

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Title 5 of the Lincoln Municipal Code relating to  
2 Licenses and Regulations by amending Section 5.36.120 relating to the appeal of a denial of an  
3 application for a Peddler's permit to provide that the Chief of Police and the Director of Public  
4 Works and Utilities may designate persons from their departments to fill such directors' positions  
5 on the Permit Review Board; amending Section 5.50.080 relating to the suspension or revocation  
6 of a taxicab driver license to provide that the Chief of Police and the Director of Public Works and  
7 Utilities may designate persons from their departments to fill such directors' positions on the  
8 Taxicab Review Board, and repealing Sections 5.36.120 and 5.50.080 of the Lincoln Municipal  
9 Code as hitherto existing.

10 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

11 Section 1. That Section 5.36.120 of the Lincoln Municipal Code be amended to read  
12 as follows:

13 **5.36.120 Appeal.**

14 (a) Any person aggrieved by the action of the Chief of Police in denial of an application  
15 for a permit, shall have the right of appeal to the Permit Review Board, consisting of the Chief of  
16 Police or a person from the Police Department designated by the Chief of Police, the Director of  
17 Public Works and Utilities or a person from the Public Works and Utilities Department designated  
18 by the Director of Public Works and Utilities, and a citizen of the City of Lincoln appointed by the  
19 Mayor.

20 (b) Such appeal shall be taken by filing with the City Clerk, within fourteen days of the  
21 denial, a written statement setting forth the grounds for the appeal. The City Clerk shall set a time  
22 and place for hearing thereon not less than eight days after the filing of the appeal. Notice of such

1 hearing shall be given to the appellant in the same manner as provided in Section 5.36.110 of this  
2 chapter for notice of hearing on revocation.

3 (c) The appellant shall be given the opportunity to present any mitigating or extenuating  
4 circumstances relating to the disqualifying factor. If the Permit Review Board shall find, by clear  
5 and convincing evidence, that the disqualifying factor does not constitute a risk to the public and that  
6 the appellant is at least sixteen years of age or has obtained an employment certificate, the Permit  
7 Review Board shall direct the City Clerk to issue a permit. The decision and order of the Permit  
8 Review Board on such appeal shall be final and conclusive.

9 Section 2. That Section 5.50.080 of the Lincoln Municipal Code be amended to read  
10 as follows:

11 **5.50.080 License; Suspension and Revocation; Board of Appeals.**

12 In addition to any other penalty provided in this chapter, the City Clerk shall revoke the  
13 license of any taxicab driver who is convicted of driving a taxicab while under the influence of  
14 intoxicating liquor, is convicted of having liquor in his possession while operating said taxicab, is  
15 convicted of any crime involving moral turpitude, or has in any way falsified the application for  
16 obtaining a license provided for herein.

17 Any person whose license is so revoked may appeal such revocation to the Taxicab Review  
18 Board, consisting of the Chief of Police or a person from the Police Department designated by the  
19 Chief of Police, the Director of Public Works and Utilities or a person from the Public Works and  
20 Utilities Department designated by the Director of Public Works and Utilities, and a citizen of the  
21 City of Lincoln appointed by the Mayor. Such board may adopt such rules for the conduct of  
22 hearings as it sees fit.

23 Section 3. That Sections 5.36.120 and 5.50.080 of the Lincoln Municipal Code as  
24 hitherto existing be and the same are hereby repealed.

1                   Section 4. That this ordinance shall take effect and be in force from and after passage  
2 and publication in one issue of a daily or weekly newspaper of general circulation in the City,  
3 according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2010:

\_\_\_\_\_  
Mayor