

CHAPTER 40. GENERAL REQUIREMENTS FOR LICENSING AND TAXATION OF BUSINESSES

Article I. Issuance of License; Payment of Taxes

Section 40.010. Taxes and Fees to Be Paid Before Issuance of Licenses.

No license or permit provided for or required under any ordinance of the City of Webster Groves, except motor vehicle, dog and bicycle licenses, may be issued to any person or received by any person until all personal taxes, merchants' and manufacturers' taxes, or other license fees, permit fees, and inspection fees, or any other financial obligations which are delinquent and owing to the City for that year, or any preceding year, have first been paid and receipts for such taxes, fees or financial obligations exhibited to the person issuing the license or permit.

Section 40.015. Lost Receipts.

If the receipts for such taxes, fees or permits have been lost or destroyed and cannot be produced by the applicant, then the officer to whom such payments were made must certify that the payments were made and are not delinquent.

Section 40.020. Compliance with Other Laws.

No license or permit provided for or required under any ordinance of the City of Webster Groves may be issued to any person if it appears to the person responsible for issuing the license or permit that the thing or conduct to be licensed or permitted would violate, or would bring about a violation of, the zoning code, the building code, or any other ordinance of the City. Whenever a license or permit is refused pursuant to this section, the applicant may have the refusal reviewed by the City Manager, who shall direct the issuance of the license or permit if he is advised by the City Attorney that the thing or conduct to be licensed or permitted would not violate, and would not bring about a violation of, any ordinance of the City.

Section 40.025. Duty of Director of Finance.

The Director of Finance shall see that any person required to have a license applies for a proper license, and if any person fails or refuses to do so, the Director of Finance shall report the offender to the City Manager for proper action.

Section 40.030. Blank Licenses to Be Delivered.

The City Clerk shall procure, sign and affix the City seal to blank licenses for all purposes for which a license may be issued, and shall from time to time deliver to the Director of Finance any required number of them, taking duplicate receipt. He shall keep a register of all licenses delivered to the Director of Finance, recording the number and amount thereof, for what issued and to whom delivered.

Article II. Business Licenses

Section 40.100. Businesses Subject to This Chapter; Exceptions.

It is the intention of the Council to license under this Chapter, all corporations and institutions, merchants, manufacturers, persons, commercial enterprises, businesses, dealers, trades, occupations, pursuits and avocations which are subject to taxation by the City of Webster Groves under the law, with the exception of those businesses or designated activities of businesses licensing under this Chapter, some portion of whose business is subject to licensing under such other ordinances, shall be required to have licenses under the latter ordinances in addition to those required by this Chapter 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, except as hereinafter provided. Merchants licensed under this Chapter and engaged in selling non-intoxicating beer or alcoholic beverages shall be required to have and pay for the licenses provided for in Chapter 42 of the Revised Code of Webster Groves, pertaining to licensing the sales of non-intoxicating beer and alcoholic beverages, in addition to the license herein provided for, and persons subject to licensing under Chapter 42 of the Revised Code of Webster Groves shall be subject to licenses under this Chapter to the full extent of their receipts.

Section 40.110. Definitions.

The following definitions will govern the construction of this Chapter:

- a. **“Charges”** shall mean the amount designated by the licensee as the consideration to be paid for goods, services or otherwise, including considerations to be paid, rendered or delivered at a later date.
- b. **“Gross Receipts”** shall mean all of the money, property, services and other considerations charged for or received or derived from their business activities, and includes but is not limited to receipts and charges for and from sales, rentals (except rental of real estate), hiring, admission prices, compensation, personal services, service charges, commissions, contracts, fees, penalties, bonuses, and services of a trade or occupation, or other price received or charged for any combination of services and property or use thereof or admittance or privilege granted; all commissions received and retained by any commission broker, including real estate agents, brokers, insurance brokers, insurance agents; all operating revenues of banks, including but not limited to service charges, interest on loans, mortgages and bonds; and revenues of insurance companies limited to direct premiums received from Missouri policy holders less all claims and benefits paid, increases in policy reserves, and insurance taxes, licenses and fees (except income taxes), in accordance with the reporting requirements of regulatory authorities, federal or state. However, **“gross receipts”** shall not include the following:
 1. Receipts of taxes levied by municipal, state and federal governments and collected by the seller.
 2. Receipts of traded merchandise recorded as cash receipts and resold and recorded as a sale or resale.

