

ORDINANCE NO.: 2009-051

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 24, Vehicles for Hire, Division 2, Driver's Permit, Sec. 24-81, Appeals

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BE IT ORDAINED by the Mayor and Council this 22nd day of July, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 24, Vehicles for Hire, Division 2, Driver's Permit, Sec. 24-72, Investigation of application; persons ineligible for permit and Sec. 24-81, Appeals, are amended to read as follows:

Sec. 24-81. Appeals.

(a) Any person dissatisfied with the decision of the chief of police or his designee denying a permit or revoking a permit under this division shall have the right of appeal as set out below. Notice of intention to appeal, fully setting forth the grounds of the appeal, must be given in writing and served on the city clerk within ten days after the mailing of written notice of the denial or revocation of a permit by United States mail, postage pre-paid, to the appellant at the address contained in the application or the appeal is waived.

(b) The appeal hearing shall be conducted by a three-person panel. The city manager shall appoint the members of the panel and shall designate one of the appointees to act as chairperson. The chairperson shall convene the panel for the hearing within fifteen working days of the filing of the appeal. At the hearing, the panel shall accept any relevant documents or statements from the appellant and from the police chief or his designee. The panel shall make a written recommendation within fifteen working days to the city manager to uphold or reverse the decision of the police chief based on its interpretation of the facts and applicable sections of this division. The recommendation of the panel shall be approved by a majority of the panel members. The chairperson of the panel shall immediately notify the appellant in writing of the panel's recommendation. Proceedings before the panel shall be recorded by the city clerk. Either party may have the proceedings recorded by additional means at their own expense. The city manager may uphold or reverse the recommendation of the panel subject to the provisions of this section. The city manager will make his determination within ten working days of the panel's decision.

(c) Any party dissatisfied with the decision of the city manager shall have the right of appeal to the circuit court. A petition, fully setting forth the grounds of appeal, must be given in writing and served on the city clerk and filed with the clerk of court for the circuit court within ten days after the decision of the city manager is announced. There shall be no trial de novo on any appeal. The circuit court will review the record of the proceedings before the city manager or his designee for errors of law only.

Requested by:

City Council


MAYOR

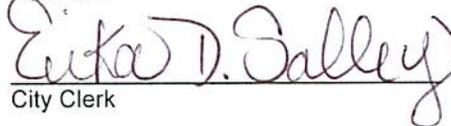
Approved by:

Interim City Manager

Approved as to form:

City Attorney

ATTEST:


City Clerk

Introduced: 7/15/2009
Final Reading: 7/22/2009