

BILL NO. 2024-11

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE TO REVISE HERMANN MUNICIPAL CODE SECTION 420.730 REGARDING REVOCATION OF CONDITIONAL USE PERMITS.

WHEREAS, there are many properties in the City which are being used under authority granted by the Board of Aldermen pursuant to a conditional use permit; and

WHEREAS, if the Board of Aldermen grants a conditional use permit, but the property owner then fails to commence the anticipated use within one year, then the Board of Aldermen should be able to consider revocation of the permit; and

WHEREAS, the Board of Aldermen also desires to identify reasons (other than non-use) for the potential revocation of conditional use permits and to establish procedures to ensure that permittees will be afforded due process of law; and

WHEREAS, The Board of Aldermen has determined that amending Code Section 420.730 to address reasons and the process for potential revocation of conditional use permits would serve a legitimate public purpose and is in the best interests of the citizens of the City of Hermann, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HERMANN, MISSOURI, AS FOLLOWS:

SECTION ONE: The title of Code Section 420.730 shall be changed from “*Application for a Conditional Use Permit*” to “*Conditional Use Permits.*”

SECTION TWO: A new subsection is hereby added to Code Section 420.730 as follows:

G. Revocation of Conditional Use Permits.

1. Any conditional use permit granted by the Board of Aldermen and not exercised and put to use within one year of the date of the approval of the conditional use permit shall be vacated and such conditional use permit shall become null and void, unless extended by the Board of Aldermen.
2. Suspension or revocation of any conditional use permit shall be in addition to any other penalty or penalties available to the City by law.
3. Any conditional use permit approved under this Section may be suspended or revoked for good cause, including, but not limited to, any of the following reasons:

- a. The violation of any provision of this Chapter or the regulations promulgated under the authority of this Chapter applicable to the permittee.
 - b. Violation of the terms, conditions, safeguards or restrictions upon the conditional use permit.
 - c. Violation of any ordinance of the City regarding regulation of the permittee's use.
 - d. Violation of any other federal, state or local law or regulation pertaining to the permittee or the activities associated with the particular business, establishment or land-use.
 - e. Failure of the permittee to pay any tax, fee, fine or other government charge required by law.
 - f. Any misrepresentation or false statement in the application for such permit.
 - g. Causing, maintaining or assisting in the cause or maintenance of a nuisance, whether public or private.
 - h. Failure to obtain other necessary government permits associated with such land-use, business or activities.
4. In any case in which there is reason to believe a conditional use permit may be subject to revocation, the following procedure shall govern:
- a. The Board of Aldermen shall schedule a hearing to consider the matter. At least 10 days prior to such hearing, written notice shall be mailed to the permittee at the last known address as shown in the records of the City Clerk advising the permittee of the time and place of the hearing and of the reason for considering the suspension or revocation of the conditional use permit.
 - b. While the hearing is pending the permittee shall be permitted to continue the operation of the business or land-use; provided, however, that the pendency of such hearing shall not preclude prosecution for violation of the ordinances of the City occurring during such period.
 - c. At the hearing, the Board of Aldermen shall hear all relevant evidence justifying the suspension or revocation of the conditional use permit and all relevant evidence justifying the retention of the permit.
 - d. The permittee shall be notified of the results of the hearing in writing.

- e. If a permittee whose conditional use permit has been revoked pursuant to this Section, or a related entity of permittee whose conditional use permit has been revoked pursuant to this section, shall thereafter apply for a substantially similar permit, the Board of Aldermen may take into account the acts and circumstances which led to the revocation in considering the new application.
- f. Any person aggrieved by the determination made at the hearing mentioned above may appeal such determination in accordance with this Section. The filing of an appeal shall not stay the outcome of the administrative determination unless the Board of Aldermen shall suspend the effect of the determination upon request of the aggrieved party.
- g. Any person aggrieved by the decision made by the Board of Aldermen may seek judicial review by filing a petition for same with the Circuit Court of Gasconade County within 15 days of the date of the Board of Aldermen’s decision.

SECTION THREE: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage and adoption.

First Reading: February 12, 2024

Second Reading: _____

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman Ash Geers						
Alderman Derek LeRoy						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this _____ day of _____, 2024.

BRUCE COX, Mayor

COREY ORR, City Clerk