

**BUSINESS LICENSES**  
**CHAPTER 21**  
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**CHAPTER 21  
BUSINESS LICENSES**

**SUB-CHAPTER A. Business Licenses**

**Article 1. Business License**

**21.001. Definitions**

For the purposes of this Chapter certain terms are hereby defined as follows:

Business, shall mean the engaging in the sale or the selling of any goods, wares, merchandise or the performing of any service anywhere, or at any store, stand or place occupied and maintained for that purpose within the city limits.

City, shall generally mean the City of Ashland.

Contractor, means a person or company who specializes in a skilled trade and sells either his labor or material (or both) at a predetermined price (either hourly, unit or lump sum) and controls the enterprise for profit.

Food processing establishment, shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

Food-service establishment, shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order café; luncheonette; grill; tea room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial-feeding establishment; private, public or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for the service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

Health authority, shall mean the health authority of Boone County or his/her designated representative.

Itinerant vendor, means any person who engages in or conducts a temporary or transient business of selling goods, wares and merchandise with the intention of continuing in such business in any one place for a period of not more than one hundred twenty days, and who, for the purpose of carrying on such business, hires, leases or occupies, either in whole or in part, a room, building, or other structure, for the exhibition and sale of goods.

Manufacturer, means any person who shall hold or purchase personal property for the purpose of adding to the value thereof by any process of manufacturing, refining, or by the combination of different materials.

Merchant, means any person who shall deal in the selling of goods, wares and merchandise, either by retail or wholesale, at any stand, store or place occupied for that purpose.

Mercantile agent, means any person having a place of business in the city where orders for the sale and delivery of merchandise are taken, or who shall go from place to place within the city and take orders for the sale of goods, wares or merchandise, for future delivery, either by himself or by some other person.

Peddler, means any person, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise or farm products, offering and exposing the same for sale, or making sales and delivering articles to purchasers; and further shall mean any person who solicits orders and, as a separate transaction makes deliveries to purchasers of the items sold.

Persons, used herein shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society, or any other organization.

Rummage sale, means a sale of small personal property for the purpose of cleaning out the attic, garage or basement, etc. which is not held more than two (2) periods per year, each period not to exceed three (3) days.

Solicitor, means any person, who for gain or profit, advertises a product for sale either by telephone, radio, newspaper or in person; takes orders for the product; delivers the same to the purchaser; and keeps no inventory and merchandise in stock.

Traveling stores, means the stock of trade in goods, ware and merchandise or other personal property or some part thereof, which is carried from place to place by railroad, truck, wagon or other vehicles for the purpose of selling same either by public outcry or otherwise and having no certain place at which said property is to be disposed of.

#### **21.002. Business licenses required of certain businesses and occupations**

1. It shall be unlawful of any person, partnership, or corporation within the corporate limits of the City of Ashland to engage in the business of being a itinerant vendor, manufacturer, merchant, mercantile agent, peddler, solicitor, or any of the occupations set forth in Appendix “G” (as may be amended from time to time), without first obtaining a license to do business in accordance with the procedures set forth in this Chapter.
2. A copy of Appendix “G” is marked and is hereto attached and incorporated herein by reference as if more fully and completely set out.

(Amended 5-14-02 Council Bill No. 2002-021)

### **21.003. Application**

Applicants for a license hereunder must file with the City Clerk a sworn application in writing, on a form to be furnished by the city, which shall include the information indicated below.

1. Name and address of the applicant.
2. Address from which the business shall be conducted or indication that a peddlers license is being requested.
3. A brief description of the nature of the business and, if applicable, the goods to be sold or services to be provided.
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
5. The length of time for which the right to do business is desired.
6. If a vehicle is to be used, a description for the same, together with license number thereof.
7. A copy of applicant's state retail sales license (if applicable) or Interstate Commerce Commission exemption certificate (if applicable) or sales tax exemption certificate (if applicable).
8. Two sources of identification of applicant, including either applicant's operator's license or social security number.
9. A statement as to whether applicant has ever been convicted of any violation of laws or ordinance of this or any other state or municipality other than minor traffic violations.
10. Whether or not food or beverages will be sold.
11. The applicant shall submit proof of workers compensation insurance, if applicable. No license required under the provisions of this section shall be issued by the City Clerk to any person until such person produces a copy of a certificate of insurance for worker's compensation coverage or certify workers compensation coverage prior to issuance of any business license. If the applicant for the license is required to cover his liability under Chapter 287 RSMo.

(Amended 5-14-02 Ordinance No. 2002-021)

#### **21.004. Investigation and issuance**

1. Upon receipt of such application, the City Clerk shall review the information contained therein and shall determine in each case whether the license to do business shall be issued.
  - A. If the applicant is found to be unsatisfactory, the City Clerk shall endorse on such application disapproval and the reasons therefore and shall notify the applicant that the application is disapproved and that no license will be issued.
  - B. Upon approval of such application, a license shall be signed by the Mayor or Mayor's designee and City Clerk, and the City Clerk shall affix the corporate seal thereto. The City Clerk shall thereupon deliver the license to the applicant. (amended Ordinance No. 890 7-19-2011)
1. Upon approval by the Board of Aldermen of such application, a license shall be signed by the mayor and clerk, and the clerk shall affix the corporate seal thereto. The City Clerk shall thereupon deliver the license to the applicant.

