

**Chapter 605 Business Licenses and Regulations**

**Article I Merchants, Manufacturers and Service Occupations**

**Section 605.010 Businesses Subject To This Article.**

[CC 1979 §14-16; Ord. No. 72-436 §2, 12-18-1972]

It is the intention of the Board of Aldermen to license under this Article all persons and institutions, merchants, manufacturers, persons, commercial enterprises, businesses, dealers, trades, occupations, pursuits and avocations which are subject to taxation by the City under the law, with the exception of those businesses or designated activities of businesses which are subject to licensing under other ordinances. Persons subject to licensing under this Article, some portion of whose business is subject to licensing under other ordinances, shall be required to have licenses under such other ordinances in addition to those required by this Article, but, in such case, the respective portions of the businesses shall be treated for licensing under each applicable ordinance as though they were separate and distinct businesses or business activities.

**Section 605.020 Definitions.**

[CC 1979 §14-17; Ord. No. 72-436 §3, 12-18-1972; Ord. No. 78-032 §1, 9-18-1978; Ord. No. 85-160 §1, 12-2-1985]

The following definitions will govern the construction of this Article:

**ANNUAL GROSS RECEIPTS**

Gross receipts during the calendar year preceding each license year.

**BANKING AND CREDIT INSTITUTIONS**

**1.** *Banking institution.* As used herein, the term "*banking institution*" shall be defined as every bank and every trust company organized under any general or special law of this State and located within the City of Manchester and every national banking association located within the City of Manchester.

**2.** *Credit institution.* As used herein, the term "*credit institution*" shall be defined as every person, firm, partnership or corporation located within the City of Manchester and engaged principally in the consumer credit or loan business in the making of loans of money, credit, goods or things in action, or in the buying, selling or discounting of or investing in negotiable or non-negotiable instruments given as security for or in payment of the purchase price of consumer goods. Without limiting the generality of the foregoing, the term "*credit institution*" shall include persons, firms, partnerships and corporations located within the City of Manchester operating or licensed under the small loan laws of this State or under the laws of this State relating to loan and investment companies, and pawnbrokers but shall not include banks, trust companies, credit unions, insurance companies, mutual savings and loan associations, savings and loan associations, or real estate mortgage loan companies.

**3.** *Gross income.* As used herein in connection with banking institutions, the term "*gross income*" shall be as defined in Section 148.040(1) of the Revised Statutes of Missouri, as amended; as used herein in connection with credit institutions, the term "*gross income*" shall be as defined in Section 148.150(2) of the Revised Statutes of Missouri, as amended.

**4.** *Net income.* As used herein in connection with banking institutions, the term "*net income*" shall be as defined in Section 148.040(2) of the Revised Statutes of Missouri, as amended; as used herein in connection with credit institutions, the term "*net income*" shall be as defined in Section 148.150(1) of the Revised Statutes of Missouri, as amended.

## **As amended by Ordinance 19-2279, December 2, 2019**

### EXISTING BUSINESS

A business in operation on April thirtieth (30th) of the preceding license year.

### FEE

That sum of lawful money of the United States of America required to be paid to the City by any merchant, manufacturer or service occupation for a license before commencing or continuing business as such.

### GROSS RECEIPTS

The aggregate amount of all sales, transactions, fees, commission, rental and leasing fees and shall include the receipt of cash, credits and property of any kind or nature without any deductions therefrom on account of the cost of any items sold, the cost of any materials used or of any labor, service costs, interest paid or payable, or any losses or any other expenses whatsoever; provided however, that the following shall be excluded from any computations of gross receipts if the books of accounts segregate the amount so as to reflect such exclusions:

1. Receipts of taxes levied by municipal, State, and Federal Governments and collected by the seller when separately stated.
2. Such part of the sales price of the property returned by the purchaser as is refunded either in cash or in credit.
3. Receipts of refundable deposits, except that portion of refundable deposits forfeited and taken into the gross receipts of the seller.
4. In the case of a parent company whose books of record reflect the sales of its subsidiary or subsidiaries, the receipts of sales of such subsidiary or subsidiaries may be excluded except for such subsidiary or subsidiaries whose plant or place of business is located within the limits of the City, unless such subsidiary or subsidiaries so located in the City are separately licensed.

