

Chapter 8

BUSINESSES*

Article I. In General

Secs. 8-1--8-35. Reserved.

Article II. Licenses and Permits Generally

Sec. 8-36. Definitions.
Sec. 8-37. Doing business without license.
Sec. 8-38. Form of licenses.
Sec. 8-39. Signature on licenses.
Sec. 8-40. Payment of fee prerequisite to issuance.
Sec. 8-41. Temporary licenses for delinquent payments.
Sec. 8-42. Reserved.
Sec. 8-43. Issuance of license to two or more persons.
Sec. 8-44. Separate license for each place of business.
Sec. 8-45. Licensing more than one occupation at same address.
Sec. 8-46. Penalty for late payment of license tax.
Sec. 8-47. Extension for payment of license tax.
Sec. 8-48. Issuance, delivery of license.
Sec. 8-49. Receipt for license payment.
Sec. 8-50. Copies of receipts.
Sec. 8-51. Record of licenses issued.
Sec. 8-52. Duration, expiration, prorating of licenses.
Sec. 8-53. Preservation, display of license.
Sec. 8-54. Fixing license fee where none is specified.
Sec. 8-55. Receipts, commissions, similar factors as basis for computing license fee.
Sec. 8-56. Computation of fee based on receipts, similar factors.
Sec. 8-57. Information required when license fee based on receipts, commissions, similar factors.
Sec. 8-58. Financial data for preceding year required in application.
Sec. 8-59. Conditions, factors affecting license fee required in application.
Sec. 8-60. Certification of financial information included in application.
Sec. 8-61. Verification of information accompanying license application.
Sec. 8-62. False statements in license application.
Sec. 8-63. Penalty, interest assessed for false statements causing reduction in fee.
Sec. 8-64. Evidence of workers' compensation insurance prior to license issuance.
Sec. 8-65. Refund of overpayment of license fee.
Sec. 8-66. Annual gross receipts schedule of fees.
Sec. 8-67. License fee schedule.
Sec. 8-68. Maximum license fee payable.
Secs. 8-69--8-125. Reserved.

***Cross reference(s)**--Advertising, ch. 3; alcoholic beverages, ch. 4; licensing of master electricians, § 7-106 et seq.; boiler operator licensing, § 7-220; licensing and registration of plumbers, § 7-291 et seq.; cable communications, ch. 9; consumer protection, ch. 12; liquidation sales, § 12-26 et seq.; scavengers for individual sewage disposal systems, § 17-56 et seq.; discrimination, § 18-26 et seq.; railroads, ch. 22; secondhand goods, ch. 23; taxation, ch. 27; dispensing products or services in off-street parking facilities, § 28-820; gas utilities, § 29-26 et seq.; water utilities, § 29-51 et seq.; vehicles for hire, ch. 30.

State law reference(s)--Powers of home rule charter cities, Mo. Const. art. VI, § 19(a).

Article III. Amusements

ST. JOSEPH CODE

- Sec. 8-126. Closing hours for card rooms and pool halls.
Secs. 8-127--8-175. Reserved.

Article IV. Insurance Brokers, Companies and Agents

Division 1. Generally

- Secs. 8-176--8-200. Reserved.

Division 2. Licenses and Permits

- Sec. 8-201. Doing business without license or permit.
Sec. 8-202. Soliciting, writing insurance for unlicensed company, agency.
Sec. 8-203. Responsibility for payment of tax; accuracy, truth of report.
Sec. 8-204. Form, content of licenses or permits issued.
Sec. 8-205. Expiration of licenses.
Sec. 8-206. Reserved.
Sec. 8-207. Transferability of license.
Secs. 8-208--8-250. Reserved.

Article V. Peddlers, Hawkers and Hucksters

- Sec. 8-251. Definitions.
Sec. 8-252. Application of provisions to farmers, similar persons.
Sec. 8-253. Revocation of license.
Sec. 8-254. Carrying and display of license.
Sec. 8-255. Use of streets, public places.
Sec. 8-256. Peddling - public property.
Sec. 8-257. Peddling - private property.
Sec. 8-258. Unauthorized entry on private property.
Sec. 8-259. Peddling prohibited near certain structures.
Sec. 8-260. Minimum parking spaces to be maintained - private property.
Sec. 8-261. Peddling time restrictions.
Secs. 8-262--8-285. Reserved.

Article VI. Handbill Distributors

Division 1. Generally

- Secs. 8-286--8-300. Reserved.

Division 2. License

- Sec. 8-301. Required.
Sec. 8-302. Application.
Sec. 8-303. Fee.
Sec. 8-304. Duration.
Sec. 8-305. Transferability.
Sec. 8-306. Revocation.
Secs. 8-307--8-350. Reserved.

Article VII. Lunch Wagons

- Sec. 8-351. Location restrictions.

BUSINESSES

Secs. 8-352--8-400. Reserved.

Article VIII. Solicitations

Sec. 8-401. Scope.
Sec. 8-402. Permit.
Secs. 8-403--8-450. Reserved.

Article IX. Private Police Services and Security Services

Sec. 8-451. Licensing of private watchmen, private police officers and services.
Sec. 8-452. Fee schedule for examination and licensing.
Secs. 8-453--8-475. Reserved.

Article X. Adult Entertainment Businesses

Division 1. Generally

Sec. 8-476. Declaration of findings and policies.
Sec. 8-477. Definitions.
Sec. 8-478. Application of other provisions.
Sec. 8-479. Inspectors and inspections.
Sec. 8-480. Regulations.
Secs. 8-481--8-515. Reserved.

Division 2. Licenses and Permits

Sec. 8-516. Adult entertainment business license.
Sec. 8-517. Adult entertainment permit for managers and entertainers.
Sec. 8-518. Classification and fees.
Sec. 8-519. Applications.
Sec. 8-520. Investigation of applicant.
Sec. 8-521. Approval or disapproval of application.
Sec. 8-522. Compliance with other city ordinances required.
Sec. 8-523. Location of establishment.
Sec. 8-524. Posting and display.
Sec. 8-525. Suspension, revocation, or nonrenewal.
Sec. 8-526. Hearing procedure.
Sec. 8-527. Renewal.
Sec. 8-528. Appeal; stay of enforcement of orders.
Sec. 8-529. Informal disposition of case.
Secs. 8-530--8-555. Reserved.

Division 3. Conduct and Operation

Sec. 8-556. Hours of operation.
Sec. 8-557. Manager on premises.
Sec. 8-558. Minors prohibited on premises.
Sec. 8-559. Customer conduct.
Sec. 8-560. Owner, operator, manager, etc., requirements.
Sec. 8-561. Adult arcades.
Sec. 8-562. Adult cabarets.

ST. JOSEPH CODE

ARTICLE I. IN GENERAL**Secs. 8-1--8-35. Reserved.****ARTICLE II. LICENSES AND PERMITS
GENERALLY*****Sec. 8-36. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Annual gross receipts* means 12 times the average monthly gross receipts for the time during which any business in question shall have been conducted or for the period of one year next preceding the date upon which the required license becomes due or, if past due and demand is made therefor, then the date of such demand. In computing the amount of each license fee, a major fraction of \$1,000.00 of annual gross receipts shall be considered and paid for as \$1,000.00.
- (2) *Apartment house* means any individual residential dwelling unit, whether occupied or unoccupied and whether such dwelling unit exists with or without other residential dwelling units within a single structure, which is offered or used for residential occupancy by persons other than the owners, immediate family members of the owners, or others under the care of the owners, for durations exceeding 30 days and in exchange for financial consideration.

(3) *Dealer* means any person who sells, exposes or offers any article for sale.

(4) *Gross annual business* means 12 times the average monthly value of all goods, wares, merchandise, chattels and all other personal property of every kind and description bought, sold, loaned or exchanged in the business, during the period in which such business shall have been conducted, or for the period of one year next preceding the date upon which the required license becomes due or, if past due and demand is made therefor, then the date of such demand.

(5) *Gross annual commissions* means 12 times the average monthly gross commissions from the business in question for the time during which such business shall have been conducted or for the period of one year next preceding the date upon which the required license becomes due or, if past due and demand is made therefor, then the date of such demand.

(Code 1969, §§ 13-6, 13-23--13-25; G.O. 2904, 3-11-19)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 8-37. Doing business without license.

It shall be unlawful for any person to engage in any business, occupation, pursuit, profession or trade or to keep or maintain any institution, establishment, article, utility or commodity without first procuring and paying for a license to do so, unless otherwise exempted by law.

(Code 1969, § 13-21)

Sec. 8-38. Form of licenses.

The director of finance shall prescribe the form of all city licenses.

(Code 1969, § 13-4)

Sec. 8-39. Signature on licenses.

All licenses shall be signed by the director of finance and shall be invalid for all purposes until so signed and validated.

(Code 1969, § 13-5)

***Charter reference(s)**--Licenses, art. XIV.

Cross reference(s)--Finance department, § 2-231 et seq.; finance, § 2-1051 et seq.

§8-40

Sec. 8-40. Payment of fee prerequisite to issuance.

The director of finance shall not issue any license until the party applying for the license shall have paid the director of finance the sum of money charged therefor by this Code.

(Code 1969, § 13-7)

Sec. 8-41. Temporary licenses for delinquent payments.

Notwithstanding provisions of this code prohibiting the issuance of a license or permit when the person or other entity applying for such license or permit owes delinquent taxes, assessments, charges, fines, fees, liens, penalties, or other money to the city, a license to engage in any business, occupation, pursuit, profession, or trade, or to keep or maintain any institution, establishment, article, utility, or commodity, a temporary occupational license may be issued when approved by the city manager and city attorney when good cause is shown for such issuance. Such temporary license may be issued for a valid duration not to exceed 90 days. Before such temporary license is issued, however, 25% of any delinquent amounts owed by the person or entity to the city shall be paid. All outstanding delinquent amounts must be paid prior to the end of the 90-day period. Such temporary license shall be immediately revoked in the event payment is not made as required by this paragraph. The procedure allowed by this section shall not be construed to allow for the waiver or dismissal of any taxes, assessment, charges, fines, fees, liens, penalties or other charges, or the waiver or dismissal of the city's rights under this section or under any other law.

(Gen. Ord. No. 1144, § 1(3-8(a), (c), (d)), 1-18-94; G.O. 1845, 9-17-01; G.O. 2655, 10-29-12)

Sec. 8-42. Reserved.

Sec. 8-43. Issuance of license to two or more persons.

A license may be issued to two or more persons engaged in any joint enterprise, the same as to a single person and for the same charge, except where otherwise specifically provided.

(Code 1969, § 13-10)

Sec. 8-44. Separate license for each place of business.

A separate license shall be obtained for each place of business conducted, operated, maintained or carried on by every person engaged in any occupation, calling, trade or enterprise for which a license is required by this Code or other ordinances of the city.

(Code 1969, § 13-11)

Sec. 8-45. Licensing more than one occupation at same address.

Whenever any applicant for an occupational license is engaged in more than one occupation or business at the same address, such applicant may, at his option, in lieu of making application and paying for a separate occupation or business license for each such occupation or business, make application and pay for the occupation or business license for only the major or principal business or occupation of the applicant at such address. The license fee for all such occupations or businesses shall be computed on the basis of the total gross annual business or annual gross receipts of the applicant derived from all of the occupations or businesses in which the applicant is engaged at such address, and the only minimum license fee required to be paid shall be the one for the occupation or business license for which application is made. This section shall apply only to those occupations or businesses where the license fee in each case would be computed on the basis of the gross annual business or annual gross receipts of such occupation or business if a separate license were issued for each such occupation or business.

(Code 1969, § 13-12)

Sec. 8-46. Penalty for late payment of license tax.

All license taxes fixed by this article which are not paid by the due date provided, shall be immediately subject to a ten percent additional penalty charge on the balance due plus a one percent penalty assessment against the balance due for every 30-day period thereafter; provided, however, that this section shall not be deemed a waiver of the right of the city to seek any other remedy allowed under law.

(Gen. Ord. No. 949, § 1(13-13), 4-27-92)

Sec. 8-47. Extension for payment of license tax.

The director of finance may, before any delinquency and for good cause shown, extend the time of payment of the license tax for a period not to exceed 60 days.

(Code 1969, § 13-14)

Sec. 8-48. Issuance, delivery of license.

At the time payment is received and other requirements are satisfied, the director of finance shall issue the license desired.

(Code 1969, § 13-15)

Sec. 8-49. Receipt for license payment.

The director of finance, upon payment to him of the amount of any license as provided by this code, shall give a receipt, stating the amount paid, the nature of the license, its duration and to whom issued. A copy of all such receipts shall be retained by the director of finance.

(Code 1969, § 13-16)

Sec. 8-50. Copies of receipts.

The director of finance shall preserve copies of receipts given for charges paid for licenses and shall be charged with the amount of such receipts.

(Code 1969, § 13-17)

Sec. 8-51. Record of licenses issued.

The director of finance shall keep a book containing a complete and perfect record of all licenses issued, showing the nature of the license, the amount paid, its date, expiration and to whom issued.

(Code 1969, § 13-18)

Sec. 8-52. Duration, expiration, prorating of licenses.

All licenses, except as otherwise specifically provided for by ordinance, shall expire on June 30 of each year, and must be renewed on or before July 1 of each year. All license fees will be prorated on a quarterly basis for those establishments commencing business during a calendar year; provided, however, that licenses may be issued for a day, week or month, where specifically designated elsewhere in this chapter and no charge for such licenses shall be prorated.