(Amended 5-14-02 Ordinance No. 2001-021)

2. No business license shall be granted to food processing establishments or food-service establishments without the written approval of the health authority. Any fees, charges, or costs associated with the health authority approval shall be paid by the business license applicant directly to the County of Boone.
3. City Clerk may defer the issuance of a business license to a merchant and shall obtain consent from the code enforcement officials and the fire district as proof of compliance of city code. (amended 6-03-08 Council Bill No. 2008-029)

#### **21.005. Appeal**

Any person aggrieved by the action of the city in the denial of an application for license as provided in this Ordinance shall have the right of appeal to the Board of Aldermen of the City of Ashland, Missouri. Such appeal shall be taken by filing with the Board of Aldermen, within fourteen (14) days after notice of the action complained of has been mailed to the address listed on the application. The applicant shall as a condition for his appeal, file a written statement setting forth fully the ground for the appeal. The Board of Aldermen shall set a time and place for a hearing on such appeal and notice of such hearing shall be made postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing. The decision and order of the Board of Aldermen on such appeal shall be final and conclusive.

### **21.006. Fees**

1. Initial Application: Upon application for a City business license, there shall be levied and collected from every person desiring such license, a processing fee therefore. For merchants and manufactures such fees shall be Fifteen and no/100 dollars (\$15.00) and, if approved, said license shall be valid for a period ending June 30<sup>th</sup> of every year. Peddlers and itinerant vendors shall pay a license processing fee of Fifteen and no/100 (\$15.00) and if the license is issued, the license shall be for two weeks from date of issuance.
2. Renewal. All licenses may be renewed for an additional period of one year, for merchants and manufacturers operating from a fixed place of business, or two weeks for peddlers, for a fee of Fifteen and no/100 dollars (\$15.00), providing there have been no changes.

(Amended 5-14-02 Ordinance No. 2002-021)

3. All licenses must be renewed within thirty (30) days of the renewal date. Licensees who do not renew within thirty (30) days of the renewal date must submit a new application and pay the applicable fee for new license.

### **21.007. Waiting Period**

No license shall be issued prior to the passage of a reasonable time to allow the processing and verification of the application.

### **21.008. Records**

The City shall keep a record of all licenses issued. In addition, the city shall keep a record of any complaints against any person licensed under the provisions of this Chapter and of any convictions for violations of this Chapter.

### **21.009. Licenses to be Displayed**

1. All licenses issued hereunder shall be carefully preserved and prominently displayed in a conspicuous manner in the place of business authorized to be conducted by said license. In the case of peddlers, a license or license copy, issued by the city and containing the words "licensed peddler", shall be carried constantly by the licensee. When the licensed peddler has more than one person in his employ, each such employee shall carry a copy of such license.
2. Failure to carry said license shall be a violation of this ordinance and will constitute forfeiture of the license.

#### **21.010. Change of location of business**

In case of a change of location after the issuing for license, the holder of the license must notify the City of its new address and obtain a new license at a cost of \$5.00.

#### **21.011 Licensed business to be operated only a licensed premises**

No person to whom a license is issued may carry on the business named therein at any other location than the one named in or endorsed on the license.

#### **21.012. Assignment or transfer a license**

No license issued under the provisions of this Chapter shall be assigned or transferred.

#### **21.013. Authority of licensee to engage in more than one business**

1. Any person taking out a merchant's license may be allowed to manufacture goods belonging to his line of trade without additional license. Any person taking out a merchant's license or shop license for any particular trade herein mentioned may be allowed to keep for sale any other line of goods or wares in the same store or shop without obtaining more than one license.
2. Any person operating related businesses at one or more locations, will be required to take out a separate license for each location.
3. Any person operating unrelated businesses at one or more locations will be required to take out a license for each business location.
4. A "business location" is defined as being a store, shop or building, when the business is operated in an enclosed structure, under one roof and with access to the entire inside premises through a common door. When the business is not operated in an enclosed structure, a "business location" is defined as being a continuous single area used by one operator for the conduct of a specific type of business.

#### **21.014. Separate license for each separate business entity**

A separate license shall be obtained for each separate business entity conducted, operated, maintained, or carried on by any person engaged in any business for which a license is required by this Chapter. In the event ownership of a business is transferred, the new owner thereof shall apply for a license as per the provisions of this Chapter.

### **21.015. Revocation**

1. Licenses issued under the provisions of this Chapter may be revoked by the Mayor or Mayor's designee after notice and hearing, for any of the following causes: (amended Ordinance No. 890, 7-19-2011)
  - a. Fraud, misrepresentation, or false statement contained in the application for license.
  - b. Fraud, misrepresentation, or false statement made in the course of carrying on the business.
  - c. Any violation of this Ordinance.
  - d. Otherwise conducting the business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
2. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for the hearing.
3. A business license may be revoked without a hearing when the City is required to revoke the license pursuant to State Law. Licensee may appeal any such revocation within thirty (30) days after being so notified by the City.