### LICENSEE

Every person required to have a current license, as well as one holding a license.

### LICENSE YEAR

A period of twelve (12) calendar months beginning on the first (1st) day of May in each year or, in case of those businesses established subsequent to the first (1st) day of May at the beginning of doing business, and ending on the following thirtieth (30th) day of April.

### MANUFACTURER

Every person engaged in treating, processing, refining, improving, combining, fabricating, assembling or otherwise adding to the usability, value or appearance of commodities and other personal property, whether done on order or for sale upon expected or anticipated demand or orders for the manufactured goods.

### MERCHANT

Every person who shall make or cause to be made any wholesale or retail sales or sales as a jobber of goods, wares and merchandise to any person, or who renders any services in connection with any such sale at any store, stand or place in the City shall be deemed to be a merchant, whether such sales shall be accommodation sales, sales on consignment or whether made from stock on hand or ordering goods from another source, or whether the subject of such sales be a different type of goods than those regularly manufactured, processed or sold by such dealer.

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**NEW BUSINESS**

A business not in operation on April thirtieth(30th) of the preceding license year.

**PERSON**

Individuals, partnerships, corporations and associations and groups of individuals, partnerships, corporations and associations.

**SALE**

Any transfer, exchange or barter of tangible personal property for a consideration of money, property or service, or any combination thereof.

**SERVICE OCCUPATION**

All callings, businesses, dealers, trades, avocation, pursuits, professions not exempt by law, occupations and enterprises with the exception of merchants, manufacturers and those specifically exempted from local licensing by Statutes of the State of Missouri, and including also the selling of goods, wares and merchandise other than from a store, stand or place of business in the City, persons dealing in or rendering services of any and all kinds to persons or property, and persons renting or hiring property or facilities to others, and those who conduct activities for which an admission is charged or consideration is received for attendance at performances, shows, spectacles or other events, or for participation in contests or games or for use of facilities or accommodations operated or maintained by such persons.

**TOTAL DEPOSITS**

The total amount of money placed or lodged in the custody of a banking or credit institution as of December thirty-first (31st) of each year, for safety or convenience, to be withdrawn at the will of the depositor or under rules and regulations agreed on, such amount to include but not be limited to deposits payable on demand and subject to check and deposits not subject to check for which certificates, whether interest-bearing or not, may be issued, payable on demand or on certain notice, or at a fixed future time; the reporting of such total deposits shall be on such form(s) as the City may from time to time determine appropriate.

**Section 605.030 License Required and Classification of Business.**

[CC 1979 §14-18; Ord. No. 72-436 §4, 12-18-1972]

**A.** No person coming within the definitions of a merchant, manufacturer or service occupation set out in Section 605.020 shall do or offer to do business in the City without first having made application for, procured and paid for a license to do so as required by this Article.

**B.** The license tax provided for in this Article is assessed and payable for the privilege of engaging in and doing business in the City, and under this Article a business shall be classified as that of a merchant, manufacturer or service occupation according to the principal activity of business.

**Section 605.040 Basis For Calculating License Fee. [1]**

[CC 1979 §14-19; Ord. No. 72-436 §5, 12-18-1972; Ord. No. 97-988 §1, 9-15-1997; Ord. No. 97-995 §1, 11-3-1997; Ord. No. 09-1946 §2, 7-20-2009]

**A.** The license fee of merchants shall be calculated on the gross receipts, as defined herein, of goods, wares and merchandise sold in the City of Manchester arising out of a business wholly or partly conducted at or in any store, stand or place or vehicle (fixed or movable) in the City. The license fee of

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merchants shall be based on the fee schedule on file with the City Clerk. Such fee schedule is incorporated herein by reference hereto and is an integral part of this Article.

[Ord. No. 14-2068 §1, 1-20-2014<sup>[2]</sup>]

<sup>[2]</sup> Editor's Note: Section 5 of this ordinance provided that it would be in full force and effect retroactive to 1-1-2014.

**B.** The license fee of manufacturers shall be calculated on the gross receipts, as defined herein, of goods manufactured by them in the City of Manchester, regardless of where the sales of such manufactured goods may take place. The license fee of manufacturers shall be based on the fee schedule on file with the City Clerk. Such fee schedule is incorporated herein by reference hereto and is an integral part of this Article.

[Ord. No. 14-2068 §1, 1-20-2014]

**C.** The license fee of service occupations shall be based on the fee schedule on file with the City Clerk. Such fee schedule is incorporated herein by reference hereto and is an integral part of this Article.

[Ord. No. 14-2068 §1, 1-20-2014]

**D.** The term "*mini-storage/self-storage facilities*", as used in this Chapter, shall be defined as such term is defined in Section 405.240(C)(4)(k) of Article V of the zoning ordinance of the City of Manchester. All owners and operators of mini-storage/self-storage facilities as defined in this Chapter shall pay to the City, for each mini-storage/self-storage facility owned and/or operated by same, the amount of one thousand dollars (\$1,000.00) as and for an annual mini-storage/self-storage facilities license tax or fee at such times as are provided in this Chapter.

**E.** The term "*outdoor advertising structure*", as used in this Chapter, shall mean any off-premises commercial, outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the roadways within the City. If the outdoor advertising structure shall contain more than one (1) outdoor advertisement, then each such outdoor advertisement shall be considered an individual outdoor advertising structure for purposes of this Chapter.

<sup>[1]</sup> Editor's Note — The provisions of §605.040(D) and (E) adopted by ord. no. 97-888 passed by aldermen on September 15, 1997, and ord. no. 995 passed by aldermen on November 3, 1997, were approved by the voters at an election held in April, 1998.

**Section 605.050 Method of Application For License — New Business.**

[CC 1979 §14-20; Ord. No. 72-436 §6, 12-18-1972]

**A. Application.** Any person desiring to obtain a license to open, carry on or conduct business as a merchant, manufacturer or service occupation shall make an application to do business within the City and an application for a license to the Director of Finance. Upon receipt of said application, the Director of Finance shall refer the same to the Chief of Police, City Engineer or Planning and Zoning Administrator or all three (3) for investigation as to the effect of such business upon the safety, health, welfare and morals of the inhabitants of the City. The Planning and Zoning Director shall also determine if an occupancy permit, if required, has been issued in accordance with other ordinances of the City. After receiving the reports of any official to whom the application was referred, the Director of Finance may

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issue the license in accordance with the terms and subject to the conditions of this Code or may deny the application upon evidence that the granting of the license would adversely affect the safety, health, welfare and morals of the inhabitants of the City.

***B. Determination Of License Fee.***

[Ord. No. 14-2068 §2, 1-20-2014<sup>[1]</sup>]

***1. Merchants and manufacturers.*** The initial license fee to be paid for a business classified as a merchant or manufacturer shall be based on the estimated gross receipts from the date of commencing business to December 31 of the year for which application is made. By the 15th day of April of the following calendar year, an adjustment shall be made for the difference between the estimated amount of license tax paid and the actual amount due based upon gross receipts for the year just ended. The minimum license fee for a business license shall be fifty dollars (\$50.00).

***2. Service occupation.*** The license fee to be paid for a business classified as a service occupation shall be determined on a pro rata basis from the fee schedule referred to in Section 605.040(C). A business commencing operations prior to the 16th of the month shall be deemed to have commenced operation on the first of the month. The minimum license fee for a business license shall be fifty dollars (\$50.00).

