

ORDINANCE NUMBER 1220

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, REPEALING SECTION 5.29.180; ADDING NEW SECTIONS 5.29.180(a) AND (b) WHICH SECTIONS ALLOW FOR THE SEIZURE AND REVOCATION OF A BUSINESS LICENSE WHEN CITY, STATE OR FEDERAL LAWS ARE VIOLATED; PROVIDING FOR AN APPEAL; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER;

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO;

Section 1. Section 5.29.180 of the Payette City Code is hereby repealed.

Section 2: There are hereby created new sections 5.29.180 (a) and 5.29.180 (b), which sections shall read as follows:

5.29.180 (a) Violation, Revocation, License Seizure. In the event that any licensee shall violate any of the terms or conditions of any license, or in the event that a licensee violates any State, Federal, or Municipal law or ordinance, the Director of the Department of Public Safety or his designee, shall be authorized to seize, confiscate and hold the license. A seizure of the license shall be a revocation of the license. In the event the licensee shall desire to continue in business, the licensee shall have the right to file an appeal before the City Council seeking to reverse the action of the director. Pending a hearing before the City Council, no business shall be conducted. At the time of seizure, the Director shall provide the licensee with a written statement of reasons why the license is being revoked, that the licensee has the right to appeal the action to the City Council and that the licensee may be represented by counsel. If the licensee requests a hearing, a hearing shall be held by the City Council no later than at it's next regularly scheduled council meeting. Upon request of the licensee, the reasons for the revocation shall be provided in writing. The licensee may be represented by counsel.

5.29.180 (b) Revocation by the City Council: The City Council or any other citizen of the City of Payette may seek to have any license revoked if the holder or any employee of the licensee violates any law of the city, of the state, or of the United States. In the event a revocation is not commenced by the director as set out in section 5.29.180 (a) above, such revocation must be preceded by notice in writing to the licensee from the clerk, informing the licensee that the council has ordered the holding of a public hearing at a date and time certain, not less than ten (10) days from the date of such notice, at which hearing the licensee will be required to appear personally and show cause why the license should not be revoked. At such hearing the licen-

see may be represented by counsel, may testify personally, may call witnesses, and may cross-examine any witnesses called by the city. Should the council determine that such license should be revoked, it shall pass a motion to that effect, and such license shall thereupon be revoked, provided, however, that no such motion shall be deemed passed without the affirmative vote of one-half plus one of the members of the full council.

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Section 4. Any ordinances or resolutions which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1220.

CITY OF PAYETTE

By Mark L. Heleker  
Mayor

ATTEST: John P. Franks  
City Clerk