### **21.016. Exemptions**

1. Any person claiming exemption from licensing by reason of engaging in interstate commerce shall be subject to registering with the city the same information required on applications for licenses as herein above provided.
2. Local (i.e., Boone County) churches, charities, service clubs, and fraternal and not-for-profit organizations shall be exempt from the licensing provisions set forth in this Chapter.
3. Garage Sales and Rummage sales exempt from licenses. Any person holding a garage sale or rummage sale in compliance with Chapter 22 (Garage Sales) of this Code shall be exempt from having a business license.
4. This ordinance shall not require a license of any farmer, or producer or producers, or any of their employees, to sell produce raised by said person, when such produce is from their wagon, cart or vehicle.

(Amended 6-25-02 Ordinance No. 2002-026)

**21.017. Requirement of retail sales license and evidence of worker’s compensation insurance prior to license issuance**

No person shall be granted a license under the provisions of this Ordinance unless such person shall have a valid state retail sales license or an Interstate Commerce Commission exemption certificate unless such person is otherwise authorized to engage in business in this State without such license or exemption.

No license required under the provisions of this section shall be issued by the City Clerk to any person until such person produces a copy of a certificate of insurance for worker’s compensation coverage if the applicant for the license is required to cover his liability under Chapter 287, RSMo. It is further made a violation of this ordinance to provide fraudulent information to the City.

Nothing in this ordinance shall be construed to create or constitute a liability to or a cause of action against the City in regard to the issuance or non-issuance of any license for failure to provide evidence of worker’s compensation coverage.

The City Clerk is directed to take appropriate actions, including altering the license application form, to require a statement and evidence of worker’s compensation insurance.

**21.018. Licenses renewals**

All licenses provided for herein shall be renewed annually. The license period shall be from July 1, through June 30<sup>th</sup> of each year. For those licenses that have been in business continually for the one year period immediately preceding the renewal date, no new application need to be submitted to the city; a new license will be issued upon payment of the required fee as set forth above. Otherwise the application procedure set forth must be followed.

**21.019. Duration, expiration of licenses; prorating license fees; penalty for failure to obtain**

1. Except as otherwise provided, no license issued under the provisions of this Chapter is to be granted for a longer period or a shorter period of time than one year.
2. All licenses issued under this Chapter will be issued to expire on June 30<sup>th</sup> first following date of issue.
3. Any license issued for a new business or a change of business ownership during the year will be issued to expire on June 30<sup>th</sup> following date of issue.

4. All licenses required to be purchased under this Chapter will be subject to a penalty of ten (10) percent per month when purchased on or after August first following due date.
5. The City Attorney will institute the necessary legal action to collect all licenses not purchased by August first following due date.

**21.020. Refunds of license fee, prorating fees**

No money paid for any license issued under the provisions of this Chapter shall be refunded by the city. Since the fee is designed to cover the actual cost of processing the application, fees will not be prorated.

**21.021. Issuance to debtor of city prohibited**

No license or renewal required under the provisions of this Chapter shall be issued to any person if such person or firm is in arrears in the payment of any tax, fee or other charge due to the city.

**21.022. Payment of license tax prior to licensing**

1. Required: Any person who desires to procure a license for any of the purposes mentioned in this Chapter, shall, before applying to the city therefore, pay to the collector of revenue in and for the city any and all delinquent city taxes, including penalties and interest.
2. Duty of city: It shall be the duty of the city to inform all applicants for licenses under the provisions of this Chapter of the amount of tax to be paid for any specified purpose, and to issue a receipt to all persons so applying for money so paid by such applicants, which receipt shall state amount of money so received, the license purpose for which it was paid, and the time for which such license is to be issued.

**21.023. Duty of city to issue licenses, restrictions**

It shall be the duty of the city to issue licenses to any and all persons applying therefore and producing the receipt for the correct amount of money specified therefore, for the time and purpose for which such license is to be issued. Provided, that where, by the provisions of this Chapter it shall be necessary for the applicant for any license to do any thing other than pay the city the correct amount of money and take his receipt, as aforesaid, such applicant shall produce and furnish to the city satisfactory evidence that such provisions have been complied with and that all things necessary or required to be done have been done, before the city shall issue such license. Provided further, that the city shall not issue any license provided for herein without first having been satisfied that the applicant is not delinquent in the payment of any other tax or fee due the city.

#### **21.024. Peddlers License, Procedures**

The City Clerk may issue a business license for peddlers upon payment of the required fees and evidence of satisfaction of all the requirements for a regular license except that such license need not be approved by the Board of Aldermen or signed by the Mayor and such license shall be valid for thirty (30) days. Any person or company shall be limited to no more than four (4) peddler's licenses per year.

#### **21.025. False declaration in application; penalty**

Any person who, in making the application for license required in this Chapter, shall make a false declaration of the information required in said application shall be guilty of an offense and shall be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) and shall be subject to confinement in jail for a period not to exceed three months and shall be subject to both such fine and confinement.