(Gen. Ord. No. 1184, § 1(13-19), 6-20-94)

Sec. 8-53. Preservation, display of license.

Every license granted by the city shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by the license.

(Code 1969, § 13-20)

Sec. 8-54. Fixing license fee where none is specified.

Every person conducting any business, industry or enterprise for which no license is specified in this article or in any other section of this code shall procure a license therefor from the city and shall pay the same license fee as for the nearest related business, industry or enterprise or \$25.00 per year, as determined by the director of finance.

(Code 1969, § 13-22)

Sec. 8-55. Receipts, commissions, similar factors as basis for computing license fee.

The use of gross annual receipts, gross annual business, gross annual commissions and similar factors in the computation of the amount of license fee due shall not be construed as the factors which are being taxed, but shall be construed only as the basis for determining the amount of license fee to be paid.

(Code 1969, § 13-26)

Sec. 8-56. Computation of fee based on receipts, similar factors.

The term "based on annual gross receipts" or similar terms, as used in any section of this article, means that the license fee therein referred

to shall be computed upon the amount of the gross annual business or annual gross receipts of the business, trade, profession or occupation therein referred to, and the total of such computation shall constitute the amount of the license fee per year for such business, trade, profession or occupation. Each such license fee shall be due and payable at the time provided by this code or other city ordinances, except where a different method is used for computing and a different time determined in some other section of this Code for the payment of license fees.

(Code 1969, § 13-27)

Sec. 8-57. Information required when license fee based on receipts, commissions, similar factors.

Every person for whom a license is provided in this article, the amount of which license is to be computed upon the gross annual business or gross annual commissions of such person, shall furnish the city with a correct statement in writing, subscribed and sworn to before a notary public, showing the amount of such gross annual business or gross annual commissions done or received. The statement shall not be made public or used by the city except for the purpose of establishing a correct basis for fixing and collecting the amount of the license provided for in this article. All books of account showing the amount of such gross annual business or gross annual commissions shall be open to the inspection of the city officials charged with the duty of issuing the license provided for in this article and collecting for the license.

(Code 1969, § 13-28)

Sec. 8-58. Financial data for preceding year required in application.

Each applicant for an occupation license, where the fee or tax for such license is or shall be based on gross annual business or annual gross receipts, shall include in his application a sworn statement of the true amount of the gross annual business or annual gross receipts of his business or occupation for the next preceding calendar year, using as the basis for such computation the same figures shown by his books and records, by his federal and state income tax returns or by any other records or copies thereof which correctly and accurately show such gross annual business

or annual gross receipts of the applicant for such period.

(Code 1969, § 13-29)

Sec. 8-59. Conditions, factors affecting license fee required in application.

Each applicant for an occupation license, where the fee is or shall be based on conditions or factors other than gross annual business or annual gross receipts, shall include in his application a true and accurate statement of such conditions or factors upon which such statement is or shall be based.

(Code 1969, § 13-30)

Sec. 8-60. Certification of financial information included in application.

A person paying a license fee computed upon the basis of his gross annual receipts, gross annual commissions or similar factors shall certify that the receipts, commissions or similar factors included in his license application are as reported in his federal income tax return.

(Code 1969, § 13-31)

Sec. 8-61. Verification of information accompanying license application.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Certified copy means a copy on which appears the sworn statement of the applicant that the document is, to his best knowledge, a true and accurate copy.

(b) For the purpose of verifying the accuracy and truthfulness of statements included in any application for a license or attached thereto, the applicant shall furnish the city, acting through the director of finance or any authorized deputy or agent thereof, one of the following:

- (1) A certified copy of his federal income tax return for the preceding year as will disclose the gross annual business or annual gross receipts of the applicant for the calendar year for which such federal income tax return is made.

- (2) A statement by a certified public accountant disclosing the annual gross receipts or gross annual business of the applicant or licensee for the calendar year for which verification is desired by the city.
- (3) A certified copy of the profit and loss statement of the applicant or licensee disclosing the annual gross receipts or gross annual business of the applicant or licensee for the calendar year for which verification is desired by the city.

(c) No license shall be issued to any applicant so long as the applicant refuses to comply with the provisions of Subsection (a) of this section authorizing verification of the statements of the applicant relating to annual gross receipts or gross annual business, or, if the license has been issued, the license may be revoked upon written notice to licensee.

(d) The applicant may, in complying with Subsection (a) of this section, block out other information on the copies of verification documents that is not pertinent to the disclosure of the applicant's gross annual business or gross annual receipts, provided the applicant shall not block out any signatures affixed thereto. (Code 1969, § 13-32)

Sec. 8-62. False statements in license application.

It shall be unlawful for any person knowingly to make a false statement in his application for an occupation license as to his gross annual business or annual gross receipts or as to other conditions or factors upon which the license fee is or shall be based. (Code 1969, § 13-33)

Sec. 8-63. Penalty, interest assessed for false statements causing reduction in fee.

Any person found making a statement in his application for an occupation license showing gross annual business or annual gross receipts in an amount less than the true amount thereof or knowingly making a false statement as to any other condition or factor upon which the license fee is or shall be based, the effect of which would be to reduce the amount of such fee, shall, in

addition to all other penalties provided by law, pay to the director of finance, upon demand therefor, the additional amount of license fee found to be due, plus a penalty of 25 percent of such additional amount, with interest on the additional license fee of one percent per month for each month or major fraction thereof after the date when the original license fee was due and payable to the director of finance. (Code 1969, § 13-34)

Sec. 8-64. Evidence of workers' compensation insurance prior to license issuance.

No license required under this section shall be issued by the finance department to any person until such person produces a copy of a certificate of insurance for workers' compensation coverage, if the applicant for the license is required to cover his liability under RSMo ch. 287. It is further made a violation of this section to provide fraudulent information to the department. (Gen. Ord. No. 1112, § 1(13-37), 8-30-93)

Sec. 8-65. Refund of overpayment of license fee.

If any claim for refund because of alleged overpayment of a license fee is filed with the director of finance, before such refund shall be made, the licensee shall present proof in support thereof to the director of finance such as copies of federal and state income tax returns, statements signed by certified public accountants or original records and ledger sheets, showing the amounts which were lawfully owing to the city by the licensee for the term of such license. No refund of a license fee or tax shall be made with-out the approval by resolution of the city council. (Code 1969, § 13-36)

Sec. 8-66. Annual gross receipts schedule of fees.

Whenever in this article the term "annual gross receipts" is used, the license fee shall be based upon the following table and schedule of payments:

Fee	Annual Gross Receipts
\$0.50 per \$1,000.00 (subject to minimum fee).....	On receipts not over \$300,000.00
Plus \$0.40 per	On receipts over \$300,000.00

ST. JOSEPH CODE

§8-40

\$1,000.00.....	and not over \$500,000.00
Plus \$0.30 per	On receipts over \$500,000.00
\$1,000.00.....	and not over \$1,000,000.00
Plus \$0.20 per	On receipts over
\$1,000.00.....	\$1,000,000.00 and not over
	\$2,000,000.00
Plus \$0.10 per	On receipts over
\$1,000.00.....	\$2,000,000.00

See Auditor, bookkeeper or accountant.

Addressing business.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Adjusters.

Per year 25.00

Advertising business, outdoor.

Based on annual gross receipts; see Section 8-66; minimum per year 25.00

Advertising company.

An advertising company is any company engaged in or carrying on the business of soliciting advertisements for any newspaper, magazine or other publication, for hire or compensation, directly or indirectly.

Each concern consisting of not more than one person, per year 25.00

Each additional person connected with such concern, either as partner, officer of the company or employee, if engaged as a contact man or in the productive part of the business, per year 10.00

Agent or agency.

Any kind or character, not otherwise specified in this section:

Per year 50.00

Air conditioning contractors.

See Building, contracting or construction company.

Air conditioning sales.

See Merchants.

Amusement games, card tables.

Per room, per year 100.00
Amusement park.

EXAMPLE

(1) A firm with gross receipts of \$50,000.00 per year shall pay \$0.50 per \$1,000.00 or \$25.00.

(2) A firm grossing \$7,000,415.00 per year shall pay:

\$0.50 per \$1,000.00 on \$300,000.00....	\$ 150.00
\$0.40 per \$1,000.00 on \$200,000.00....	80.00
\$0.30 per \$1,000.00 on \$500,000.00....	150.00
\$0.20 per \$1,000.00 on \$1,000,000.00....	200.00
\$0.10 per \$1,000.00 on \$5,000,000.00....	<u>500.00</u>

Total fee \$1,080.00
(Code 1969, § 13-48)

Sec. 8-67. License fee schedule.

Every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever engaged in any business, occupation, pursuit, profession or trade or in the keeping or maintaining of any institution, establishment, article, utility or commodity specified in this section shall procure and pay for a license therefor from the city, the license fees for which shall be in the respective amounts set out in this section, except as otherwise provided in this Code or other city ordinances.

A

Abstracting business.

Based on annual gross receipts; see Section 8-66; minimum per year \$ 10.00
Accountant.

(5/1/19)

BUSINESSES

§8-39

Per month	50.00	Per year	150.00
<i>Antique shop.</i>		<i>Auditor, bookkeeper or accountant.</i>	
Based on annual gross receipts; see Section 8-66; minimum per year	25.00	Based on annual gross receipts; see Section 8-66; minimum per year	25.00
<i>Apartment house.</i>		<i>Automobile company, agency or repair shop.</i>	
For each suite offered for rent.....	1.50	Based on annual gross receipts; see Section 8-66; minimum per year	10.00
<i>Architects.</i>		<i>Automobile garage, public.</i>	
The number of resident architects or draftsmen and associates shall be computed as the average number engaged in the business for the last six months before January 1 or July 1, when the tax is payable, by dividing the total number of weeks which such architects, draftsmen or associates have been engaged in the business by 26.		"Private garage" means one attached to the property where the owner or his tenant lives or occupies the property and which garage is used exclusively by such owner or tenant for his private use.	
Having not more than one resident architect and not more than one draftsman or partner, per year.....		All other garages shall be defined as "public garages."	
	25.00	Per car capacity, per year.....	1.00
Having one resident architect and not more than three associates, either draftsmen, partners, members of the firm or employed architects, per year		Minimum fee	
	50.00		15.00
Having one resident architect and not more than six associates, either draftsmen, partners, members of the firm or employed architects, per year		<i>Automobile leasing or renting.</i>	
	75.00	Based on annual gross receipts; see Section 8-66; minimum per year	
Having more than one resident architect and six such associates, per year			
	100.00	25.00	
<i>Artists.</i>		<i>Automobile or trade school.</i>	
Per year	15.00	Based on annual gross receipts; see Section 8-66; minimum per year	
<i>Auction house or business. Other than livestock.</i>			
Based on annual gross receipts; see Section 8-66; minimum per year	10.00	10.00	
<i>Auctioneer. Other than livestock.</i>		<i>Automobile or trailer parking station or lot, public.</i>	
		Per car or trailer capacity, per year.....	
		1.00	
		Minimum fee	
		15.00	
		<i>Automobile washing and oiling.</i>	
		When not in connection with a garage and at the same location with a garage:	
		Per year	
		25.00	

(5/1/19)

§8-40

B

Baker.

Any person engaged in the sale, either wholesale or retail, manufacturing or both of bakery goods in the city:

Based on annual gross receipts; see Section 8-66; minimum per year .. \$10.00

Ballroom.

See *Dancehall or Ballroom.*

Bankers.

Individual doing a banking business:

Per year 150.00

Banking or trust company, other than national bank.

Having a combined capital and surplus of not more than \$150,000.00 per year 100.00

Having a combined capital and surplus of more than \$150,000.00 and not more than \$200,000.00 per year 200.00

Having a combined capital and surplus of more than \$200,000.00 and not more than \$300,000.00 per year 300.00

Having a combined capital and surplus of more than \$300,000.00 and not more than \$400,- 000.00 per year 400.00

Having a combined capital and surplus of more than \$400,000.00 and not more than \$500,- 000.00 per year 500.00

For each additional \$100,000.00 above \$500,000.00 combined capital and surplus 100.00

Barbershop.

For each chair, per year 3.00

Beauty parlor.

One operator, either in fixed location or itinerant, per year 10.00

Each additional operator in fixed location, per year each 3.00

Beer.

See Chapter 4 of this Code.

Billboard business.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Billiard table.

See *Pool Hall.*

Bondsman, agent thereof.

For a professional bondsman, for each calendar year or fraction thereof ... 100.00

For an agent or employee of a professional bondsman who posts or executes bonds in the name of the bondsman, for each calendar year or fraction thereof 25.00

Booking agent.

See *Theatrical booking agent.*

Bookkeeper.

See *Auditor, bookkeeper or accountant.*

Bowling or ball alley.

For three alleys or less, per year 50.00

For each additional alley, per year 7.50

Building, contracting or construction company.

Includes all persons engaged in the business of building and selling houses, residences or other buildings or persons contracting with others for the construction of any and all structures or parts thereof and includes all persons engaged in building houses and other buildings for themselves, for rent or sale, or

contracting with others for the performance of public or private work or improvement:

Doing a gross annual business of not more than \$25,000.00 per year 25.00

Doing a gross annual business of more than \$25,000.00 and not more than \$50,000.00, per year 35.00

Doing a gross annual business of more than \$50,000.00 and not more than \$100,000.00, per year 50.00

Doing a gross annual business of more than \$100,000.00 and not more than \$250,000.00, per year ... 100.00

Doing a gross annual business of more than \$250,000.00 and not more than \$500,000.00, per year 250.00

Doing a gross annual business of more than \$500,000.00 and not more than \$1,000,000.00, per year 400.00

Doing a gross annual business of more than \$1,000,000.00, per year 500.00

Building decorator; interior decorator.

