

6-20.020 Definitions.

The following words and phrases shall have the meanings set forth below when used in this chapter unless the context plainly requires otherwise:

~~"Hearing Officer" means any person or persons appointed by the City Council, or by any person designated by the City Council to make the appointment, to conduct a hearing pursuant to Chapter 1-30.~~

6-20.140 Suspension or revocation of license.

(A) Suspension or Revocation of License for Violation. In addition to any other penalty authorized by law, a tobacco retailer's license shall be suspended or revoked if any court of competent jurisdiction determines, or the department finds based on a preponderance of the evidence, after the licensee is afforded notice and an opportunity to be heard through administrative review, that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law applicable to the licensee in violation of this chapter.

- (1) Upon a finding by the department of a first violation of this chapter at a location within any five-year period, the license may be suspended for up to 30 days.
- (2) Upon a finding by the department of a second violation of this chapter at a location within any five-year period, the license may be suspended for up to 60 days.
- (3) Upon a finding by the department of a third violation of this chapter at a location within any five-year period, the license shall be revoked.

(B) Revocation of License Wrongly Issued. A tobacco retailer's license shall be revoked if, after administrative review, the ~~Hearing Officer~~ City Manager or their designee finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 6.20.080(B) existed at the time application was made or at any time before the license issued. The decision by the ~~Hearing Officer~~ City Manager or their designee shall be the final decision of the City.

6-20.260 Appeal procedure.

~~A decision of the department to deny a license is appealable to the Hearing Officer and any appeal must be filed in writing with the City Clerk within 15 calendar days of the mailing of the decision or determination. The Clerk shall schedule the appeal and give 15 days' written notice to the appellant of the time and place of hearing by serving the notice personally or by depositing in the United States Post Office in the City, postage prepaid, addressed as shown on the appeal papers or, if none, such other address as is known to the City. The City Manager shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this chapter. A decision of the department to deny, revoke or suspend a~~

license is appealable to the City Manager or their designee and any appeal must be filed in writing with the City Clerk within 15 calendar days of the mailing of the decision or determination. The City Clerk shall schedule the appeal hearing and give 15 days' written notice to the appellant of the time and place of hearing by serving the notice personally or by depositing in the United States Post Office in the City, postage prepaid, addressed as shown on the appeal papers or, if none, such other address as is known to the City. The City Manager or their designee shall have authority to determine all questions raised on such appeal. The City Manager or their designee shall issue a final written decision on whether to uphold or overturn the denial, revocation or suspension and give written notice to the tobacco retailer within thirty days of the appeal hearing. Within five days of the mailing of the notice of upheld revocation or suspension, the tobacco retailer shall cease operation of the business for which the license was issued.