

Business License Code Amendment – Special Events and Charitable or Non-profit Exemption

Background:

In August 2024 the city's business license code was updated by the City Council. The update included requiring all business performing a service or conducting retail sales within the city limits, regardless of their physical location, to obtain a business license.

Analysis:

The proposed amendment to business license code would update the business definition to include **“for profit”**. The business definition would also include a clarification that for the purpose of the definition of business in the city's code **“shall not apply to the activities of charitable or non-profit organizations and shall not apply to a business operating as a part of an approved special event, as authorized by the City of Nixa Code”**.

The amendments to the code are proposed after discussion with the City Administrator.

Recommendation:

Staff recommends passage.

MEMO SUBMITTED BY:

Rebekka Coffey | City Clerk
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1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**
2 **12, ARTICLE II, DIVISION 1, SECTION 12-21 OF THE NIXA CITY CODE TO PROVIDE**
3 **CERTAIN EXCEPTIONS TO THE CITY’S BUSINESS LICENSE REQUIREMENTS.**
4

5 **WHEREAS** the City’s ordinances related to business regulations are contained
6 within Chapter 12, Article II; and
7

8 **WHEREAS** City staff desire to clarify that the requirement to obtain a business
9 license does not apply to charitable and non-profit organizations and that the requirement
10 does not apply to businesses operating as part of an approved special event; and
11

12 **WHEREAS** the City Council desires to modify the City Code as set forth herein.
13

14 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
15 **NIXA, AS FOLLOWS, THAT:**
16

17 **SECTION 1:** Chapter 12, Article II, Division 1, Section 12-21 of the Nixa City Code
18 is hereby amended by repealing said Section in its entirety and adopting in lieu thereof a
19 new Section 12-21, which said Section shall read as follows (Explanation: Language in
20 bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets
21 (e.g., [**thus**]) is not enacted and is intended to be omitted or deleted.):
22

23 Sec. 12-21. – Definitions.
24

25 The following words, terms, and phrases, when used in this Article, shall have the
26 meaning ascribed to them in this Section, unless the context clearly indicates a different
27 meaning:
28

29 *Associated business* means a person that engages another to perform the
30 activities of a solicitor as an employee, independent contractor, servant, or agent.
31

32 *Applicant* means any person applying for a license pursuant to this Article.
33

34 *Business* means engaging in a trade, vocation, profession, or occupation, **for**
35 **profit**, which involves selling or soliciting, at wholesale or retail, sales of any good, ware,
36 merchandise, or service; or as a practice in the conduct of such trade, vocation,
37 profession, or occupation to, make, cause to be made, or add value to any wholesale or
38 retail goods, wares, or merchandise. One act thereof shall constitute engaging in a
39 business for purposes of this definition. **For purposes of this definition, the term**
40 **business shall not apply to the activities of charitable or non-profit organizations**
41 **and shall not apply to a business operating as part of an approved special event,**
42 **as authorized by the Nixa City Code.**
43

44 *Licensee* means a person or business that is issued a license pursuant to this
45 Article.
46

Solicitor means any person who attempts to make personal contact with a resident of the City at their residence without prior specific appointment and for the purpose of attempting to sell a good or service for profit.

SECTION 2: The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

SECTION 3: Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 4: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS 8th DAY OF April 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY