

ORDINANCE NO. 463 N.S.

AN ORDINANCE ADDING CHAPTER 5.41, SECTION 5.41.10 TO TITLE 5  
OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES

The City Council of the City of El Paso de Robles does ordain that Section 5.41.10 is added to the Municipal Code as follows:

SECTION 5.41.10 A license issued under Municipal Code Chapters 5.02, 5.04, 5.06, 5.08, 5.12, 5.16, 5.20, 5.28, 5.36, 5.40 and 5.44 may be denied or revoked for the reasons specified below:

1. A license may be denied or revoked if the applicant has knowingly made a false statement in a material matter either in his application or in his testimony before the Council or other body hearing such testimony.
2. A license may be denied or revoked unless the premises of the proposed business and the operation thereof comply with current building, fire, and health code requirements of the City.
3. A license may be denied or revoked if current license fee has not been paid.
4. A license may be denied or revoked if it is being used for a purpose different from that for which it was issued.
5. In addition, except as otherwise provided herein, conviction (including pleas of guilty and nolo contendere) of a felony or misdemeanor shall be prima facie disqualification of an applicant for the following city licenses or permits:
  - (a) Arcade operations
  - (b) Billiard rooms
  - (c) Bingo operations
  - (d) Card rooms
  - (e) Locksmiths
  - (f) Pawn shops
  - (g) Taxi cabs

If an applicant is charged with a felony, City may delay issuance of a license or temporarily suspend a license pending ultimate determination of the charge.

The City licensing authority, however, may disregard such conviction or charge if it is found and determined by such licensing authority that mitigating circumstances exist. In making such determination, the City licensing authority shall consider the following factors:

- (a) The type of business license or permit for which the person is applying;
  - (b) The nature and seriousness of the offense;
  - (c) The circumstances surrounding the conviction;
  - (d) The length of time elapsed since the conviction;
  - (e) The age of the person at the time of the conviction;
  - (f) The presence or absence of rehabilitation or efforts at rehabilitation;
  - (g) Contributing social or environmental conditions.
6. The City licensing authority shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application.
  7. Any licensee whose license is revoked forfeits any and all moneys paid for the license. No business shall be conducted or operated in any manner during any period of license revocation or suspension.
  8. The service of the notice of revocation shall be accomplished by a letter on City letterhead mailed postage prepaid to such licensee, manager or agent of the licensee at the address appearing upon the license application.

9. Public Hearing by Finance Director - A public hearing shall be held by the Finance Director on the question of license revocation or suspension. Each such hearing shall be open to the public and may be continued from time to time. At such hearing, all persons interested shall be given an opportunity to be heard. All public hearings under this chapter shall be heard before the Finance Director

who shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony relating to revocation or suspension of this license. The Finance Director shall not be limited by the technical rules of evidence.

10. Finance Director Action - At the conclusion of the hearing, the Finance Director may take such action as deemed appropriate under the circumstances to carry out the purpose of this Ordinance. The Finance Director may delay the time for suspension or revocation of a license if the circumstances so justify. The Finance Director may find that the facts do or do not support a revocation or suspension of a license and may order that a license be suspended or revoked if the facts justify such a determination.

11. The licensee shall have the right to appeal the revocation of license to the City Council provided that such request for an appeal shall be submitted in writing within fifteen days from the date the notice was mailed. The appeal shall be heard by the City Council within twenty days from the date of receipt of the appeal request by the City Clerk. The decision of the Council shall be final.

12. Pursuant to Section 11105 of the Penal Code of the State of California, the following officers of the City are hereby authorized to have access to and to utilize State Summary Criminal History Information when it is needed to assist them in fulfilling licensing duties as set forth in this chapter:

- (a) City Councilmembers
- (b) City Manager
- (c) City Attorney
- (d) Finance Director
- (e) Chief of Police

THIS ORDINANCE SHALL GO INTO EFFECT and be in full force and effect at 12:01 a.m. on the thirty first (31st) day after passage.

PASSED AND ADOPTED this 3rd day of November, 1981, by the following vote:

- AYES: Councilmen Minshull, Monroe, Parish and Schwartz
- NOES: None
- ABSENT: Councilman Stemper

Barney Schwartz  
MAYOR BARNEY SCHWARTZ

ATTEST:

Donald B. Keffer  
CITY CLERK DONALD B. KEEFER

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) ss.  
CITY OF EL PASO DE ROBLES )

I, DONALD B, KEEFER, City Clerk of the City of El Paso de Robles, California, do hereby certify the foregoing Ordinance No. 463 N.S. was duly and regularly adopted, passed and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 3rd day of November, 1981, by the following vote:

- AYES: Councilmen Minshull, Monroe, Parish and Schwartz
- NOES: None
- ABSENT: Councilman Stemper

DATED this 3rd day of November, 1981

Donald B. Keffer  
CITY CLERK DONALD B. KEEFER