

## RENTAL HOUSING LICENSING

### § 112.01 PURPOSE.

It is the purpose of this subchapter to protect the public health, safety, and welfare of the community at large and the residents of rental dwellings in the city and to ensure that rental housing in the city is decent, safe, and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Owners and operators are responsible to take such reasonable steps as are necessary to ensure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure, and sanitary; free from noise, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

(Prior Code, § 3-16-1)

### § 112.02 APPLICABILITY; SCOPE.

(A) This subchapter applies to all existing and new rental dwellings in the city, including any accessory structures on the premises upon which the rental dwelling is located, such as garages and storage buildings and appurtenances, such as sidewalks and retaining walls.

(B) This subchapter does not apply to the state's Department of Health licensed rest homes; convalescent care facilities; nursing homes; hotels; motels; or owner-occupied units.

(Prior Code, § 3-16-2)

### § 112.03 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHIEF BUILDING OFFICIAL.** The Chief Building Official or designated agent.

**CITY.** The City of Monticello.

**CITY ADMINISTRATOR.** The City Administrator or the City Administrator's designated agent.

**INTERNATIONAL PROPERTY MAINTENANCE CODE.** The International Property Maintenance Code, 2018 edition, as published by the International Code Council.

**MULTIPLE-FAMILY DWELLING.** A rental dwelling containing three or more units.

**OCCUPANT.** Any person living or sleeping in a rental dwelling unit, or having possession of a space within a rental dwelling unit.

**OWNER.** With respect to all matters involving the making of applications and the giving of notices, the individuals or entities holding legal and equitable title to the premises.

**PREMISES.** A lot, plot, or parcel of land, including the building or structures thereon.

**RENTAL DWELLING.** A building or premises, or portion thereof, containing one or more units used or intended to be used for residential rental purposes.

**UNIT.** A single unit within a rental dwelling providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(Prior Code, § 3-16-3)

#### **§ 112.04 ENFORCEMENT OFFICER.**

The city's Chief Building Official is authorized and directed to enforce all provisions of this subchapter. The Chief Building Official may designate other city employees to enforce the provisions of this subchapter.

(Prior Code, § 3-16-4)

#### **§ 112.05 RESPONSIBILITY OF OWNER (LANDLORD).**

(A) *Owner responsibility.* Every owner of a rental dwelling is responsible for violations of duties and obligations imposed by this subchapter, applicable provisions of the city code, and the International Property Maintenance Code.

(B) *Cleanliness.* Every owner of a rental dwelling is responsible for keeping the rental dwelling in a clean, sanitary, and safe condition in conformance with this subchapter, applicable provisions of the city code and the International Property Maintenance Code.

(C) *Disposal of rubbish.* Every owner of a rental dwelling shall have all rubbish, garbage, and waste stored and disposed of in a clean, sanitary, and safe manner.

(D) *Obtain license.* The owner must obtain a license and pay all license fees as required by this subchapter before the rental dwelling may be rented.

(Prior Code, § 3-16-5) Penalty, see § 112.99

#### **§ 112.06 GENERAL LICENSING PROVISIONS.**

(A) *License required.* It is unlawful to own or operate a rental dwelling in the city without first having obtained a license from the city. An owner must obtain a license for each rental dwelling. If the rental dwelling contains two or more units, and has a common owner and a common property identification number, the owner shall obtain a single license for the rental dwelling.

(B) *License application.* The owner of a rental dwelling must submit an application for a license on forms and in the format provided by the city. The owner must give notice, in writing, to the city within five business days of any changes to the information contained in the license application. The application must include:

(1) The owner's name, address, and telephone number, owning partners if a partnership, corporate officers if a corporation;

(2) Legal address of the rental dwelling;

(3) The type and number of units within the rental dwelling;

(4) The type of structure to be licensed (i.e., single-family, duplex, multi-family); and

(5) Pursuant to M.S. § 270C.72, subd. 4, as it may be amended from time to time, the owner's Social Security number and/or state business identification number.