Per year 50.00

Building, office, storefront.

For each room, per year 0.75

Building or house cleaning company.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Building or house mover, raiser or shorer.

Per year 50.00

Building or house wrecking company.

Based on annual gross receipts; see Section 8-66; minimum per year 25.00

Bureau, information.

See *Information bureau.*

Bus station.

See *Depot or terminal, bus.*

Business or correspondence school, for profit.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

C

Cafe, cafeteria, lunchroom and restaurant.

Per person seating capacity, per year \$1.00

Minimum fee 25.00

If the operator of a place for which an occupation license is required holds a license for the unlimited sale of intoxicating liquor by the drink and has set apart a separate room for the serving of food and no food is served elsewhere on the premises, the occupation license under this item shall be based on the seating capacity of such separate room.

When the operator of any place for which an occupation license is required holds a license for the unlimited sale of intoxicating liquor by the drink and the gross monetary return from the sale of food for the preceding 12 months did not amount to more than 35 percent of the total gross monetary return for liquor sale and food sale, the occupation license shall be the minimum fee fixed in this item. If the gross monetary return from the sale of food amounts to more than 35 percent of such total business, the occupation license shall be computed on the same ratio of seating capacity as the total of such food business bears to the total of food business and liquor business.

When dancing is allowed in an ordinary lunchroom, restaurant, cafeteria, cafe or any premises with an unlimited sales by the drink permit, there shall be, in addition to the fees enumerated in this item, a further license fee of 100.00

Coin-operated amusement devices--Definitions.

"Arcade" includes any place where ten or more machines are kept for operation as the sole business.

"Coin-operated amusement devices" include pinball machines, marble machines, music vending machines, miniature pool machines, shuffleboards and any other devices operated by the insertion of a coin, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement of the operator, whether or not by registering a score. It shall not include slot machines, claw machines, or other machines prohibited by state law nor shall it include machines or devices used bona fide and solely for the vending of service, food, confections or merchandise.

"Distributor" includes any person who sells, leases, rents or otherwise distributes coin-operated amusement devices within the city.

"Exhibitor" includes any person who exhibits or maintains for operation one or more coin-operated amusement devices within the city.

"Miniature pool" includes any device by which a game similar to the game known as "pool" or "billiards" is played with miniature equipment.

"Music vending machine or device" includes any piano, phonograph, radio or similar machine or device which, upon the insertion of a coin, disc, key or other insertion piece or by the payment of any price operates or may be operated for the emission of songs, music or similar amusement.

"Operator" includes any person who, by the insertion of a coin, disc, key or other insertion piece, whether or not also manipulated by him, receives the privilege or opportunity of operation of the machine for his own pleasure.

"Other coin-operated amusement devices" include all devices not specifically defined in this item.

"Pinball machines" and "marble machines" include such devices operated by the insertion

of a coin, disc, key or other insertion piece, whether or not manipulated by the operator, which operate for the amusement of the operator, whether or not by registering a score, and commonly called "pinball" and "marble machines."

"Shuffleboard" includes any device of a flat surface on which an object is shoved, pushed or thrown from one part of the surface to another, whether or not a score is registered.

Same--Exhibitors.

Every exhibitor shall pay an annual occupation license fee for the privilege of operating or maintaining for operation coin-operated amusement devices as follows:

Licenses issued between January 1 and July 1 shall be paid for at the rate prescribed for the full calendar year. Licenses issued during the period from July 1 to December 31 of each year shall be issued for one-half of the rate prescribed for a full year.

All licenses issued during the calendar year shall expire on January 1 of the next calendar year.

Pinball, marble, motion picture, shuffleboard, miniature pool, or other coin-operated machines charging:

\$0.01, per machine	2.00
\$0.02, per machine	3.00
\$0.03, per machine	4.00
\$0.04, per machine	5.00
\$0.05 or more, per machine	10.00

Music vending machines:

Per machine	10.00
-------------------	-------

Arcade, 60 percent of computed license.

Same--Distributors.

Every distributor of coin-operated amusement devices shall make a written report to the director of finance on January 1 of each year

ST. JOSEPH CODE

§8-40

and on the first day of each quarter year or as soon thereafter as practical, setting forth the location and the number of all machines he has distributed within the city, either by selling, leasing, renting or distributing in any other manner, on that date.

Every distributor shall pay an occupation license fee as follows, which shall be in lieu of any other occupation license, unless such distributor is engaged in other business also and except as provided in this section:

Per year 25.00

Commission agent, agency, merchant or broker.

Receiving annual gross commissions, fees, charges or compensation of:

\$25,000.00 or less, per year..... 25.00

More than \$25,000.00 and not more than \$50,000.00, per year 35.00

More than \$50,000.00 and not more than \$100,000.00, per year 50.00

More than \$100,000.00 and not more than \$250,000.00, per year .. 100.00

More than \$250,000.00 and not more than \$500,000.00, per year.. 250.00

More than \$500,000.00, per year... 400.00

Concert, professional--Generally.

Per day 15.00

Same--Manager or agent.

Any person acting as manager or agent for professional concerts:

Per year 50.00

For each concert in excess of ten given in any year, for each such additional concert 5.00

Construction company.

See *Building, contracting or construction company.*

Correspondence school.

See *Business or correspondence school, for profit.*

Crematory.

Based on annual gross receipts; see Section 8-66; minimum per year 50.00

D

Dairy products dealer.

A dairy products dealer is one who is engaged in the sale, at wholesale or retail, or manufacturing or both of dairy products, such as milk, cheese, butter, ice cream and similar products.

Based on annual gross receipts; see Section 8-66; minimum per year \$10.00

Dancehall or ballroom.

Per day	3.00
Per month	15.00

Decorator.

See *Building decorator; interior decorator.*

Depot or terminal, bus.

Receiving gross annual commissions, fees, charges or compensation of:

\$5,000.00 or less, per year.....	25.00
More than \$5,000.00 and not more than \$10,000.00, per year	50.00
More than \$10,000.00 and not more than \$15,000.00, per year	100.00
More than \$15,000.00 and not more than \$25,000.00, per year	200.00
More than \$25,000.00 and not more than \$40,000.00, per year	300.00
More than \$40,000.00, per year.....	400.00

Detective agency and related services.

A private detective is any person who conducts or carries on or holds himself out as conducting or carrying on a detective agency, detective bureau or detective service.

Employing five persons or less, per year	50.00
Employing more than five persons per year, per person.....	10.00

Detective, private.

A private detective is any person who does detective work for hire on his own account, and not as an employee of a detective agency.

Per year	25.00
----------------	-------

Diaper service.

Based on annual gross receipts; see Section 8-66; minimum per year	10.00
--	-------

Dry cleaners or pressers.

See *Clothes cleaners, pressers and dyers.*

E

Electrical contractors.

Based on annual gross receipts; see Section 8-66; minimum per year	\$25.00
--	---------

Employment or intelligence office.

Receiving gross annual commissions, fees, charges or compensation of:

\$5,000.00 or less, per year.....	25.00
More than \$5,000.00 and not more than \$10,000.00, per year.....	50.00
More than \$10,000.00 and not more than \$15,000.00, per year.....	100.00
More than \$15,000.00 and not more than \$25,000.00, per year.....	200.00
More than \$25,000.00 and not more than \$40,000.00, per year.....	300.00
More than \$40,000.00, per year	400.00

Engineer or engineering firm.

Doing a gross annual business of not more than \$25,000.00, per year.....	25.00
Doing a gross annual business of more than \$25,000.00 and not more than \$50,000.00, per year.....	35.00
Doing a gross annual business of more than \$50,000.00 and not more than \$100,000.00, per year.....	50.00
Doing a gross annual business of more than \$100,000.00 and not more than \$250,000.00, per year.....	100.00

ST. JOSEPH CODE

§8-40

Doing a gross annual business of more than \$250,000.00 and not more than \$500,000.00, per year 250.00

Doing a gross annual business of more than \$500,000.00 and not more than \$1,000,000.00, per year 400.00

Doing a gross annual business of more than \$1,000,000.00, per year 500.00

Engravers.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

F

Filling station.

See *Service station, filling station, gasoline station.*

Florist.

Based on annual gross receipts; see Section 8-66; minimum per year \$10.00

Food lockers.

See *Cold storage house.*

Food vending machine.

See *Vending machine or device, distributor.*

Fur storage.

Any person or concern doing or carrying on a fur storage business for pecuniary compensation or charge, whether such storage business shall be conducted as a separate business or is incidental to or a part of another business conducted in, at or about the same premises:

Per year 25.00

Plus, \$1.00 per \$1,000.00 on all gross receipts from such storage part of the business over \$5,000.00 per year.

G

Garage.

See *Automobile garage, public.*

Garage sales.

See *Merchant, wholesale or retail.*

Gasoline station.

See *Service station, filling station, gasoline station.*

Grain elevators.

Having a capacity of not more than 50,000 bushels, per year \$25.00

Having a capacity of more than 50,000 and not more than 100,000 bushels, per year 50.00

Having a capacity of more than 100,000 and not more than 200,000 bushels, per year 100.00

Having a capacity of more than 200,000 and not more than 500,000 bushels, per year 150.00

Having a capacity of more than 500,000 and not more than 1,000,000 bushels, per year 200.00

Having a capacity of more than 1,000,000 and not more than 2,000,000 bushels, per year 250.00

Having a capacity of more than 2,000,000 bushels, per year 350.00

Grocer, retail.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Grocer, wholesale.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Guarantor of land title.

See *Land title, guarantor.*

Gunsmith and locksmith.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

H

Handbill distributor.

"Handbill distributor" includes tacking
companies.

Annual license \$100.00
Semiannual license 50.00

Weekly license 10.00

Daily license 2.50

Hawker or huckster.

Any person selling, attempting to sell or
exposing for sale, on the streets or from house
to house, any produce, fish, meats, oysters,
fruits, berries, eggs, butter or other farm
products not grown or produced by him.

Conducting business on foot with or without a
hand basket, pack or similar portable
container:

Per person per month..... 5.00

Per year 50.00

Using wagon, automobile, truck, cart or other
vehicle or conveyance, for each vehicle used
in the business (not paying license fee under
another classification in this section). This fee
shall not be prorated or issued for less.

Per year 25.00

Hospital, private.

"Private hospital" means one operated for
other than charitable purposes.

Per year 100.00

Hotel, motel or tourist court.

A hotel is any building where persons are
furnished with either board or lodging or both,
for a compensation paid or to be paid therefor,

and having more than eight bedrooms for the
use of guests.

A motel or tourist court is an establishment
offering accommodations to the motoring
public.

Charging not more than \$0.50 per day
for any room, for each room, per year..... 0.50

Charging more than \$0.50 and not
more than \$2.00 per day for any
room, for each room, per year 1.00

Charging more than \$2.00 per day
for any room, for each room, per year..... 2.00

House cleaning.

See *Building or house cleaning company.*

House mover, raiser, shorer.

See *Building or house mover, raiser or shorer.*

House wrecking.

See *Building or house wrecking company.*

Huckster.

See *Hawker or huckster.*

I

Ice skating rink.

See *Skating rink, ice or roller.*

Information bureau.

Charging for services, per year..... \$25.00

*Insurance agents, brokers and companies--
Generally.*

Subject to the provisions of Article IV, all
types of insurance companies for the privilege
of doing business within the corporate limits
of the city, shall pay an occupational license
tax to the city as follows:

For the privilege of writing
insurance policies through one
agency or agent, per year..... 100.00

ST. JOSEPH CODE

§8-40

For each and every additional agency or agent, per year 25.00

substantially fixed routes and who has obtained and is operating under a proper license issued by the city.
For each vehicle, per year..... 25.00

Intelligence office.

See *Employment or intelligence office.*

Interior decorator.

See *Building decorator; interior decorator.*

Intoxicating liquor.

See Chapter 4 of this Code.

Investment company.

Receiving gross annual commissions, fees, charges or compensation of:

\$25,000.00 or less, per year 25.00

More than \$25,000.00 and not more than \$50,000.00, per year 35.00

More than \$50,000.00 and not more than \$100,000.00, per year 50.00

More than \$100,000.00 and not more than \$250,000.00, per year .. 100.00

More than \$250,000.00 and not more than \$500,000.00, per year .. 250.00

More than \$500,000.00, per year... 400.00

Itinerant wholesale produce or grain dealer.

This item shall apply to any person engaging in the business of dealing in farm or garden produce, fruits, vegetables, butter, eggs, fish, game, poultry, oysters, grain or grain products by selling or offering to sell to any merchant, dealer, restaurant, hotel or person engaged in the business of selling at retail or any person for the purpose of reselling such things, using a cart, wagon, truck, automobile or other vehicle operated upon the streets of the city.

This item shall not apply to any farmer, gardener or fruit or vine grower engaged in selling the produce of his farm, garden, orchard or vineyard or to any dealer having a storehouse and established place of business in the city and serving regular customers upon

J

Jobber's agent, agency or broker.