***3. Banking/credit institutions.*** The minimum license fee for a new institution for its first period or year shall not be less than five hundred dollars (\$500).

[1] Editor's Note: Section 5 of this ordinance provided that it would be in full force and effect retroactive to 1-1-2014.

**Section 605.060 Method of Application For License — Existing Business.**

[CC 1979 §14-21; Ord. No. 72-436 §7, 12-18-1972]

***A. Merchants And Manufacturers — Return Filed With Director Of Finance.*** All merchants and manufacturers shall furnish to the Director of Finance no later than the fifteenth (15th) day of April of each license year a verifiable statement on forms to be provided by the Director of Finance showing the actual gross receipts, as defined herein, for the full calendar year immediately preceding the first (1st) day of January of the license year. The license fee shall be paid to the City coincident with the filing of the return. Where the merchant or manufacturer commenced business during the prior calendar year, the return and fee for the license year shall be based on an estimate of annual gross receipts for the license year or on an annualization of the actual gross receipts obtained during the period in which business was actually conducted. In either case, an adjustment will be required by the fifteenth (15th) day of April of the following license year for the difference between the estimated amount of license fee paid and the actual amount due based upon actual gross receipts for the preceding license year.

***B. Service Occupations — Statement Filed With Director Of Finance.*** All businesses classified as service occupations shall furnish to the Director of Finance no later than the fifteenth (15th) day of April of each year a full and complete application, on forms to be provided by the City, describing the nature and type of activity in which the business is engaged. The license fee shall be determined by the Director of Finance from the fee schedule referred to in Section 605.040(C). The license fee shall be paid to the City coincident with the filing of the statement.

***C. Banking/Credit Institutions.*** All institutions shall furnish to the Director of Finance no later than the 15th day of April of each year a full and complete application, on forms to be provided by the City, describing the nature and type of activity in which the institution is engaged. The license fee shall be determined by the Director of Finance from the fee schedule referred to in Section 605.050 (B) (3). The license fee shall be paid to the City coincident with the filing of the statement.

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[Ord. No. 14-2068 §\3, 1-20-2014<sup>[1]</sup>]

<sup>[1]</sup> Editor's Note: Section 5 of this ordinance provided that it would be in full force and effect retroactive to 1-1-2014.

**SECTION 605.070: LICENSE ISSUED WHEN, DENIAL WHEN; QUALIFICATIONS; APPEAL OF DENIAL**

- A.** The Finance Director shall issue a license to the applicant provided the applicant has satisfied all the eligibility qualifications set forth in Section 605.070.B. In the event that the applicant does not meet the eligibility qualifications set forth in Section 605.070.B, the Finance Director shall deny the applicant a business license and within five (5) days thereof shall give written notice of the denial to the applicant.
- B.** Qualifications. In order to be qualified to receive a business license, the applicant must meet the following eligibility qualifications:
- 1.** The application is free from any fraud, misrepresentation or false statement;
  - 2.** The applicant and the premises in which the licensed business will be conducted are in compliance with all provisions of this Chapter and the entire City Code (including the zoning and building codes);
  - 3.** The applicant has all necessary licenses, certifications, permits or other applicable authorization required by Federal, State, County, or City laws or regulations, including, but not limited to, a Missouri retail sales license; and
  - 4.** The applicant is not in arrears for any City taxes or license fees;
- C.** Appeal of Denial of Business License.
- 1.** Any person, firm or corporation who has been denied a business license under Section 605.070.A may appeal the decision of the Finance Director to the Board of Aldermen. Notice of appeal must be filed with the City Clerk within ten (10) days of receipt of the written denial as set forth in Section 605.A. Notice of appeal will be considered filed on the date that it is placed in the United States mail with proper postage thereon, provided the correct address is on the envelope containing the notice of appeal.
  - 2.** Upon receipt of the notice of appeal, after conferring with the City Attorney, the Mayor shall set a date for the Board to convene to hear the appeal of the applicant. Notice of the date for the hearing will be mailed to the applicant at least ten (10) days prior to the date thereof and shall be sent to the applicant at the address indicated on the applicant's original application for business license.
  - 3.** At the hearing, applicant shall have the burden of proof to show that the applicant is qualified underneath this Chapter and that the Finance Director's determination of ineligibility is incorrect. At the hearing the applicant shall have the right to counsel. The Mayor shall serve as the head of the hearing, shall convene the hearing, shall determine the order of the hearing, shall determine what evidence is admissible at the hearing and shall conclude the hearing. In order to conduct the hearing, a quorum of the members of the Board of Aldermen must be in attendance. Upon the conclusion of the presentation of evidence at the hearing, both the applicant and the City have the right to make closing statements. The Board shall convene among themselves to discuss and decide the case. A majority of the members in attendance must agree on the final decision. The final decision shall be in writing and signed by all those who agree to it and shall include findings of fact and conclusions of law. The Board must reach a decision within thirty (30) days after the

