



August 14, 2019

Council Meeting of August 20, 2019
Subject: Appoint Hearing Officer – Business
Registration

The Honorable Mayor
and
Members of the City Council

Ladies and Gentlemen:

Chapter 10, Article II, Sections 10-24(a-d) of the City Code of Ordinances provides the specific criteria for nonrenewal or revocation of a business registration application. Section 10-24(c) requires a hearing to be held prior to taking any action to revoke or before refusing a renewal for a business registration. Section 10-24(d) allows for the City Council as a whole to conduct the hearing or appoint a Hearing Officer for such purpose.

Staff recommends the appointment of a Hearing Officer and attached for City Council’s consideration is a resolution to appoint the Director of Administrative Services/Assistant to the City Administrator as the Hearing Officer pursuant to Section 10-24(d).

Respectfully Submitted,

Mark C. Meyers
City Administrator

ADC/
Attachments

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

RESOLUTION

WHEREAS, the City of Norton Shores Code of Ordinances Chapter 10, Article II pertains to the regulations and requirements for business registrations; and

WHEREAS, Section 10-24 of Chapter 10, Article II describes the criteria for nonrenewal or revocation and the procedure for holding a hearing to take evidence and testimony of the registrant or of witnesses on their behalf or in opposition; and

WHEREAS, Section 10-24 (d) allows the City Council as whole to conduct the hearing or appoint a Hearing Officer for such purpose; and

NOW, THEREFORE, BE IT RESOLVED the Norton Shores City Council hereby appoints the Director of Administrative Services/Assistant to the City Administrator as the Hearing Officer pursuant to Section 10-24 (d) of Chapter 10, Article II of the City Code of Ordinances.

At a regular meeting of the City Council of the City of Norton Shores, held at the Norton Shores Branch Library, 705 Seminole Road, on the 20th day of August, 2019, the foregoing resolution was moved for adoption by Council Member _____. The motion was supported by Council Member _____.

Ayes:

Nays:

Shelly Stibitz, City Clerk



Internal Memo

August 14, 2019

TO: Mark C. Meyers, City Administrator

FROM: Anthony Chandler, Director of Administrative Services *AC*

SUBJECT: Hearing Officer - Chapter 10, Article II, Sec 10-24

In the past few weeks, staff has discussed making a request to the City Council to appoint a Hearing Officer pursuant to Chapter 10, Article II, Section 10-24 of the City Code of Ordinances. Chapter 10, Article II of the City Code is comprised of the regulations and requirements for business registrations.

Section 10-24 (a) describes the criteria for nonrenewal or revocation. Section 10-24 (b) states, Council may in its discretion decide not to renew a business registration or may revoke a business registration certificate. However, prior to any denial or revocation the City must first notify the applicant of a hearing as set forth in Section 10-24 (c). Section 10-24 (d) specifies the procedure in place for holding a hearing to determine whether the City Council shall revoke, or not renew, a particular business registration application. The hearing is provided to allow the applicant an opportunity to testify in support of their business registration application.

Once a hearing is scheduled and the business registrant has been properly notified, the City Council as a whole may conduct the hearing or they may appoint a Hearing Officer. If appointed, the Hearing Officer will conduct the hearing with the business registrant and make a recommendation to City Council for a final decision. Staff is recommending that the City Council appoint a Hearing Officer as provided in Section 10-24 (d).

Please let me know if you have any questions with this request.

Sec. 10-24. - Applicant qualifications, objections to renewal; requests for revocation.

- (a) *Initial qualifications, criteria for nonrenewal or revocation.* Council may in its discretion decide not to issue or renew, or may revoke a registration certificate upon a determination by them that any of the following exists:
- (1) A person or any premises which council determines by a majority vote does not or will not, within six months of the approval of the registration by council, or prior to the commencement of business, whichever occurs first, have adequate off-street parking, lighting, refuse disposal facilities, screening or noise or nuisance control; provided, however, that upon timely request and for good cause shown, council may extend any deadline established by this subsection;
 - (2) Maintenance of a nuisance upon the premises;
 - (3) Failure to comply with the requirements of any local codes or ordinances, or federal or state laws or their administrative rules; however, council may approve an application subject to compliance with any applicable codes or regulation within 60 days;
 - (4) A violation of any law or ordinance in the conduct of the registrant's business;
 - (5) Failure to comply with any promise or representation made by the applicant to council or with any condition imposed upon the applicant as a basis for the approval;
 - (6) A person who does not own the premises for which the registration approval is sought or does not have a lease therefor for the full period for which the registration certificate is to be issued; or
 - (7) Any other relevant factors as council may deem appropriate.
- (b) *Council action.* Council may in its discretion decide not to renew a business registration or may revoke a business registration certificate.
- (c) *Procedure.* Before refusing a renewal or prior to taking action to revoke a business registration, council shall serve the registration holder, by first class mail, mailed not less than ten days prior to the hearing, a notice of such hearing, which shall contain the following information:
- (1) Notice of the proposed action;
 - (2) The reason for the proposed action;
 - (3) The date, time and place of such hearing; and
 - (4) A statement that the registrant may present evidence and testimony, may confront witnesses and may be represented by a licensed attorney.
- (d) *Hearing.* Such hearing may be conducted by council as a whole or by a hearing officer appointed by council for such purpose. If a hearing officer is appointed, it shall be that officer's duty to undertake such hearing and to hear and take evidence and testimony of the registrant or of witnesses on his behalf or in opposition to such registrant. The registrant

may, at his expense, employ a reporter to transcribe the testimony given at the hearing and make a transcript of the testimony. After such hearing, the hearing officer shall make a recommendation to council for the latter's ultimate final review and decision.

(Code 1975, § 25-107; Ord. No. 647, § 7, 12-18-2001)