#### **21.026. General penalty provisions**

Any person, including all employees of any person, who shall be found guilty of engaging in business within the corporate limits of the City of Ashland, Missouri without first obtaining a license therefore as required by this Chapter shall be subject to confinement in the jail for a period not to exceed three months and shall be subject to both such fine and confinement.

### **SUB-CHAPTER B. Taxi Cabs**

#### **21.200. Definitions**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Limousine. Any of various large passenger vehicles, especially a luxurious automobile, normally driven by a chauffeur.

Taxicab. A motor vehicle of not more than seven-passenger capacity, not including the driver, used in the transportation of persons or property for hire between points within this city, or between points within this city and points outside of this city, but not including limousines.

Taxicab business. The business of transporting persons and their property by taxicab or limousine.

Taxicab driver. The operator of a taxicab or limousine.

### **21.205. Permit Required:**

1. It shall be unlawful for any person, corporation or partnership to operate or conduct a taxicab business or limousine service or similar business within the city limits without first obtaining a permit.
2. It shall be unlawful for any person, corporation or partnership to operate any vehicle for hire within the city limits of Ashland unless that vehicle has a permit issued to it and the vehicle permit fee has been paid. The permit fee shall be fifteen dollars (\$15.00) per annum for the first vehicle and five dollars (\$5.00) for each additional vehicle.

### **21.210. Application generally**

1. Any person desiring to secure a permit to engage in, operate or conduct a taxicab business or limousine service or similar business within the city shall file with the City Administrator a written application therefore, in duplicate, verified under oath, giving the following information:
  - A. The full name, residential and business addresses of the applicant for the past five (5) years; if a partnership, the name and residential and business addresses of all the partners for the past five (5) years; if a corporation, the name and residential address of all of the officers and directors for the past five (5) years.
  - B. Whether or not the applicant, or any persons listed in subsection (1) above, has been convicted of the violation of any federal or state felony law, or any federal or state misdemeanor involving the use or threat of force or violence or the sale of drugs or sexual abuse; or, within the previous two (2) years, has been convicted of violating any provision of this Code or has ever had a business license or other license or permit issued by the city revoked or suspended.
  - C. Whether or not the applicant or any person listed in subsection (1) above has unpaid claims or unsatisfied judgments against him for damages resulting from the negligent operation of a vehicle.
  - D. The past experience, if any, that the applicant has had in rendering a taxicab, limousine or similar service, including the dates such service was rendered and the city wherein the service was rendered.
  - E. Whether or not any license or permit to operate a taxicab, limousine or similar service issued to applicant has ever been revoked, or suspended, and if so, the circumstances of the revocation or suspension.
  - F. The number of vehicles proposed to be operated and a complete identification of each, including the make, model, motor number and vehicle identification number of each taxicab or limousine and the registered owner; provided, however that the

make, model, motor number and vehicle identification number of each new motor vehicle included in the application may be supplied by the applicant and endorsed on the application at any time prior to the actual issuance of the permit by the City Administrator.

- G. The arrangements the applicant has made for the public to secure transportation in the applicant's taxicabs or limousines including the manner in which such vehicles will be dispatched.
- H. If the application is for a permit to operate a taxicab business, the color scheme, name and characteristic insignia to be used to designate the taxicabs of the applicant.
- I. An application fee in the amount of One Hundred and no/100 Dollars (\$100.00). The portion of any application fee not expended by the City shall be refunded to the applicant.
- J. The times during which the applicant will be providing service.
- K. Such further information as the City Administrator may reasonably require.

**21.215. Investigation; granting of application**

- 1. Upon the filing of an application, the City Administrator shall cause an investigation into the facts stated upon the application. Unless the investigation reveals good cause to believe that the public welfare or safety would be adversely affected if the permit were granted the City Administrator shall recommend to the Board of Aldermen that the application be approved and a permit to operate granted. If the City Administrator finds grounds for which an application should be denied he shall reject the application. An applicant may appeal such a rejection to the Board of Aldermen.
- 2. Grounds to deny a permit to operate shall include, but not limited to, the following:
  - A. Whenever an applicant files an incomplete application.
  - B. Whenever an applicant makes a false declaration on the application.
  - C. Whenever any person required to be listed upon the application has been convicted of a federal or state felony within the past ten (10) years or any federal or state misdemeanor involving the use or threat of force or violence or the sale of drugs or sexual abuse within the past five (5) years or of the municipal ordinance violation of leaving the scene of an accident or failure to report an accident or any violation of this article or has had a permit issued under this article revoked within the past two (2) years.

- D. Whenever an applicant has outstanding judgments against him for damages resulting from the negligent operation of a vehicle.
  - E. Whenever the applicant fails to have a current City of Ashland business permit or has not applied for a City of Ashland business permit concurrent with his application for a taxicab or limousine permit.
3. The City Administrator may, if he deems it to be appropriate, give the applicant an opportunity to correct any problem found prior to rejecting the application.
  4. An applicant who has been denied a permit to operate shall not reapply for a permit to operate for a period of one year following the denial.
  5. A permit shall be issued upon the approval of a majority of the Board of Aldermen present and voting. If an application is approved the City Administrator shall issue a Taxi Permit.

