

COUNCIL BILL NO. 2008-515

ORDINANCE NO. 2008-073

AN ORDINANCE amending Article III, Licenses, Division 5, Used Car Dealers, of Chapter 30, Businesses, of the Code of Ordinances of the City of Joplin to implement certain fee language changes.

WHEREAS, by Ordinance Number 2008-030, passed on February 14, 2008, the City amended Chapter 30, Businesses, to increase fees; and,

WHEREAS, many Sections of the Code make reference to Chapter 30 and its requirements; and,

WHEREAS, in order to bring consistency to the Code, the Council of the City of Joplin is desirous of amending those Sections of the affected Code Sections in relation to license fees and license processes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article III, Licenses, Division 5, Used Car Dealers, of Chapter 30, Businesses, be amended to read as follows:

CHAPTER 30 BUSINESSES

ARTICLE III. LICENSES

DIVISION 5. USED CAR DEALERS

Sec. 30-221. License required.

No person within the territorial limits of the city shall conduct or engage in the business of selling, soliciting or dealing in secondhand or used automobiles on any open lot or inside of any building or on the public streets in the city without first obtaining a license for such purpose.

Sec. 30-222. Application for license.

Any person desiring to engage in the business of the sale of secondhand or used automobiles within the territorial limits of the city shall make application in writing to the director of finance, which application shall set forth the following information:

- (1) If the applicant is an individual trading in his own name, his name and the place of his residence; if the applicant is a person trading upon a trade name, his name and the place of his residence and the trade name under which he does business; if the

applicant is a partnership, the name and address of the respective partners and trade name under which the partnership does business; if the applicant is a foreign corporation, the name of the state in which incorporated and a statement as to whether or not the corporation is licensed to do business in this state, and the name of its registered agent and the names and places of residence of its officers; and if the applicant is a domestic corporation, the names and places of residence of its officers.

- (2) If such business is to be conducted on an open lot, a description of the lot number to be used by the applicant in such business.

Sec. 30-223. Entrance to place of business from street.

- (a) Submission of plans; construction; restoration required on closing of business. Every applicant for a license under this division shall present with his application a plan showing at least one entrance or approach to such place of business from the street adjoining the place of business. Such entrance shall not be constructed or maintained until the licensee has reset the adjoining curbing and reconstructed the adjoining sidewalk in accordance with the rules and requirements of the director of public works of the city; and such licensee shall, upon abandonment of the business on the open lot then conducted by him, forthwith replace the curbing and sidewalk in conformance with the requirements of the director of public works of the city.
- (b) Deposit to guarantee restoration. In addition to the other requirements of this division, every such licensee shall deposit with the director of finance the sum of \$500.00 to be held as a guarantee (in case the licensee does abandon his business at such location) that any pavement, sidewalk, parking or curbing disturbed by such licensee in the construction of any entrances to such lot shall be restored to its previous condition. In case of the failure of any such applicant so to do within 30 days after such licensee shall abandon the use of such lot, the director of public works of the city shall be authorized to use the deposit, or so much thereof as may be necessary to restore any such pavement and curb to its original condition; provided, however, that, on the restoration of such curb or sidewalk, any such deposit or the unexpended balance thereof shall, without interest thereon, be returned to the licensee depositing the funds, his heirs or assigns, on the abandonment of any such open lot for the conduct of such business and upon such licensee having fully complied with the provisions of this division.

Sec 30-224. Insurance.

Every used car dealer shall carry public liability and property damage insurance in an amount not less than \$300,000.00 combined single limits for bodily injury or property damage upon each automobile operated by such dealer upon the streets of the city.

Sec 30-225. Bond.

Before any person shall be licensed as a secondhand automobile dealer, such applicant shall file with the director of finance a bond in the sum of \$10,000.00 with a surety thereon. Such bond shall be conditioned that such licensee shall observe the ordinances of the city applicable to the business for which the applicant has applied for a license, and that such licensee will conduct such business in conformity with such ordinances and will account for and deliver to any person legally entitled thereto any automobile which may have come into the possession of such licensee or, in lieu thereof, such licensee shall pay to such person the reasonable value thereof.

Sec. 30-226. Compliance with division; payment of license fee.

No license issued under this division shall be valid until the license fees provided in section 30-121 have been paid to the director of finance, and until all the provisions of this division and section 30-121 have first been fully complied with by such applicant.

Sec. 30-227. Revocation of license.

The process for the revocation of this license shall be as set forth in section 30-104.

Sec. 30-228. Expiration of license.

The license issued in conformity with this division shall be issued from April 15 to April 14 as set forth in section 30-98.

Section 2. That this ordinance shall become effective on June 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 5th day of May, 2008.

Gary L. Shaw, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney