

Chapter 6

BUSINESS REGULATIONS AND LICENSES

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Chapter 6

BUSINESS REGULATIONS AND LICENSES

ARTICLE I. IN GENERAL

Sec. 6-1. License Other Than Dramshop.

A bill for an ordinance relating to license other than dramshop

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. No corporation, firm, co-partnership, person or persons, for himself, herself or themselves, in person or by agent, shall exhibit any public shows, circus, menagerie, concert, exhibition or theatrical or other amusement within the incorporate limits of the town of Freeburg, or within the distance of one mile from the corporate limits thereof, without first having obtained a license therefor from the town, as provided by ordinance; provided, that any lecture, concert, exhibition or other performance purely for the benefit of any religious, charitable or educational organization or institution, and whereby no individual person or persons shall derive any gain or profit, may be given without paying any license therefor. (Ord. 11, §1)
2. No corporation, firm, co-partnership, person or persons, for himself, herself or themselves, in person or by agent, shall engage in or carry on the business of merchant, peddler, auctioneer, auction house, druggist, confectioner, vendor of candy, ice cream, lemonade or other refreshment, either in a building or out of doors; drayman, meat, market, meat wagon, Hackman, express wagon, coaches, omnibusses, buggies, automobiles or other vehicle for hire, livery, sales or feed stables, wood or coal yards, bowling or ten pin alley, billiards or pool tables, shuffle boards, bagatelle table, pigeon hole table, gift enterprise, beer depot or storage house, shooting gallery, merry-go-round, boarding house, hotel or restaurant, opera house or public hall, jenny-lind table, patent or patent right dealer, grist or flouring mill, commission house, poultry and egg or produce dealer within the limits of the town of Freeburg without first having obtained a license therefor, as provided by ordinance. (Ord. 11, §2)
3. Whoever shall in the town of Freeburg deal in the selling of goods, wares, or merchandise of any kind, including clocks and farm implements, at any store, stand or other place occupied for that purpose, whether owned by him or only consigned by him for sale, is declared to be a merchant, and shall pay a license of \$5 per annum, together with an ad valorem license tax of 10 cents on each \$100 worth of goods, wares and merchandise, whether owned by him or only consigned to him for sale, that he had in his possession or under his control when he had the largest amount at any one time between the first Monday in March and the first Monday in June of each year, but should the merchant taking out the license not have been in business in the town of Freeburg at any

time during the period from the first Monday in March to the first Monday in June preceding the taking out of the license, then the ad valorem license tax shall be computed on the amount he has in possession or under his control, or has ordered at the time or taking out the said license; provided, that no commission merchant shall be required to pay any ad valorem license tax on any manufactured article, the growth or product of this or any other state, which may have been consigned to him for sale, and in which he has no ownership or interest other than his commission. (Ord. 11, §3)

4. Whoever shall, at any store, shop or stand, in the town of Freeburg, conduct, control or own any pharmacy, drug store or apothecary shop, for the purpose of retailing, compounding or dispensing any medicines or drugs or poisons for medical use, is declared to be a druggist, and shall pay the same license as a merchant, as provided in the next preceding section of this ordinance; provided, that this section shall not apply to doctors who dispense their medicines only on their own prescriptions. (Ord. 11, §4)
5. Whoever shall sell or offer to sell any goods, wares or merchandise, patent or propriety medicines, or other medicines, lightning rods or any machinery or utensils, except agricultural and horticultural products, including milk, butter, eggs, cheese, fruit and vegetables, by going about from place to place to sell the same, is declared to be a peddler, and shall pay a license to the town of \$10 per annum if he carries his goods on foot, and \$25 per annum if he carries them in a vehicle drawn by one or more horses or other animals or on the back of any beast of burden. (Ord. 11, §5)
6. Whoever shall sell or offer to sell any patent or patent right, or the right to manufacture any article upon which a patent has been issued, is hereby declared to be a patent right dealer, and shall pay a license of \$12 per annum. (Ord. 11, §6)
7. Whoever shall make a business selling or offering for sale any goods, wares or merchandise or other property, either real or personal, or interest therein, at any stand, store or public place in this town at public outcry for his own gain, is declared to be an auctioneer, and shall pay the town license of \$25 per year, but officers of the town and other persons selling property under process of law, execution, deeds of trusts and mortgages are not auctioneers within the meaning of this section. (Ord. 11, §7)
8. Any place where the fresh meat of cattle, hogs, sheep or goats is kept and offered for sale in less quantity than one-quarter of each animal at each sale, is hereby declared to be a meat market and the keeper of the same shall pay the town a license of \$5 per annum. (Ord. 11, §8)
9. A meat wagon is a vehicle used by any person, or his agent, and going about from place to place in this town for the purpose of selling the fresh meat of cattle, hogs, sheep or goats, in less quantities than one-quarter thereof, and the person who runs such a wagon shall pay the town a license of \$5 per annum. (Ord. 11, §9)

10. Vendors of candies, ice cream, lemonade or other refreshment are people who, in person or by agent, sell or offer for sale to the public said articles, either inside or outside a building, and such persons shall pay the town a license of \$5 per annum. (Ord. 11, §10)
11. An auction house is a store, stand or place in this town where goods, wares or merchandise or other property is kept and offered for sale at public outcry, and the keeper of such place shall pay the town a license of \$20 per annum. (Ord. 11, §11)
12. Whoever shall sell or offer for sale any goods, wares or merchandise or other thing, and as an inducement to such sale shall give offer to give anything other than the article sold, is the keeper of a gift enterprise, and shall pay the town a license of \$10 per annum. (Ord. 11, §12)
13. A hotel is a place kept for the accommodation of both transient and regular boarders and where it is the common custom to keep all respectable persons, who desire to stay, that can be accommodated, for either a short or long period of time, and the keeper of such a place shall pay the town a license of \$5 per annum. (Ord. 11, §13)
14. A boarding house is a place where only regular boarders are kept, and it is not the common custom to keep transients or people who are not expected to stay as much as a week or more, and the keeper of such a place shall pay the town a license of \$5 per annum. (Ord. 11, §14)
15. Upon a license for any circus or menagerie the town shall receive the sum of \$25 for the first twenty-four hours and \$10 for each subsequent day in succession, or fraction thereof. (Ord. 11, §15)
16. Upon a license for any show, other than a menagerie or circus, the town shall receive the sum of \$5 per day, but where the exhibition is under more than two tents they shall pay a license of \$5 additional for each additional tent. (Ord. 11, §16)
17. Upon a license for any theatrical, operatic, minstrel or musical performance or exhibition the town shall receive the sum of \$5 for the first day and \$2 for each succeeding day. (Ord. 11, §17)
18. Upon the license for any concert, lecture, street exhibition, legerdemain, rope or wire walking the town shall receive the sum of \$2 per day. (Ord. 11, §18)
19. Upon the license for an opera house or theater the town shall receive the sum of \$10 per annum. (Ord. 11, §19)
20. Upon the license for a public hall the town shall receive the sum of \$5 per annum. (Ord. 11, §20)
21. Upon the license to keep a livery, feed and sale stable the town shall receive the sum of \$5 per annum. (Ord. 11, §21)

22. Upon the license to keep a feed and sale stable the town shall receive the sum of \$5 per annum. (Ord. 11, §22)
23. Upon the license to keep a wood or coal yard the town shall receive the sum of \$5 per annum. (Ord. 11, §23)
24. Upon a license to the keeper of any bowling or ten-pin alley the town shall receive the sum of \$8 per year for each alley. (Ord. 11, §24)
25. Upon the license for each billiard table, pool table, bagatelle table, pigeon hole table and jenny-lind table the town shall receive the sum of \$5 per annum for each table. (Ord. 11, §25)
26. Upon the license for shuffle boards the town shall receive the sum of \$5 per annum. (Ord. 11, §26)
27. Upon the license for a shooting gallery the town shall receive the sum of \$2 for one bull's eye and \$1 for each additional bull's eye per annum. (Ord. 11, §27)
28. Upon the license for a steam merry-go-round the town shall receive the sum of \$2 per day, and for other merry-go-rounds the sum of \$1 per day. (Ord. 11, §28)
29. Upon the license for a restaurant the town shall receive the sum of \$5 per annum. (Ord. 11, §29)
30. Upon the license for a beer depot or cold storage house the town shall receive the sum of \$25 per annum; and for a wholesale liquor house or where liquor is sold in original packages of three gallons or more, as provided for under the state and federal laws, \$100 for every six months. (Ord. 11, §30)
31. Upon the license for each hack, coach, omnibus, buggy, dray wagon, express wagon, or other vehicle that is used and operated in this town for the purpose of hauling passengers or goods, wares or merchandise, or other property for other parties than the owners thereof, the town shall receive the sum of \$5 per annum, but this section shall not apply to merchants who use their own vehicles to deliver goods to their customers, nor to persons working for the town, nor to persons who have licenses as livery stable keepers. (Ord. 11, §31)
32. Upon a license for a flouring or a grist mill, or commission house or poultry and egg or produce dealers, the town shall receive the sum of \$5 per annum. (Ord. 11, §32)
33. No person, having a license or not having a license, his employee, or other person in charge of any billiard or pool table, bagatelle table, pigeon hole table, jenny-lind table, shuffle boards, bowling or ten-pin alley, shall within the limits of the town of Freeburg, with or without gain or profit, at any time permit or allow any such table, board or alley