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hearing and send a copy of its written decision to the applicant at the address of the applicant as indicated on its original application.

- 4.** Any party aggrieved by the decision of the Board of Aldermen may file an appeal with the Circuit Court of St. Louis County pursuant to Chapter 536, RSMo.

[1] Editor's Note: Former Section 605.070, License Fee Rates, as adopted and amended by CC 1979 §14-22; Ord. No. 72-436 §8, 12-18-1972; Ord. No. 06-1696 §1, 8-21-2006, was repealed by Ord. No. 14-2068 §4, adopted 1-20-2014. Section 5 of this ordinance provided that it would be in full force and effect retroactive to 1-1-2014.

**Section 605.080 License Fees — When Payable.**

[CC 1979 §14-23; Ord. No. 72-436 §9, 12-18-1972]

All license fees, except as may be otherwise provided for by this Article, shall be due and payable on or by the fifteenth (15th) day of April of the license year to avoid penalty under Section 605.180 of this Article.

**Section 605.090 Form of License.**

[CC 1979 §14-24; Ord. No. 72-436 §10, 12-18-1972]

All licenses and applications therefor shall be in such form as prescribed by the Director of Finance who shall receive such applications and issue such licenses.

**Section 605.100 Display of License.**

[CC 1979 §14-25; Ord. No. 72-436 §11, 12-18-1972]

All licenses granted by the City shall be carefully preserved in a conspicuous place in the place of business authorized to be conducted by such license.

**Section 605.110 Maintenance and Inspection of Records.**

[CC 1979 §14-26; Ord. No. 72-436 §13, 12-18-1972]

It shall be the duty of each merchant, manufacturer or service occupation to maintain adequate accounting records of transactions, product manufactured or service performed, and to make such records, together with the State sales tax returns and any other necessary records and reports, available at reasonable times for inspection by the City Administrator or Director of Finance for audit purposes to determine the accuracy and truthfulness of any statement made in an application for a license or a payment of a license tax as herein required. The statements or returns shall not be made public nor shall they be subject to the inspection of any person except the City Administrator or Director of Finance, nor shall such authorized persons disclose, except by order of court, any such privileged information.

**Section 605.120 Payment of Other Obligations To City Required.**

[CC 1979 §14-27; Ord. No. 72-436 §14, 12-18-1972]

No license shall be issued to any merchant, manufacturer or service occupation until all financial obligations including, but not limited to, personal property taxes, other license fees, permit fees, or inspection fees required to have been paid by such merchant, manufacturer or service occupation to the City have been paid.

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**Section 605.130 Issuance of License To Two or More Persons.**

[CC 1979 §14-28; Ord. No. 72-436 §15, 12-18-1972]

A license may be issued to two (2) or more persons engaged in any joint enterprise or joint venture the same as to a single person and for the same fee, except as otherwise may be specifically provided for.

