

ORDINANCE No. 153077

An Ordinance amending Section 14.40.080, Appeal, of Chapter 14.40, Social Games, by providing that any appeal from the denial of a social games permit will only be allowed as presently authorized for the appeal of a suspension or revocation of such permit by first appealing such denial to a hearings officer rather than directly to the Council, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Section 14.40.080, Appeals, of Chapter 14.40, Social Games, currently provides that an appeal from the suspension or revocation of a social games permit may be appealed to a hearings officer and then to the Council upon that hearing record, while this section provides the appeal of the denial of such permit is made directly to the Council.
2. That Section 14.40.080 should be amended to provide for the same appeal process for a permit denial as that provided for a permit suspension or revocation.

NOW, THEREFORE, the Council directs:

- a. That the existing Section 14.40.080, Appeal, is hereby repealed and a new section enacted, as follows:

14.40.080 Appeal. The sole method of appeal of a denial, suspension or revocation of a permit shall be as follows:

(1) When the application for a permit has been denied pursuant to Section 14.40.060 or a permit issued pursuant to this chapter has been suspended or revoked pursuant to Section 14.40.070, the Bureau of Licenses shall provide written notice, as soon as practicable, to the applicant or permit holder; such notice shall state that such denial shall become finally effective ten (10) days after receipt of such notice, or that such suspension or revocation shall become effective five (5) days after receipt of such notice, unless, in either case, written notice of appeal is filed with the Bureau of Licenses. The timely filing of a notice of appeal shall stay the effect of any permit suspension or revocation until such appeal has been finally determined pursuant to this section.

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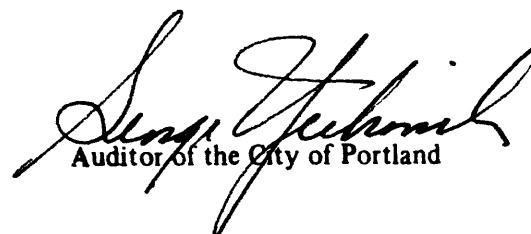
(2) Upon receipt of notice of appeal of a permit denial, revocation or suspension, the Bureau of Licenses shall appoint a hearing officer to hear the appeal. The hearing officer shall conduct a hearing on the matter, giving the permittee and the Bureau thirty (30) days notice of the date thereof. The hearing shall be conducted according to the procedures established for contested case hearings in ORS Chapter 183. The hearing officer shall issue his report within ten (10) days of the hearing, making findings of fact and determining whether the grounds for revocation or suspension given in the notice have been established by the preponderance of the evidence. He shall have the authority to amend or alter the decision of the Bureau of Licenses when the findings of fact so justify by a preponderance of evidence. His determination shall be final and effective within ten (10) days of giving notice to the Bureau of Licenses and the permittee unless appealed to the Council before such time by the party aggrieved by his decision. The Council may, at its discretion, proceed to hear and determine the appeal based on the record made at the hearing, and may, at its discretion, hear other evidence. The decision of the hearing officer shall be final unless an appeal is heard by the Council, in which case the decision of the Council shall be final.

Section 2. The Council declares that an emergency exists because requests for social games permits are regularly received and suspensions or revocations of such permits are possible at any time; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 8 1982

Commissioner Lindberg
K.H. Scoumperdis/pm
March 29, 1982

Attest:


Auditor of the City of Portland

Calendar No. 942

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Title

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THURSDAY

APR 2 1982

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerkovich
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB		1
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY	
Comm. Lindberg	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works <i>TCL/MS</i>	
BUREAU APPROVAL	
Bureau:	
Prepared By <i>KHS</i>	Date:
K.H. Scoamperdis/pm 3/29/82	
Budget Impact Review:	
<input type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	
CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>
NOTED BY	
City Attorney	
<i>CPT</i>	
City Auditor	
City Engineer	