

ORDINANCE NO. 18 – 03 – U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN AUTHORIZING BUSINESS LICENSE REVOCATION

WHEREAS, Government Code sections 36934 and 36937 permit the City Council by a four-fifths vote to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, the City has identified businesses that currently endanger and jeopardize the public peace, health, and safety by engaging in dangerous and/or unsanitary business practices while holding a City of Auburn business license; and

WHEREAS, the City's current business license ordinance contains no provisions to revoke a license for those businesses engaging in these dangerous and/or unsanitary practices; and

WHEREAS, many cities have the power to revoke a business license including upon discovery of a threat to public peace, health, or safety; and

WHEREAS, this Ordinance is an urgency ordinance adopted as an urgency measure pursuant to Government Code Section 36937 and is necessary for the immediate preservation of the public peace, health and safety.

Now, therefore, THE CITY COUNCIL OF THE CITY OF AUBURN DOES
ORDAIN AS FOLLOWS:

Section One: Findings. The recitals above are true and correct and incorporated herein by reference.

Section Two: Code Amendment. Section 33.012 of Chapter 33 of Title III of the Auburn Municipal Code entitled "Revocation" is hereby added to read as follows:

33.012 REVOCATION

(A) Should the City Manager at any time determine that the premises in which any business is conducted are in unsanitary condition, dangerous to adjacent property, or that the business is being operated in such a way as to injure, offend, or affect the public health, peace, safety, morals, or welfare, the City Manager or his or her designee may revoke the license for such business, and no further license for any business conducted at the premises may be issued without the written authorization of the City Manager or his or her designee.

(B) The revocation of a license pursuant to this section shall be effective 10 days after:

(1) written notice thereof is deposited in the U.S. Mail, postage prepaid, return receipt requested, addressed to the licensee at the address of the business; or

(2) written notice thereof is personally delivered to or received by the licensee.

(C) The revocation of a license pursuant to this section shall be appealable to the City Council within 10 days after mailing or receipt of the written notice thereof. An appeal shall be filed in writing with the City Clerk. A timely filed appeal shall thereafter be set for hearing before the City Council which may affirm or reverse the revocation.

Section Three: California Environmental Quality Act. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the City Council, and hereby determines that that the adoption of this Ordinance will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

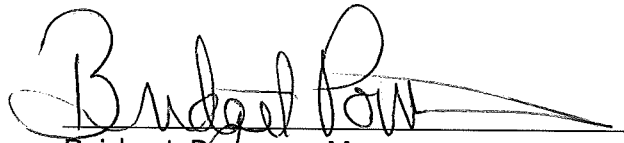
Section Four: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Auburn hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section Five: Effective Date. Pursuant to Sections 36934 and 36937(B) of the California Government Code, this Ordinance shall take effect immediately because its passage is required for the immediate preservation of the public peace, health, and safety. Business conducted under sanction of a City of Auburn Business license, which are conducted in an unsanitary and/or dangerous manner are an immediate threat to the health, safety, welfare, and morals of the


public, and without immediate adoption of this ordinance the City will be without enforcement capabilities to regulate such activity.

Section Six: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

DATED: March 26, 2018

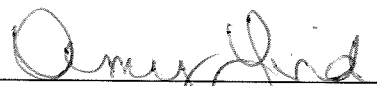

Bridget Powers, Mayor

ATTEST:


Amy Lind, City Clerk

I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 26th day of March, 2018 by the following vote on roll call:

Ayes: Spokely, Kirby, Maki, Powers
Noes:
Absent: Berlant
Abstain:


Amy Lind, City Clerk