

Sponsored by: City Staff

Bill No. 25-2024

Co-Sponsored by: City Staff

Ordinance No. 2024-24

AN ORDINANCE AMENDING TITLE VI, BUSINESS AND OCCUPATION, CHAPTER 605: LICENSES, OF THE CODE OF ORDINANCES OF THE CITY OF OVERLAND, MISSOURI RELATING TO THE REVOCATION OF BUSINESS LICENSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, MISSOURI, AS FOLLOWS:

**Section 1.** That Title VI, Chapter 605, Licenses, is hereby amended by the repeal of **Section 605.700 Revocation of License — Grounds**, which reads follows, in its entirety:

**Section 605.700 Revocation of License — Grounds**

- A. Any license issued by the City pursuant to the provisions of this Chapter may be revoked or suspended for any of the following reasons, as well as for any other reasons specified in this Chapter:
1. Any failure to comply with or any violation of any provisions of this Chapter, or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee.
  2. Violation of the terms and conditions upon which the license was issued.
  3. Failure of the licensee to pay any tax or obligation due to the City.
  4. Any misrepresentation or false statement in the application for a license required herein.
  5. Failure to display the license required herein.
  6. Illegal or improper issuance of the license.
  7. Causing, maintaining or assisting in the cause or maintenance of a nuisance under the laws of the State of Missouri or under this Code, whether public or private.

**B. Revocation or suspension of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to this Code.**

**Section 2.** That Title VI, Chapter 605, Licenses, is hereby amended by the adoption of a new **Section 605.700 Revocation of License — Grounds**, which reads follows:

**Section 605.700 Revocation of License — Grounds**

**A. Any license issued by the City pursuant to the provisions of this Chapter may be revoked or suspended for any of the following reasons, as well as for any other reasons specified in this Chapter:**

- 1. Any failure to comply with or any violation of any provisions of:**
  - a. This Chapter, or any other ordinance, license or permit of the City regulating the business, occupation or activity licensed;**
  - b. Any applicable regulations of St. Louis County; or**
  - c. The Statutes of Missouri or the United States.**
- 2. Violation of the terms and conditions upon which the license was issued.**
- 3. Failure of the licensee to pay any tax or obligation due to the City.**
- 4. Any misrepresentation or false statement in the application for a license required herein.**
- 5. Failure to display the license required herein.**
- 6. Illegal or improper issuance of the license.**
- 7. Causing, maintaining, or assisting in the cause or maintenance of a nuisance, under the laws of the State of Missouri or under this Code, whether public or private. For the purpose of this Chapter, a "nuisance" is defined as follows: anything done to the annoyance or hurt of the lands, tenements, or hereditaments of another. By hurt or annoyance, there is meant not a physical injury necessarily, but an injury to the health, comfort, or welfare of the owner or possessor of the property as respects his/her possession or enjoyment of his/her property.**

**8. Violation of the terms of a conditional use permit.**

**B. Revocation or suspension of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to this Code.**

**Section 3.** That Title VI, Chapter 605, Licenses, is hereby amended by the repeal of **Section 605.710. Revocation of License — Procedure. A. 7.** which reads as follows, in its entirety:

**Section 605.710. Revocation of License — Procedure. A. 7.**

**7. The City Administrator shall notify the licensee of the results of the hearing in writing.**

**Section 4.** That Title VI, Chapter 605, Licenses, is hereby amended by the adoption of a new **Section 605.710. Revocation of License — Procedure. A. 7.** which reads follows:

**Section 605.710. Revocation of License — Procedure. A. 7.**

**7. The City Administrator shall issue written findings of fact and conclusions of law to the licensee.**

**Section 5.** That Title VI, Chapter 605, Licenses, is hereby amended by the repeal of **Section 605.720. Appeals to the Board of Adjustment From Decision of City Administrator,** which reads follows, in its entirety:

**Section 605.720. Appeals to the Board of Adjustment From Decision of City Administrator**

- A. Any person aggrieved by the determination of the hearing by the City Administrator as aforesaid may appeal to the Board of Adjustment. An appeal to the Board of Adjustment setting forth in writing all reasons known to the applicant as to wherein and why the City Administrator's determination is in error must be submitted by the aggrieved party within ten (10) days of the date of the determination for which review is sought.**
- B. The filing of an appeal to the Board of Adjustment shall stay the outcome of the City Administrator's determination until the Board of Adjustment renders a determination on the appeal.**
- C. The Board of Adjustment shall make its determination of the appeal in writing and give notice thereof to all parties.**
- D. A concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the**

City Administrator.

- E. Any person aggrieved by the decision of the Board of Adjustment. may seek judicial review pursuant to the provisions Chapter 536, RSMo., in accordance with and governed by the provisions of Section 400.950 of this Code.

**Section 6.** That Title VI, Chapter 605, Licenses, is hereby amended by the adoption of a new **Section 605.720. Appeals to the City Council From Decision of City Administrator**, which reads follows:

**Section 605.720 Appeals to the City Council From Decision of City Administrator.**

- A. Any person aggrieved by the determination of the hearing by the City Administrator as aforesaid may appeal to the City Council. An appeal to the City Council setting forth in writing all reasons known to the applicant as to wherein and why the City Administrator's determination is in error must be submitted by the aggrieved party within ten (10) days of the date of the determination for which review is sought.**
- B. The filing of an appeal to the City Council shall stay the outcome of the City Administrator's determination until the City Council renders a determination on the appeal.**
- C. The City Council shall make its determination of the appeal in writing and give notice thereof to all parties.**
- D. A majority vote of five (5) members of the City Council shall be necessary to reverse any order, requirement, decision, or determination of the City Administrator.**
- E. Any person aggrieved by the decision of the City Council may seek judicial review by the circuit court having jurisdiction in St. Louis County. Such review shall be governed by the applicable provisions of Sections 536.100-536.140 RSMo. on contested cases.**

**Section 7.** That said Chapter 605 in all its other provisions and as herein amended shall remain in full force and effect.

**Section 8.** This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council according to law.

This Ordinance passed and approved this 9<sup>th</sup> day of September 2024.

CITY OF OVERLAND, MISSOURI



MAYOR

September 9, 2024

Date of Approval

ATTEST:

  
CITY CLERK