to be used or played on by any minor, for any purpose whatever, without first having obtained the written consent of such minor's parents or guardian. Any person violating this section of this ordinance, or failing, neglecting or refusing to comply herewith, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$1 and not more than \$50. (Ord. 11, §33)

34. Upon the licenses issued under this, or any other ordinances, the town clerk shall receive a fee of 50 cents, which shall be paid by the person receiving the license, in addition to the amount of the license names herein, before said license shall be delivered to him. (Ord. 11, §34)

35. All licenses, except as herein otherwise especially provided, shall extend to the 1st day of July or to the 1st day of January next following the date of their issue, and shall expire at said time. All licenses, except as herein otherwise especially provided, shall be issued for either six months or for one year, as may be elected by the person applying for same, except when it is necessary to issue them for a fractional period of time in order to have them expired at the times hereinbefore stated. The amount collected on licenses for a shorter time than one year shall be in proportion to the rate herein fixed for one year. No license shall be granted for a shorter time than six months, except as herein especially provided, and all licenses shall be signed by the chairman of the board of trustees, attested by the clerk, and countersigned by the collector. (Ord. 11, §35)

Sec. 6-2. Dramshop licenses.

A bill for an ordinance relating to dramshop licenses.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. That any person or persons in this town who shall sell, barter, give away or offer for sale any spirituous, malt or vinous liquors in any quantity less than one gallon, within the limits of the town of Freeburg, or within one-half mile thereof, without first having obtained a license as a dramshop-keeper in accordance with the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than \$10 nor more than \$100: Provided, that this section shall not apply to the sale for sacramental purposes nor to the sale on prescriptions made by registered physicians. (Ord. 12, §1)
2. A dramshop-keeper, within the meaning of this ordinance, is a person licensed, according to the provisions of this ordinance, to sell spirituous, malt or vinous liquors in any quantity within the limits of the town or within one-half mile thereof. (Ord. 12, §2)
3. Any person desiring to obtain a license as a dramshop-keeper must make application, in writing, to the board of trustees which said application must state the name of the street and number of the block and lot where the dramshop is to be kept, and the full name of the applicant. If the board of trustees be of the opinion that the applicant is a person of

good moral character and suitable to keep a dramshop, they shall order a license to be issued to said applicant: Provided that said applicant enter into the bond hereinafter, mentioned and conform to the regulations of this ordinance; and, provided further, that whenever any applicant shall show to satisfaction of the board of trustees that he has in force a dramshop license duly issued by the county court of Osage County, Missouri, authorizing him to keep a dramshop on said street, block and lot in the town of Freeburg, said board of trustees shall then grant such person a license upon the filing and approving of the bond and conforming to the regulations of this ordinance. (Ord. 12, §3)