**Section 605.140 Non-Assignability of License.**

[CC 1979 §14-29; Ord. No. 72-436 §16, 12-18-1972]

No license shall be assigned or transferred.

**Section 605.150 Separate License For Each Place of Business.**

[CC 1979 §14-30; Ord. No. 72-436 §17, 12-18-1972]

Every merchant, manufacturer or service occupation shall procure a separate license for each stand, store or place of business conducted, operated or maintained by such merchant, manufacturer or service occupation for which a license is required; and each and every merchant, manufacturer or service occupation shall notify the Director of Finance of any change of address within seven (7) days of such change.

**Section 605.160 Two or More Businesses At Same Address.**

[CC 1979 §14-31; Ord. No. 72-436 §18, 12-18-1972]

Whenever any applicant for a license, under the provisions of this Article, is engaged in more than one (1) occupation or business at the same address, such applicant shall make application and pay the license for each such occupation or business.

**Section 605.170 Responsibility of Corporate Officers.**

[CC 1979 §14-33; Ord. No. 72-436 §21, 12-18-1972]

Any act or duty required or authorized to be performed under the provisions of this Article by any corporation shall, in addition, be the responsibility of the president of such corporation and of any other person duly authorized by such corporation to perform such act or duty; and such president or other authorized person shall be personally subject to all penalties provided for violation of such applicable provisions of this Article as may relate to such acts or duties.

**Section 605.180 Penalties — Generally.**

[CC 1979 §14-35; Ord. No. 72-436 §23, 12-18-1972]

**A. Failure To Make Initial Application Or File Annual Return.** For failure to make proper and timely initial application to do business within the City of Manchester or to file the annual return or statement as provided in this Article or pay any license tax due hereunder, an automatic penalty of twenty-five dollars (\$25.00) shall be assessed and collected by the Director of Finance.

**B. Failure To Pay License Fee When Due.**

**1.** Failure to pay the merchants, manufacturers, and service occupation license fee when due shall result in the fee being subject to an automatic penalty of ten percent (10%) per month or fraction thereof the fee is delinquent.

**2.** Upon appearance in Municipal Court and being found delinquent in the payment of the fee the owner, manager or authorized agent shall be deemed guilty of an ordinance violation and upon

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conviction thereof be fined, in addition to the other charges set forth herein, shall be fined as provided in Section 100.100 of this Code. Every day such person shall continue in business, after demand for payment of the proper license is made by the City, shall constitute a separate offense.

**3.** Failure of owner, manager or authorized representative to appear in Municipal Court, after summons, will result in the immediate arrest of such individual and the immediate cessation of business in accordance with this Article.

**C. False Statement(s) Or Violation Of Ordinance — Additional Penalty.** Any merchant, manufacturer or service occupation making a statement in the application for a license under this Article showing the annual gross receipts in an amount less than the true amount thereof, or 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 license fee, or who fails to comply with or who violates any provisions of this Article shall be deemed guilty of an ordinance violation and upon conviction thereof shall be subject to fines and penalties in addition to those already specified in this Article.

**Section 605.190 Revocation of license—Grounds.**

[CC 1979 §14-36; Ord. No. 72-436 §24, 12-18-1972]

**A.** Any license issued pursuant to the provisions of this Chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reason specified in this Chapter:

- (1) Any failure to comply with or any violation of any provisions of (a) this Chapter, or any other ordinance, license or permit of the City regulating the business, occupation or activity licensed, (b) any applicable regulations of St. Louis County, or (c) the statutes of Missouri or the United States.
- (2) Violation of the terms and conditions upon which the license was issued.
- (3) Failure of the licensee to pay any tax or obligation due to the City or State.
- (4) Any misrepresentation or false statement in the application for a license required herein.
- (5) Failure to display the license required herein.

