

Chapter 5.11

HEARINGS—DECISION— ENFORCEMENT—APPEAL

Sections:

5.11.010 Hearing—Procedure.

**5.11.020 Hearing examiner—
Appointment and powers.**

5.11.030 Manager's action.

**5.11.040 Unlawful to operate without a
license.**

5.11.050 Appeal.

5.11.010 Hearing—Procedure.

A. A suspension, revocation, or denial to renew a license issued pursuant to the ordinances of the city shall not be imposed until a hearing is first held pursuant to this chapter before the manager or a hearing examiner.

B. At least 20 days prior to a hearing hereunder, the city shall cause notice of the time and place of the hearing to be served upon the licensee or applicant by mailing a copy to the licensee or applicant via certified mail, return receipt requested, in care of the licensee specified in the license or applicant specified in the application.

C. Failure to appear at such hearing or otherwise defend against suspension, revocation, denial of a license or denial to renew a license shall constitute grounds for immediate suspension, revocation, denial of a license or denial to renew a license.

D. All witnesses called at a hearing shall be sworn by a person duly authorized to administer oaths, and a record of such hearing shall be made by a recording or a court reporter. A licensee or applicant shall have the right to appear at the hearing in person or by counsel, or both, present evidence, present argument on the applicant's behalf, cross-examine witnesses, and in all proper ways defend the licensee or applicant's position.

E. If the hearing is before a hearing

examiner, the hearing examiner shall, within ten days after the conclusion of the hearing, submit to the manager proposed written findings of fact, conclusions of law and order based upon and supported by the evidence presented at such hearing.

**5.11.020 Hearing examiner—
Appointment and powers.**

The manager may appoint one or more hearing examiners upon the advice and consent of the city council, and the manager or any hearing examiner shall have power and authority to call, preside at and conduct hearings to consider the suspension, revocation, denial or approval of licenses or renewals issued by the city, including the power to examine witnesses and receive evidence, compel the attendance of witnesses, and compel the production of documents.

5.11.030 Manager's action.

A. Within 30 days after receiving the hearing examiner's proposed findings of fact, conclusions of law and order, the manager may adopt and enter the proposed findings of fact, conclusions of law and order, or may enter his own findings of fact, conclusions of law and order provided such order is based upon and supported by the record. Immediately after entry, the order shall be filed with the office of the city recorder and a copy served upon the licensee or applicant personally or by mailing a copy to the licensee or applicant via certified mail, return receipt requested.

B. In the event the manager's order institutes a sanction of suspension, probation, denial, denial to renew or revocation of a license, such sanction shall apply immediately after entry and shall apply to the licensee, applicant, the licenses issued by the city, and to the premises in question for the full term of the imposed sanction.

5.11.040 Unlawful to operate without a license.

A. It shall be unlawful for any person to commence or conduct any business, trade or occupation within the city without first procuring all applicable city business licenses.

B. If at any time a license issued under the provisions of this title is denied, suspended or revoked, it shall thereafter be unlawful for the holder of such license to conduct business on the premises described in such application or license until the old license is reinstated or a new license is issued.

5.11.050 Appeal of hearing decision.

Any licensee or applicant aggrieved by an order entered by the manager may appeal such decision to the city council within 30 days after the date of the decision. Any licensee or applicant aggrieved by an order entered by the city council pursuant to such appeal may maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided the action for such relief is filed with the court within 30 days after such decision is deposited in the office of the city recorder.