(C) *License fees.* The owner must pay an annual license fee, the amount of which will be determined by the City Council. The owner must submit the required fee along with the application for a new or renewal license. Applications for a renewal license submitted after December 31 are subject to an additional late fee, which shall be determined from time to time by the Council.

(D) *License period.* The license period is for one year and all licenses shall expire on March 14 in each year.

(E) *License issuance.*

(1) *Preliminary inspection and investigation.* Prior to issuing an initial license, the Chief Building Official will seek consent from the owner for an inspection of the rental dwelling and conduct an inspection to determine compliance with this subchapter, the city code, and the International Property Maintenance Code. The Chief Building Official will review the application for completeness. All real estate taxes and municipal utilities must be paid and current.

(2) *Compliance order.* As to any rental dwelling existing as of the effective date of this subchapter, if the rental dwelling is not in full compliance with division (E)(1) above, the city may issue the initial license and provide the owner with

a compliance order pursuant to § 112.09.

(F) *Posting of license.* The owner shall post a copy of the license in the rental dwelling in a conspicuous place approved by the Building Official. In multiple-dwelling units requiring a single license, the license shall be posted in a common area of the building such as a corridor, hallway, or lobby. The posted license shall be framed and covered with clear glass or plastic.

(G) *Transfer of license.* Licenses are transferable. Any changes in the ownership of the rental dwelling require submittal of application and payment of license transfer fee.

(H) *Register of occupancy.* The owner shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the city at any time. The register of occupancy shall contain, at a minimum, the following information:

- (1) Address(es) of the rental dwelling;
- (2) Number of bedrooms of each unit;
- (3) Number of units in each building; and
- (4) Number of adults and children (under 18) currently occupying each unit.

(Prior Code, § 3-16-6) (Ord. 611, passed 2-9-2015) Penalty, see § 112.99

## **§ 112.07 INSPECTIONS.**

(A) *Routine license inspections.* No operating license may be issued or renewed unless the city determines, following an inspection conducted pursuant to this section, that the dwelling unit complies with this code. The owner of a dwelling unit shall contact the Chief Building Official or his or her agents to arrange an inspection at a reasonable time. The Chief Building Official and his or her agents are authorized to conduct an inspection, provided the owner or tenant consented to the inspection. A rental dwelling unit, including any common space areas, must be inspected a minimum of one time every two years. Nothing shall prohibit the city from requesting additional inspections if deemed necessary or if requested by a tenant of a rental dwelling unit. The owner shall notify the tenant or tenants of the time when the city inspection will be conducted and provide access to the units.

(B) *Response to complaints.* The Chief Building Official shall respond to complaints of violations of this subchapter. A complaint may be cause for a complete inspection of a unit or building. If an inspection is to be made, the Chief Building Official shall notify the owner or tenant of the inspection and request permission to inspect from the owner or tenant. If the owner or tenant does not consent, the city may pursue an administrative search warrant to conduct the inspection, unless a lawful exception to conduct an inspection without a warrant exists. If there are violations, the Chief Building Official shall notify the owner or tenant pursuant to § 112.09 to correct the problem which prompted the complaint. The cost of the inspection shall be paid by the owner if the city's inspection reveals actual deficiencies as described by the occupant, and the payment of the cost shall be a condition of license renewal.

(C) *Right to refuse entry.* The owner, occupant, tenant, or person in charge of any property or rental unit possesses the right to deny entry to any unit or property by the Chief Building Official for purposes of compliance with this subchapter. However, nothing in this subchapter shall prohibit the Chief Building Official from asking permission from an owner, occupant, tenant, or person in charge of property for permission to inspect the property or rental unit for compliance with this subchapter and all other applicable laws, regulations, and codes. Nothing in this subchapter shall prohibit the city from seeking a search warrant or from entering a property or rental unit if a lawful exception to the warrant requirement exists.