**B.** Revocation of any license shall be a remedy in addition to any other penalty which may be imposed pursuant to Section 605.210.

**Section 605.200 Revocation of license —Procedure.**

[CC 1979 §14-37; Ord. No. 72-436 §25, 12-18-1972]

**A.** In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on their own determined that cause may exist for the revocation of a license under the provisions of this chapter, the following procedures shall be followed:

- (1) The Board of Aldermen shall set a date for a hearing to consider the question of revocation.
- (2) At least ten days prior to the hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his last known address as shown in the records of the City Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his license.
- (3) During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his business.

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(4) At the hearing set by the Board of Aldermen, the board of aldermen shall hear all relevant and material evidence justifying the retention of the license.

(5) The licensee may be present in person or by his attorney and may present evidence.

(6) After hearing the evidence presented, the Board of Aldermen shall vote.

**B.** After completing the hearing, the Board of Aldermen shall have thirty (30) days to issue its written decision regarding whether the subject license shall be revoked, unless extended by the Board of Aldermen for cause. The affirmative vote of a majority of the full Board of Aldermen (i.e., four votes) shall be necessary to revoke any license.

**C.** Any party aggrieved by the decision of the Board of Aldermen may appeal the decision to the Circuit Court of St. Louis County within thirty (30) days of the date of the decision.

**D.** Except as otherwise provided herein, the hearing provided for herein and any appeals therefrom shall be governed by the procedures for contested cases set forth in the Missouri Administrative Procedure and Review Act, Chapter 536 R.S.Mo.

**Section 605.210 Violations; penalty.**

[CC 1979 §14-38; Ord. No. 72-436 §26, 12-18-1972]

**A.** Any business or licensee doing business in the City who does not comply with the provisions of this Chapter including the obligation to obtain, maintain or display a City business license shall upon conviction be punished as provided in subsection (b) of this section. In addition to such fine, the offender may be assessed the cost of the license and court costs. The Manchester Police Department shall enforce the provisions of this Chapter.

**B.** Any business or licensee that fails to comply with the provisions of this Chapter shall be liable in the Manchester Municipal Court for a fine of up to \$500.00; and each day of such violation shall constitute a separate offense.

**Section 605.220 Excepted Businesses and Occupations.**

[CC 1979 §14-39; Ord. No. 72-436 §27, 12-18-1972]

The provisions set forth in this Article shall not be applicable to any non-profit organization, association or establishment nor to any business, occupation, pursuit, profession or trade which the City may be otherwise prohibited by law from licensing or regulating.

**Section 605.225 Gift Shops.**

[Ord. No. 13-2051 § 1, 5-20-2013<sup>[1]</sup>]

**A.** The term "gift shop," as used herein, shall mean a business engaged in the purchase, other than from recognized and established dealers or distributors, of precious metals, coins and gems.

**B.** Any person who shall engage in the operation of a gift shop as defined in Subsection (A) above shall, as a condition to issuance and maintaining of a business license issued under Section 605.030 of this Chapter, satisfy the following requirements:

**1.** A state-issued photo ID must be presented by the seller and copied by the gift shop;

**2.** A photograph or similar copy of the items purchased by the gift shop must be made;

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- 3.** A purchase receipt must be prepared by the gift shop contemporaneous with the purchase;
- 4.** Any item purchased by the gift shop may not be resold but must be kept in its original, unaltered condition (i.e., not melted or precious stones removed) for a period of fifteen (15) days following such purchase; and
- 5.** The City of Manchester Police Department shall be provided a weekly transaction report (or a copy of each document provided for in Subsection (B)(1), (2) and (3) above), such to be provided to the Department each Monday in a format determined appropriate by the Department from time to time and related to the prior seven-day period.

[1] Editor's Note: Section 2 of this ordinance provided that this ordinance would be supplemental to the provisions of Sections 405.240(A)(7), 405.250(A)(7) and 405.260(B)(2) of this Code.