**21.220. Issuance; display of permits**

1. After any applicant has been granted a Taxi Permit to operate by the City Administrator and after the applicant has filed the required insurance policy or certificate with the City Administrator and the same has been approved, the City Administrator shall endorse upon one copy of the application filed "Permit Approved," together with the date of such approval, and, upon payment of the permit fee, issue and deliver such permit to operate to the applicant, together with a vehicle permit for each taxicab or limousine covered by the permit to operate which has passed inspection.
2. Each vehicle permit shall be numbered with a number referencing the permit to operate and shall be displayed within the vehicle at all times it is operated as a vehicle for hire.
3. The City Administrator shall keep a record of the number of the vehicle permits issued to each permittee together with the make, model and vehicle identification number of the taxicab or limousine for which each was issued.
4. No vested rights shall accrue to the holder of any permit to operate and no permit issued under this article shall be transferred, assigned or delegated to any other party.

**21.225. Transfer**

A permit for a taxicab business shall not be transferred or assigned, unless the proposed transferor and the proposed transferee shall first file their joint application with the City Administrator of the city seeking the approval and permission of such director to make such transfer. If the City Administrator finds that the transferee is properly qualified to conduct a taxicab business, the City Administrator shall approve such transfer application.

### **21.230. Revocation**

Upon notice and hearing, the City Administrator may revoke a Taxi Permit, for the failure of a certificate holder to show adequate cause why the Permit should not be revoked for any of the following reasons:

1. Failure to conduct the taxicab business for a period of thirty (30) days or longer.
2. Violation of this Code or any ordinances of the city or statutes of the state.
3. Employment of un-licensed taxicab drivers.
4. Operation of taxicabs without insurance on file as is prescribed by this article.
5. Aiding, abetting or assisting the promotion or advancement of any illegal activity affair or business.

### **21.235. Inspection**

Vehicle permits shall only be granted after an inspection as set out in this section. In addition to all other vehicle inspections required by law, each vehicle governed by this article shall be subject to an annual inspection. All inspections shall be conducted by persons designated by the City Administrator and shall consist of the following:

1. All taxicabs and limousines shall be inspected for proper markings, display of information, and the following:
  - A. Exterior. headlights, taillights, brake lights, directional signal lights, license plate lights, windshield, vent glasses, windshield wipers, all other vehicle glass, glass window raisers, doors and door locks, trunk lid, trunk hood, and interior door handles, exhaust system, splash shields, hubcaps, bumpers, fenders, body and tires shall be inspected to ascertain that each is functioning properly. There shall be no tears or rust holes in the vehicle body and no loose pieces such as fenders, bumpers or trim hanging from the vehicle body. There shall be no unrepaired body damage which would create a safety problem or interfere with the operation of the vehicle.
  - B. Interior. The rear view mirror, steering wheel, foot brakes, parking brakes, seat belts and air conditioning and heating systems shall be inspected to ascertain that

each is functioning properly. The upholstery, floor mats, head lining, door panels and the trunk compartment shall be inspected to determine whether they are clean, free of tears, and that the trunk has sufficient space for passengers' luggage. The taximeter shall be inspected to determine that it is properly calibrated.

2. Failure to have a vehicle inspected as required herein shall be a ground for suspension of the vehicle permit. If a vehicle for hire fails to pass the requirements of inspection, a correction slip shall be issued to the driver, listing the items that need correction and showing the status of the inspection. The vehicle shall not be operated as a vehicle for hire until it successfully passes inspection; provided, that the City Administrator, in his discretion, for a period not to exceed fifteen (15) days, may allow the continued use of a vehicle for hire which substantially complies with the inspection requirements. The City Administrator shall forward to the permit holder a copy of the correction slip.
3. Nothing herein shall prohibit the random inspection of vehicles for hire by the City Administrator or police department where possible violations of this article or other violations of law regarding the condition of vehicles for hire are evidence by visual inspection.
4. Denial or suspension of a vehicle permit may be appealed pursuant to the provisions of the City Code, or if no such provisions have been established, then the City Administrator shall establish such appeal procedures.

#### **21.240. Condition and appearances; identification**

1. Vehicle to be kept in safe and operable condition: All taxicabs shall be kept in a thoroughly and mechanically safe operating condition complying with all of the safety requirements of this Code and other ordinances of the city and state law regulating motor vehicles of a capacity of seven passengers or less.
2. Vehicle and driver appearance:
  - A. Every permit holder shall maintain his vehicles in a clean serviceable condition and in adequate repair. All permitted vehicles, except minivans, shall have two (2) doors affording direct entrance and exit to and from the passenger compartment. The interior of each vehicle shall be cleaned and vacuumed at the beginning of each driver's shift and shall be maintained in a clean condition, free of foreign mater and offensive odors. There shall be no litter in the vehicle or trunk and the seats shall be kept clean and without holes or large wear spots. The exterior of each vehicle shall be washed at least once each week.
3. Taxicab color schemes and markings:

