# ORDINANCE No. 08-14

ROLL CALL

| VOTING | YES | NO |
|---|---|---|
| STEVE LEIFSON<br>Mayor *(votes only in case of tie)* | | |
| ROD DART<br>*Council member* | X | |
| RICHARD M. DAVIS<br>*Council member* | X | |
| BRANDON B. GORDON<br>*Council member* | X | |
| MIKE MENDENHALL<br>*Council member* | X | |
| KEIR A. SCOUBES<br>*Council member* | ABSENT | |

I MOVE this ordinance be adopted: Councilmember Gordon
I SECOND the foregoing motion: Councilmember Mendenhall

## ORDINANCE No. 08-14

## AN ORDINANCE AMENDING BUSINESS LICENSE REVOCATIONS

WHEREAS, Spanish Fork City has adopted an ordinance regulating businesses and requiring business licenses; and

WHEREAS, the ordinance addresses revocations of business licenses; and

WHEREAS, the current ordinance requires a hearing before the city council to revoke a business license; and

WHEREAS, as the City has grown, it has become cumbersome for the Council to hold revocation hearings, which can more efficiently be handled administratively, based on criteria

established by the Council;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §5.04.100 "Revocation" is hereby amended as follows:

**5.04.100 Revocation**

A. The issuance of a license under this Title grants only a revocable privilege to engage in business and confers no vested rights of any kind upon a licensee. The licensee agrees, as a condition of license issuance, to operate the licensed business or activity in conformity with the ordinances of the City and other applicable laws.
B. Licenses issued under the provisions of this Title may be revoked for failure upon the part of the licensee to comply with the conditions and requirements under which said license is granted, because of illegal activities thereunder, or for the following causes:
    1. The violation of any provision in this Title;
    2. The failure to pay, when due, any license fee (including renewal fee), tax, charge, or penalty provided for by City ordinance or State statute;
    3. Any fraud or misrepresentation of a material fact in the procurement of the license, including falsification of any information or supporting documentation provided by the licensee with the license application;
    4. Noncompliance with building, fire, or health codes;
    5. Any conduct at the licensed premises tending to render the premises a private or public nuisance, as defined in the Spanish Fork Municipal Code, or a menace to the health, peace, or general welfare of the City or its residents;
    6. Activities, under the guise of conducting a business, that are fraudulent, deceptive, or constituting a violation of City ordinances or other applicable law;
    7. Failure of the licensee to retain the legal qualifications necessary for the license;
    8. Violation of the zoning ordinances governing the licensed business or activity, including, but not limited to, parking and landscaping requirements;
    9. Conviction of any crime related to the licensed business, after the issuance of the license;
    10. Refusal to allow City employees to make inspection of the licensed premises during the business' operating hours.
C. No license shall be revoked under the provisions of this Title except after notice and hearing. The hearing shall be conducted by the Community Development Director. The decision of the Director is final and non-appealable. Notice shall be given by sending a copy of the notice by certified mail, return receipt requested, to the applicant at the address shown on the applicant's last application for a business license. The notice shall specify the date, time, and place of the hearing and contain a brief description of the

reasons why the license is subject to revocation. It is the applicant's duty to maintain a current address at all times with the city business license administrator. Notice is deemed received if notice is sent to the last address on file with the City and is returned unclaimed, unknown, moved, or for any other reason identified by the postal service. The hearing shall be held within twenty (20) days after mailing of the notice. The applicant may appear in person or may send a representative. The applicant has a right to be represented by counsel, but has no right to be appointed counsel.

D. Licenses revoked shall be for a period of one year, unless they are for violations of numbers 2, 4, 7, 8, or 10 of the causes set forth in paragraph B, in which event the licensee may reapply when compliance with those provisions has been met.

E. For purposes of revoking a business license, the licensee is responsible for the acts of their employees, agents, or others acting under the license issued.

II.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 6th day of May, 2014.

Steve Leifson

STEVE LEIFSON, Mayor

Attest:

Kent R. Clark

Kent R. Clark, City Recorder

MUNICIPAL SEAL SURROUND YOURSELF Spanish Fork UTAH EST. 1855