

1 Introduced by Council Member Pittman and amended by the Neighborhoods,
2 Community Services, Public Health and Safety Committee:

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5 **ORDINANCE 2026-378-E**

6 AN ORDINANCE AMENDING SECTIONS 250.101
7 (DEFINITIONS), 250.109 (PERMIT SUSPENSION AND
8 REVOCATION), AND 250.111 (PENALTY), PART 1 (IN
9 GENERAL), CHAPTER 250 (MISCELLANEOUS BUSINESS
10 REGULATIONS), *ORDINANCE CODE*, TO ADD A
11 DEFINITION FOR "SPECIAL MAGISTRATE" AND TO
12 REVISE PROCEDURES FOR REVOCATION AND SUSPENSION
13 OF PERMITS FOR VIOLATIONS OF CHAPTER 250,
14 *ORDINANCE CODE*; PROVIDING FOR CODIFICATION
15 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

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17 **Section 1. Amending Sections 250.101 (Definitions),**
18 **250.109 (Permit suspension and revocation), and 250.111 (Penalty),**
19 **Part 1 (In General), Chapter 250 (Miscellaneous Business**
20 **Regulations), Ordinance Code.** Sections 250.101 (Definitions), 250.109
21 (Permit suspension and revocation), and 250.111 (Penalty), Part 1 (In
22 General), Chapter 250 (Miscellaneous Business Regulations), *Ordinance*
23 *Code*, are hereby amended to read as follows:

24 **CHAPTER 250 - MISCELLANEOUS BUSINESS REGULATIONS**

25 **PART 1. - IN GENERAL**

26 **Sec. 250.101. - Definitions.**

27 * * *

28 (m) *Special Magistrate* means the Special Magistrate appointed by
29 the Mayor, or his or her designee, pursuant to the authority
30 granted in Section 91.104(d) of this Code and Chapter 162,

1 ~~(3)(4)~~ The violation of a provision of this Chapter or of a
2 rule made pursuant to this Chapter and applicable to the
3 permittee.

4 ~~(4)(5)~~ Conviction of the permittee of a crime ~~or ordinance~~
5 ~~violation~~ involving disturbing the peace, obstructing
6 public passages, disorderly intoxication, assault or
7 battery, unlawful assemblies, fraudulent practices or
8 theft and arising out of the permitted activities.

9 ~~(5)(6)~~ Conviction shall include a plea of nolo contendere
10 and include a withhold of adjudication.

11 (b) *Procedure:*

12 (1) The Director or Authority's designee ~~Director or~~
13 ~~Downtown Development Authority~~ shall deliver to the
14 holder of the permit, by mail or delivery at the
15 business premises, written notice of the proposed cause
16 for suspension or revocation and of the date, time and
17 place of the hearing at which the holder of the permit
18 may be heard, be represented by counsel and produce
19 evidence.

20 (2) At the hearing, the Special Magistrate or Authority
21 ~~Director or Downtown Development Authority~~ shall
22 consider the evidence produced and enter an appropriate
23 order, a copy of which shall be delivered to the holder
24 of the permit by mail or delivery at the business
25 premises. The Special Magistrate or Authority is not
26 required to make a determination regarding the giving
27 of false or misleading information on the application
28 or in connection with the investigation of the
29 application. All testimony shall be under oath and shall
30 be recorded. An order of suspension or revocation shall

1 be effective immediately upon execution of the order by
2 the Special Magistrate or Authority ~~on the fifth day~~
3 ~~after delivery or mailing.~~

4 (3) Challenges to the order rendered by the Special
5 Magistrate or Authority may be filed in the Circuit
6 Court within thirty (30) days of the date of execution
7 of the order by the Special Magistrate or Authority.

8 * * *

9 **Sec. 250.111. - Penalty.**

10 It shall be unlawful for any person to violate any provision
11 of this Chapter. Where no other penalty is provided, violation of
12 any provision of this Chapter shall be punishable as for a Class DE
13 offense and, upon a finding of violation of this Chapter ~~conviction~~
14 for a second offense within a one-year period, the permit issued
15 pursuant to this Chapter shall be suspended for one week by the
16 Special Magistrate or Authority, after a duly noticed hearing
17 ~~Director or Downtown Development Authority~~. Upon a finding of
18 violation of this Chapter ~~conviction~~ for a third offense during a
19 one-year period, the permit shall be revoked for one year. ~~Conviction~~
20 ~~shall include a plea of nolo contendere or a withhold of adjudication~~
21 ~~of guilty.~~ Additionally, the ~~Chief of Consumer Affairs~~ Director or
22 Authority, or his or her designee, is authorized to immediately seize
23 or otherwise take control over any goods or materials being sold or
24 offered for sale in violation of this Chapter.

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26 **Section 2. Codification Instructions.** The Codifier and the
27 Office of General Counsel are authorized to make all chapters and
28 division "table of contents" consistent with the changes set forth
29 herein. Such editorial changes and any other necessary changes to
30 make the Ordinance Code consistent with the intent of this legislation

1 are approved and directed herein, and the changes to the *Ordinance*
2 *Code* shall be made forthwith and when inconsistencies are discovered.

3 **Section 3. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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9 /s/ Mary E. Staffopoulos

10 Office of General Counsel

11 Legislation prepared by: Cherry S. Pollock

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