

1. July 6, 2021 Town Council Agenda

Documents:

[070621.TCSA.COURTESY.PDF](#)

2. July 6, 2021 Packet Material

Documents:

[ITEM B1 - RIDE ZION EBIKES BUSINESS LICENSE DENIAL APPEAL.PDF](#)



118 Lion Blvd PO Box 187 Springdale UT 84767 * 435-772-3434 fax 435-772-3952

TOWN COUNCIL NOTICE AND AGENDA

THE SPRINGDALE TOWN COUNCIL WILL HOLD A SPECIAL MEETING ON
TUESDAY, JULY 6, 2021 AT 11:00 AM

**THIS MEETING WILL NOT HAVE AN ANCHOR LOCATION AND WILL BE CONDUCTED
ELECTRONICALLY. COUNCIL MEMBERS WILL CONNECT REMOTELY.**

**In accordance with Utah Code Section 52-4-207(5)(a)(i), the Chair of the public body has
determined ongoing cleanup efforts at the Canyon Community Center caused by flood and
debris flows on June 29, 2021 prevent the Town Council from conducting this meeting
at the anchor location.**

The meeting will be available to the public for viewing/listening only.

****Please see electronic login information below.**

Approval of the agenda

A. Discussion/Information/Non-Action Items

1. General discussion and announcements

B. Administrative Action Items

1. Consideration of an appeal request from Kurtis D. Wilson on the denial of a business license renewal for Ride Zion eBike Rentals located at 107 Trapper Circle, Unit D – Kurt Wilson

C. Adjourn

This notice is provided as a courtesy to the community and is not the official notice for this meeting/hearing. This notice is not required by town ordinance or policy. Failure of the Town to provide this notice or failure of a property owner, resident, or other interested party to receive this notice does not constitute a violation of the Town's noticing requirements or policies.

NOTICE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting should contact Town Clerk Darci Carlson (435.772.3434) at least 48 hours before the meeting.

Packet materials for agenda items will be available online at:
<https://www.springdaletown.com/agendacenter>

****Persons interested in a live broadcast of the meeting via Zoom may use the following link:**

<https://us02web.zoom.us/j/88968795381?pwd=dzFLaWY0ZDV5UTJGL01md1VET3hrZz09>

Meeting ID: 889 6879 5381

Passcode: 040351

One tap mobile

+12532158782,,88968795381#,,,,*040351# US (Tacoma)

+13462487799,,88968795381#,,,,*040351# US (Houston)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 889 6879 5381

Passcode: 040351



Town of Springdale
Office of the Clerk/Business Licensing
118 Lion Blvd
Springdale, UT 84767

Kurtis Wilson
Ride Zion eBike Rentals
107 Trapper Circle, Unit D
Springdale, UT 84767

June 25, 2021

Re: Notice of Pending Denial

Kurtis,

Please consider this communication a notice of pending denial which is required to be provided to you by Town Code 3-1-12-B (1). Town Code 3-1-12-2 states that *“The Town Council may, of its own accord or upon the recommendation of the Town Clerk or Deputy Clerk, revoke an existing license or deny a license renewal application in accordance with this section if the applicant, or any partner, officer, director or employee of the applicant as applicable: [2] Within the previous ten (10) years has violated the law of the State, the United States government, the ordinances of the Town, or the rules and regulations of any Town or Utah State agency governing the operation of the relevant business subject to the license.”*

The Springdale Code Enforcement department has documented Town Code violations that have occurred as a result of the operation of the licensed business, “Ride Zion ebike Rentals,” located at 107 Trapper Circle, Unit D, Springdale, UT 84767. As such, the Clerk’s Office recommends to the Town Council that the renewal application for term beginning July 1, 2021 extending through June 30, 2022 should be denied.

Springdale Town Code 3-1-12-B (1) further states that *“the applicant/licensee may request a hearing on the revocation/denial. A request for hearing under this section must be made within ten (10) business days from the receipt of the notice. If a request for hearing is not made in accordance with this section, then the license or application may be revoked or denied by the Town Council without a hearing. If a licensee submits a timely request for hearing, the license continues to be valid until the Town holds a hearing and issues a written decision denying the license. If a timely request for hearing is submitted, the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against*

the licensee or applicant, to cross examine witnesses and to present evidence as to why the license should not be revoked or the application denied.”

Please contact that Clerk’s office if you require additional information or have questions.

Thank you,

Katy Brown

Deputy Clerk/Business Licensing



Darci Carlson <dcarlson@springdale.utah.gov>

Appeal of Denial of Ride Zion eBike Rentals Business License Renewal

1 message

Kurt Wilson <kurtisdwilson@gmail.com>

Tue, Jun 29, 2021 at 3:11 PM

To: Darci Carlson <dcarlson@springdale.utah.gov>, Katy Taylor Brown <kbrown@springdaletown.com>

Cc: info@ridezion.com

Dear Springdale Town,

I am respectfully submitting an appeal of the recent denial to renew our business license. The appeal is not intended to dispute the factual nature of the two violations that we've received, nor is it to request permission to continue operating our home occupation indefinitely.