Receiving gross annual commissions, fees, charges or compensation of:

\$25,000.00 or less, per year	\$25.00
More than \$25,000.00 and not more than \$50,000.00, per year	35.00
More than \$50,000.00 and not more than \$100,000.00, per year	50.00
More than \$100,000.00 and not more than \$250,000.00, per year ..	100.00
More than \$250,000.00 and not more than \$500,000.00, per year ..	250.00
More than \$500,000.00, per year...	400.00

Junk dealer.

A junk dealer is any person engaged in the business of buying, selling or offering for sale, trading or dealing in old iron, lead, brass, steel, copper or other metals, rags, bones, bottles, old newspaper or wastepaper or secondhand automobile parts.

Based on annual gross receipts; see Section 8-66; minimum per year

L

Landfill operator.

See *Sanitary landfill operator.*

Land title, guarantor.

Based on annual gross receipts; see Section 8-66; minimum per year

Laundry.

Based on annual gross receipts; see Section 8-66; minimum per year

Laundry, self-service.

Based on annual gross receipts; see Section 8-66; minimum per year

Liquors.

See Chapter 4 of this Code.

Linen supply.

See *Towel supply company.*

Livestock auctioneer.

Per year 50.00

Livestock dealer.

Per year 50.00

Locksmith.

See *Gunsmith and locksmith.*

Lumber agent, agency or broker.

Receiving gross annual commissions, fees, charges or compensation of:

\$25,000.00 or less, per year.....	25.00
More than \$25,000.00 and not more than \$50,000.00, per year.....	35.00
More than \$50,000.00 and not more than \$100,000.00, per year....	50.00
More than \$100,000.00 and not more than \$250,000.00, per year..	100.00
More than \$250,000.00 and not more than \$500,000.00, per year..	250.00
More than \$500,000.00, per year ..	400.00

ST. JOSEPH CODE

§8-40

Lunchroom.

See *Cafe, cafeteria, lunchroom and restaurant.*

M

Machine shop.

Based on annual gross receipts; see
Section 8-66; minimum per year \$10.00

Magazine subscription agent.

Any person engaged in selling or soliciting subscriptions for any magazine or soliciting orders for any magazine, is declared to be engaged in the occupation or calling of a magazine solicitor.

Unless exempt by law, for each person:

Per day	1.00
Per week	5.00
Per month	10.00
Per year	25.00

Mail order house.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

Manufacturer.

Every person who shall hold or purchase personal property for the purpose of adding to the value thereof, by any process of manufacturing, refining or by combination of different materials, or who shall purchase and sell manufactured articles such as he manufactures or uses in manufacturing shall be a manufacturer for the purposes of this item, except as otherwise provided by this Code or other ordinances. This definition shall not be construed to include hotels or restaurants cooking or preparing food for consumption on the premises.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

Manufacturer's agent, agency or broker.

Receiving gross annual commissions, fees, charges or compensation of:

\$25,000.00 or less, per year.....	25.00
More than \$25,000.00 and not more than \$50,000.00, per year.....	35.00
More than \$50,000.00 and not more than \$100,000.00, per year....	50.00
More than \$100,000.00 and not more than \$250,000.00, per year..	100.00
More than \$250,000.00 and not more than \$500,000.00, per year..	250.00
More than \$500,000.00, per year ..	400.00

Masseur.

Per year	12.50
----------------	-------

Menagerie.

See *Circus, menagerie or wild west show.*

Mercantile agent or agency.

"Mercantile agency" or "mercantile agent" include persons maintaining an office or place of business in the city for the purpose of procuring, obtaining, assembling, compiling, forwarding or furnishing reports and information, either oral or written, concerning the credit, financial standing, business ability, honesty or integrity of persons, firms, companies, associations or corporations.

Per year	100.00
----------------	--------

Merchandise agent, agency or broker.

Every person who, for commission, brokerage or other compensation, shall negotiate between the owner and purchaser or their respective agents, for the purchase or sale of goods, wares, merchandise or other articles of commerce, is declared to be a merchandise broker, whether such negotiations are on his own account or for an employer or other person.

Receiving gross annual commissions, fees, charges or compensation of:

(5/1/19)

\$25,000.00 or less, per year	25.00
More than \$25,000.00 and not more than \$50,000.00, per year	35.00
More than \$50,000.00 and not more than \$100,000.00, per year	50.00
More than \$100,000.00 and not more than \$250,000.00, per year ..	100.00
More than \$250,000.00 and not more than \$500,000.00, per year ..	250.00
More than \$500,000.00, per year...	400.00

Merchant, transient.

"Transient merchant" means any person who sells or offers for sale merchandise or wares at retail direct to the consumer, either by sample, catalog or delivery, either at the time of the sale or in the future, from a location either in a hotel, roominghouse, residence or storeroom, or any person who sells or offers for sale goods, wares or merchandise by house-to-house canvass from samples or through any other medium of taking orders.

For the first ten days, per day	10.00
For each day thereafter, per day	5.00

Merchant, wholesale or retail.

Whoever shall engage in the business of selling any goods, wares or merchandise at any store, stand or place occupied for that purpose within the city or at any merchants' exchange is declared to be a merchant, except as otherwise provided by this Code or other city ordinance.

Based on annual gross receipts; see Section 8-66; minimum per year	10.00
--	-------

Merchant's agent, agency or broker.

Receiving gross annual commissions, fees, charges or compensation of:

\$25,000.00 or less, per year	25.00
More than \$25,000.00 and not more than \$50,000.00, per year	35.00

More than \$50,000.00 and not more than \$100,000.00, per year	50.00
More than \$100,000.00 and not more than \$250,000.00, per year ..	100.00
More than \$250,000.00 and not more than \$500,000.00, per year ..	250.00
More than \$500,000.00, per year ..	400.00

Messenger service.

Per year	50.00
----------------	-------

Miniature golf course.

Per quarter, payable in advance.....	25.00
--------------------------------------	-------

Moneylender.

See *Chattel loan agent.*

Motion picture films; sale, lease, rental.

Based on annual gross receipts; see Section 8-66; minimum per year	10.00
--	-------

Motion picture show.

See *Theaters.*

Motorcycle repair shop.

See *Bicycle or motorcycle repair shop.*

Motor vehicle business.

This section shall apply to any person engaged in the buying or selling of automobiles, automobile parts or accessories, either new or used, wholesale or retail.

Based on annual gross receipts; see Section 8-66; minimum per year	10.00
--	-------

Moving or transfer company.

See *Trucker, moving or transfer company.*

N

ST. JOSEPH CODE

§8-40

Newspaper.

Based on annual gross receipts; see
Section 8-66; minimum per year \$10.00

Nursery, agent or solicitor.

Per year 25.00

Nursery, sales establishment.

Based on annual gross receipts; see
Section 8-66; minimum per year 25.00

P

Parking lot or station, public.

See *Automobile or trailer parking station or lot, public.*

Patrol service.

For each person so engaged, per year \$10.00

Pawnbroker.

Per year 500.00

Peddler.

Any person selling, attempting to sell or exposing for sale, on the streets or from house-to-house, any goods, wares, merchandise, articles or things:

Conducting his business on foot with or without a hand basket, pack or similar portable container, per person:

Per day 2.00

Per month 5.00

Per year 50.00

Using wagon, automobile, truck, cart or other vehicle or conveyance, for each vehicle used in the business (not paying license fee under classification in this section.) The fee shall not be prorated or issued for less than the yearly fee.

Per year 25.00

Pet shop.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

Photograph business or studio.

Any person who takes pictures, develops, enlarges or processes film for profit or sells cameras, film, or photographic supplies for profit:

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

Photographer, transient.

This item shall apply to transient photographers or any representative, agent or solicitor for any transient photographer or for any photographer who does not maintain a studio or place of business in the city, for each representative, solicitor, agent or employee thereof:

Per day 5.00

Plumbing business.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

Pool hall.

For each pool, billiard or snooker table,
per year 7.50

Printing business.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

Private detective.

See *Detective, private.*

Private hospital.

See *Hospital, private.*

Prizefight, professional.

See *Sporting exhibitions, professional.*

Produce dealer, itinerant wholesale.

See *Itinerant wholesale produce and grain dealer.*

Public lecturer.

Per day 10.00

Publishing business.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

R

Radio station, commercial.

Per year \$150.00

Railroads or railways.

This item shall apply to every person operating a railroad or railway company and transacting business within the city (but not including business done to or from points within the state and not including any business done for the government of the United States, its officers or agents), and every person operating a railroad or railway company operating its trains or keeping and maintaining its tracks across, upon or along any street, alley or other public place of the city or operating its trains over, under or across any street, alley or other public place in the city, by means of any surface track, bridge, viaduct or tunnel, and every person operating a railroad or railway company occupying any portion of any street, alley or other public place of the city with its roadbed, tracks, ties, switches, bridges, viaducts, tunnels or other structures.

Per year 500.00

Real estate agent, agency, company; real estate loan, rental company.

Consisting of not more than one person,
per year 25.00

For each additional partner, member
of the firm or officer of the company,
engaged in the productive part of the
business, per year 15.00

For each salesman or employee
or office associate connected

with the productive part of the
business and having been with the
concern for at least one month
during the six-month period last
past before the payment of the
license, per year 10.00

Renovating or repair business.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

Restaurant.

See *Cafe, cafeteria, lunchroom and restaurant.*

Riding academy.

See *Academy, riding.*

Rodeo.

A rodeo is a public performance restricted to presenting the chief features of a cattle roundup, such as lariat throwing and horse and cattle breaking or subduing.

First day 50.00

Each additional day 10.00

Roller skating rink.

See *Skating rink, ice or roller.*

Roofing business.

Based on annual gross receipts; see
Section 8-66; minimum per year 10.00

S

Sales agent or agency.

Receiving gross annual commissions, fees,
charges or compensation of:

\$25,000.00 or less, per year \$25.00

More than \$25,000.00 and not
more than \$50,000.00, per year 35.00

More than \$50,000.00 and not
more than \$100,000.00, per year... \$50.00

§8-40

More than \$100,000.00 and not more than \$250,000.00, per year .. 100.00

More than \$250,000.00 and not more than \$500,000.00, per year .. 250.00

More than \$500,000.00, per year... 400.00

Salesman.

A salesman is any person who sells, offers for sale or solicits orders for any article of merchandise or other thing of value or pretended value, within the city, provided that this definition shall not include regular employees of business houses or concerns paying license fees in the city when engaged in soliciting or taking orders for employers.

Receiving gross annual commissions, fees, charges or compensation of:

\$25,000.00 or less, per year 25.00

More than \$25,000.00 and not more than \$50,000.00, per year 35.00

More than \$50,000.00 and not more than \$100,000.00, per year 50.00

More than \$100,000.00 and not more than \$250,000.00, per year .. 100.00

More than \$250,000.00 and not more than \$500,000.00, per year .. 250.00

More than \$500,000.00, per year... 400.00

Salesman displaying samples, etc., in hotel, storerooms, etc.

Every person not being a regular retail merchant in the city, who shall display samples, models, goods, wares or merchandise in any hotel, hotel room, store, storehouse, lodginghouse, apartment house or other place, for the purpose of securing orders for the retail sale of such goods, wares or merchandise or for the purpose of selling such at retail direct to the consumer, or exhibiting or offering such for sale at retail or for the purpose of securing orders for the retail sale of such goods, wares or merchandise or others of like kind or quality, either for immediate or future delivery, shall apply for and procure from the

director of finance, at least 20 days in advance thereof, a license for the privilege of displaying such samples, models, goods, wares or merchandise and shall pay the license tax in addition to all other taxes and licenses.

The provisions of this item shall not apply to any person having a legal and permanently established place of business in such hotel, lodginghouse or apartment house nor to the bona fide agents of wholesalers or jobbers who are engaged in selling goods, wares or merchandise to retail merchants for resale, nor shall this section apply to those making house-to-house or personal calls displaying samples and taking orders for shipments directly from the manufacturer.

When any person, not being a regular retail merchant in the city, shall display samples, models, goods, wares or merchandise for sale or order for sale and such display of goods for sale or for order for sale is merely incidental to and in connection with any convention, exhibit or show designed primarily to illustrate the development or progress of any industry or branch of business, the display and the person engaged in such display shall be exempt from the provisions of this item.

For each 60 days of display 200.00

Salvage business.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Sand blast company.

Doing a gross annual business of not more than \$25,000.00, per year 25.00

Doing a gross annual business of more than \$25,000.00 and not more than \$50,000.00, per year 35.00

Doing a gross annual business of more than \$50,000.00 and not more than \$100,000.00, per year 50.00

Doing a gross annual business of more than \$100,000.00 and not more than \$250,000.00, per year 100.00

Doing a gross annual business of more than \$250,000.00 and not more than \$500,000.00, per year 250.00

except that motor fuel sales shall not be included in the computation of annual gross receipts; see Section 8-66; minimum per year 25.00

Doing a gross annual business of more than \$500,000.00 and not more than \$1,000,000.00, per year 400.00
 Doing a gross annual business of more than \$1,000,000.00 per year 500.00

Sheet metal works or tinsmith.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Sand company.

Doing a gross annual business of not more than \$25,000.00, per year 25.00

Doing a gross annual business of more than \$25,000.00 and not more than \$50,000.00, per year 35.00

Doing a gross annual business of more than \$50,000.00 and not more than \$100,000.00, per year 50.00

Doing a gross annual business of more than \$100,000.00 and not more than \$250,000.00, per year 100.00

Doing a gross annual business of more than \$250,000.00 and not more than \$500,000.00, per year 250.00

Doing a gross annual business of more than \$500,000.00 and not more than \$1,000,000.00, per year 400.00

Doing a gross annual business of more than \$1,000,000.00, per year 500.00

Shows and exhibitions.