- A. Each taxicab business permit holder shall adopt a distinctive and uniform color scheme and company name, logo or insignia and shall display the same name, logo or insignia and color scheme on each vehicle permitted. Each taxicab shall bear on the outside on each side in letters at least two (2) inches but not greater than six (6) inches high the name of the company, the business phone number of the company, and a number assigned by the company identifying that particular vehicle. Each taxicab operated by the same permit holder must have identical information displayed to the public.
  - B. It shall be unlawful for any vehicle other than one operated pursuant to a valid permit to display any markings suggesting or indicating it is a taxicab or limousine. Whenever a vehicle operated as a taxicab or limousine is removed from service, the permit holder shall remove or obliterate all markings suggesting it is a taxicab or limousine.
4. Driver dress and uniforms:
- A. While on duty, all drivers governed by this article must be neat and clean in dress and person.
  - B. Each permit holder shall require every driver of a vehicle permitted to him while on duty to wear a shirt, jacket, vest, hat or other clothing article of uniform color and style with the permit holder's company name or logo clearly printed upon it which identifies the driver as a driver for the permit holder.

**21.245. Additional intermediate point passengers**

Taxicab drivers shall be authorized to pick up one or more additional passengers at points intermediate to the point of origin and destination of the initial passenger being transported on a particular movement, when authorized by the initial passenger to do so.

**21.250. Insurance requirements**

- 1. Every holder of a Taxi Permit to conduct the operations of a taxicab business within the city shall at all times during the course of such operations have on file and approved by the City Administrator a certificate of public liability and property damage insurance covering each motor vehicle being operated in such taxicab business by the holder of the Taxi Permit. Each certificate or policy shall indemnify the owner or operator in the minimum in those amounts and for those incidences required by the "Motor Vehicle Safety Responsibility Law" of this state.
- 2. The following endorsement shall be attached to each certificate of insurance required by this section:

“The policy to which this endorsement is attached shall not expire, nor shall the cancellation, revocation or suspension thereof take effect, until after twenty (20) days notice in writing by the company or insurer shall have first been given to the City Administrator of the City of Ashland, Missouri, in care of the City Hall Building, Ashland, Missouri, said period of twenty (20) days notice to commence to run from the date that notice is actually received at the office of the City Administrator of the City of Ashland, Missouri.

“Attached to and forming a part of Policy No. \_\_\_\_\_ covered by Certificate of Insurance No. \_\_\_\_\_ issued by \_\_\_\_\_ to \_\_\_\_\_.”

“A certificate of insurance shall not be accepted unless the policy of insurance underlying the certificate shall have been issued for a minimum period of six months.”

### **21.255. Service**

1. Holders of taxicab business, limousine service or other permits under this article shall offer city-wide services; taxicab business services shall include the transportation of passengers, messages and packages.
2. No driver of a taxicab shall refuse without cause to accept a passenger for transportation from any area of trip origin to any area of trip destination within the city or to respond to a request for passenger service transmitted to such driver through the taxicab dispatch radio.
3. All holders of taxicab business permits shall provide telephone answering and radio dispatching capabilities during scheduled business hours and all taxicabs shall be equipped with radios for two-way communications between driver and dispatcher.
4. All passengers shall be provided with prompt and timely service. Holders of taxicab business permits shall provide each person requesting passenger service an estimated pickup time. Such times shall be logged on the manifest along with the actual pickup time. The passenger pickup shall be within fifteen (15) minutes of the estimated pickup time.
5. The permit holder may not reduce the times of service which are stated in his application without the prior written consent of the City Administrator.

### **21.260. Fares—Establishing, posting**

1. All permit holders shall establish fare schedules. Taxicab business permit holders shall establish metered fare schedules. Fare schedules and metered fare schedules shall be filed with the City Administrator at least thirty (30) days before becoming

effective. No fare shall be charged which is in excess of the fare computed in accordance with the established fare schedule.

2. For all vehicles operating under this article, the City Administrator shall issue rate cards stating the rate information filed in his office. Such rate cards shall be displayed at all times within the vehicle in full view of any passenger. The card shall also state that upon request the driver will estimate the charge to the passenger's destination.
3. The originating passenger shall be offered the opportunity to read this rate card prior to engaging the services of the taxicab and, whenever possible, prior to entering the taxicab or loading any items of property into the taxicab.
4. Every driver of a vehicle governed by this article shall, when requested by a paying passenger, give a numbered receipt, showing the driver's name, the name of the company, permit number, fleet number of the taxicab, date and amount of fare.
5. Limousine rates:
  - A. Fixed rates: A limousine operator transporting passengers between the Columbia Regional Airport and points within the city shall charge each passenger a fixed amount between the point from which he departs and the Regional Airport or vice versa. A passenger may not be charged for the distance traveled between points within, nor may any limousine operator accept passengers who wish to be transported solely between points within the city.
  - B. Hourly rates: A limousine operator transporting passengers within the city limits to any other place shall charge an hourly rate. The minimum charge shall be an amount equal to the rate charged for one hour.

