

INTRODUCED BY Councilman Richards, Ward IV

BILL NO. 3914

ORDINANCE NO. 3914

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI; AMENDING SECTION 26-74 OF THE CODE OF ORDINANCES OF THE CITY OF FESTUS, MISSOURI; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, as follows:

SECTION I. That Section 26-74 of the Code of Ordinances of the City of Festus, Missouri is hereby amended to read as follows:

**Sec. 26-74. Penalty.**

- (a) ***Delay in payment.*** All license fees provided for in this article shall be deemed delinquent if not paid by July 1<sup>st</sup> of the license year, and any person so delinquent shall pay to the city clerk an additional ten (10%) per cent of the amount due for the first thirty (30) days of such delinquency, an additional (20%) per cent of the amount due for the next thirty (30) to sixty (60) days of such delinquency and an additional thirty (30%) per cent of the amount due for the next sixty (60) to ninety (90) days of such delinquency. At ninety (90) days delinquency the account will be turned over to the Municipal Judge for setting of penalty amount and charging of a misdemeanor against business owner.
- (b) ***False statements causing reduction in payment.*** Any person who makes a false statement which causes a reduction in any license fee shall be required to pay to the city clerk the additional amount due, plus a penalty of twenty-five (25%) per cent of such additional amount, plus one (1%) per cent interest per month or fraction thereof on such additional amount from the date originally due, in addition to any other penalties prescribed in this article.
- (c) ***Noncompliance or violation.*** Any person who fails to comply with or violates any provision of this section shall be guilty upon conviction thereof, of a misdemeanor. Each day such failure to comply or such violation continues shall be deemed a separate offense. Any fine assessed for such an offense shall be in addition to any other penalties assessed for delinquency or false statements causing a reduction in payment.

(d) **Revocation.** Except where state statutes require immediate revocation, failure to comply with or any violation of any provision of this article by any licensee under this article the city council shall call and have a full and adequate hearing upon the matter, giving the affected party at least fifteen (15) days written notice of the hearing. Any party may be represented by counsel, and all parties shall have the opportunity to be heard. After the hearing, if the evidence supports a finding that the licensee has failed to comply with or violated any provisions of this article, the city council shall issue an order to revoke or suspend said license. If the evidence does not support a finding that noncompliance or violations have occurred, no order shall be issued. Such revocation or suspension shall be in addition to any other penalties prescribed in this article. Any party aggrieved by an order of the city council hereunder may appeal said order to the circuit court as provided under Chapter 536 RSMo.

(e) **Locking of doors.** Except where state statutes require immediate revocation by the city or failure to comply with the provisions of this article within thirty (30) days of being found guilty of noncompliance with or violations of the provisions of this article shall be cause for the doors of said business to be locked. Upon notice from the city clerk of license revocation or failure to comply with the provisions of this article within thirty (30) days of being found guilty of noncompliance with or violations of the provisions of this article, the chief of police shall lock or chain the doors of said business so as to prevent or bar the continuance of business activity.

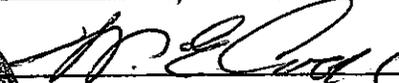
SECTION II. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION III. This Ordinance shall be and become in full force from and after the date of its passage by the City Council and the approval of the Mayor.

READ TWO TIMES AND PASSED THIS 24 DAY OF March, 2010

  
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President of the City Council

APPROVED THIS 24 DAY OF March, 2010

  
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Mayor of the City of Festus

ATTEST:

  
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City Clerk