(D) *Scope of inspection.*

(1) Neither the city nor any employee thereof assumes liability for the accuracy or quality of any property inspected pursuant to this subchapter at the request of the owner. The issuance of a rental license shall not be construed to represent a warranty or guarantee by or on behalf of the city nor shall the issuance of any certificate, license, or approval be construed to imply or warrant that a unit or property is: safe or free of any dangers or hazards to the occupants or general public; free and clear of any violations of this subchapter or any other laws, regulations, or codes; and free and clear of any defects.

(2) The issuance of any rental license shall not be construed to represent any warranties or guarantees by or on behalf of the city, nor shall the issuance of any certificates or approvals be construed to imply that the property is:

- (a) Completely safe or free of any dangers or hazards to the occupants or general public;

(b) Completely free and clear of any violations of this subchapter or any other codes; or

(c) Completely free and clear of any defects related to any structural, fire protection, fire prevention, building utilities, or any other features of the property.

(Prior Code, § 3-16-7) (Ord. 611, passed 2-9-2015)

## **§ 112.08 CONDUCT ON LICENSED PREMISES.**

(A) *Owner responsible.* It shall be the responsibility of the owner to see that persons occupying the rental dwelling conduct themselves in a manner as not to cause the premises to be disorderly. For purposes of this section, a rental dwelling is disorderly at which any of the following activities occur:

(1) Violation of M.S. §§ 609.755 through 609.76, as they may be amended from time to time, as may be amended from time to time, relating to gambling;

(2) Violation of laws relating to prostitution or acts relating to prostitution as defined in M.S. § 609.321, as it may be amended from time to time;

(3) Violation of M.S. §§ 152.01 through 152.027, as may be amended from time to time, relating to the unlawful sale or possession of controlled substances;

(4) Violation of M.S. §§ 340A.401 and 340A.503, as may be amended from time to time, relating to the unlawful commercial sale and underage consumption of alcoholic beverages;

(5) Violation of M.S. § 609.33, as may be amended from time to time, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;

(6) Violation of M.S. §§ 97B.021, 97B.045, 609.66 through 609.67, 624.712 through 624.716, 624.719, or 624.731 through 624.732, as may be amended from time to time, relating to the unlawful possession, transportation, sale, or use of weapons;

(7) Violation of city code or violation of M.S. § 609.72, as may be amended from time to time, relating to disorderly conduct;

(8) Violation of §§ 91.01 through 91.06 relating to nuisances.

(9) Violation of §§ 95.30 through 95.36 relating to recreational fires.

(10) Violation of §§ 90.001 through 90.025 and §§ 90.040 through 90.049 relating to animal control.

(B) *First violation.* Upon determination by the Chief Building Official that a licensed premises was used in a disorderly manner, as described in division (A) above, the Chief Building Official must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.

(C) *Second violation.* If another instance of disorderly use of the licensed premises occurs within 12 months of an incident for which a notice in division (B) above was given, the Chief Building Official must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the Chief Building Official within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three months.

(D) *Third violation.*

(1) If another instance of disorderly use of the licensed premises occurs within 12 months after any two previous instances of disorderly use for which notices were given to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section must be initiated by the Chief Building Official who must give to the licensee written notice of a hearing before the City Council to consider such denial, revocation, suspension, or non-renewal. The written notice must specify all violations of this section, and must state the date, time, place, and purpose of the hearing. The hearing must be held no less than ten days and no more than 30 days after giving the notice.

(2) Following the hearing, the City Council may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to

accomplish the purposes of this section.

(E) *No adverse action pending eviction.* No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

(F) *Finding of disorderly conduct.* A determination that the licensed premises have been used in a disorderly manner as described in division (A) above shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use, nor does the fact of dismissal or acquittal of a criminal charge operate as a bar to adverse license action under this section.

(G) *Service of notices.* All notices given by the city under this section, at the city's option, may be either personally served on the licensee, sent by regular mail to the licensee at the address listed on the application, or by posting on a conspicuous place on the licensed premises.

