

CHAPTER 6-06: REVOCATION, SUSPENSION OR DENIAL OF LICENSES

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6-06-010. Denial of a Business License.

After a person has made application to the City for a business license, the application may be denied for any of the following reasons:

- (a) The applicant does not meet the qualifications for a license as provided under this Title.
- (b) For a new application, nonpayment of a returned check for the required license fees at the time the application is made. For a business license renewal application, nonpayment of the required license fees plus penalty three (3) months after it is due.
- (c) Any reviewing department, division or agency of the City provided for in this Title has disapproved the application pursuant to any applicable provision of the City Code.
- (d) False or incomplete information given on the application.
- (e) Noncompliance with any requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit or by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception.
- (f) Noncompliance with any City, State or federal statutes or any Health Department regulations governing the applicant's proposed business.
- (g) Any other reason expressly provided for in this Title.

6-06-020. Reasons for Suspension or Revocation.

An existing business license may be suspended or revoked for any of the following reasons:

- (a) The license does not now meet the qualifications for a license as provided under this Title.
- (b) False or incomplete information given on an application.
- (c) The licensee has violated or is violating any provision of this Title or provision of the City Code, State or federal statutes or regulations governing the licensee's business.
- (d) The licensee has obtained or aided another person to obtain a license by fraud or deceit.
- (e) The licensee has failed to pay any taxes or fees to the City when due.

(f) The licensee has refused authorized representatives of the City access to the licensed premises for the purpose of an inspection or has interfered with such representatives while in the performance of their duty in making such inspection.

(g) The licensee is not complying with a requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit; by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception; by the City Council, or by agreement.

(h) Violation of this Title by the agents or employees of a licensee and violations of any other laws by the agents or employees committed while acting as an agent or employee of the licensee; or

(i) Any other reason expressly provided for by ordinance.

6-06-030. Enforcement.

(a) The Business License Official shall have the authority without a hearing, to deny a license for the reasons provided for in this Chapter.

(b) The Business License Official shall have the authority to suspend or revoke a license without a hearing, for reasons provided for in this Chapter. However, the suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Chapter below has passed.

(c) The Business License Official may, on his/her own initiative or in response to complaints from the general public or any City department or division, investigate and gather evidence of violations of this Title or other circumstances which may give rise to a denial, suspension or revocation.

6-06-040. Procedure for Suspension or Revocation.

The Business License Official shall cause written notice to be given by personal service or registered mail to the licensee at the licensee's business address of his or her decision to suspend or revoke a license, the reason for such decision, that operation of a business after the effective date of the suspension or revocation is a Class B misdemeanor, the licensee's right to appeal the Business License Official's decision and have a hearing, and the appeal procedure.

6-06-050. Appeal Procedure.

(a) Appeals of the Business License Official's decision to deny, suspend or revoke a license may be made by filing a written notice of appeal with the City Council within fifteen (15) days of receipt of the notice of denial, suspension or revocation.

(b) The notice of appeal shall be in writing and shall set forth with specificity the reasons for which the appeal is taken.

6-06-060. Hearing.

(a) The hearing shall be at a time, place, and day set by the City Council, but not later than twenty-one (21) days after receipt of the notice of appeal.

(b) At the hearing, the Business License Official or his or her designee shall present the reasons for the decision to deny, suspend or revoke the license.

(c) The applicant or licensee, in person or through his or her attorney, may then present any evidence showing reason why the decision was in error.

(d) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront and cross-examine any witnesses.

(e) Any oral or documental evidence may be received, but the Council shall exclude all privileged, irrelevant, immaterial, or unduly repetitious evidence.

(f) If the denial, suspension, or revocation appealed from is based on a finding by the Building Department or Fire District that the business was or would be in violation of any Uniform Construction Codes or on a finding by the County Health Department that the business was or would be in violation of any County Health Department regulations, then that finding shall be conclusive on the City Council, and the Council's decision may be based only on whether the license was properly denied, suspended, or revoked because of the Building Department, Fire District or County Health Department finding.

(g) If the denial, suspension, or revocation appealed from is based on a determination by the Business License Official that grounds existed pursuant to this Code, the City Council may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the Business License Official.

(h) The City Council does not have the authority to waive compliance with applicable provisions of the Business License ordinances, nor can the Council extend deadlines set forth in the ordinances or change the substance or form of the ordinances.

6-06-070. Decision of the City Council.

The City Council, after hearing all the evidence, shall announce its decision within fifteen (15) days from the date of hearing. The Council may affirm, reverse or modify the decision of the Business License Official. The decision shall be in writing and shall be based upon findings of fact.

6-06-080. Appeal of City Council Decision.

Any decision of the City Council made pursuant to the provisions of this Title may be appealed by any aggrieved party to the District Court within thirty (30) days from when the written decision is made.

6-06-090. Licensing After Revocation.

A person, whose license has been revoked, may not be issued a license for a period of twelve (12) months after the revocation.

6-06-100. Validity of Business License During Appeal.

Throughout the administrative appeal process as outlined above, a licensee holding a suspended or revoked business license may continue to operate his or her business in accordance with federal, State and local laws pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.