administer and store Medical Marijuana and Medical Marijuana-Infused Products shall be Medical Marijuana Businesses and shall be required to pay a \$150.00 fee for a site review permit prior to operation of the business. . The Medical Marijuana Business License Fee shall be \$150.00 for medical marijuana cultivation facilities, medical marijuana infused products manufacturing facilities, and medical marijuana test facilities. The Medical Marijuana Business License Fee shall be \$450.00 for medical marijuana dispensary facilities.
- C. Peddler and Solicitor License. Peddlers and Solicitors as defined in the Village Code of Ordinances Chapter 2. Peddlers and Solicitors, shall be required to obtain a Peddler and Solicitor License. The fee for a Peddler and Solicitor License shall be \$15.00 for a license effective for a single week, and \$50.00 for a license effective for a single month.

Section 001.045. Certain Insurance Policies, Etc., Required Before Issuance of Licenses for Contractors and Subcontractors.

- A. In addition to payment of the license fees required of Contractors in Section 001.040, before any Contractor license may be issued to any applicant, each applicant shall produce for the inspection and approval of the Village Clerk the following policies of insurance together with receipts showing the premiums fully paid for the period for which the license is sought: *a Certain Contractors Insurance by their insurance carriers and list Village of Leeswood as an additional insurer*
 - 1. Bodily injury liability insurance providing for a limit of not less than one hundred thousand dollars (\$100,000.00) for all damages arising out of bodily injuries to or for the death of one (1) person and subject to the limit for each person, a total limit of three hundred thousand dollars (\$300,000.00) for all damages arising out of bodily injuries to or death of two (2) or more persons in any one (1) accident.
 - 2. Comprehensive general contractor's property damage liability insurance providing for a limit of not less than fifty thousand dollars (\$50,000.00) for all damages arising out of injury to or destruction of property in any one (1) accident and subject to that limit per accident, a total aggregate limit of three hundred thousand dollars (\$300,000.00) for all damages arising out of injury to or destruction of property during the policy period.

3. All insurance required herein must cover below-grade damage to be in full force during the entire construction process; and further be with a company approved by the Village; and such insurance shall cover the licensee and all employees of the licensee who may perform work in the Village, under the provisions of this Chapter.
4. Each contractor shall file a certificate showing that he/she has Workers' Compensation insurance if, under the laws of the State, he/she is required to carry such insurance.
5. Failure to comply with any of the requirements of this Section at any time during the term of the license shall result in immediate forfeiture of such license.

Section 001.050. When Person is in Business.

Except as may be provided otherwise in this Chapter, a person shall be deemed to be in business within the meaning of this Chapter when he/she is selling any goods or service, soliciting business or offering goods or service for sale or hire or using any vehicle or premises in the Village for business purposes.

Section 001.060. When License is Required.

- A. A license shall be required of every business, when the same be reasonably within the intention of the legislature of this State in the enactment of Section 94.270, RSMo., and other State Statutes.
- B. The Village Clerk shall make the initial determination whether any particular business, activity, occupation, vocation or service shall be covered within this requirement. Such determination by the Village Clerk shall be final and binding on persons affected thereby, unless and until such determination is held unreasonable or invalid by a court of competent jurisdiction.

Section 001.070. Local Representative Responsible for Compliance by Principals

The local agents or other representatives of non-residents who are doing business or engaging in non-profit enterprises in this Village shall be personally responsible for the compliance of their principals and of the businesses and enterprises they represent with all applicable provisions of this Chapter.

Section 001.080. License Not Required for Delivery of Purchases Made beyond Village.

Except as may be provided otherwise by this Code, no license shall be required of any person for any mere delivery in the Village of any property purchased or acquired in good faith from such person at his/her regular place of business outside the Village, where no intent by such person is shown to exist to evade the provisions of this Chapter.

Section 001.090. Village Clerk is License Officer.

The Village Clerk shall be the Village business License Officer and shall issue in the name of the Village all licenses required by this Chapter to all qualified applicants therefor, when all required taxes and fees have been paid in accord with the provisions of this Chapter.

Section 001.100. Village Clerk – Powers and Duties.

- A. The Village Clerk, in issuing licenses required by this Chapter, shall:
1. Promulgate such rules and regulations as he/she may consider desirable for the administration of this Chapter. When approved by the Chairman, such rules and regulations shall be placed on file in the office of the Village Clerk for inspection and use by the public and the provisions thereof shall be enforced by him/her;
 2. Adopt all forms and prescribe the information to be given therein as to character of applicant's business and other relevant matter for all necessary papers;
 3. Require applicants to submit all affidavits and oaths necessary to the administration of this Chapter;
 4. Submit all applications, in each proper case, to interested Village Officials for their endorsements thereon as to compliance by the applicant with all Village ordinances which they have the duty of enforcing;
 5. Investigate and determine the eligibility of any applicant for a license or permit or renewal thereof as prescribed in this Chapter;
 6. Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this Chapter; and
 7. Notify any applicant of the acceptance or rejection of his/her application and, upon refusal of any license or permit and at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

Section 001.110. To Whom Taxes and Fees Paid

Fees required by this Chapter to be paid by any person shall be made payable to the "Village of Leawood" and shall be submitted to the Village Clerk, who shall issue a proper receipt to each person making such payment.

Section 001.120. Application – Original License.

Every person required to have a license shall submit an application to the Village Clerk officer by a written statement upon forms provided by the Village Clerk officer, which shall disclose all information which the Village Clerk officer shall find to be reasonably necessary to the fair administration of this Chapter and which shall be accompanied by a receipt from the Village Clerk for the full amount of the fees chargeable for such license, which receipt shall not be construed as approval for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to this Chapter.

