

**TOWN OF JEROME, ARIZONA  
LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN** that the following ordinance was adopted by the Jerome Town Council on May 12, 2015:

**ORDINANCE NO. 416**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, TO AMEND ARTICLE 8-3, "BUSINESS LICENSE TAX," OF THE JEROME TOWN CODE, BY THE ADDITION OF NEW SECTIONS 8-3-7 THROUGH 8-3-11, REGARDING DENIAL, REVOCATION AND SUSPENSION OF BUSINESS LICENSES**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. Article 8-3, "Business License Tax," of the Jerome Town Code is hereby amended by the addition of NEW Sections 8-3-7 through 8-3-11, and the renumbering of existing Section 8-3-7, as follows:

Section 8-3-7 Reasons for Revocation, Suspension or Denial of Business Licenses.

- A. After a person has made application to the Town for a business license, the application may be denied for any of the following reasons:
1. The Building Official, Fire Chief or Zoning Administrator has disapproved the application pursuant to any applicable provision of the Town Code.
  2. False or incomplete information given on the application.
  3. Failure to establish an appropriate utility account with the Town.
  4. Noncompliance with any requirement or condition set by the Town Council or Planning & Zoning Commission under a conditional use permit.
  5. Noncompliance with any town, county, state or federal ordinances, statutes or regulations governing the applicant's proposed business.
- B. An existing business license may be suspended or revoked for any of the following reasons:
1. False or incomplete information given on the application.
  2. The licensee has violated or is violating any provision of the Town Code or county, state or federal statutes or regulations governing the licensee's business.
  3. The licensee has failed to establish an appropriate utility account with the Town, or is more than 30 days delinquent with payments on such account.
  4. The licensee has failed to obtain a Transaction Privilege Tax License or to pay said tax.
  5. The licensee has interfered with authorized representatives of the Town while in the performance of their duty, including inspections.
  6. The licensee is not complying with any requirement or condition set by the Town Council or Planning & Zoning Commission under a conditional use permit.
  7. Violation of this Article by the agents or employees of a licensee and/or violations of

any other laws by the agents or employees, committed while acting as an agent or employee of the licensee.

Section 8-3-8 Procedure for Denial, Suspension or Revocation.

- A. The Town Manager shall have the authority to deny, suspend or revoke a business license, without a hearing, for reasons provided for in this Article. However, any suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Article has passed.
- B. In denying, suspending or revoking any business license, the Town Manager shall cause written notice to be given by personal service or registered mail to the licensee of his or her decision to deny, suspend or revoke a license, the reason for such decision, that operation of the business prior to obtaining a license or after the effective date of the suspension or revocation would incur penalties as set forth in this Article, the applicant or licensee's right to appeal the Town Manager's decision and have a hearing, and the appeal procedure.

Section 8-3-9 Appeal Procedure.

- A. Appeals of the Town Manager's decision to deny, suspend or revoke a license may be made by filing a notice of appeal with the Town Clerk within 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.
- C. After the notice of appeal is determined to be complete, the Town Clerk shall schedule a hearing before the Town Council at their next regular meeting. Prior to the hearing, the Town Manager shall transmit to the Town Council all papers constituting the record of the action which is appealed.
- D. At the hearing, the Town Manager, or his/her designee, shall present the reasons for the decision to deny, suspend or revoke the license.
- E. The applicant or licensee, in person or through his or her attorney, may then present any evidence showing reasons why the decision was in error.
- F. If the denial, suspension or revocation appealed from is based on a finding by the Building Official, Zoning Administrator, Fire Chief, County Health Department or Police Department that the business was or would be in violation of any applicable law, including (without limitation) ordinances or regulations, then that finding shall be conclusive on the Town Council, and the Council's decision may be based only on whether the license was properly denied, suspended or revoked because of the Building Official, Zoning Administrator, Fire Chief, County Health Department or Police Department' finding.
- G. If the denial, suspension or revocation appealed from is based on a determination by the Town Manager that grounds existed pursuant to the Town Code, the Town Council may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the Town Manager.
- H. The Town Council may affirm or reverse the decision of the Town Manager. The decision shall be in writing and shall be based only upon findings of fact. After the Town Council makes a decision, the Town Manager shall give the applicant or licensee written notice of the decision.
- I. Any decision of the Town Council may be appealed by the applicant or licensee to the

Superior Court within thirty (30) days from the date of the written decision.

Section 8-3-10 Validity of Business License During Appeal.

Throughout the administrative appeal process outlined herein, a licensee holding a suspended or revoked license may continue to operate his or her business pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.

Section 8-3-11 Licensing After Revocation.

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

Section 2. Existing Section 8-3-7, "Penalties," of Article 8-3, "Business License Tax," is hereby RENUMBERED as Section 8-3-12.

Section 3. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 4. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 5. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.

- Candace B. Gallagher, CMC  
Town Manager/Clerk