

ORDINANCE NO. 2020-04

AMENDING BUSINESS LICENSE ORDINANCE 2007-18

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, AS FOLLOWS:

WHEREAS, on December 11th, 2006, the Town Council of Magnolia Springs did adopt Ordinance Number 2006-03;

WHEREAS, on December 18th, 2007, the Town Council of Magnolia Springs did adopt Ordinance Number 2007-18 amending Ordinance Number 2006-03;

WHEREAS, on March 24th, 2009, the Town Council of Magnolia Springs did adopt Ordinance Number 2009-01 amending Ordinance Number 2007-18;

WHEREAS, Ordinance Number 2007-18 is hereby amended to add Section 23.1 as follows:

SECTION 23.1 – Special provisions applicable to the issuance of certain new licenses and the regulation of certain businesses during a period of declared local disaster.

- (a) As used in this section, the term “period of declared local disaster” shall mean the period of time commencing with a declaration by the mayor of the Town of Magnolia Springs that the town is experiencing a local disaster and ending on the earlier to occur of (1) a rescission of such declaration by the mayor or (2) the 270th day following the date of such declaration; provided, however that such period may be extended beyond the 270th day following the date of such declaration by resolution of the town council providing for the extension of such period in such manner as the council may determine.

The term “disaster period license” shall mean a new license issued during a period of declared local disaster to a person desiring to engage in the business of providing construction and repair-related services or other disaster damage recovery services during a period of declared local disaster.

- (b) During the period of a declared local disaster, the following fees, requirements, procedures, and limitations shall apply to the issuance of a disaster period license to persons who were not licensed prior to the period of declared local disaster.
1. The provisions of sections 3 and 21 are inapplicable to a disaster period license, and the license to be paid for a disaster period license shall be one thousand dollars (\$1,000.00) without regard to the point in the license year at which it is issued.
 2. In addition to meeting all applicable licensing and bonding requirements otherwise imposed under state law or municipal ordinance, any person applying for issuance of a disaster period license must provide written documentation, satisfactory in form and content, demonstrating that the applicant is currently insured with adequate workmen’s compensation coverage and with general liability insurance coverage with limits of not less than three hundred thousand dollars (\$300,000.00).
 3. A disaster period license shall be subject to suspension by order of the mayor of the Town of Magnolia Springs upon a determination by the mayor that probable

cause exists to believe (a) that grounds for revocation of the license by the town council pursuant to section 19 exist, (b) that the licensee has engaged in deceptive acts or practices as defined in the Alabama Deceptive Trade Practices Act, or (c) that such suspension is otherwise required in the interests of public health, safety, and general welfare. A licensee whose license has been suspended by order of the mayor shall be given the best direct and immediate notice practicable of such suspension, which shall be confirmed in a writing directed by mail to the licensee's address as shown on the licensee's business license application deposited within forty-eight (48) hours after the order of suspension is issued by the mayor. The licensee may request review of such suspension by the town council by written notice delivered to the town clerk, and such review shall be scheduled for a special or regular council meeting as soon as is practicable under the disaster conditions then existing, but in no event more than twenty-one (21) days following receipt by the town clerk of the written notice requesting review. The licensee shall suspend all business activities so long as its license remains in suspense. Upon review of the mayor's order of suspension, the town council may by majority vote determine to dissolve such order of suspension or to revoke the business license in question. In the event of the failure of the council to take either of such actions, the order of suspension shall remain in effect, subject to such modifications or conditions as the council may determine to impose by majority vote.

Approved and adopted this the 1st day of October, 2020.



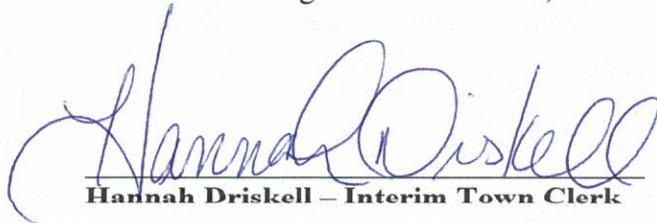
Kim Koniar – Mayor

Attest:



Hannah Driskell – Interim Town Clerk

TOWN OF MAGNOLIA SPRINGS, ALABAMA Certificate of Publication. This is to certify that **Ordinance Number 2020-04**, Town of Magnolia Springs, Alabama, was published in the Mobile Press-Register on October 4, 2020.



Hannah Driskell – Interim Town Clerk