Section 001.130. Application – Renewal.

Any applicant for the renewal of a license under this Chapter shall submit an application therefor to the Village Clerk upon forms provided by the Village Clerk, which shall include such information which he/she shall find to be reasonably necessary to the fair administration of this Chapter and information as to the conduct and operation of his/her business during the preceding licensing period.

Section 001.140. Application – Refunds Upon Disapproval.

The Village Board shall, upon disapproving any application, direct the Village Clerk to refund all money paid in advance; provided, the applicant is not otherwise indebted to the Village. When the issuance of a license is refused and any action or proceeding is brought by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused.

Section 001.150. Appeal.

An appeal may be had from any decision of the Village Clerk in granting or denying a Village business license. An application for appeal shall be filed with the Village Clerk within fourteen (14) days of a decision adverse to the one requesting an appeal. The Board of Trustees shall hear the appeal within thirty (30) days of filing of the application for an appeal hearing.

Section 001.160. Posting or Display of License.

Every licensee under this Chapter shall post and maintain his/her license upon the premises in a place where it may be seen at all times. Every licensee under this Chapter who does not have a licensed business premises shall carry his/her license on his/her person and shall display it to Village Officers having authority to enforce this Chapter and to persons with whom he/she transacts business at their request.

Section 001.170. Fees – Generally.

The fee for licenses required under this Chapter shall be as established from time to time by ordinance of the Board of Trustees and one (1) filed in the office of the Village Clerk. The initial fees for licenses required under this Chapter are set out in the Supplementary Schedule of this Code, Section 001.040.

FIRST READING: March 25, 2021

SECOND READING: March 25, 2021

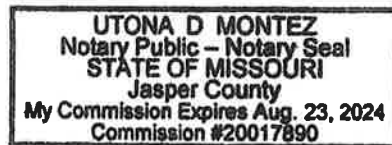
Passed by the Board of Trustees of the Village of Leawood this 25th day of March, 2021.

Village of Leawood, Missouri

By: Denis Desmond
Denis Desmond, Chairman Board of Trustees

ATTEST:

Dale Owen
Dale Owen, Village Clerk



Utona Montez
4/28/21

Village of Leawood Occupational License Application

Date: _____

Business Name: _____

Proprietorship Partnership: _____ LLC: _____ Corporation: _____

Owner/President's Name: _____

Business Address: _____

Mailing Address: (If different): _____

Business Phone #: _____ Fax #: _____

Emergency Phone #: _____

Federal Tax ID Number: _____ MO Sales Tax# _____

A copy of your Sales Tax ID and a "No Tax Due" Report must be included with application.

Type of Occupation: _____
(Only One Type of Occupation Per Application)

Insured: Yes _____ No _____ If yes with whom: _____

Work Comp Ins: Yes _____ No _____ If yes with whom: _____
(Please attach proof)

Is your business home based? Yes _____ No _____

Do, or will, you or your facility discharge any wastewater into the Village's sewers, other than from restrooms: Yes _____ No _____ If yes, describe: _____

Number of Employees: (If applicable) Full Time _____ Part time _____

Village of Leawood Occupation License Application

Construction Industry

Date: _____

Business Name: _____

Proprietorship Partnership _____ LLC _____ Corporation _____

Owner/President's Name: _____

Business Address: _____

Mailing Address: (If different) _____

Business Phone #: _____ Fax#: _____

Emergency Phone #: _____

Federal Tax Identification Number: _____ MO Sales Tax # _____

Type of Occupation: _____

(Only One Type of Occupation Per Application)

Insured: Yes _____ No _____ If yes with whom: _____

Work Comp Ins: Yes _____ No _____ If yes with whom: _____
(Please attach proof)

Note: RsMO 287.040. Liability of employer — contractors, subcontractors.
— 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

Number of Employees: (If applicable) Full Time: _____ Part Time: _____

Personal Information of Applicant

Name: _____

Address: _____

City, _____ **State,** _____ **Zip** _____ **Code:** _____

Home Phone #: _____ **CellPhone #:** _____

Under Oath, I affirm that I participate in a Federal Work Authorization Program and do not and shall not employ any person who does not have the legal right or authorization under Federal Law to work in the United States (Refer to Missouri HB 1549).

I, the undersigned certify that the above information is true and accurate.

Signature of Applicant: _____

Office Use Only

Identification Used: (i.e. Drivers License) _____

Expiration Date of Identification Document: _____

Work Comp Certificate attached: _____

Exemption Certificate Attached (if applicable): _____

General Liability Attached (Excavator or Dirt Movers): _____

License Number: _____

Date Paid: _____ **Amount Paid:** _____

Approved By: _____
(Signature of Village Clerk)

Personal Information of Applicant

Name: _____

Address: _____

City, State, Zip Code: _____

Home Phone #: _____ Cell Phone#: _____

Under Oath, I affirm that I participate in a Federal Work Authorization Program and do not and shall not employ any person who does not have the legal right or authorization under Federal Law to work in the United States (Refer to Missouri HB 1549).

I, the undersigned certify that the above information is true and accurate.

Signature of Applicant: _____

Office Use Only

Identification Used: (i.e. Drivers License) _____

Expiration Date of Identification Document: _____

Occupational License Number: _____

Date Paid: _____ Amount Paid: _____

Approved By: _____

(Signature of City Clerk)