4. Every person to whom a license shall be issued as a dramshop-keeper shall pay for each dramshop license the sum of \$150.00 for each six months, beginning on the day the license is issued, said sum to be paid to the town collector, who shall give duplicate receipts therefor, one of which said receipts the applicant for license shall file with the town clerk before receiving his license. (Ord. 12, §4)
5. Before a license as dramshop-keeper is issued to the person applying therefor, he shall give bond to the town of Freeburg in the penal sum of \$500, with two or more good and sufficient sureties, to be approved by the chairman of the board of trustees, conditioned that he will at all times keep an orderly house and not violate any of the sections of this ordinances. (Ord. 12, §5)
6. If any dramshop-keeper shall sell, barter or give away, or suffer the same to be done on his premises, any liquor to any minor, without the written consent of the parents, guardian or other person under whose care the minor may for the time being be, or if any dramshop-keeper shall entice, harbor or permit any minor, who is not employed in or on his premises, to loiter in or on his premises, such dramshop-keeper shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding \$50. (Ord. 12, §6)
7. If any dramshop-keeper, licensed under the provisions of this ordinance shall permit any kind of rioting, revelry, drunkenness, loud, lewd or disorderly conduct in his house or on his premises, or keep more than one bar or room for the sale of spirituous, malt or vinous liquors, or where the same may be drunk, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding \$50. (Ord. 12, §7)
8. Any dramshop-keeper who shall keep open his dramshop between the hours of 10 o'clock p.m. and 4 o'clock a.m., for any length of time whatever, shall be deemed guilty of a misdemeanor, and upon conviction thereof, he shall be fined in a sum of not more than \$25. (Ord. 12, §8)
9. No license shall be issued until the bond, approved as herein provided, and the collector's duplicate receipt for the license money for the next ensuing six months are filed with the town clerk; and no licenses issued under this ordinance shall be transferable. (Ord. 12, §9)

10. Every person to whom license is granted in accordance with the provisions of this ordinance must pay the town clerk a fee of 50 cents for issuing the same. (Ord. 12, §10)
11. Every dramshop-keeper shall have on the outside of his building, in plain view, a sign or device which shall plainly indicate his business. (Ord. 12, §11)

ARTICLE II.
JUNKYARDS AND JUNK AUTOS
Junkyards

Sec. 6-3. Subchapter definitions.

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this subchapter:

Junk – any old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass or plastic; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles, or motor vehicle parts and household appliances, no longer used as such, to be used for scrap metal or stripping of parts; but “junk” shall not include materials or objects accumulated by a person held and used by a manufacturer as an integral part of his own manufacturing processes.

Junkyard – a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

Junk dealer – a person who operates a junkyard, as defined above, within the city.

Itinerant junk dealer – an individual (natural person) who buys, sells, collects, or delivers junk within the City as a business or employment within the City, but who is not an operator of a junkyard within the City or an employee of such an operator.

Business premises or premises – the area of a junkyard as described in a junk dealer’s license or application for license, as provided for in this subchapter.

Household appliances – clothes washers and dryers, water heaters, refrigerator, freezers, stoves, ranges, ovens, microwaves, televisions, and any appliance weighing over 75 pounds.
(Ord. 158, §1)

Sec. 6-4. License required.

It shall be unlawful for any person to act as a junk dealer or itinerant junk dealer in the City of Freeburg, whether personally by agents or employees, singly, or along with some other business or enterprises, without first having obtained a license therefor from the City Clerk in accordance with the provisions of this subchapter.
(Ord. 158, §2)

Sec. 6-5. Application.

An application for license under this Chapter shall file with the City Clerk a written application upon forms provided by the City Clerk, and pay a fee as hereinafter prescribed.

1. Said application shall include the junk dealer or itinerant junk dealer's name, residence address, and telephone number of applicant; the exact address or location of the place where the business is or is proposed to be carried on; and such other information as the City Clerk may reasonably require.

(Ord. 158, §3)

Sec. 6-6. Investigation; approval and issuance of license.

Upon receipt of an application for a junk dealer's license as provided for herein, the Chief of Police shall cause an investigation to be made of the applicant's business responsibility and moral character.

1. If the findings of said investigation are favorable to the applicant, and the Board of Aldermen approve, the City Clerk shall within 40 days after the filing of the application, issue a junk dealer's license to the applicant.

(Ord. 158, §4)

Sec. 6-7. License not transferable.

No license issued under this subchapter shall be transferred or assigned or used in any way by any person other than the one to whom it was issued.

(Ord. 158, §5)

Sec. 6-8. Duration.

All licenses under the provisions of this Chapter shall expire on the thirtieth day of June following the issuance thereof.

(Ord. 158, §6)

Sec. 6-9. General operating requirements.

The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this chapter.

