

AN ORDINANCE AMENDING SEVERAL CHAPTERS AND SECTIONS OF THE MUNICIPAL CODE TO NO LONGER REQUIRE BUSINESS LICENSES, FOR MOST BUSINESS TYPES, MERELY FOR THE PRIVILEGE OF CONDUCTING BUSINESS WITHIN THE CITY OF WEST PLAINS.

*Whereas*, the City currently requires a business license for many types of businesses merely for the privilege of conducting business within the City; and

*Whereas*, the City Council recognizes that such businesses are subject to regulation by the City including but not limited to zoning regulations and building code and occupancy requirements; and

*Whereas*, the City Council believes that other forms of regulations and requirements are sufficient to ensure that businesses and commercial activities are conducted lawfully and in the best interests of public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI, AS FOLLOWS:

**Section 1.** Chapter 12 of the Municipal Code is hereby retitled “Business and Commercial Regulations”.

**Section 2.** The definitions of “Day Care, Commercial”, “Day Care, General”, and “Day Care, limited” set forth in Section 50-3 “Definitions” of Article I “In General” of Chapter 50 “Zoning” are hereby amended by deleting the requirement to obtain a business license. All other requirements pertinent to all types of day care establishments are not amended in any way and remain in full force and effect.

**Section 3.** Article I of Chapter 12 (“In General”) is hereby amended by the removal of Section 12-1 “Garage Sales” (which will be renumbered as Section 12-20 and moved to Article II of Chapter 12) and the enactment of several new sections which shall read as follows:

CHAPTER 12 BUSINESS AND COMMERCIAL REGULATIONS

ARTICLE I IN GENERAL

SECTION 12-1 *Lawful Operation.* All businesses operating with the City and all commercial activities occurring within the City shall be conducted in accordance with all applicable law and regulations. If a license, permit or certification is required by any governmental entity for the conduct of the particular business or activities, all operators shall obtain and maintain such license, permit or certification at all times while conducting business or activities within the City.

SECTION 12-2 *Certificate of Occupancy Required.* No business shall be conducted and no commercial activity shall commence unless a Certificate of Occupancy has been issued by the City. Such Certificate of Occupancy shall be maintained at all times while the business is in operation or activities are occurring.

SECTION 12-3        *Nuisances Prohibited.* No person or operator shall allow any condition which constitutes a nuisance or that is injurious to the public health and safety.

SECTION 12-4        *Closure of Business or Activity for Unlawful Activity or Nuisance Conditions.*

A.        In addition to the other remedies and other methods of abatement and enforcement as provided in this Code, a business operation or commercial activities may be closed if such operation or activity is determined to be unlawful or maintaining a nuisance.

B.        If unlawful activity or nuisance conditions are found, a notice of violation shall be served upon the operator or representative thereof. The notice shall describe the alleged unlawful activity or nuisance conditions and order the property owner and owner or operator of the business (if different than the property owner) to appear before the City Administrator, or his or her designee, at such time and place as determined by the City Administrator to show cause, if any, why the business or activity shall not be closed. Every person required to appear shall have at least ten (10) days' notice thereof.

C.        Such notice shall be signed by the designated code official conducting the initial investigation or the Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the registered agent or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be mailed to such person and posted at the property which is the site of the unlawful activity or nuisance or mailed to such person and published in a newspaper within the City once at least seven (7) days before time fixed for the parties to appear. The cost of the mailing and publication shall be assessed against the property owner and/or business owner.

D.        If, after hearing all the evidence, it is determined that unlawful activity has occurred or that a nuisance exists, the City Administrator, or his or her designee, shall order the property owner and the owner or operator of the business to implement such operational changes that will prevent the unlawful activity or abate the nuisance within twenty (20) days or within such other time as the Administrator may deem reasonable. Such order shall be served in the manner provided in this Section for service of the notice of violation. The order may further provide that if the operational changes are not implemented or if further unlawful activity is found or if such nuisance conditions persist, then the business shall be closed or certain activities shall cease.

E.        The decision of the City Administrator may be appealed by filing an appeal, on such forms as prescribed by the City, with the City Clerk within seven (7) days from the Administrator's decision. The appeal form shall set forth, at a minimum, the detailed grounds for such appeal and such further information as requested on the appeal form. The City Council may review the decision of the City Administrator either, within the Council's sole discretion, upon the record previously made or upon a new hearing and shall issue a written decision to all parties; such decision may be subject to judicial review in the Circuit Court of Howell County by filing an appropriate petition for judicial review within fifteen (15) days of the decision.

F. Upon an order for closure of the business or the cessation of certain activities, the owner and/or operator of the business shall immediately cease operation of the business or the activities at the location set forth in the order.

G. *Penalty.* Any violation of this Chapter shall be subject to punishment as set forth in Section 1-10 of the Municipal Code. The City may also pursue any other remedy available by law in the event of a violation of this Chapter.

Sections 12-5 – 12-19 Reserved.