Rather, I'm submitting an appeal to accomplish the following objectives:

1. Accommodate our existing bookings that we have through August 5, 2021 from our home occupation, at which point we intend to discontinue our home occupation.
2. Briefly discuss the nature of the violations and the circumstances surrounding them.

Thank you for considering our request. We look forward to having the opportunity to discuss this in a forum in the near future with you.

Warm regards,
Kurt Wilson



Darci Carlson <dcarlson@springdale.utah.gov>

Ride Zion eBike Rentals :: Appeal Hearing date set

2 messages

Darci Carlson <dcarlson@springdale.utah.gov>

Wed, Jun 30, 2021 at 5:08 PM

To: Kurt Wilson <kurtisdwilson@gmail.com>

Cc: Thomas Dansie <tdansie@springdale.utah.gov>, Katy Brown <kbrown@springdale.utah.gov>

Hi Kurt,

The Council has set **Tuesday, July 6th at 11:00am** as the date and time for your business license appeal hearing.

This meeting will be conducted electronically via Zoom.

The Clerk's Office will prepare the meeting agenda and send it out soon.

If you have any questions, please let me know.

Thank you,
Darci

--

DARCI CARLSON, CMC

Springdale Town Clerk

435.772.3434 x305

dcarlson@springdale.utah.gov

Kurt Wilson <kurtisdwilson@gmail.com>

Wed, Jun 30, 2021 at 5:10 PM

To: Darci Carlson <dcarlson@springdale.utah.gov>

Cc: Katy Brown <kbrown@springdale.utah.gov>, Thomas Dansie <tdansie@springdale.utah.gov>

Thank you for the update, Darci. I'll look forward to receiving the agenda. I appreciate this opportunity!

- Kurt

[Quoted text hidden]

--

Warm regards,

Kurt Wilson

205.737.2923

kurtisdwilson@gmail.com

3-1-12: DENIAL OR REVOCATION OF A LICENSE; APPEALS:

A. Revocation Or Denial: The Town Council may, of its own accord or upon the recommendation of the Town Clerk or Deputy Clerk, revoke an existing license or deny a license renewal application in accordance with this section if the applicant, or any partner, officer, director or employee of the applicant as applicable:

1. Has obtained or sought to obtain or to aid another in obtaining a license from the Town or another governmental entity in the previous three (3) years by means of misrepresentation, fraud or deceit, including the filing of false information as part of the license application;

2. Within the previous ten (10) years has violated the law of the State, the United States government, the ordinances of the Town, or the rules and regulations of any Town or Utah State agency governing the operation of the relevant business subject to the license;

3. Has failed to comply with conditions and requirements of this Code or any ordinance or requirement of the Town after notice of the violation and the passage of a reasonable time for compliance;

4. Has allowed or is responsible for unlawful activities conducted or permitted on the premises where the business is conducted;

5. Refuses to permit authorized officials to make a lawful inspection of the premises or to take a sample of a commodity or material, or has interfered with such authorized official while in the performance of his or her duty in making such inspection; or

6. Conducts business or operations in a manner that creates a nuisance or otherwise violates any local, State or Federal law.

B. Notice; Hearing:

1. To revoke a license or deny an application to renew a business license, the Town will provide the licensee or applicant with a notice of pending denial or revocation that will state in substance that the Town Council intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, and that the applicant/licensee may request a hearing on the revocation/denial. A request for hearing under this section must be made within ten (10) business days from the receipt of the notice. If a request for hearing is not made in accordance with this section, then the license or application may be revoked or denied by the Town Council without a hearing. If a licensee submits a timely request for hearing, the license continues to be valid until the Town holds a hearing and issues a written decision denying the license. If a timely request for hearing is submitted, the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against the licensee or applicant, to cross examine witnesses and to present evidence as to why the license should not be revoked or the application denied.

2. Subsection B1 of this section does not apply to applications for licenses for businesses which have not previously been licensed by the Town. The Town Clerk may deny such an application by providing written notice of the denial and the reasons for the denial, and notice of the right to request a hearing before the Town Council within ten (10) business days to address the denial.

3. Upon receipt of a timely request for hearing by an applicant/licensee, the Town Council shall set a hearing date as soon as is reasonably practical, and shall provide written notice to the person requesting the hearing of the time and place the hearing is to be held, and the manner in which the hearing will be conducted. The Town Council will set by resolution fees to cover the costs associated with the hearing process.

4. Within ten (10) business days of the date of any hearing on license revocation, suspension or denial, the Town Council shall issue a written decision to dismiss the notice, to deny a license application, to revoke a business license, or to grant a conditional license for a specified period of time, in which case a review hearing shall be scheduled at the end of that specified time to review whether the conditions have been complied with and whether the license should be granted or denied.

5. If a licensee/applicant fails to make a timely request for a hearing, or fails to appear at a scheduled hearing, the Town Council may deny an application or revoke a license without a hearing.

C. Operation Unlawful: If at any time a license is suspended or revoked, or application for renewal is denied under the provisions of this chapter, it shall be unlawful for any person to engage in or carry on or operate any business, or to use or permit to be operated or used any property for any business with respect to which the

license has been suspended or revoked, or renewal has been denied, until a new license is granted by the Town Council. (Ord. 2018-07, 4-11-2018)