Notwithstanding items for *Merchant, transient and street stand* in this section, all shows and exhibitions of a temporary nature, held in a common building or area, involving multiple individual exhibits or booths, of a common or compatible nature, and promoted by an organization or individual shall be designated as "shows and exhibitions" for purposes of this item.

"Temporary nature" means a continuous show or exhibition, not exceeding two weeks in duration, being held within the city not more than twice annually.

Promoters of such shows or exhibitions are required to present a complete listing of all individual exhibitors to the city licensing division and pay a fee equal to \$5.00 per exhibitor for the entire show or exhibition. The licensing division shall validate the listing upon payment of the necessary fees and meeting of any other Code requirements, and the promoter shall prominently display such lists at the entrance to the exhibitor show area throughout the duration of the event.

Scavenger.

See *Cesspool cleaner.*

All such shows or exhibits held in the Civic Arena or promoted by a city department and held upon city property shall be exempt from the licensing fees required under this item.

Secondhand business.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Sightseeing business.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Seed dealer, wholesale or retail.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

Service station, filling station, gasoline station.

Based on annual gross receipts,

Sign maker.

Based on annual gross receipts; see

ST. JOSEPH CODE

§8-40

Section 8-66; minimum per year 10.00

This item shall also apply for purposes of stands near to or adjoining any sidewalk, alley or other public way or any common area operating for the sale of fireworks.

Skating rink, ice or roller.

Receiving gross annual receipts of:

\$25,000.00 or less 50.00

Per week 2.00
Per month 5.00
Per year 50.00

More than \$25,000.00 but not more than \$50,000.00 75.00

T

More than \$50,000.00 but not more than \$75,000.00 100.00

Tailoring business.

More than \$75,000.00 but not more than \$100,000.00 125.00

Based on annual gross receipts; see Section 8-66; minimum per year \$10.00

More than \$100,000.00 but not more than \$150,000.00 150.00

Taxicab business, generally.

More than \$150,000.00 but not more than \$250,000.00 200.00

Holder of certificate of convenience and necessity shall pay, for the privilege to engage in the taxicab business, the following amounts:

More than \$250,000.00 but not more than \$350,000.00 250.00

Base fee, per year 10.00

More than \$350,000.00 but not more than \$450,000.00 350.00

Additionally, for each taxicab, per year 5.00

More than \$450,000.00..... 400.00

However, no certificate holder shall be entitled to such reduced fee for additional taxicabs in excess of one unless such certificate holder actually owns the taxicab.

Stockyards company.

This item shall apply to every person engaged in the business, occupation or pursuit of conducting a stockyards company.

Taxicab drivers.

Per year 1,000.00

For each taxicab driver's license and renewal or replacement thereof:

Storage house.

Per 1,000 square feet of floor space or fraction thereof, per year 0.50

For each original license..... 2.50

For each renewal 0.50

Minimum fee 50.00

Lost badge replacement..... 1.00

Taxicabs operated in conjunction with airplane passenger service.

Street stand.

A street stand is any place near to or adjoining any sidewalk, alley, or other public way, or any common area, whether such common area is enclosed or open, which is controlled by a not-for-profit corporation, where articles are eaten or drunk or articles of ornament or necessity are sold, offered or exposed for sale.

For privilege of engaging in business, per year 10.00

In addition, for each taxicab, per year 5.00

Taxidermist.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

(5/1/19)

Telegraph company or agency.

For business done exclusively within the city and not including business done to or from points outside the state and not including business done for the government of the United States, its officers or agents:

Per year 350.00

Terminal, bus.

See *Depot or terminal, bus.*

Theatres, including moving or motion pictures.

Receiving gross annual receipts of:

Not more than \$25,000.00 50.00

More than \$25,000.00 but not more than \$50,000.00 75.00

More than \$50,000.00 but not more than \$75,000.00 100.00

More than \$75,000.00 but not more than \$100,000.00 125.00

More than \$100,000.00 but not more than \$150,000.00 150.00

More than \$150,000.00 but not more than \$250,000.00 200.00

More than \$250,000.00 but not more than \$350,000.00 250.00

More than \$350,000.00 but not more than \$450,000.00 350.00

More than \$450,000.00..... 400.00

Theatrical booking agent.

Per year 50.00

Tinsmith.

See *Sheet metal works or tinsmith.*

Tourist information bureau.

Where charges are made for services, per year 25.00

Towel supply company.

Per year 25.00

Trade school.

See *Automobile or trade school.*

Transfer company.

See *Truckers.*

Transient merchant.

See *Merchant, transient.*

Travel bureau.

Per year 25.00

Truck terminal; freight and merchandise, pickup and delivery.

Any person who shall maintain a truck terminal or who shall, as part of his regular business, pickup and deliver, as a common carrier not for hire, freight and merchandise and whose principal deliveries shall be to or from places within the city, to or from such truck terminal, is declared to be in the truck terminal or pickup and delivery business. Such person shall obtain a license for each power unit used in its business as follows:

For each power unit, any load or tonnage, per year 9.50

Trucker, moving or transfer company.

Any person who shall haul or transport for hire pianos, household goods and furniture, office furniture and fixtures, store furniture and fixtures, baggage, personal effects, merchandise, perishable goods (except ice), lumber, manufacturer's raw material (except coal), tradesmen's tools and machinery of any kind, sand, rock, crushed rock, dirt, trash, raw materials, building materials or any other thing or substance, from any place within the city or to or from any place within the city, is declared to be a moving or transfer company or trucker.

ST. JOSEPH CODE

§8-40

Such person shall have a permanent office or place of business in the city, the correct address of which shall be furnished by such person to the director of finance, who shall keep the address on file.

Section 8-66; minimum per year \$25.00

W

Water softener company.

Based on annual gross receipts; see Section 8-66; minimum per year \$10.00

Such person shall obtain a license for each vehicle used in his business as set out in this item and shall have a separate license tag for each vehicle so used and in addition thereto shall have printed on the sides of the vehicle in legible letters the name of the person owning or operating such transfer vehicle, together with the address, giving the street and number, of his place of business.

Welding business.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

For each truck or wagon used, of one ton or less, per year 5.00

Wild west show.

See *Circus, menagerie or wild west show.*

For each truck or wagon used, over one ton and not more than 2 1/2 tons, per year 7.50

Window cleaning company.

Based on annual gross receipts; see Section 8-66; minimum per year 10.00

For each truck or wagon used, over 2 1/2 tons and not more than 3 1/2 tons, per year 10.00

Wrestling match, professional.

See *Sporting exhibitions.*
(Code 1969, §§ 13-47, 13-49, 13-52--13-56, 13-64, 13-66, 13-70--13-76, 13-78--13-80, 13-82, 13-83, 13-85, 13-87--13-90, 13-92, 13-97, 13-99--13-101, 13-103--13-106, 13-108, 13-110--13-115, 13-117, 13-118, 13-120--13-123, 13-128--13-130, 13-132--13-138, 13-140--13-143, 13-149--13-152, 13-155, 13-157--13-160, 13-162, 13-163, 13-166, 13-170, 13-171, 13-174--13-183, 13-185, 13-186, 13-188--13-196, 13-198--13-202, 13-204, 13-205, 13-209, 13-210, 13-212--13-214, 13-217--13-222, 13-225, 13-226, 13-230, 13-233--13-237, 13-239--13-241, 13-244--13-246, 13-248--13-250, 13-252--13-254, 13-256, 13-259--13-261, 13-264, 13-265, 13-268--13-274, 13-276, 13-278, 13-279, 13-283--13-285, 13-288, 13-292, 13-296--13-298; Gen. Ord. No. 751, § 1(13-299), 1-22-90; G.O. No. 804, § 1(13-267), 6-25-90; G.O. No. 1113, § 1(13-102), 8-30-93; G.O. 1873, 3-18-02; G.O. 1926, 4-14-03)

For each truck or wagon used, over 3 1/2 tons, per year 20.00

Trust company, other than national bank.

See *Banking or trust company, other than national bank.*

U

Unclaimed goods, sale.

See *Sale of unclaimed goods, not otherwise licensed.*

Upholsterer.

Based on annual gross receipts; see Section 8-66; minimum per year \$10.00

V

Vermin exterminator.

Based on annual gross receipts; see

Sec. 8-68. Maximum license fee payable.

That no individual annual occupational license required by this code shall exceed \$35,000.00. (G.O. 1890, 9-3-02)

Secs. 8-69--8-125. Reserved.

(5/1/19)

ARTICLE III. AMUSEMENTS**Sec. 8-126. Closing hours for card rooms and pool halls.**

All card rooms and pool halls engaged in the business of operating card tables or billiard tables or pool tables shall close their places of business at 1:30 a.m. on all nights, with the exception of Saturday nights when such places of business shall close at 12:00 midnight. Such places of business shall not then reopen until 6:00 a.m. (Code 1969, § 13-309)

Secs. 8-127--8-175. Reserved.

ARTICLE IV. INSURANCE BROKERS, COMPANIES AND AGENTS**DIVISION 1. GENERALLY**

Secs. 8-176--8-200. Reserved.

DIVISION 2. LICENSES AND PERMITS***Sec. 8-201. Doing business without license or permit.**

It shall be unlawful for any person to conduct, pursue, carry on or operate within the city any insurance agency or to solicit and write insurance or do an insurance business or to act as such agent or insurance company, either directly or indirectly, without first having obtained a license or permit to so conduct the business, in accordance with the terms and provisions of this article. (Code 1969, §§ 13-440, 13-445; G.O. 1873, 3-18-02)

Sec. 8-202. Soliciting, writing insurance for unlicensed company, agency.

It shall be unlawful for any person, directly or indirectly, to solicit or write insurance as an insurance agent, broker or otherwise in the city for any insurance company or any insurance agency which is not licensed to do business within the city, in accordance with the terms and

*Charter reference(s)--Licenses, art. XIV. provisions of this article. (Code 1969, § 13-441)

Sec. 8-203. Responsibility for payment of tax; accuracy, truth of report.

The insurance company or corporation against whom the occupational license tax prescribed in Section 8-67 is levied, where not forbidden by law, shall be solely and primarily liable and responsible to the city for the accounting for the tax and its payment and shall be punishable under the laws of this state or other competent jurisdiction for any false statements or representations made or set forth in any written report required in this article for the purpose of calculating the amount of tax due to the city. If any such company or corporation shall fail or refuse to pay the amount of tax due, the director of finance shall refer the matter to the city attorney's office for prosecution. (Code 1969, § 13-448)

Sec. 8-204. Form, content of licenses or permits issued.

All licenses or permits to do business issued by the city under the terms and provisions of this article shall run in the name of the city, shall be signed by the director of finance and shall be attested by the seal of the city. The form of such licenses or permits to do business shall designate to whom issued, the purpose, the kind of insurance business for which issued, the period of time for which issued and the amount paid, except as otherwise provided in this article. (Code 1969, § 13-442)

Sec. 8-205. Expiration of licenses.

All licenses issued pursuant to the provisions of this article shall expire on June 30 of the following year. (Code 1969, § 13-443)

Charter reference(s)--Licensing period, § 14.1.

Sec. 8-206. Reserved.**Sec. 8-207. Transferability of license.**

No license granted under the terms and provisions of this article shall be assigned or transferred. No refund shall be made on any license issued because of the person to whom such license is issued discontinuing or retiring from the business for which such license was issued. (Code 1969, § 13-444)

Secs. 8-208--8-250. Reserved.**ARTICLE V. PEDDLERS, HAWKERS
AND HUCKSTERS*****Sec. 8-251. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler includes any person, whether a resident of the city or not, traveling by foot, wagon, automobile, truck, pushcart or other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares or merchandise of any description, offering and exposing such for sale or making sales and delivering articles to purchasers; or who, without traveling from place to place, shall sell or offer the goods, wares or merchandise for sale from a wagon, automobile, truck, pushcart, railroad car or other vehicle or conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

(Code 1969, § 13-504)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 8-252. Application of provisions to farmers, similar persons.

Farmers, gardeners or fruit or vine growers engaged in the selling of products of their farms, gardens, orchards or vineyards shall not be subject to the provisions of this article concerning licenses, but shall be subject to all other regulations contained in this article.

(Code 1969, § 13-511)

***State law reference(s)**--Itinerant vendors, RSMo 150.380 et seq.; peddlers, RSMo 150.470 et seq.

Sec. 8-253. Revocation of license.

(a) *Grounds.* Licenses for peddlers, hawkers and hucksters may be revoked by the director of finance for any of the following causes:

- (1) Fraud, misrepresentation or false statement made in the course of carrying on business as a peddler, hawker or huckster.
- (2) Any violation of this article.
- (3) Conducting the business of a peddler, hawker or huckster in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) *Appeal.* Any party aggrieved by a decision under this section shall have the right to appeal as established in Chapter 2, Article XIII of this code. (Code 1969, § 13-510; G.O. 1901, 10-14-02)

Sec. 8-254. Carrying and display of license.

The license issued to a peddler, hawker or huckster shall be carried by the person so engaged in the business specified or placed in a conspicuous place on the vehicle used by the licensee. The licensee shall exhibit the license to any police officer or any other person when requested to do so.

