

**AN ORDINANCE REPEALING AND REPLACING VARIOUS SECTIONS OF CHAPTER 605 OF THE PARKVILLE MUNICIPAL CODE REGARDING BUSINESS LICENSING ENFORCEMENT, PENALTIES FOR VIOLATIONS AND APPEALS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

Section 1. That Chapter 605, Section 605.220 of the Parkville Municipal Code is hereby repealed.

Section 2. That Chapter 605, Section 605.220, *Enforcement*, is newly created to read as follows:

**Section 605.220. Enforcement.**

A. The City Clerk shall see that this Chapter is fully complied with and advise the city prosecutor to file complaints against all persons known to be violating this Chapter.

B. *Inspections.*

1. *Persons authorized.* The City Clerk, or his or her designee, and police officers are authorized to conduct investigations to enforce this Chapter.

2. *Authority of inspectors.* All persons authorized to make investigations shall have the authority to enter the premises for which a license is required at all reasonable times.

If any party refuses to allow the inspection of a premises for which a license is required, the City Clerk may request law enforcement to apply for a search warrant pursuant to Chapter 145.

3. *Reports by inspectors.* Persons making investigations or inspections as herein authorized shall report violations to the City Clerk and shall submit such other reports as requested.

4. *Operating a business without a license.* When a person is operating a business without a valid business license or is operating such business when the license has been revoked or suspended, the City Clerk may cause such person to be summoned into municipal court.

C. *Order.* When a licensee has violated any law or ordinance affecting the conduct of business within the city, other than failure to have a valid business license, the City Clerk may issue an order which directs the offending person to cease and desist from the violation and to comply with the law or ordinance. When a licensee has failed to comply with an order of the City Clerk or when the licensee has failed to operate the business properly as required by this Code, the City Clerk may issue an order suspending or revoking the business license per Section 605.200.

Section 3. That Chapter 605, Section 605.230 of the Parkville Municipal Code is hereby repealed.

Section 4. That Chapter 605, Section 605.230, *Penalties for Violations*, is newly created to read as follows:

**Section 605.230. Penalties for violations.**

Any person, partnership, association or corporation engaging in a business, trade or avocation as herein provided without first procuring a license therefor, shall be guilty of violating this ordinance and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, for each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 5. That Chapter 605, Section 605.240 of the Parkville Municipal Code is hereby repealed.

Section 6. That Chapter 605, Section 605.240, *Appeal*, is newly created to read as follows:

**Section 605.240. <sup>250 mm 2/4/16</sup> Appeal.**

- A. *Appeal.* Any license applicant or licensee aggrieved by any decision of the City Clerk to deny, suspend or revoke the business license shall have the right to appeal such action to the Board of Aldermen. Within fourteen (14) days of the adverse decision, a written request for a hearing before the Board of Aldermen contesting such suspension, denial or revocation shall be submitted. Such request shall state with specificity which part of the order is contested, the basis for the contest and the relief sought.
- B. *Hearing procedure.* Where a hearing has been requested pursuant to this section, the Board of Aldermen shall hear the appeal within thirty (30) days of filing the written request for an appeal hearing. A hearing shall be held at the next regular scheduled Board of Aldermen meeting following the filing of the appeal unless agreement is reached between the person filing the appeal and the Board of Aldermen on another date for the hearing, which date shall be within the thirty-day period.
- C. Appeals from the decision of the City Clerk in suspending a license may be pursued according to the provisions of Subsection (A) of this Section. Filing of an appeal shall stay any action on the suspension or order to appeal until a hearing has been held and a ruling has been made by the Board of Aldermen.
- D. *Effect of Appeal.* No appeal to the Board of Alderman or subsequent appeal to the Circuit Court of Platte County pursuant to Mo. Rev. Stat. 536 pertaining to the status of a business license or any act by the city attorney, city clerk or investigators shall bar or prevent a prosecution for each and every violation of this article.

Section 7. This ordinance is effective upon its passage and approval.

PASSED and APPROVED this 2<sup>nd</sup> day of February 2016.

ATTESTED:

Melissa McChesney  
City Clerk Melissa McChesney



Nanette K. Johnston  
Mayor Nanette K. Johnston