(H) *Enforcement actions.* Enforcement actions provided in this section are not exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state law, or federal law.

(Prior Code, § 3-16-8)

## **§ 112.09 CONDITION OF LICENSED PREMISES.**

(A) *Compliance order.* Whenever the Chief Building Official determines that the condition of any rental dwelling or the premises surrounding it fails to meet the provisions of this subchapter, other applicable city code provisions, or the International Property Maintenance Code, he or she may issue a compliance order setting forth the specific violations and ordering the owner to correct the violations.

(B) *License action.* If the violations listed in the compliance order are not remedied by the owner within the specified time given in the order, the license for the rental dwelling may be denied, suspended, revoked, or not renewed by the city. An administrative fine in an amount set forth from time to time by the City Council by resolution may also be imposed. If the city decides that it will be denying, suspending, revoking, or not renewing a license or imposing an administrative fine pursuant to this section, the city shall send a notice of the proposed action to the owner of the rental dwelling. The proposed action by the city shall be heard by the Council pursuant to the procedure set forth in § 112.10.

(C) *Appeal.*

(1) When it is alleged by the owner that the compliance order is based upon the erroneous interpretation of this subchapter, other applicable city code provisions, or the International Property Maintenance Code, the owner may appeal the compliance order to the City Council.

(2) The appeal shall be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee, as set forth by resolution of the City Council, from time to time, and must be filed with the city within five business days after service of the compliance order. The appeal shall be heard by the Council pursuant to the procedure set forth in § 112.10.

(3) The filing of the appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life, health, or property.

(Prior Code, § 3-16-9)

## **§ 112.10 HEARING PROCEDURE.**

(A) *Scheduling of hearing.* If the city makes a determination that it will be denying, suspending, revoking, or not renewing a license pursuant to §§ 112.08 or 112.09, or if the owner is appealing the compliance order pursuant to § 112.09, the City Council shall conduct a hearing on the matter. The hearing shall be scheduled at the next regular Council meeting following the date of the notice or receipt of the owner's notice of appeal of a compliance order.

(B) *Hearing.* At the hearing, the City Council shall hear all relevant evidence and arguments and shall review all

testimony, documents, and other evidence submitted. The owner shall have the opportunity to address the Council at the hearing.

(C) *Findings*. After the hearing is concluded, the City Council shall make its decision on whether to uphold the compliance order or to revoke, suspend, deny, or not renew the license or impose an administrative fine.

(D) *No occupancy*. If a license is revoked, suspended, denied, or not renewed by the City Council, it shall be unlawful for the owner to thereafter permit the occupancy of the rental dwelling or the unit. A notice of the action shall be posted by the Building Official on the rental dwelling or the unit in order to prevent any further occupancy. No person shall reside in, occupy, or cause to be occupied that rental dwelling or unit until a license is obtained or reinstated by the owner.

(E) *Appeal*. An owner may appeal the decision of the City Council as allowed under state law.

(Prior Code, § 3-16-10) Penalty, see § 112.99

## § 112.11 MISDEMEANOR.

Failure by an owner to comply with a compliance order after the right of appeal has expired or violation of any of the provisions of this subchapter shall constitute a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense.

(Prior Code, § 3-16-11) (Ord. 464, passed 7-23-2007)

## MOBILE FOOD UNITS

### § 112.25 PURPOSE.

This subchapter is designed to permit the reasonable use of mobile food units while preventing any adverse consequences to residents, businesses, and public property.

(Prior Code, § 3-20-1) (Ord. 665, passed 5-8-2017)

### § 112.26 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**MOBILE FOOD UNIT.** A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle that is readily movable without disassembling and that is used to store, prepare, display, or serve food intended for individual portion service; or a **MOBILE FOOD UNIT** as defined in M.S. § 157.15, subd. 9, as it may be amended from time to time.