(Code 1969, § 13-505)

Sec. 8-255. Use of streets, public places.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Block means that part of a street or alley extending from any street which intersects such street or alley to the next street which intersects such street or alley.

(b) No peddler shall have any exclusive right to any location in the public streets nor shall any peddler be permitted a stationary location nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. No peddler shall stand with any vehicle for more than 30 minutes at any place on any public street, sidewalk, alley, park, parkway or other public place, except in the city

market in the space designated therefor. No peddler shall be allowed to obstruct the passage of any street, sidewalk, alley, park, parkway or any other public place or to stand for a longer time than provided in this subsection. It shall be unlawful for any person to park or keep a vehicle longer than 30 minutes in one block for the purpose of selling merchandise contained in such vehicle.

(Code 1969, § 13-506(a))

Sec. 8-256. Peddling -- public property.

No peddler, hawker or huckster shall carry on a business or barter, sell or attempt to sell any of his articles, goods, wares and/or merchandise at any time in or upon streets, alleys, sidewalks, parks, parkways or other public places including facilities under the jurisdiction of the department of parks, recreation and civic facilities. The following are exceptions to this rule:

- (1) Peddling within the boundaries of the central business district, consistent with the Downtown Precise Plan.
- (2) Peddling associated with festivals, parades and/or similar special events sponsored by the city.

(Code 1969, § 13-507; G.O. 1915, 2-3-03)

Sec. 8-257. Peddling -- private property.

No private property owner along a state highway, collector or arterial roadway within the city limits shall permit or allow any peddler, hawker or huckster to carry on a business or barter, sell or attempt to sell any articles, goods, wares and/or merchandise in, upon, or immediately adjacent to his/her private premises unless said peddler is located at least 25 feet from the nearest point of said highway, collector or arterial roadway. This 25 foot distance must be preserved in order to:

- (1) Maintain adequate motorist sight distance; and
- (2) Provide adequate off-street access for maintenance of streets, street lights and other public infrastructure; and
- (3) Maintain an attractive, uncluttered appearance in, on or immediately adjacent to all major city thoroughfares.

(Code 1969, § 13-508; G.O. 1280, 3-27-95; G.O. 1915, 2-3-03)

Sec. 8-258. Unauthorized entry on private property.

No peddler, hawker or huckster shall sell or attempt to sell or hawk or peddle any article or thing upon any private premises if requested by a person in authority not to do so. No peddler, hawker or huckster shall go upon any private premises if there is placed on the premises in a conspicuous place near the entrance thereof a sign bearing the words "no trespassing," "no peddlers or agents" or any similar notice indicating that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed.

(Code 1969, § 13-509)

Sec. 8-259. Peddling prohibited near certain structures.

No person shall sell or offer for sale or hawk or peddle any article or thing in or upon any street, sidewalk, park, parkway, alley or any other public place within 600 feet of the nearest property line of any church, cemetery, licensed child care center, school or theater.

(G.O. 1915, 2-3-03)

Sec. 8-260. Minimum parking spaces to be maintained - private property.

No private property owner shall allow and no peddler, hawker or huckster shall disturb, limit or consume, temporarily or not, areas of sufficient size that would cause parking for the private property to fall below the minimum required for zoning purposes.

(G.O. 1915, 2-3-03)

Sec. 8-261. Peddling time restrictions.

No peddler, hawker or huckster shall sell or attempt to sell or hawk or peddle any article or thing upon any private residential premises except between the hours of 9:00 a.m. and 8:00 p.m. Monday through Friday and 10:00 a.m. until 8:00 p.m. Saturday and Sunday.

(G.O. 2855, 4-23-18)

Secs. 8-262--8-285. Reserved.

**ARTICLE VI. HANDBILL
DISTRIBUTORS***

DIVISION 1. GENERALLY

Secs. 8-286--8-300. Reserved.

DIVISION 2. LICENSE**

Sec. 8-301. Required.

(a) Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire must first receive a license to do so issued by the director of finance.

(b) Persons acting for licensees, as agents or employees, in the distributing of handbills, shall not be required to obtain a license or pay a fee, but each such person shall comply with each and all of the other provisions of this division and be subject thereto. Individual proprietors of neighborhood stores or shops desiring to distribute commercial handbills by their own employees may obtain a license to do so by the payment of an annual registration fee of \$1.00.
(Code 1969, § 13-557(a), (c))

Sec. 8-302. Application.

A person required to obtain a license under this division shall make written application to the director of finance. Such application shall be on a form provided for such purpose by the director of finance. Such form shall contain, among other things that may be required, the name, the business address and a brief description of the nature of the business to be conducted by the applicant and the probable number of agents and employees to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.
(Code 1969, § 13-557(a))

***Cross reference(s)**--Handbills and circulars, § 3-31 et seq.; distributing literature, throwing handbills or trash, etc., in off-street parking facilities, § 28-819.

****Charter reference(s)**--Licenses, art. XIV.

Sec. 8-303. Fee.

An application for a license under this division shall be accompanied by the fee prescribed in Section 8-67. If any such license shall be surrendered by the licensee therein named or shall be revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of any part of such fee.
(Code 1969, § 13-557(b))

Sec. 8-304. Duration.

The handbill distributors' annual license and semiannual license shall be dated and issued as of January 1 or July 1 and shall remain in effect for a period of one year or six months, respectively, from the date of issuance. The handbill distributors' weekly or daily license shall remain in effect for a period of one week or one day, respectively, from the date of issuance.
(Code 1969, § 13-557(d))

Charter reference(s)--Licensing period, § 14.1.

Sec. 8-305. Transferability.

No license issued under this division shall be transferable.
(Code 1969, § 13-557(b))

Sec. 8-306. Revocation.

The director of financial services may revoke any handbill distributors' license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with the intent to obtain a license by means of false or fraudulent representations or for violation of this article.

Any party aggrieved by a decision under this section shall have the right to appeal as established in Chapter 2, Article XIII of this code.
(Code 1969, § 13-557(b); G.O. 1901, 10-14-02)

Secs. 8-307--8-350. Reserved.

ARTICLE VII. LUNCH WAGONS***

*****Cross reference(s)**--Health and sanitation generally, ch. 17; food service establishments, § 17-106 et seq.

Sec. 8-351. Location restrictions.

No lunch wagon, popcorn wagon, candy wagon or lemonade wagon shall stand on or along any street or highway within 75 feet of any street intersection. No lunch wagon, popcorn wagon, candy wagon or lemonade wagon shall be located or stand or stop within 500 feet of any school building in the city.

(Code 1969, § 13-559)

Secs. 8-352--8-400. Reserved.

ARTICLE VIII. SOLICITATIONS

Sec. 8-401. Scope.

No person or organization shall, directly or indirectly, solicit money on the streets and highways of the city by means of the sale of

§8-40

tickets, tags, tokens, flowers or other devices or directly solicit money for any purpose whatsoever, except as provided in this article. (Code 1969, § 16-211)

Sec. 8-402. Permit.

(a) Any person or organization desiring to solicit money or funds on the streets and highways of the city for purely charitable or religious purposes by the sale of tickets, tags, tokens, flowers or other devices or who desires to directly solicit money for such purposes shall obtain a permit from the chief of police. To obtain a permit a person shall make an application in writing to the chief of police stating the persons who will solicit the date on which such person desires to solicit the funds.

(b) Upon receiving the application, the chief of police shall issue a permit authorizing such person or organization, on a certain day, to solicit funds as provided in this article if he is satisfied that the organization or person has complied and will comply with the provisions of all ordinances. (Code 1969, §§ 16-212, 16-213)

Secs. 8-403--8-450. Reserved.

ARTICLE IX. PRIVATE POLICE SERVICES AND SECURITY SERVICES

Sec. 8-451. Licensing of private watchmen, private police officers and services.

(a) The chief of police shall regulate and license all private watchmen, private police officers and private watchmen and private police officers services under such terms and conditions as he shall, from time to time, reasonably establish. He shall cause a copy of such regulations and licensing procedure, along with any amendments thereof, to remain on file with the city clerk and the municipal court.

(b) Any person violating the regulations and licensing procedure or any amendment thereto after such has been filed with the city clerk and municipal court shall, upon conviction, be punished as provided in Section 1-14.

(c) This section shall not apply to unarmed security personnel. (Code 1969, § 16-162)

Sec. 8-452. Fee schedule for examination and licensing.

(a) The chief of police shall establish reasonable fees for the examination and licensing of private watchmen, private police officers and private watchmen and private police officer services. Such fee schedule as the chief of police may reasonably establish shall be for the purpose of defraying the actual cost of such examination and licensing and shall become effective when a copy of such fee schedule and any amendments thereof shall be filed with the city clerk and the director of finance.

(b) Prior to examination or licensing, as the case may be, the person requesting the examination or licensing shall first have paid the appropriate fee to the director of finance who shall thereafter issue a receipt for the amount received. The receipt shall be presented to the chief of police prior to examination or issuance of a license. All fees so collected shall be deposited in the general fund.

(c) This section shall not apply to unarmed security personnel. (Code 1969, § 16-163)

Secs. 8-453--8-475. Reserved.

ARTICLE X. ADULT ENTERTAINMENT BUSINESSES

DIVISION 1. GENERALLY

Sec. 8-476. Declaration of findings and policies.

(a) Certain conduct occurring on premises offering adult entertainment is detrimental to the public health, safety, and general welfare of the citizens of the city and therefor, such conduct must be regulated as provided in this article.

(b) Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred.

(c) It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

(d) It is necessary to have a licensed manager on the premises of establishments offering certain kinds of adult entertainment at such times as such establishments are offering adult entertainment so that there will at all necessary times be an individual responsible for the overall operation of the establishment, including the actions of customers, entertainers and other employees.

(e) The license and permit fees required in Division 2 of this article are nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the city in regulating the adult entertainment industry.

(f) Businesses providing adult entertainment are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity which is currently not subject to effective regulation and which constitutes an immediate threat to the public peace, health and safety.

(g) Regulation of the adult entertainment industry is necessary to deter prostitution or high-risk sexual conduct that may be associated with adult entertainment facilities and to limit the health hazards of syphilis, gonorrhea, herpes, hepatitis B, and HIV/AIDS that may result.
(Gen. Ord. No. 1141, § 1(16-416), 12-20-93)

Sec. 8-477. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Adult entertainer arcade* means an adult entertainment facility, or that part of an adult entertainment facility, which regularly features or otherwise offers to the public, customers or members, into a viewing area which is designed for occupancy by no more than five persons, any live exhibition, performance or dance of any type by a person whose exhibition,

performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appears unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

(2) *Adult cabaret* means an adult entertainment facility, or that part of an adult entertainment facility, which regularly features or otherwise offers to the public, customers or members, into a viewing area which is designed for occupancy by more than five persons, any live exhibition, performance or dance by a person whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appears unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

(3) *Adult entertainment business* means an adult entertainer arcade or an adult cabaret.

(4) *Adult entertainment facility* means any building, structure or facility which contains or is used for commercial entertainment, including theaters used for presenting live presentations, or for presenting videotapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, and including adult cabaret facilities, and adult entertainer arcades, regardless of whether the theater, facility or arcade provides a live presentation, videotape, or film presentation, where the customers either:

- a. Engage in personal contact with or allow personal contact by employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or
- b. Observe any live presentation, videotape or film presentation of persons wholly or partially nude with

- their genitals or pubic region exposed or covered only with transparent covering or, in the case of female persons, with the areola and nipple of the breast exposed or covered only with transparent covering, or observe specified sexual activities.
- (5) *Adult entertainment facility premises* means the bounds of the enclosure of an adult entertainment facility that is licensed, or part of which is licensed, as an adult entertainment business.
- (6) *Customer* means any person who:
- Is allowed to enter an adult entertainment business in return for the payment of an admission fee or any other form of consideration or gratuity; or
 - Enters an adult entertainment business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
 - Is a member of and on the premises of an adult entertainment business operating as a private club.
- (7) *Director* means the director of finance of the City of St. Joseph, Missouri, or his designee.
- (8) *Employee* means any person who renders any service whatsoever to the customers of an adult entertainment business or who works in or about an adult entertainment business and who receives compensation for such service or work from the operator or owner of the business or from the customers therein. The word "employee" includes managers, entertainers and independent contractors who work in or at or render any services, directly related to the operation of an adult entertainment business.
- (9) *Entertainer* means any person who provides adult entertainment within an adult entertainment business, whether or not a fee is charged or accepted for entertainment.
- (10) *Entertainment* means any exhibition or dance of any type, pantomime, modeling or any other performance.
- (11) *Manager* means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity, including adult entertainment, occurring at any adult entertainment business.
- (12) *Operator* means any person operating, conducting or maintaining an adult entertainment business.
- (13) *Owner* means the proprietor, if a sole proprietorship; all partners, general and limited, if a partnership; or all officers, directors, and persons holding ten percent or more of the outstanding shares, if a corporation.
- (14) *Public place* means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles, whether moving or not.
- (15) *Specified anatomical areas* means uncovered or exposed human genitals, pubic region or pubic hair; buttock; female breast or breasts below a point immediately above the top of the areola; or any combination of the foregoing; or, the human male genitals in a discernibly erect state, even if completely and opaquely covered.
- (16) *Specified sexual activities* means sexual conduct being actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the Missouri Criminal Code.

(17) *Viewing area* means the area where a customer or member would ordinarily be positioned while watching an exhibition, performance or dance.