3. Interdepartmental sales within the organization of the seller.
 4. Such part of the sale price of property returned by the purchaser as is refunded either in cash or in credit.
 5. Receipts of refundable deposits, except that portion of refundable deposits forfeited and taken into the gross receipts of the seller.
 6. Receipts from the sale of intoxicating beer.
 7. 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 of Webster Groves, unless such subsidiary or subsidiaries so located in the City of Webster Groves are separately licensed.
 8. Receipts from any office located in Webster Groves which is operated solely as a billing office for other offices located outside of Webster Groves, and which billing is for transactions no part of which took place in Webster Groves.
- c. **"Licensee"** shall mean every person required to have a current license as well as one holding a license.
- d. **"License Year"** unless otherwise provided, the year beginning January 1st, or in the case of businesses newly established, at the beginning of doing business, and ending on the following December 31st, except that any merchant, manufacturer or service occupation may, but only upon prior approval by the Director of Finance, elect a license year which coincides with the merchant, manufacturer, or service occupations' accounting and federal tax fiscal year.
- e. **"Manufacturer"** shall mean 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.
- f. **"Merchant"** shall mean 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 of Webster Groves, 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 said sales be a different type of goods than those regularly manufactured, processed or sold by said dealer.
- g. **"Person"** shall mean an individual, partnership, corporation or association and groups of, or associated individuals, partnerships, corporations or associations.

- h. **“Service Occupation”** shall mean all callings, businesses, dealers, trades, avocations, pursuits, professions not exempt by law, occupations and enterprises with the exception of merchants, manufacturers and the businesses excluded under Section 40.100 of this article and excluding those specifically exempted from local licensing by statutes of the State of Missouri, and shall be construed to include also the selling of goods, wares and merchandise other than from a store, stand or place of business in the City of Webster Groves; 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 excepting rental of real estate, 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 person.
- i. **“Sale”** shall mean any transfer, exchange or barter of tangible personal property for a consideration of money, property or service, or any combination thereof.

Section 40.120. Method of Calculating Licenses.

- a. The license of merchants shall be calculated on the gross receipts as defined herein, of goods, wares and merchandise sold in the City of Webster Groves 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 of Webster Groves.
- b. The license of manufacturers shall be calculated on the gross receipts as defined herein, of goods manufactured by them in the City of Webster Groves, irrespective of where the sale of such manufactured goods may take place.
- c. The license of service occupations shall be calculated on the total amount of the gross receipts as defined herein, arising out of services performed in the City of Webster Groves.

Section 40.130. Nature of Tax and License and Classification of Businesses.

The licenses provided for in this Chapter are assessed and payable for the privilege of engaging in and doing business in the City of Webster Groves and under this Chapter, a business shall be classified as that of a merchant, manufacturer or service occupation according to the principal activity of the business.

Section 40.140. License Required; Penalty.

Every person defined to be a merchant, manufacturer or service occupation by the provisions of this Chapter shall, before doing or offering to do business as such, procure from the Director of Finance of the City of Webster Groves a license therefor under the provisions of this Chapter; and if he shall do any business, or manufacturing, make any sales as a merchant, manufacturer, or service occupation without first complying with the provisions of this section, or shall otherwise violate or fail to comply with any of the provisions of this Chapter, he shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense. Every day such person shall continue in business, after

demand for payment of the proper license is made by said Director of Finance, shall constitute a separate offense.

Section 40.150. Agents and Others Liable.

It shall be unlawful for any manager, corporation officer, partner or agent to conduct or assist in the conduct of business of a merchant, manufacturer or service occupation without having procured a license, and upon conviction of violating this section such manager, corporation officer, partner or agent shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and each day that such violation shall continue shall constitute a separate offense.

Section 40.160. Employee's Liability.

After notice by the Director of Finance to any clerk or employee of a merchant, manufacturer or service occupation that his principal has not procured a license to engage in such business, it shall be unlawful for such clerk or employee to conduct or assist in the conduct of the business of such merchant, manufacturer or service occupation, and upon conviction of violating this section such clerk or employee shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), and each day that such violation shall continue after notice by the Director of Finance, shall constitute a separate offense.

Section 40.170. Returns.

Every merchant, manufacturer and service occupation as herein defined shall declare by sworn statement on forms provided by said Director, his gross receipts as defined herein and pay to the City of Webster Groves no later than the 30th day of April each year, an annual license fee based on the actual gross receipts of such merchant, manufacturer and service occupation for the entire preceding license year as herein defined, except for any merchant, manufacturer or service occupation commencing operations or business in the City during any license year shall pay at the time of such commencement a license fee based on estimated gross receipts for the remainder of the license year; provided, however, that any such merchant, manufacturer or service occupation shall before the 30th day of April following the end of such pro-rated license year, file an estimated return for the ensuing license year and pay at that time a license fee based on said estimate; provided, however, such merchant, manufacturer or service occupation shall pay an additional tax, if any, based on said actual gross receipts for said estimated periods; provided, however, that any payment of a license fee based on estimated or actual gross receipts which shall be in excess of the amount due to the City shall not be refunded, except in the case of cessation of operations or business, but shall be applied as a credit for the license fee for the ensuing year.

