



LEGAL SERVICES DEPARTMENT

Office of the City Clerk

Dawn Collins, Clerk

MEMO

"...meeting community needs...enhancing quality of life."

January 22, 2015

TO: Safety and Licensing Committee

FR: Dawn A. Collins, City Clerk

RE: Ordinance to Amend 'Certified' Mail Language

In Chapter 9 of the Municipal Code, Licensing, Permits and Business Regulations, under Article II., Licenses and Permits Generally, the following section addresses the notice of the appeal of denial.

Sec. 9-26. Appeal of denial.

If the investigating authority denies an application for a license or permit, the City Clerk shall forthwith notify the applicant by mail of the denial and the reason therefore. The notice shall indicate the date and time of the review of the denial by the Safety and Licensing Committee and the right of the applicant to appear before the Committee. The Safety and Licensing Committee shall hear any person for or against the granting of the license or permit and shall report its recommendation to the Common Council, which shall grant or deny the license or permit.

However, there are two areas of discrepancy in Chapter 9 relating to how an applicant is notified of an appeal of denial. Recommendation is to amend the code as follows –

Sec. 9-618. Appeal of denial of license.

If the investigating authority denies an application for a license under this division, the City Clerk shall forthwith notify the applicant by ~~certified mail, return receipt requested~~, of the denial and the reason therefore. The notice shall indicate the date and time of the review of the denial by the Safety and Licensing Committee and the right of the applicant to appear before the committee. The Safety and Licensing Committee shall hear any person for or against granting the license and shall report its recommendation to the Common Council, which shall grant or deny the license.

Sec. 9-730. Same – appeal of denial.

If the investigating authority denies an application for a license, the City Clerk shall forthwith notify the applicant by ~~certified mail return receipt requested~~ of the denial and the reason therefore. The notice shall indicate the date and time of the review of the denial by the Safety and Licensing Committee and the right of the applicant to appear before the committee. The Safety and Licensing Committee shall hear any person for or against granting the license and shall report its recommendation to the Common Council, which shall grant or deny the license.

Please note that final action by Common Council - when denied - is mailed by *certified* mail to the applicant; not the notice of the applicant's appeal of denial.

Recommendation is to amend the code by ordinance in order to be consistent with the mailing process.

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