#### **21.265. Taxicab meters**

Each taxicab used in the operation of a taxicab business shall be equipped with a fare meter, designed and constructed to clearly and accurately register the exact mileage traveled by the taxicab on each transportation movement and equipped to clearly and accurately register the exact fare to be paid for use of such taxicab by one passenger at all times while such cab is in motion and upon arrival at the point of destination. The fare meter flag shall be turned to the "down" position at the time such taxicab departs from the point of origin with a passenger and shall be kept in the "down" position until the point of destination is reached, at which time the taxicab driver shall place such meter flag in the "up" position.

#### **21.270. Accident reports**

1. The permit holder on or before the fifth day of the month shall file with the City Administrator a report showing the number of accidents in which a vehicle permitted to him was involved during the preceding month, the nature of the damage, if any, to persons or property resulting from the accident, the name and address of all persons who have outstanding claims because of any accident and the amount, if any, paid during the preceding month in settlement of claims including those in suit.
2. Failure to file the report required by this section or filing or causing or permitting the filing of a false report is unlawful.

#### **21.275. Driver's Permits Required**

No person shall drive a taxicab within the city limits, unless such person has in his possession a currently effective and valid taxicab driver's permit which has been issued as provided in this division.

#### **21.280. Employer's Responsibility**

No person, other than the holder of a taxicab driver's permit, shall be employed by any person engaged in the operation of a taxicab business within the city to operate or drive a taxicab within the limits of the city.

#### **21.285. Application and issuance procedure**

1. Any person desiring to obtain a permit to operate a taxicab within the city shall file an application with the City Administrator on a form to be provided, by the City Administrator, to obtain a permit to drive a taxicab and concurrently pay an application fee of Ten and no/100 Dollars (\$10.00) to the City Administrator. The application form shall require the applicant to furnish the full name, date of birth, driver's license number, social security number, residence, places of residence for the preceding five-year period, sex, age, color, height, color of eyes and hair, place of birth, marital status, length of residence in the city, citizenship and nationality, places of previous employment, and whether such applicant has been previously licensed as a chauffeur and, if so, whether such license has ever been revoked and, if so, for what reason. Such applicant shall both sign and swear to the truth of the contents of the application. Applicant will authorize the City of Ashland to conduct a criminal background check and driver's record check.
2. Each applicant shall file with his application four (4) copies of a photograph of himself taken within three (3) months of the date of the application. One photograph shall be firmly affixed to the application and one shall be firmly affixed to the certificate if granted. The size of the photograph shall be determined by the City Administrator.

3. The City Administrator shall send the application to the Chief of Police for investigation, and upon completion of such investigation, the Chief of Police shall endorse his approval or disapproval of the application, before transmitting same to the City Administrator. The City Administrator may require the applicant to demonstrate his skill and ability to operate safely a motor vehicle and to pass a physical examination showing that such applicant has average eyesight and hearing. Upon completion of the investigation, physical examination and driving test, if the City Administrator concludes that the applicant is suitable and qualified to drive a taxicab, the City Administrator shall issue the applicant a taxi driver's permit.
4. In determining if the application should be approved or disapproved, the City Administrator shall consider, among other things, the recommendation of the Chief of Police, the applicant's ability to safely operate a motor vehicle, the applicant's record in connection with traffic violations and accidents and the applicant's appearance and reputation in the community for sobriety and moral fitness.

#### **21.290. Renewal**

On or before the first day of July of each holder of a taxicab driver's permit shall apply to the City Administrator for an annual renewal of such permit and pay a renewal fee of five dollars (\$5.00). The City Administrator shall then issue a taxicab driver's permit authorizing the holder thereof to operate a taxicab within the city until June 30 of the subsequent year if the applicant, at the time he seeks renewal of the permit is sought, holds a currently effective taxicab driver's permit previously approved, which permit has not been revoked or suspended.

#### **21.295. Display**

Each certified driver shall post his driver's certificate in a conspicuous place in the vehicle he operates so that it can be easily seen by passengers. The driver's certificate shall be illuminated after sundown so that it can be read by passengers.

#### **21.300. Manifests**

1. Every driver of a vehicle governed by this article shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip, amount of fare, number of passengers and start time, mileage and end time and mileage for each driver's daily shift.
2. All completed manifests shall be returned to the permit holder at the end of the shift. Forms for the manifest shall be furnished the driver by the permit holder and shall be of a character approved by the City Administrator.

3. Every permit holder shall retain and preserve all completed manifests in a safe place for at least one calendar year. Completed manifests shall be available for inspection by the City Administrator or the city police department at all times.

