

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI ADDING CHAPTER 150 RESTRICTIONS ON DELINQUENT APPLICANTS, TO THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS AS FOLLOWS:

SECTION 1. There is hereby adopted a new chapter of the Municipal Code, to read as follows:

CHAPTER 150 RESTRICTIONS ON DELINQUENT APPLICANTS

A. For the purposes of this Section, the following terms shall have the following meanings:

APPLICANT

An individual or a corporation, firm, partnership, joint venture, association, organization or entity of any kind, including any shareholder, owner, officer, partner, joint venturer or member of such entity or any other person holding an ownership interest in such entity requesting any City permit, license, franchise or other approval.

RELATED PERSON OR ENTITY

1. A firm, partnership, joint venture, association, organization or entity of any kind in which the applicant holds any stock, title or other ownership interest of at least ten percent (10%);
2. A firm, partnership, joint venture, association, organization or entity of any kind which holds any stock, title or other ownership interest in the applicant of at least ten percent (10%); or
3. An individual, firm, partnership, joint venture, association, organization or entity of any kind whose affairs the applicant has the legal or practical ability to direct, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lessor ownership interest, familial relationship or in any other manner.
4. An individual or entity that is party to a contract with the applicant that pertains to a requested permit or approval.

RELEVANT LAW

1. Any Statute or regulation of the United States or the State of Missouri,
2. Any ordinance or Municipal Code provision of the City or any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the City under duly vested authority of the City; or
3. Any final judgment or order of any court of competent jurisdiction when a Statute, ordinance, Municipal Code provision, rule, regulation, notice, condition, term, order or judgment at issue regulates conduct or conditions germane to the issuance of the requested permit, license, franchise or other approval as provided by the applicable ordinance or Municipal Code provision of the City.

B. In enforcing or administering the ordinances of the City, subject to the provisions of Subsection (C), no permit, license, franchise or approval of any kind shall be granted to any applicant if:

1. The applicant or a related person or entity is charged with or in violation of any relevant law until such time as the applicant or the related person or entity resolves the pending charge or comes into compliance with the relevant law; or

2. The applicant or a related person or entity has failed to pay any tax, obligation or debt owed to the City.

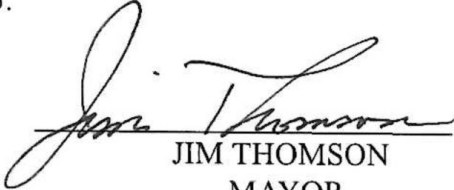
C. In acting on any new application or on any reapplication by an applicant whose prior permit, license, franchise or other approval has been denied, suspended, revoked, forfeited or has expired, or for which the applicant is delinquent in obtaining any required inspection, the reviewing or enforcement officer may consider the status of any delinquency and any past violations of relevant law by the applicant or a related person or entity in deciding whether to issue the permit, license, franchise or approval requested by the applicant. Taking into account the nature and character of the permit, license, franchise or other requested approval in question and the need for the City to rely on representations and/or future conduct by the applicant when acting pursuant to the permit, license, franchise or other requested approval by the City, the reviewing or enforcement officer may deny the application or reapplication if there has been a delinquency or past violation within the preceding 24 months of such character or magnitude as to reasonably call into question the fitness of the applicant or the City's ability to rely on representations and/or future conduct by the applicant or their intent to resolve the delinquency.

D. If a permit, license, franchise or other approval has been denied, suspended, revoked, forfeited or has expired, the applicant may not submit a new application for one (1) year from the date of the denial, suspension, revocation, forfeiture or expiration unless the reviewing or enforcement officer finds that substantial new facts or a change in circumstances warrant reconsideration; provided, however, that if the ordinances governing the particular permit, license, franchise or other approval in question prescribe a different disqualification period, those ordinances shall govern.

E. Any aggrieved applicant may appeal the decision of the reviewing or enforcement officer to the City Manager within five (5) business days of said decision. The City Manager may reverse or modify the decision of the reviewing or enforcement officer for good cause shown.

SECTION 2. This Ordinance shall take effect and be in full force immediately following its passage and being signed as provided by law


PASSED and SIGNED this 4th day of December, 2023.


JIM THOMSON
MAYOR

ATTEST:


AMY HAMILTON
CITY CLERK

APPROVED AS TO FORM:


KENNETH J. HEINZ
CITY ATTORNEY

First reading: November 20, 2023
Second reading: December 4, 2023