1. The license issued pursuant to this Chapter shall be plainly displayed on the business premises.

2. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
 3. No space not covered by the license shall be used in the licensed business.
 4. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
 5. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than six inches.
 6. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as described herein and is in use in the licensed business.
 7. No junk shall be allowed to rest upon or protrude over any public property, street, alley, walkway, or curb or become scattered or blown off the business premises.
 8. Junk shall be stored in piles not exceeding ten feet in height and shall be arranged so as to permit easy access to all such junk for fire purposes.
 9. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
 10. Gasoline and oil shall be removed from scrapped engines or vehicles on the premises.
 11. No junk or other material shall be burned on the premises in any incinerator not meeting the approval of the Chief of the Fire Department, which approval shall not be unreasonably denied.
 12. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on Sunday, Christmas, Thanksgiving, or at any times between the hours of 9 p.m. and 6:30 a.m.
 13. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid vertical wall or fence or a minimum height of eight (8) feet measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business.
- (Ord. 158, §7)

Sec. 6-10. Nonconforming junkyards.

All junkyards in violation of this Chapter are hereby declared to be public nuisances. However, to allow flexibility and prevent undue hardship, the Board of Aldermen may consent to a schedule by which nonconforming junkyards existing as of June 1, 1992, are brought into compliance within 2 years, with one quarter of the work required for compliance done each six months.

(Ord. 158, §8)

ARTICLE II.
JUNKYARDS AND JUNK AUTOS
Junk Autos

Sec. 6-11. Subchapter definitions.

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this subchapter:

Junk – has the same meaning as defined in Section 6-3.

Vehicle – any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons, or any part thereof.

Damaged or disabled vehicle – any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable for more than 72 hours or is in such a state of repair as to be inoperable; except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junk yard.

(Ord. 158, §9)

Sec. 6-12. Damaged or disable vehicles are nuisances.

Any damaged or disabled vehicle, part thereof, or junk, located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin; or any vehicle, part thereof, or junk allowed to remain unmoved on any street or highway for 48 hours, is a public nuisance.

(Ord. 158, §10)

Sec. 6-13. Unlawful to maintain.

It shall be unlawful for any person to create or maintain a nuisance as defined as Section 6-12.

(Ord. 158, §11)

Sec. 6-14. Notice.

Whenever the chief of police or his duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause written notice to be served upon

the owner of the vehicle or junk if he can be located, or the personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Section 6-12 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this chapter, and state that the nuisance shall be abated within forty-eight hours from receipt of such notice.
(Ord. 158, §12)

Sec. 6-15. Proceedings when owner or custodian cannot be located.

When the owner or custodian of any nuisance as defined in Section 6-12 cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven days of the date notice was posted, or if the vehicle is on public property, within 48 hours of the time notice was posted.
(Ord. 158, §13)

Sec. 6-16. Duty of the owner or custodian.

Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement.
(Ord. 158, §14)

Sec. 6-17. Disposition.

If not removed within the times specified in the notice (provided for in Section 6-14 and 6-15), the vehicle or junk shall be transported to a storage area by or at the direction of the Chief of Police or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least 90 days, and the person entitled to possession thereof may sell it to the highest bidder or, if it has no sale value, may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee of \$5 per day. If the vehicle or junk is unredeemed after the expiration of the 90-day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expense charged to the owner or person in charge thereof, and any excess held in escrow or return to him. After another 90 day period, if the excess by unclaimed, it shall be paid over to the General Fund of the City.
(Ord. 158, §15)

Sec. 6-18. Notice of sale.

Prior to the sale of any such property, the Chief of Police shall cause to be posted in the city hall, place of storage and at least one other public place in the City, a notice of sale stating:

1. That the City is selling abandoned property
2. The color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property
3. The terms of the sale
4. The date, time and place of the sale

This notice shall be posted not less than ten nor more than twenty days prior to the date of the sale.

(Ord. 158, §16)

Sec. 6-19. Entry onto private property.

The Chief of Police or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this chapter. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

(Ord. 158, §17)

Sec. 6-20. Violation - Penalty.

Any person who shall violate any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and upon the conviction therefore, shall be fined an amount not to exceed Twenty-five dollars (\$25) per day. Each day on which a violation of this Ordinance continues shall constitute a separate offense.

(Ord. 158, §18)