### **21.305. Revocation of suspension**

1. The City Administrator may revoke the permit of any taxicab driver if the holder thereof is convicted of a violation of provisions of this Code or any city ordinance regulating the operation of motor vehicles while in motion, drunkenness or any matter involving moral turpitude, or if, after a public hearing as provided in subsection (b), any taxicab driver is found to be mentally, physically or morally unfit or unsafe to operate a taxicab within the city.
2. Upon conviction of the holder of a taxicab driver's permit for any reason stated in subsection (a), or if a complaint shall be filed with the City Administrator against the holder of a taxicab driver's permit alleging that the holder of the permit is mentally, physically or morally unsafe or unfit to operate taxicab within the city, the City Administrator shall set a day for the hearing on the revocation of the permit of such taxicab driver and cause the holder of the permit to be served a written notice stating the time and the place of such hearing and the offense charged against the holder of such permit, and ordering the holder of the permit to appear at such hearing to show cause why the permit to operate a taxicab within the city should not be revoked. If, at the hearing, it should be proven that the holder of such taxicab driver's permit has been convicted of any offense mentioned in subsection A, or if it shall be proven by competent evidence that the holder of the permit is mentally, physically or morally unfit or unsafe to operate a taxicab within the city, taking into consideration generally the health, safety and welfare of the residents of the city, the City Administrator may either revoke and cancel the permit or suspend the permit for a period of time not to exceed ninety (90) days. Failure of the holder of the permit to appear at the hearing shall be deemed an admission of the validity and truthfulness of any charge contained in the notice of hearing. The City Administrator may suspend a permit, pending a hearing on revocation, if the holder is charged with violation of any provision of this Code or any ordinance specified in subsection (a) of this section.

## **SUB-CHAPTER C. CONVENIENCE STORE SECURITY**

### **21.400. Definitions**

That for purpose of this article "convenience store" is hereby defined as a place of business that is primarily engaged in the retail sale of groceries, both groceries and gasoline, or liquor for consumption off the premises, and which is open for business at any time between 9:00 p.m. and 6:00 a.m. The term "convenience store" does not include:

- (a) A business that is solely or primarily a restaurant

- (b) A business that has at least ten thousand square feet of retail floor space.

**21.410. Minimum Security Measures Required.**

For the protection of employees and the consumer public at convenience stores, every owner of a convenience store shall ensure that:

- (a) each employee is trained in proper robbery deterrence and safety within sixty (60) days of an employee's date of employment or , if a person is an employee on January 02, 2004, then by July 1, 2004;
- (b) such owner's convenience store is equipped with the following:
  - (1) A behind-the-counter communications device, such as an alarm system, telephone line or "panic button", which can be utilized to notify police;
  - (2) A depot safe or similar device for restricted access to cash receipts;
  - (3) Lighting for parking areas, entrances and other areas of the convenience store accessible to the public at an intensity providing clean visibility under normal conditions;
  - (4) A conspicuous notice at the entrance which stated that the cash register contains limited funds;
  - (5) Window signs locate to allow a clear and unobstructed view from the outside of the building to the cash register and sales transaction area; and
  - (6) Height makers at the entrance of the convenience store which display height measures;
- (c) such owner's convenience store has no window tinting that prevents an exterior or interior view, and allows for night visibility in a normal line of sight.

**21.420. Security Measures Required when less than two employees**

If a convenience store has less than two (2) employees on the premises after 9:00 p.m. and before 6:00 a.m., then in addition to the security measures required under 21.410, the owner of such convenience store shall ensure that he convenience store is equipped with a security camera system capable of recording and retrieving an image to assist law enforcement officials in the identification and apprehension of criminal offenders, positioned so as to record on film or videotape the image of all person entering the convenience store and/or all persons approaching within five (5) feet of the cash register; or in the alternative, bullet-proof glass.

**21.430. Effective Date**

All convenience stores commencing operations from and after the effective date of the ordinance adopting this article shall immediately comply with all of its provisions upon opening their doors to the public. All convenience stores in operation within the limits of the City of Ashland (doors open to the public on a regular and continuous basis) prior to said effective date shall comply with the provisions of Section 21.410. by no later than January 1, 2004, and if subject to Section 21.420, compliance with that section is required no later than July 1, 2004.

#### **21.440. Exemption from compliance**

Any owner of a convenience store may apply to the Board for exemption from the provisions of this article, if that owner has undertaken alternate security measures which are substantially equal to, or more effective than, the security measures set out in Section 21.410 and 21.420 in preventing criminal activity, assisting in the apprehension of the perpetrator, and protecting employees and customers. The Chief of Police shall provide written standards, which will be considered in determining alternate security measures. If the alternate security measures detailed in the owner's application for exemption meet these standards, the Chief of Police may submit to the Board a written recommendation that the owner not be required to comply with the provisions of this article. The Board may then approve the owner's application upon the Chief's recommendation, or deny the application. The decision by the Board shall be final, except to such extent the same may be changed by judicial review.

#### **21.450. Alternative Measures**

Alternate security may include; an armed security guard on the premises at all times the convenience store is open to the public; two (2) or more employees on duty at all times the convenience store is open to the public; and a working system that signal's a problem to a manned monitoring area away from the convenience store.

#### **21.460. Additional Measures**

Nothing in this article prohibits any convenience store from using additional cameras, alarms or other security measures, nor does it prevent any convenience store from using those measures more than the required hours.

#### **21.470. Penalty**

Any person, firm or corporation violating any provision, section or paragraph of this article shall be guilty of an infraction, and upon conviction thereof shall be subject to a fine of not more than five hundred \$500.00 each day a violation occurs shall constitute a separate offense.

(amended 5-20-03 Ordinance No. 2003-026 adding Sub Chapter C)