(Prior Code, § 3-20-2) (Ord. 665, passed 5-8-2017)

### § 112.27 LICENSE APPLICATIONS.

(A) *Type of license*. Each applicant must indicate whether it is applying for a temporary license or annual license for any number of days in the calendar year. A temporary license allows mobile food unit operations in the city for up to seven days total. An annual license allows mobile food unit operations in the city for eight days or more during any year. A licensee will only be issued one temporary license per calendar year, however, nothing shall prohibit a temporary licensee from applying for an annual license within the same year.

(B) *License fees*. Fees for both temporary and annual licenses are determined in the city's fee schedule.

(C) *Mobile food unit*. It is unlawful for any person to operate a mobile food unit in the city without first obtaining a license from the city. An application for a license shall be filed, along with the required fee, with the City Clerk. The applicant must be the owner of the mobile food unit. The application shall be made on a form supplied by the city and shall contain

information requested by the city, including the following:

- (1) Name of the owner and operator, if different than owner, of the mobile food unit and permanent and temporary home and business address;
- (2) The applicant's full legal name, date of birth, and driver's license number;
- (3) A description of the nature of the business and the goods to be sold and the license plate number and description for any vehicle to be used in conjunction with the activity;
- (4) The permanent and any temporary home and business address, phone numbers, and email address of the applicant, with a designation of a preferred mailing address for notices related to the license;
- (5) The name, address, and contact information for the commissary with which the mobile food unit is affiliated, if applicable;
- (6) A certificate of insurance by an insurance company authorized to do business in the state, evidencing the following forms of insurance:
  - (a) Commercial general liability insurance, with a limit of not less than \$1,000,000 each occurrence. If the insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than \$2,000,000.
  - (b) Automobile liability insurance with a limit of not less than \$2,000,000 combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned vehicles;
  - (c) Food products liability insurance, with a limit of not less than \$1,000,000 each occurrence;
  - (d) Public liability insurance, with a limit of not less than \$1,000,000 each occurrence;
  - (e) Property damage insurance, with a limit of not less than \$1,000,000 each occurrence;
  - (f) Worker's compensation insurance (statutory limits) or evidence of exemption from state law; and
  - (g) The city shall be endorsed as an additional insured on the certificate of insurance and the umbrella/excess insurance if the applicant intends to operate its mobile food unit on public property, including public right-of-way.
- (7) The certificate of insurance must contain a provision requiring notification be sent to the city should the policy be cancelled before its state expiration date;
- (8) Written consent of each private property owner from which mobile food unit sales will be conducted;
- (9) If the mobile food unit will be located on city property or public right-of-way, a signed statement that the licensee shall hold harmless the city and its officers and employees, and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license;
- (10) If applying only for a temporary license, the applicant must provide the dates and locations for its up to ten days of mobile food unit operations;
- (11) A copy of each related license or permit issued by the county and the state required to operate a mobile food unit; and
- (12) A copy of the applicant's state sales tax ID number.

(Prior Code, § 3-20-3) (Ord. 665, passed 5-8-2017) Penalty, see § 112.99

## **§ 112.28 CONDITIONS OF LICENSING.**

A mobile food unit may only operate as set forth in the following.

(A) *Locations.* A mobile food unit may only operate in the locations set forth in this division (A). A mobile food unit may operate in a private commercial or industrial parking lot and on private residential property, with the written consent of the private property owner. When operations occur on private residential property, mobile food unit sales may only be for catering purposes (such as a private graduation party or wedding) and not open for sales to the general public. A mobile food unit may only operate along a public or private street when the street is closed to all nonemergency vehicles. A mobile food unit may only operate in a city park or on city property with the prior written approval by the city; additional

permits may be required for such operations.