**Section 3.** The existing Article II “Licenses” of Chapter 12 is hereby repealed in its entirety.

**Section 4.** Chapter 12 of the Municipal Code is hereby amended by the addition of a new Article II entitled “Regulation of Certain Businesses” which shall consist of two sections: (i) the prior Section 12-1 “Garage sales” renumbered as Section 12-20 (these provisions are not amended in any way but are set forth herein for clarity); and (ii) a section regulating pawnbrokers and similar establishments (this new section is in lieu of the current provisions which are currently located in Article III of Chapter 12) which shall read as follows:

CHAPTER 12 BUSINESS AND COMMERCIAL REGULATIONS

ARTICLE II REGULATION OF CERTAIN BUSINESSES

SECTION 12-20 *Garage Sales.*

- (a) No person shall hold, conduct or advertise a sale of clothing, goods, wares, merchandise or any articles of personal property on the premises of a private home at so-called porch sales, garage sales, yard sales, or under any other similar name in the city without first obtaining a permit therefor.
- (b) A permit for holding, conducting or advertising a sale as mentioned in this section shall be issued by the city clerk upon the payment of a fee in an amount as provided in the city fee schedule by the person seeking to hold such sale.
- (c) No more than two such sales shall be held, conducted or advertised at and on the same premises or location within the calendar year, and each sale shall not last more than three consecutive days.
- (d) Public auction sales, church rummage sales and other sales for specifically named charitable purposes are excluded from this section, and a license or permit for such sales shall not be required.
- (e) Any person violating this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided by section 1-10.

SECTION 12-21 *Secondhand Goods and Pledged Goods*

A. *Purpose.* The purpose of this article is to ensure transparency and to ensure justice and fairness to the businesses regulated by this article as well as justice and fairness to the victims of crimes of theft of their personal property.

B. 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:

*Merchant and dealer* mean one who deals in property or goods, as described in this section, that may purchase outright or provide monetary loans for or against property and goods.

*Pawnbroker* means any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

*Pawnshop* means the location at which or premises in which a pawnbroker regularly conducts business.

*Pledged goods* means tangible personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

*Pledgor* means one who provides and delivers tangible personal property and completes a transaction with a pawnbroker, dealer or merchant for the loan of money based upon the property being held as collateral until repayment of loan is complete.

*Secondhand* means property or goods received from or through an intermediary, property or goods acquired after being used by another, or property or goods not considered new.

C. Participant Businesses Defined.

- (a) Every person and/or business that is regularly engaged in or conducting business for the purchase, sale, barter, exchange, recycling, reselling or pawn of property or goods, including, but not limited to, antiques, jewelry, coins, any metal, including but not limited to aluminum, copper, gold, silver, brass, bronze and platinum; gems, and semiprecious stones, watches, firearms, power tools, hand tools, computers, electronic equipment, cameras and camera equipment, including but not limited to film, digital and videotape, still and motion pictures cameras and camcorders, and associated recording and viewing equipment, electronic game equipment and game cartridges or discs, compact digital disks (CDs), digital video discs (DVDs), musical instruments and equipment, bicycles, and any self-propelled device not required to be licensed by the state department of revenue, including but not limited to every pawnbroker, flea market merchant, secondhand dealer of the goods described in this section, coin dealer, jeweler, and junk dealer, both wholesale and retail, shall, within 90 days of the adoption of this article, maintain an electronic inventory tracking system which is capable of delivery and transmission of all statutorily-required information via computer to the entity designated by the city police department.
- (b) For the purpose of this article, the term "engaged in or conducting business" means the purchase, sale, barter, or exchange of any item mentioned in this section, including the advertising therefor, and including such business conducted by an established dealer in a permanent location, and including any temporary, transient or itinerant business, whether or not such dealer is engaged in other business activities at such location. In this article the term "required business" means any business engaging in the activities described in this section.

D. Information Required for Retention.

- (a) The owner/operator of a participant business, as defined in this article, shall record a description of all personal property, including all gems or metals, pledged with him or

purchased by him, except those items purchased from wholesale dealers of such items, including any number, letter, marking, or engraving that may be on such property for purposes of identification, including any owner-applied markings. Additionally, the owner/operator shall identify the person presenting the item for sale, pawn, exchange, or recycling and record the following pertinent data: name, race, height, weight, date of birth, address (including city and state), along with the person's social security number and/or driver's license or state-issued ID number.

- (b) Information shall not be collected verbally, and only recorded after the owner/operator has physically viewed and verified the person's identity as compared to any valid government-issued identification card previously described. The electronic database form shall be completed in full without any missing data or information.
  - (c) A signed document from the seller or pledgor providing that he has the right to sell or pledge the property shall be obtained and retained.
- E. On-Line Reporting Action Required. The owner/operator of a required business will be required to upload the information to the entity/database designated by the city police department within two business days of receipt of the goods received in purchase, sale, barter, exchange, or pawn.
- F. Holding Period for Precious Gems and Metals Received by Dealers.

