

#### **5.04.165 Unlawful business.**

No license issued pursuant to this title shall be construed as authorizing the conduct or continuance of any unlawful business or the provision or sale of any service or product that is illegal under the laws of the United States, the laws of the state of California, or any ordinance of the city. Licenses issued to unlawful businesses or businesses providing or selling illegal services or products shall be subject to revocation in accordance with CMC [5.04.035](#). This section is declaratory of existing law. (Ord. 06-1933 § 2, 2006.)

#### **5.04.035 License – Revocation/modification.**

A. Any license obtained by fraud or misrepresentation shall, upon proof of such fraud or misrepresentation as provided in subsection (C) of this section, be revoked.

B. The city council may revoke, amend, modify, or impose such other or further terms, conditions or restrictions on the terms, conditions or restrictions theretofore placed in said license as the council finds reasonable or necessary to ensure that the business enterprise, occupation or event will not be contrary to, inimical to or jeopardize the preservation of the public peace, safety or welfare of the city or its inhabitants or to be detrimental to other properties or businesses in the vicinity. For purposes of this subsection, there shall be a rebuttable presumption that a business enterprise, occupation or event is contrary to, inimical to or jeopardizes the preservation of the public peace, safety or welfare if there have been at least six verified calls for response made to either the Covina police department or any other law enforcement agency pertaining to any criminal assault, battery, personal injury, vandalism or destruction of property, disturbance of the peace, or disorderly conduct which has occurred at the business enterprise, occupation or event, within any 90-calendar-day period.

C. Prior to any modification or revocation of license, the city manager shall, by his order, give the licensee notice of intent to modify or revoke such license, stating the grounds therefor. The matter shall be set for hearing before the city council and the licensee shall be notified in writing of said hearing not less than 15 days prior thereto. If the council finds upon substantial evidence that such license was obtained by fraud or misrepresentation or that subsection (B) of this section is applicable, the council shall order the license revoked or modified. From and after the making of such order, such license shall be null and void or modified in accordance with the terms imposed by the council.

D. Upon any modification or revocation of license, no refund of any license tax shall be made and the tax shall be forfeited to the city.

E. No business shall be conducted or operated in any manner during any period of license revocation. (Ord. 07-1937 § 1, 2007; Ord. 1689 § 1, 1989; Ord. 1513 § 1, 1982.)