Every merchant, manufacturer and service occupation which with the approval of the Director of Finance elects a license year different from that defined herein shall pay to the City of Webster Groves no later than thirty (30) days after the end of said elected license year an annual license fee based on the actual gross receipts of such merchant, manufacturer and service occupation for the entire preceding elected license year. The Director of Finance shall have the discretion, upon good cause shown, to extend the time for filing said sworn statement showing gross receipts, and paying said license tax, for a period not to exceed, in each case, sixty (60) calendar days.

Section 40.180. License Tax.

There shall be levied on the “**gross receipts**” of all merchants, manufacturers, and service occupations as defined herein, a license tax, paid annually by said merchants, manufacturers and service occupations on the basis of the following rate schedule:

Gross Receipts	Rate
On each One Thousand Dollars (\$1,000.00) of gross receipts, or fraction thereof, on the first Two Million Dollars (\$2,000,000.00)	\$1.00
On each One Thousand Dollars (\$1,000.00) of gross receipts, or fraction thereof, in excess of Two Million Dollars (\$2,000,000.00), but not in excess of Five Million Dollars (\$5,000,000.00)	\$0.75
On each One Thousand Dollars (\$1,000.00) of gross receipts, or fraction thereof, in excess of Five Million Dollars (\$5,000,000.00), but not in excess of Ten Million Dollars (\$10,000,000.00)	\$0.50
On each One Thousand Dollars (\$1,000.00) of gross receipts, or fraction thereof, in excess of Ten Million Dollars (\$10,000,000.00) provided, however, the minimum fee shall be Thirty-Five Dollars (\$35.00).	\$0.25

Section 40.190. Records.

It shall be the duty of each merchant, manufacturer or service occupation to maintain adequate, permanent records of each sale, product manufactured, or service performed, which record together with the State of Missouri sales tax returns and any other necessary records shall be open, at reasonable times, to the inspection of the Director of Finance or his duly appointed representatives for audit purposes to determine the accuracy and truthfulness of any statements made in an application for a license or the payment of a license tax as herein required. The statements or returns made to, or made available for inspection by the Director of Finance or his duly designated representative under the requirements of this Article shall not be made public nor shall they be subject to the inspection of any person except the Mayor, City Manager, Director of Finance or members of the City Council, or their duly appointed representatives, nor shall such authorized persons disclose, except by order of court, any such privileged information.

Section 40.200. License Not Transferable; Separate Licenses Required.

A license is non-transferable and non-assignable and shall not be construed to permit the person to whom it is issued to carry on the business or occupation for which the license is obtained at more than one store, place or stand at the same time within Webster Groves.

Section 40.210. Demand by Director of Finance.

If the Director of Finance determines at any time that a licensee has failed to make a proper return or statement or has not paid the full amount of license due by him for any of the three (3) preceding years, he shall make demand for payment of the deficiency and may refuse to issue any license to a licensee who is in default in the payment of any license fee for any of the three (3) preceding years, until paid. No license or permit shall be issued to any licensee if said licensee shall have failed or refused to pay any other obligation then due and owing the City of Webster Groves.

Section 40.220. Director of Finance to Furnish Forms.

The Director of Finance shall prescribe and furnish the licenses herein provided for in the following form:

Merchant's, Manufacturer's and Service Occupation
City License No. _____
The City of Webster Groves

To All Who Shall See These Presents,

Greeting: Know Ye That _____ having paid to _____, Director of Finance of the City of Webster Groves, the prescribed license tax as a merchant, manufacturer or service occupation for the year _____ therefor the said _____ is hereby authorized to sell any goods, wares or merchandise or manufacture the same of any description, or render services, except as otherwise provided by Ordinance, at anyone store, stand or place of business, within the City, for the year ending on the thirty-first day of December, ____.

In Testimony Whereof, I, _____, Director of Finance of the City of Webster Groves, have hereunto set my hand this _____ day of _____, ____.

Attest: _____
City Clerk

Tax _____ License _____

Delivered this _____ day of _____, ____

Director of Finance: _____

The blank licenses provided for in this section shall be bound in book form, with suitable stubs, on which shall be made and entered the sworn statement. There shall also be entered upon the stubs the amount of tax collected.

Section 40.230. Failure to Make Statement; Penalty.

In case any merchant, manufacturer or service occupation shall fail, neglect or refuse to deliver the statement herein required and to pay the full and proper amount of license due under the provisions of this Chapter at the time provided for herein or who shall make any

false statement or return or fail to pay any deficiency determined to be due for any of the three (3) preceding years, he shall be subject to the penalties prescribed herein.

Section 40.240. Arbitrary Assessments.

If a licensee fails to make a return when due, or having made a return fails to pay when due, or it be found upon inspection or audit that any return made by a licensee during the previous three (3) years failed to include gross receipts subject to and payable on the basis of the schedule contained in Section 40.180 hereof, the Director of Finance may, in addition to all other penalties, determine the true facts by the best information that he can and shall arbitrarily double the value or amount thereof, and it shall be the duty of the merchant, manufacturer or service occupation to pay his license fee on such arbitrary assessment of gross sales and/or gross receipts in addition to all other penalties provided for delinquencies.

Section 40.250. Waiver of Arbitrary Assessment.

In case the Director of Finance is satisfied that the failure to make return and to pay the license fee within the proper time was inadvertent and not willful, he may accept payment of the license fee upon a proper return, verified by the licensee, with such penalties for delinquency as may have accrued thereon and waive the double assessment.

Section 40.260. Delinquent License Taxes.

License fees due hereunder shall become delinquent May 1st of the year in which due, except that those merchant, manufacturer and service occupations whose license year differs from that herein defined shall become delinquent the 1st day of the second month after the end of said elected license year. Payments made after said dates shall be subject to a penalty of five percent (5%) of the amount due for the license during the first month of delinquency, and one percent (1%) of the amount due for the license for each additional month until the penalty amounts to twenty-five percent (25%), and this penalty shall be assessed in cases where a merchant, manufacturer or service occupation files a statement as hereunder required and then fails to pay the license fee due, or when he files a statement which is later found to be incorrect and it is determined that an additional license fee is due.

Section 40.270. False Returns; Penalty.

Whoever shall make or file with the Director of Finance, under the provisions of this Chapter, a false statement under oath, shall forfeit his license and be deemed guilty of a misdemeanor; and it shall be the duty of the Director of Finance to carefully examine all statements filed with him and to prosecute all violations of this Chapter according to law; provided, that before instituting any such prosecution he shall give the merchant, manufacturer or business occupation an opportunity to explain the statement and correct it if inadvertently made; and if it shall appear to the Director of Finance that such false statement was willfully and corruptly made, he shall report all the facts to the appropriate legal authority.

Section 40.280. Penalties and Revocation.

Any merchant, manufacturer or service occupation which exercises, engages in or carries on any business, trade or occupation in the City of Webster Groves without first having paid the license tax herein provided for and having lawfully obtained the license prescribed, or who violates any of the regulations or requirements of this Chapter, shall be subject to a fine of not less than Five Dollars (\$5.00) or more than One Hundred Dollars (\$100.00) for each such offense except as otherwise provided.

The Director of Finance may cause the closing, including locking or otherwise banning the conduct of any business therein, including the posting of appropriate signs and/or all other necessary acts to prohibit the conduct of business until such business shall have been complied with the provisions of this ordinance.

The City Council may revoke any license inadvertently issued upon proof that the precedent requirements have not been met, and may revoke any license for failure to observe the regulations of the State of Missouri or the City of Webster Groves pertaining to public health and sanitation, fire protection, public peace, or public morals.

Section 40.290. Severability.

If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional, or unlawful, for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

Article III. Sales Tax

Section 40.400. Imposition of Tax.

There is hereby imposed a sales tax of one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Webster Groves to the extent and in the manner as provided in Sections 94.500 to 94.570 R.S.Mo. 1959, as amended, and the Rules and Regulations of the Director of Revenue issued pursuant thereto, for the benefit of the City of Webster Groves.

Section 40.410. Effective Date and Collection.

The tax shall become effective and be collected as provided in Sections 94.500 to 94.570 R.S.Mo. 1959, as amended, and shall be subject to and incorporate all of the provisions of said sections.

Section 40.420. To Whom Payable.

All payments due the City of Webster Groves from sales tax collections under this Article shall be made payable to the "Director of Finance of the City of Webster Groves, Missouri."

Section 40.430. Tax to Be Part of General Revenue.

All revenues collected from the sales tax provided for in this Article shall become part of the general revenue of the City of Webster Groves, Missouri.