No gold, silver, diamonds or other precious metals or semiprecious gems or precious metals received or purchased by any person subject to this section, including but not limited to all persons engaged as pawnbrokers, shall be removed from a designated location within the city within five business days after receipt thereof, except when redeemed by the original owner/seller, nor shall any such precious gems or precious metals be melted or re-cut within five business days from the receipt thereof, except when redeemed by the owner/seller. Furthermore, no person subject to this section, including, but not limited to, all persons engaged in a pawnbroker business, shall sell, transfer ownership or possession of, or otherwise remove from said designated location any goods of any kind or type received in purchase, sale, barter, exchange, or pawn for 24 hours from the time of the receipt of such goods, except for redemption of such goods by the owner/seller.

**Section 5.** The existing Article III of Chapter 12 "Tattoo Establishments" is hereby repealed in full.

**Section 6.** The existing Article IV of Chapter 12 "Secondhand Goods and Pledged Goods" is hereby repealed in full as those amended provisions are now inserted in Article II of Chapter 12.

**Section 7.** The existing Article V of Chapter 12 "Special Events and Parade Permits" is hereby renumbered as Article III and no further amendments are made to the provisions relating to special events and parade permits and all such provisions remain in full force and effect.

**Section 8.** The existing Article VI of Chapter 12 "Motor Vehicle Towing and Wrecker Service Businesses (referred to as "Tow Truck Company") Used by the City" is hereby renumbered as Article IV of Chapter 12 with the same title. Section 12-166 (e)(2)(j) is hereby amended by the deletion of the requirement to "pay all applicable occupational license taxes". All other provisions currently located within the Article governing "Motor Vehicle Towing and Wrecker Service Businesses Used by the City" are not amended in any way and remain in full force and effect.

**Section 9.** Section 20-40 of Article III “Fireworks” of Chapter 20 “Fire Prevention and Protection” is hereby amended by removing the requirement for a business license such that only a Certificate of Occupancy is required.

**Section 10.** Subsection (i) (which currently provides, “(i) Notice of the provisions of this article shall be given to all applicants for a business license located within the corporate limits of the city.”) of Section 22-130 “Prohibition” of Division 2 “Smokefree Air” of Article III “Smoking” of Chapter 22 “Health and Sanitation” is hereby deleted. All other provisions of Section 22-130 are not amended in any way and remain in full force and effect.

**Section 11.** Subsection (d) (which currently provides “(d) *Revocation of license.* The business license of a business owner may be revoked by the city council if an owner or their employee, in relation to the business, is found guilty in a court of law of violating this section.”) of Section 28-79 “Controlled and Counterfeit Substances” of Article III “Offenses Against Public Health and Safety” of Chapter 28 “Offenses” is hereby deleted. All other provisions of Section 28-79 are not amended in any way and remain in full force and effect.

**Section 12.** Subsection (b)(1) of Section 34-5 “Permits” of Chapter 34 “Signs” is hereby amended to delete the reference “business license number” from the sign permit application requirements.

**Section 13.** Subsection (1) of Section 34-14 “Freestanding Signs” of Chapter 34 “Signs” is hereby amended to read as follows: [all other provisions of Section 34-14 are not amended in any way and remain in full force and effect]

...

- (1) One freestanding sign shall be allowed for each business located in a building, not to exceed two per building.

...

**Section 14.** Sections 44-612 – 44-619 of Article XIII “Commercial Trolley Bikes” of Chapter 44 “Traffic and Vehicles” are hereby repealed in full as the City will no longer require a business license for operators of commercial trolley bikes. The other requirements for commercial trolley bikes set forth in Sections 44-600 – 44-611 are not amended in any way and remain in full force and effect.

**Section 15.** With respect to the mechanical, electrical and plumbing trades, the City Council would like to clarify the distinction between a “certification” which is based on the ability to perform the work and a “license” which may be confused a business license merely issued for the privilege of conducting business within the City. Given that the terms “certification” and “license” are, at times, used interchangeably, the City Council hereby amends Article V “Mechanical Code”, Article VI “Electricity”, and Article VIII “Plumbing” by using the term “Certification” in lieu of “License”.

**Section 16.** The City Council recognizes that prior to the adoption of this Ordinance, the City prohibited operation of a business or commercial activity without a business license. Operators have obtained and paid fees for business licenses. No refunds shall be made for any fee previously paid for a business license.

**Section 17.** The City Administrator is hereby authorized to promulgate policies to implement these changes and address issues regarding business licenses between the date of the passage of this Ordinance and the Effective Date.

**Section 18.** It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**Section 19.** This Ordinance shall be in full force and effect on January 1, 2026, and thereafter.

PASSED AND APPROVED THIS 15 DAY OF December, 2025.

CITY OF WEST PLAINS, MISSOURI



ATTEST:

Michael Topliff  
MAYOR MICHAEL TOPLIFF

Kellie Mayers  
CITY CLERK KELLIE MAYERS