

ORDINANCE NO. 1215-23

**AN ORDINANCE OF THE CITY OF AVALON AMENDING
TITLE 3, CHAPTER 3-1, SECTION 3-1.116 REVOCATION
OR SUSPENSION OF LICENSES OF THE AVALON
MUNICIPAL CODE**

WHEREAS, the Council has determined compliance with local, state and federal laws and regulations to be a priority; and,

WHEREAS, the current business license ordinance only permits suspension or revocation of a license if a provision of the business license chapter has been violated, the license has been granted on false or fraudulent evidence, or the licensee has violated terms and conditions of the license; and

WHEREAS, the City Council has made the determination that broadening potential grounds for revocation to include noncompliance with any local, state or federal law or regulation is in the City's best interest; and

WHEREAS, the City Council is the body that shall determine if a license should be suspended or revoked; and

WHEREAS, the City wishes to now amend its Municipal Code to address these issues.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES
ORDAIN AS FOLLOWS:**

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council in connection with the adoption of this Ordinance.

Section 2. Avalon Municipal Code section 3-1.116 is amended to read as follows:

3-1.116 Revocation or Suspension of Licenses.

Any license issued under this Chapter may be revoked or suspended where:

- (a) The licensee has violated any provision of the Avalon Municipal Code, state or federal laws or regulations;
- (b) Where a license has been granted on false or fraudulent evidence, testimony or application;
or
- (c) Where the licensee has violated the terms and conditions of the license, including but not limited to the timely payment of business license taxes required by this chapter.

All matters pertaining to revocation or suspension shall be referred by the Director of Finance to the City Council, with a written statement of the reasons for the proposed revocation or suspension. The City Council shall give reasonable notice to the licensee to appear before the City Council at a time and place set for the hearing, to show cause why the license shall not be revoked or suspended. The notice shall state the grounds for the complaint or reasons for the proposed revocation or suspension in clear and concise language. The notice shall be served upon the licensee personally or by mail not less than 10 and not more than 20 days prior to the hearing date. At the hearing, the licensee shall be given the opportunity to appear personally or through counsel, to be heard, to defend the charges and to call witnesses. Upon good cause shown, the licensee shall be entitled to a continuance until the next meeting of the City Council. After conducting such hearing, the City Council may revoke, suspend for a stated time period, or reinstate any license upon such terms and conditions as in the exercise of sound discretion is determined to be appropriate. The decision of the City Council shall be final and conclusive.

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, void, or invalid, such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional, void, or invalid.

Section 4. CEQA Exemptions. The City Council finds that adoption of this Ordinance is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15378 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, this Ordinance is exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment) because this Ordinance will not cause a change in any of the physical conditions within the area affected by the Ordinance. None of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the Los Angeles County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

Section 5. Certification. The City Clerk of the City of Avalon shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

Section 6. Effective Date. This Ordinance shall become effective thirty days from its adoption.

INTRODUCED AND WAIVED at a regular meeting of the City Council of the City of Avalon on the 7th day of November, 2023, by the following vote:

AYES: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Avalon on this 28th day of November, 2023, by the following vote:

AYES: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Ann H. Marshall, Mayor

ATTEST:

Gabrielle Morones, Deputy City Clerk

APPROVED AS TO FORM:

Scott Campbell
Best Best & Krieger, LLP