(B) *Performance standards.* A mobile food unit licensee is subject to the following performance standards:

- (1) A mobile food unit with an annual license may not operate on the same property more than 21 days during any calendar year;
  - (2) Applicable license fee shall be paid;
  - (3) Shall operate in strict compliance with the laws, rules, and regulations of the United States, the state, the county, and the city;
  - (4) A mobile food unit must dispose of its gray water daily. Gray water may not be drained into city stormwater drains;
  - (5) Shall provide and maintain at least one clearly designated waste container for customer use per each mobile food cart or mobile food vehicle;
  - (6) Operator is responsible for daily removal of trash, litter, recycling and refuse. Public trash cans shall not be used to dispose of water generated by the operation. The operator shall provide a garbage receptacle with a tight-fitting lid. The receptacle shall be easily accessible for customer use, and located within five feet of the unit;
  - (7) A mobile food unit must provide an independent power supply that is screened from public view and that complies with city's noise regulations;
  - (8) Trucks can operate between 7:00 a.m. and 10:00 p.m. and must not create any unnecessary noise disturbances or disrupt public traffic or safety in any way. An exemption to hours may be authorized by City Council on a per event basis;
  - (9) A mobile food unit may have a maximum bumper to bumper length of no more than 40 feet;
  - (10) Operators must clean around their unit at the end of each day and units must be kept in good repair and have a neat appearance;
  - (11) Proof of Department of Health licensing must be provided and posted on unit;
  - (12) A mobile food unit must comply with the Fire Department food truck requirement (attached as exhibit);
  - (13) An out of service mobile food unit stored within the city must comply with all applicable zoning ordinance requirements;
  - (14) Mobile food units may operate on private property in any residential zoned districts for a "one-time" event for catering purposes only;
  - (15) Mobile food units cannot locate within 300 feet from the perimeter of any pre-approved festival, sporting event, or civic event unless a license is issued to be part of the festival or event;
  - (16) Mobile food units may not operate within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation unless the licensee obtains permission from restaurant owner/manager; and
  - (17) Mobile food units may not operate in city-owned parking lots, except those parking lots adjacent to or inside a city park with the approval of a special event permit, except for events hosted by the city's community center.
- (C) *License.* A mobile food unit license is non-transferable. Proof of license shall be displayed at all times in the mobile food unit. Mobile food unit operations may not occur in January, February, March, November, and December. A mobile food unit license is an annual license.

(D) *Practices prohibited.* It is unlawful for any person engaged in the business of a mobile food unit operation to do the following:

- (1) Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, loud music, or by any loud or unusual noise, or by use of any amplifying device;
- (2) Fail to display proof of license and produce valid identification when requested;
- (3) Cannot be left unattended nor remain at an authorized location outside allowed hours of operation;
- (4) May not operate or travel in or on public sidewalks or trails;



(5) Remain on the property of another when asked to leave;

(6) Obstruct the ingress or egress from commercial buildings during the building hours of operation;

(7) Claim endorsements by the city based on license; or

(8) Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public.

(Prior Code, § 3-20-4) (Ord. 665, passed 5-8-2017; Ord. 713, passed - -) Penalty, see § 112.99

### **§ 112.29 SUSPENSION OR REVOCATION OF A LICENSE.**

A license issued pursuant to this section may be suspended by a city official if the licensee has violated § 112.28, or is otherwise conducting business in a manner as to constitute a breach of peace, fraudulent conduct, or any other conduct that is prohibited by local, state, or federal laws or regulations. Falsification of information required for a license is also grounds for denial, suspension, or revocation of a license. The license shall be automatically revoked if the licensee does not file an appeal pursuant to this section. When taking action on any license issued under this section, the city official shall provide the licensee with verbal or written notice of the violation. The notice shall inform the licensee of its right to be heard before the City Council. The notice shall also inform the licensee that the license shall be automatically revoked if no appeal is filed within 21 days of the date of the notice by the city official. Verbal notice shall be confirmed within five days by a mailed written notice to the licensee. The Council shall not conduct a hearing on a suspension or revocation unless a request is made by the next available Council meeting. No Council resolution or other notice calling for a hearing shall be required.

(Prior Code, § 3-20-5) (Ord. 665, passed 5-8-2017)