

FINANCE COMMITTEE

09-026-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 29A-34 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING APPEAL PROCEDURES.

BY COUNCILOR FEDORA:

The city of Duluth does ordain:

Section 1. That Section 29A-34 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 29A-34. Notices.

No license shall be issued pursuant to this Section unless the applicant designates in writing to the building official at an address located in the city of Duluth where notices issued by the building official may be delivered. All notices issued by the building official regarding a particular license shall be sent by first class mail or personally delivered to the address specified by the licensee, and for purposes of this Article delivery by such means shall constitute service of such notice on the licensee.

Any person who receives an order from the building official denying, suspending or revoking a license may appeal such denial, suspension or revocation to the building appeal board under the procedures set forth in Section 10-5 of the Duluth City Code, 1959, as amended. Request for such appeal shall be made in writing to the building official within 15 days after the day the notice was served. If an appeal is filed, no denial, suspension or revocation shall take effect until after the appeal is heard and determined as provided herein. The building official shall then set a time and place for such appeal to be heard and notify the appellant of said time and place. No appeal shall be set for hearing less than ten days or later than 40 days from the date the appeal is filed. At the hearing, appellant may be represented by counsel, may produce

witnesses, and may testify in their own behalf. The building appeal board may administer oaths, take testimony and subpoena witnesses and papers at such hearing. After hearing all the evidence and arguments, and after due deliberation, the building appeal board shall affirm, reverse or modify the action of the building official. Notice of the building appeal board's decision shall be served on the appellant within 48 hours after such decision is rendered. Any property owner aggrieved by a decision to grant or deny a variance pursuant to Section 29A.32.1(h) may appeal such decision to the city council under the procedures set forth in Section 10-5(f) of the Duluth City Code, 1959, as amended. Any other action taken by the board shall be final.

Section 2. This ordinance shall expire after midnight on June 30, 2012.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

Attorney

COUNCIL REQUEST/ATTY MAL:blj 5/14/2009

STATEMENT OF PURPOSE: This ordinance provides an appeal to the city council of decisions of the building appeal board related to requests for variances from the 300 foot rule. It also includes the June 30, 2012, expiration date that is applicable to the 300 foot rule.