(Gen. Ord. No. 1141, § 1(16-418), 12-20-93)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 8-478. Application of other provisions.

(a) The licenses provided for in this article are subject to the general provisions of this chapter as set forth now or hereafter amended. In the event of a conflict between the provisions of this article and other parts of this chapter or code, the provisions of this article shall control.

(b) The licenses and fees required by this article shall be in addition to any other licenses and fees required by this code.

(Gen. Ord. No. 1141, § 1(16-417), 12-20-93; G.O. 1779, 8-7-00)

Sec. 8-479. Inspectors and inspections.

The director is hereby empowered to appoint inspectors of adult entertainment businesses and all such businesses shall be open to the inspections of the director or inspectors appointed by him or to any member of the police department at any time during the hours allowed for business and at other reasonable times.

(Gen. Ord. No. 1141, § 1(16-432), 12-20-93)

Sec. 8-480. Regulations.

The director shall have the power to promulgate regulations as may be necessary and feasible for the carrying out of the duties of his office and which are not inconsistent with the provisions of this article.

(Gen. Ord. No. 1141, § 1(16-440), 12-20-93)

Secs. 8-481--8-515. Reserved.

DIVISION 2. LICENSES AND PERMITS

Sec. 8-516. Adult entertainment business license.

(a) It shall be unlawful for any person to operate or maintain an adult entertainment business in the city unless the owner, operator or lessee thereof has obtained from the director a license to do so, to be designated an adult

entertainment business license, or to operate such business after such license has been revoked, or while such license is suspended.

(b) It shall be unlawful for any entertainer, employee or manager to knowingly perform any service or entertainment directly related to the operation of an unlicensed adult entertainment business.

(c) It shall be prima facie evidence that any adult entertainment business that fails to have posted, in the manner required by this article, an adult entertainment business license, has not obtained such license. It shall be prima facie evidence that any entertainer, employee or manager who performs any service or entertainment in an adult entertainment business in which a license is not posted, in the manner required by this article, had knowledge that such business was not licensed.

(Gen. Ord. No. 1141, § 1(16-419), 12-20-93)

Sec. 8-517. Adult entertainment permit for managers and entertainers.

It shall be unlawful for any person to work as an entertainer or manager at an adult entertainment business without having first obtained from the director a permit to do so, to be designated as an adult entertainer's permit, or an adult entertainment manager's permit, respectively, or to work as an entertainer or manager at such business after such person's permit has been revoked, or while such person's permit is suspended.

(Gen. Ord. No. 1141, § 1(16-420), 12-20-93)

Sec. 8-518. Classification and fees.

(a) The license or permit year for all fees required under this article shall be from each July 1 through June 30. The application for a license or permit shall be accompanied by payment in full of the fee stated in this section, by certified or cashiers check or money order, and no application shall be considered complete until such fee is paid. Such fee shall not be refunded under any circumstances.

§8-40

(b) The classification of licenses for an adult entertainment business, and the fees for each shall be as follows:

- (1) Adult arcade license, \$500.00 per year;
- (2) Adult cabaret license, \$500.00 per year.

(c) The classification of permits for an adult entertainment business, and the fees for each, shall be as follows:

- (1) Adult entertainment manager's permit, \$50.00 per year;
- (2) Adult entertainer's permit, \$50.00 per year.

(Gen. Ord. No. 1141, § 1(16-421), 12-20-93)

Sec. 8-519. Applications.

(a) *Adult entertainment business license.* All applications for an adult entertainment business license shall be submitted in the name of the person proposing to conduct or operate such adult entertainment on the premises and shall be signed by such person and notarized. All applications shall be submitted on a form supplied by the director, and shall require the following:

- (1) The name, residence address, home telephone number, date and place of birth, and social security number of the applicant;
- (2) The business name, address and telephone number of the establishment;
- (3) The names, residence addresses, residence telephone numbers, social security numbers and dates of birth of all partners, if the applicant is a partnership; or of all corporate officers and directors, if the applicant is a corporation;
- (4) If the applicant is a corporation, such information as the director, by rule, may require concerning the identity of corporate shareholders;
- (5) Addresses of the applicant, or of all partners, or of all corporate officers and directors; for the five years immediately prior to the date of application;

- (6) A description of the adult entertainment or similar business history of the applicant, or of all partners, or of all corporate officers and directors; whether any such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;
- (7) A description of the business, occupation, or employment of the applicant, or of all partners, or of all corporate officers and directors; for the three years immediately preceding the date of application;
- (8) A statement from the applicant; or from each partner; or from each corporate officer and director that such person has not been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony, misdemeanor, or ordinance violation except for a traffic violation, including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition and the location and length of incarceration;
- (9) A full set of fingerprints and a photograph, to be taken by the director, of the applicant, or of all partners, or of all corporate officers and directors;
- (10) If the applicant is a corporation, a current certificate of good standing issued by the Missouri secretary of state.

Failure to provide information required by this subsection shall constitute an incomplete application and the application shall not be processed.

(b) *Manager's or entertainer's permit.* All applications for an adult entertainment manager's permit or adult entertainer's permit shall be signed by the applicant and notarized. All applications shall be submitted on a form supplied by the director and shall require the following information:

- (1) The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used in entertaining;
- (2) The name and address of each business at which the applicant intends to work as a manager or entertainer, and an intent to hire statement from an adult entertainment business that is licensed, or that has applied for a license, under the provisions of this article;
- (3) A statement from the applicant that has not been convicted of, or released from confinement for conviction of, any felony, misdemeanor or municipal ordinance violation listed in Section 8-520, during the respective time periods provided in that section;
- (4) A full set of fingerprints and photograph, to be taken by the director, of the applicant;
- (5) Documentation that the applicant has attained the age of 18 years. Any of the following shall be accepted as documentation of age:
 - a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - b. A state issued identification card bearing the applicant's photograph and date of birth;
 - c. An official passport issued by the United States of America;
 - d. An immigration card issued by the United States of America;
 - e. Any other picture identification issued by a governmental entity; or
 - f. Such other form of identification as the director deems, by rule, to be acceptable.

Failure to provide information required by this subsection shall constitute an incomplete application and the application shall not be processed.

(Gen. Ord. No. 1141, § 1(16-422), 12-20-93)

Sec. 8-520. Investigation of applicant.

(a) After an investigation, the director shall issue the applicable license authorized by this division if the director finds:

- (1) That the business for which a license is required in this division will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the city, as well as the requirements of this article;
- (2) That the applicant, or any of his employees, agents, partners, directors, officers, stockholders or managers, has not made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the director, as part of the original license application or application for renewal thereof;
- (3) That the applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have attained the age of 18 years;
- (4) That the applicant, or any partner, or any corporate officer or director, has not been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony, misdemeanor, or ordinance violation except for traffic violations, including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition and the location and length of incarceration;
- (5) That the applicant, or any partner, or any corporate officer or director, has not had a license or permit issued under the provisions of this division revoked within five years immediately preceding the application;
- (6) That the applicant, or any partner, or any corporate officer, director or shareholder,

has paid all taxes and other charges, including sewer charges, properly chargeable to him by the city for all previous years.

(b) After an investigation, the director shall issue any applicable permit authorized by this division if the director finds that the:

- (1) Applicant has not made any false, misleading or fraudulent statement of material fact in the application for a license, or in the providing of documentation of age, as part of the original permit application or application for renewal thereof;
- (2) Applicant has attained the age of 18 years;
- (3) Applicant has not been convicted of a felony or released from confinement for conviction of a felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, sexual abuse of a child or pornography and related offenses, as defined in the Missouri Criminal Code, or similar statutes, or controlled substance or illegal drugs or narcotics offenses, as described in the Missouri Comprehensive Drug Control Act, or similar statutes, or has not been convicted of a municipal ordinance violation, or released from confinement for conviction of a municipal ordinance violation, whichever event is later, within two years immediately preceding the application where such municipal ordinance violation involved indecent exposure, prostitution, or sale of controlled substances or illegal drugs or narcotics;
- (4) Applicant has not had a license or permit issued under the provisions of this article revoked within five years immediately preceding the application;

- (5) Applicant, or any partner, or any corporate officer, director or shareholder, has paid all taxes and other charges, including sewer use charges, properly chargeable to him by the city for all previous years.

(Gen. Ord. No. 1141, § 1(16-423), 12-20-93)

Sec. 8-521. Approval or disapproval of application.

(a) The license application for an adult entertainment business shall be approved or disapproved within 30 days from the date of filing a completed application which complies with the requirements of this division, unless the applicant agrees in writing to an extension of such time period. It shall be the duty of the applicant to request, in writing, confirmation of zoning, building codes, fire, health, and property maintenance ordinance compliance from the appropriate city departments, and the application shall not be considered complete until such requests are made. The response to such requests, confirming compliance or otherwise, shall be forwarded in writing to the director no more than 20 days after receipt of the request. It shall be the duty of the director to request criminal records and to investigate other information required by the license application. If a license application is disapproved, the director shall notify the applicant in person or by registered or certified mail to the applicant's last known address, and shall state the basis for such disapproval.

(b) The application for a manager's or entertainer's permit shall be approved or disapproved within 30 days from the date of filing a completed application which complies with the requirements of this division, unless the applicant agrees in writing to an extension of such time period. Pending the approval or disapproval of a completed permit application, the manager or entertainer shall be provided a temporary permit to be a manager or entertainer. Such permit shall automatically expire and become null and void upon the approval or disapproval of a permit. Any manager or entertainer issued a temporary permit shall comply with the provisions of this article and such permit shall be withdrawn by the director in the event the permittee violates any provisions of this article. Additionally, any manager or entertainer issued a temporary permit shall be subject to the penalty provisions provided in Section 1-14. It shall be the duty of the director

to request criminal records and to investigate other information required by the permit application. If a permit application is disapproved, the director shall notify the applicant, in person, or by registered or certified mail to the applicant's last known address, and shall state the basis for such disapproval.

(c) Any party aggrieved by a decision under this section shall have the right to appeal as established in Chapter 2, Article XIII of this code. (Gen. Ord. No. 1141, § 1(16-424), 12-20-93; G.O. 1901, 10-14-02)

Sec. 8-522. Compliance with other city ordinances required.

It shall be the duty of an adult entertainment business licensee to comply with the building codes, zoning, fire, health and property maintenance ordinances of the city and with regulations of such departments of the city. Knowing failure to continue compliance with such ordinances or regulations may be a basis for suspension, revocation, or nonrenewal of the license. (Gen. Ord. No. 1141, § 1(16-425(a)), 12-20-93)

Sec. 8-523. Location of establishment.

No license shall be granted for the operation or maintenance of an adult entertainment business if the premises is located within 1,000 feet of any school, church, city park, licensed child care center, or other adult entertainment facility premises. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the premises to the nearest point on the property line of such school, church, city park, licensed child care center, or adult entertainment facility premises. (Gen. Ord. No. 1141, § 1(16-425(b)), 12-20-93)

Sec. 8-524. Posting and display.

(a) Every person, corporation, partnership, or association licensed under this division as an adult entertainment business shall post such license in a conspicuous place and manner on the adult entertainment facility premises.

(b) Every adult entertainer or adult entertainment manager shall post his permit in his work area on the adult entertainment facility premises so it shall be readily available for

inspection by city authorities responsible for enforcement of this article. If the permit is a temporary permit, the form of identification presented as part of the application for such permit shall be stated by the director on the face of such permit, and such identification must be on file with the adult entertainment manager on duty at any time such temporary permittee shall be working on the premises.

(Gen. Ord. No. 1141, § 1(16-429), 12-20-93)

Sec. 8-525. Suspension, revocation, or nonrenewal.

(a) *License.* Whenever the director has information that:

- (1) The owner or operator of an adult entertainment business has violated, or knowingly allowed or permitted the violation of, any of the provisions of this article;
- (2) There have been recurrent violations of provisions of this article that have occurred under such circumstances that the owner or operator of an adult entertainment business knew or should have known that such violations were committed;
- (3) The adult entertainment business license was obtained through false statements in the application for such license, or renewal thereof;
- (4) The adult entertainment business licensee failed to make a complete disclosure of all information in the application for such license, or renewal thereof;
- (5) The owner or operator, or any partner, or any corporate officer or director, has become disqualified from having a license by a conviction as provided in Section 8-520; or

then the director shall hold a hearing in the manner provided in this division to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the licensee and shall be served upon the licensee in person or by registered or certified mail to the licensee's last known address. If the director is not able to serve

notice upon the licensee in person, and any notice sent by mail is returned by the postal service, the director shall cause such notice to be posted at the principal entrance of the adult entertainment business or facility, and such posting shall be a valid means of service. If the director finds and concludes from the evidence that the licensee has violated this section, he may suspend, for a period not to exceed 90 days, or revoke the license issued under this division, or in the case of a renewal application, refuse to renew such license.

