

ORDINANCE 2002-07-1

AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO AMENDING ALBION CITY CODE SECTIONS 3-2-3 AND 3-2-4, PROVIDING FOR DELEGATION OF PROCESSING AND GRANTING OR DENYING OF LICENSES BY THE CITY CLERK, PROVIDING FOR AN APPEAL OF DENIALS OF APPLICATIONS AND REVOCATIONS OF EXISTING LICENSES BEFORE THE CITY COUNCIL, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Albion City Ordinance 3-2-3 presently provides that it is the duty and obligation of the City Council to grant or deny applications for beer licenses ; and

WHEREAS, Albion City Ordinance 3-2-4 presently provides that where the City Council is considering the matter of applications for beer licenses; and

WHEREAS, the City Council holds council meeting, generally on the first Tuesday of each month, and usually only one time per month; and

WHEREAS, the infrequency of council meetings has, on occasion, worked a hardship on business owners in the community, in obtaining city licensing for the sale of beer; and

WHEREAS, Idaho Code, Section 23-1016 contemplates that state law does not prohibit the delegation of the processing of an application for a beer license or the grant or denial thereof, as long as the applicant may appeal a city clerk's denial decision to the city council; and

WHEREAS, the City Council of the City of Albion desires to operate city business, including licensing processes, in a manner convenient to city patrons; and

WHEREAS, by delegating the processing and granting or denying of beer licenses to the City Clerk, the application process is rendered much more convenient to local patrons and business establishments to conduct their business with the City of Albion .

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:

That Albion City Code Section 3-2-3 be hereby amended to provide the following:

3-2-3 GRANTING OR DENIAL OF LICENSE: The City Clerk shall grant or deny the application within 28 days of the time it is filed with the City Clerk's Office. In the event that an application for a license is denied by the City Clerk, or there is a revocation or suspension of an existing license by the City Clerk, the licensee or applicant shall be afforded a hearing pursuant to 23-1016, Idaho Code, before the City Council. A licensee or applicant may appeal the Clerk's denial by filing a written notice of appeal with the City Clerk's Office within 28 days of the Clerk's denial, revocation or suspension of license. At the appeal hearing before the City Council, the Mayor and City Council, if upholding a Clerk's decision to deny or revoke a license, shall specify in writing:

(A) The statutes, ordinances and standards used in evaluating the application or license;

(B) The reason for the denial or revocations; and

(C) The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof or to reinstate the license.

That Albion City Code Section 3-2-4 be hereby amended to provide the following:

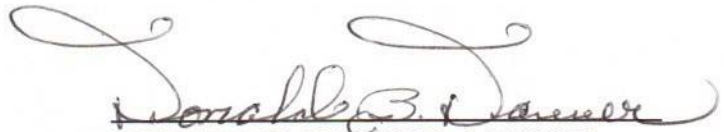
3-2-4 RECORD OF PROCEEDINGS: In all cases where the City Council is hearing an appeal on denial of a license, transfer or renewal thereof, a transcribable verbatim record of the proceedings shall be made. If the appeal from the denial of the applicant for the beer license, transfer or renewal is denied, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. The City Council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

The members of the City Council, by unanimous vote and pursuant to Idaho Code §50-902, and Albion City Code, Title 1, Chapter 5, Section 5(B), have dispensed with the rule requiring three (3) readings of the ordinance herein.

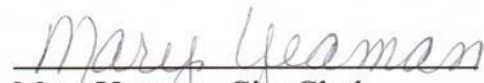
This ordinance shall be in full force and effect from and after its approval, passage and publication as provided by law.

PASSED this 2nd day of July, 2002, by the City Council of the City of Albion, Idaho.

APPROVED this 2nd day of July, 2002, by the Mayor of the City of Albion, Idaho.


DONALD B. DANNER, MAYOR

Attest:


Mary Yeaman, City Clerk