(b) *Permit.* Whenever the director has information that:

- (1) An adult entertainment manager has violated, or knowingly allowed or permitted the violation of, any of the provisions of this article;
- (2) While acting as an adult entertainment manager, there have been recurrent violations of provisions of this article that such adult entertainment manager knew or should have known that such violations were committed;
- (3) An adult entertainer has violated any of the provisions of this article;
- (4) A permit received by any person under the provisions of this article was obtained through false statements in the application for such permit, or renewal thereof;
- (5) A permittee under the provisions of this article failed to make a complete disclosure of all information in the application for such permit, or renewal thereof; or
- (6) A permittee has become disqualified from having a permit by a conviction as provided in Section 8-520;

then the director shall hold a hearing in the manner provided in this article to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the permittee and shall be served upon the permittee in person or by registered or certified mail to the permittee's last known address. If the director finds and concludes from the evidence that the permittee

has violated this subsection, he may suspend, for a period not to exceed 90 days, or revoke the permit issued under this division, or in the case of a renewal application, refuse to renew such permit. (Gen. Ord. No. 1141, § 1(16-433, 16-434), 12-20-93)

Sec. 8-526. Hearing procedure.

(a) In any instance in this article wherein a hearing is required, the director shall, after no less than ten days' written notice to the applicant, licensee or permittee, hold such hearing to ascertain all facts in the matter.

(b) An applicant, or licensee, or permittee shall have full right to be represented by counsel, to produce witnesses and other evidence, and to cross-examine all witnesses who appear against him. Oral evidence shall be taken only upon oath or affirmation. All proceedings in such hearing shall be recorded and transcribed as required by law. The director may receive evidence relevant to the issues from the applicant, licensee or from other sources. Witnesses may be subpoenaed, and upon request of any party, the director shall issue subpoenas, and in a proper case, subpoenas duces tecum, which shall be served and returned as in civil actions in the circuit court.

(c) The director shall issue findings of fact and conclusions of law, and an order wherein he may dismiss the complaint, or suspend or revoke a license or permit, previously issued, or renew or refuse to renew a license or permit previously issued. The director's order shall be served upon the applicant or licensee, or permittee in person or by registered or certified mail to the applicant's, or licensee's, or permittee's last known address. If the director is not able to serve such order upon the licensee, or applicant for renewal license, in the manner stated above, such order may be served in the manner provided in Section 8-525(a).

(d) Any party aggrieved by a decision under this section shall have the right to appeal as established in Chapter 2, Article XIII of this code. (Gen. Ord. No. 1141, § 1(16-435), 12-20-93; G.O. 1901, 10-14-02)

Sec. 8-527. Renewal.

(a) A license or permit may be renewed by making application to the director on application forms provided for that purpose. Licenses and

permits shall expire on June 30 of each year, and renewal applications for such licenses or permits shall be submitted prior to May 15 of the license or permit year. Licenses and permits initially issued after May 15 of a license or permit year shall be automatically renewed for the following license or permit year.

(b) Upon timely application therefor, a license issued under the provisions of this article shall be renewed by issuance of a new license in the manner provided under this article unless the director disapproves such renewal application in the manner provided by Section 8-521. However, an applicant for a renewal license shall have no duty to request confirmation of compliance with other city ordinances as required in Section 8-521, and no inspections by other city departments shall be required unless requested by the director.

(c) Upon timely application therefor, a permit issued under the provisions of this article shall be renewed by issuance of a new permit in the manner provided under this article unless the director disapproves such renewal application in the manner provided by Section 8-526(b).

(d) Upon the filing of a timely application for renewal of a license or permit issued under the provisions of this article, the director shall issue a temporary license or permit to the applicant, which temporary license or permit shall remain in effect until the director has approved the application. If a hearing is held as required by Section 8-525(a) or (b), the temporary license or permit shall remain in effect until the director has issued an order following such hearing. However, if the hearing required by Section 8-525(a) or (b) is delayed at the request of the applicant, the temporary license or permit issued under the provisions of this subsection shall expire as of the date such hearing was scheduled by the director, unless the applicant shows good cause for such delay.

(e) Any applicant issued a temporary license or permit under provisions of this section shall comply, or continue to comply, with provisions of this article. Additionally, an applicant issued a temporary license or permit under the provisions of this section shall be subject to the penalty provisions provided in this article.

(f) If the application for renewal of a license or permit is not made by the date set in Subsection

(a) of this section such license or permit shall expire, and a new application shall be required. (Gen. Ord. No. 1141, § 1(16-436), 12-20-93)

Sec. 8-528. Appeal; stay of enforcement of orders.

Any party aggrieved by a decision suspending or revoking a license or permit, or disapproving the renewal application for a license or permit, under this article shall have the right to appeal as established in Chapter 2, Article XIII of this code. The director may stay enforcement of such order for a period of time not to exceed 30 days pending the filing and/or final disposition of proceedings for judicial review. (Gen. Ord. No. 1141, § 1(16-437), 12-20-93; G.O. 1901, 10-14-02)

Sec. 8-529. Informal disposition of case.

Nothing contained in this article shall preclude the informal disposition of contested cases by stipulation, consent order, or default, or by agreed settlement. (Gen. Ord. No. 1141, § 1(16-438), 12-20-93)

Secs. 8-530--8-555. Reserved.

DIVISION 3. CONDUCT AND OPERATION

Sec. 8-556. Hours of operation.

It shall be unlawful for any adult entertainment business to be conducted, operated, or otherwise open to the public, customers or members between the hours of 1:30 a.m. and 9:00 a.m. on any day other than a Sunday. It shall be unlawful for any adult entertainment business to be conducted, operated, or otherwise open to the public, customers or members between the hours of 1:30 a.m. and 12:00 noon on Sundays. (Gen. Ord. No. 1141, § 1(16-431), 12-20-93)

Sec. 8-557. Manager on premises.

(a) An adult entertainment manager shall be on duty at an adult entertainment business at all times adult entertainment is being provided or that customers are on the premises. The name of the manager on duty shall be prominently posted during business hours.

§8-40

(b) It shall be the responsibility of the manager to verify that any person who provides adult entertainment within the premises possesses a

§8-40

current and valid adult entertainer's permit, and that such permit is posted in the manner required by this article.
(Gen. Ord. No. 1141, § 1(16-430), 12-20-93)

Sec. 8-558. Minors prohibited on premises.

It shall be unlawful for any person under the age of 18 years to be in or upon any premises for which an adult entertainment business license is required.
(Gen. Ord. No. 1141, § 1(16-428(a)), 12-20-93)

Sec. 8-559. Customer conduct.

It shall be unlawful for any customer, while upon any premises for which an adult entertainment business license is required, to:

- (1) Knowingly touch any specified anatomical area of any employee, entertainer, or any other person, or to knowingly fondle or caress any specified anatomical area, whether such area is clothed, unclothed, covered, or exposed, of any employee, entertainer or any other person;
- (2) Be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any specified anatomical area, except in a restroom, for customers upon the premises; or
- (3) Perform any specified sexual activities.
(Gen. Ord. No. 1141, § 1(16-428(b)), 12-20-93)

Sec. 8-560. Owner, operator, manager, etc., requirements.

It shall be unlawful for any owner, operator, manager, or other person in charge of a premises for which an adult entertainment business license is required, to knowingly:

- (1) Permit or allow any person under the age of 18 years to be in or upon such premises;
- (2) Allow or permit any intoxicating liquor or nonintoxicating beer, as defined in Chapter 4 of this Code, pertaining to alcoholic beverages, to be brought onto or consumed on the premises;

(3) Allow or permit the sale, distribution, or delivery of any controlled substance or illegal drug or narcotic on the premises; or

(4) Allow or permit any act of prostitution, or patronizing prostitution, on the premises.
(Gen. Ord. No. 1141, § 1(16-428(c)), 12-20-93)

Sec. 8-561. Adult arcades.

(a) The following standards of conduct must be adhered to by employees of any adult entertainer arcade while on the adult entertainment facility premises:

- (1) No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any specified anatomical area, except when such entertainer or employee is separated from any and all customers by a window or other partition which is maintained free of holes or other structural openings which would permit physical contact between such entertainer and employee and any customer within the viewing area. However, a single opening in such window or partition, allowing for payment for entertainment, by a customer to the entertainer, shall be permitted.
- (2) No employee or entertainer shall:
 - a. Perform specified sexual activities; or
 - b. Displaying any specified anatomical area; except as provided for in Subsection (a)(1) of this section.

(3) No employee or entertainer who is either not separated from any and all customers as provided in Subsection (a)(1) of this section, or in an area of the premises not open to customers, shall be unclothed or in less than opaque and complete attire, costume or clothing as described in Subsection (a)(1) of this section.

(4) No employee or entertainer shall knowingly touch any specified anatomical area of another person, or knowingly permit another person to touch any specified anatomical area of such employee or entertainer; and no employee

or entertainer shall knowingly fondle or caress any specified anatomical area of another person, whether such area is clothed, unclothed, covered or exposed, or knowingly permit another person to fondle or caress any specified anatomical area of such employee or entertainer, whether such area is clothed, unclothed, covered or exposed.

- (5) No entertainer of any adult arcade shall be visible from any other public place during the hours of his or her employment, or apparent hours of his or her employment, while such entertainer is unclothed or in such attire, costume or clothing to expose to view any specified anatomical area, or while performing any entertainment, either while clothed or unclothed.
- (6) No entertainer shall solicit, demand or receive any payment or gratuity from any customer for any act prohibited by this article.
- (7) No entertainer shall receive any payment or gratuity from any customer, except through an opening in the window or partition separating such entertainer from a customer, as described in subsection (a) of this section.

(b) At any adult entertainer arcade, the following are required:

- (1) A sign, on which upperclass letters shall be at least two inches high, and lowercase letters shall be at least one inch high, shall be conspicuously displayed in the common area at the principal entrance to the adult entertainer arcade and shall read as follows:

THIS ADULT ENTERTAINMENT
BUSINESS IS REGULATED
BY THE CITY OF ST. JOSEPH

- (2) Entertainers are:
 - a. Not permitted to engage in any type of sexual conduct on the premises, or in prostitution;
 - b. Not permitted to be unclothed or in such less than opaque and complete

attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks, and/or genitals, except when separated from customers by the window or partition between the entertainer and customers;

- c. Not permitted to receive any payment or gratuity from any customer, except through an opening in the window or partition separating such entertainer from a customer.
- (3) Neither any entertainment, nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any specified anatomical area shall be visible from another public place.
- (4) The premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one foot-candle as measured at the floor level. Such illumination must be maintained at all times that any customer is present in or on the premises.
- (5) The premises shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls are visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
- (6) The premises of all adult entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

(Gen. Ord. No. 1141, § 1(16-426), 12-20-93)

Sec. 8-562. Adult cabarets.

(a) The following standards of conduct must be adhered to by employees of any adult cabaret while on the adult entertainment facility premises:

- (1) No employee or entertainer shall be unclothed or in such less than opaque and

- complete attire, costume or clothing so as to expose to view any specified anatomical area, unless separated at least six feet from the nearest customer and upon a stage at least 18 inches above the immediate floor level.
- (2) No employee or entertainer shall:
- a. Perform any specified sexual activities; or
 - b. Display any specified anatomical area; except as provided for in Subsection (a)(1) of this section.
- (3) No employee or entertainer who is not separated from any and all customers as provided in Subsection (a)(1) of this section shall be unclothed or in less than opaque and complete attire, costume or clothing as described in Subsection (a)(1) of this section, except in an area of the premises not open to customers.
- (4) No employee or entertainer shall knowingly touch any specified anatomical area of another person, or knowingly permit another person to touch any specified anatomical area of such employee or entertainer; and no employee or entertainer shall knowingly fondle or caress any specified anatomical area of another person, whether such area is clothed, unclothed, covered or exposed.
- (5) No employee or entertainer shall wear or use any device or covering exposed to view which simulates any specified anatomical area.
- (6) No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.
- (7) No entertainer of any adult cabaret shall be visible from any other public place during the hours of his or her employment, or apparent hours of his or her employment, while such entertainer is unclothed or in such attire, costume or clothing to expose to view any specified anatomical area, or while performing any entertainment, either while clothed or unclothed.
- (8) No entertainer shall receive any payment or gratuity from any customer for entertainment, except as follows:
- a. While such entertainer is on the stage as provided in Subsection (a)(1) of this section, a customer may place such payment or gratuity into a box affixed to such stage; or
 - b. While such entertainer is not on such stage, and is clothed so as to not expose to view any specified anatomical part, a customer may either place such payment or gratuity into the entertainer's hand, or under a leg garter worn by such entertainer at least four inches below the bottom of the pubic region.
- (b) At any adult cabaret, the following are required:
- (1) A sign, on which uppercase letters shall be at least two inches high, and lowercase letters shall be at least one inch high, shall be conspicuously displayed in the common area at the principal entrance of the premises, and shall read as follows:

**THIS ADULT ENTERTAINMENT
BUSINESS IS REGULATED
BY THE CITY OF ST. JOSEPH**
 - (2) Entertainers are:
 - a. Not permitted to engage in any type of sexual conduct on the premises, or in prostitution;
 - b. No permitted to be unclothed or in such less than opaque or complete attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks, and/or genitals, unless separated at least six feet from the nearest customer and upon a stage at least 18 inches above the immediate floor level.
 - c. Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:

1. While such entertainer is on the stage, by placing such payment or gratuity into the box affixed to the stage; or
 2. While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand, or under the entertainer's leg garter.
- (3) Customers are:
- a. Not permitted to be upon the stage at any time;
 - b. Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee or entertainer or engage in solicitation for prostitution.
- (4) Neither any entertainment, nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any specified anatomical area shall be visible from a public place.
- (5) The premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer is present in or on the premises.
- (6) The premises shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls are visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
- (7) The premises of all adult entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

(Gen. Ord. No. 1141, § 1(16-427), 12-20-93)