

135-O-99

AN ORDINANCE

**ESTABLISHING A
GENERAL BUSINESS LICENSE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 3 of the Evanston City Code, 1979, as amended, is
further amended by adding the following new chapter:

**CHAPTER 31
GENERAL BUSINESS LICENSE**

3-31-1: **DEFINITIONS:** The following definitions apply to this Ordinance.

(A) **BUSINESS:** Any individual or entity "doing", "conducting",
"engaging in", "maintaining", "operating", "carrying on" or
"managing" a business, occupation or activity, such terms or one or
more of such terms, shall include any person who holds himself
forth as being engaged in the business, occupation or activity, or
who solicits patronage therefor, either actively or passively or who
performs or attempts to perform any part of such business,
occupation or activity in the City; and the omission of one or more
of these terms shall not be deemed to exclude the activities
described by the other terms where such activities are in fact
carried on by such person. The term business shall not include
any of the following:

1. A Home Occupation as defined in Section 6-5-2 of the City's Zoning Ordinance.
2. Businesses or occupations which are exempt from City licensing pursuant to law.
3. An entity which is exempt from income taxation under Section 501 of the Internal Revenue Code.
4. An entity which does not maintain a place of business in a building within the City, except for the following which shall

be licensed: an entity engaged within the City in landscaping services, pesticide spraying services, lawn fertilizing or weed spraying services, pickup and delivery of laundry or dry cleaning at dwelling units, garbage or refuse pickup.

5. A governmental unit.
 6. A public utility or cable television company which is subject to regulation by the Federal Communications Commission or the Illinois Commerce Commission and which operates in the City pursuant to a franchise agreement with the City.
- (B) **OWNER:** Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in any establishment to maintain and manage its operation.
- (C) **PERSON:** Any individual, partnership, corporation, or entity.

3-31-2: **LICENSE REQUIRED:**

All persons who conduct, engage in, maintain, operate, carry on or manage a business for which a license is not otherwise required under any other provisions of this Code shall be required to obtain a general business license for said business. A separate license shall be required for each separate place of business. Businesses licensed under this Chapter, which have a liquor license pursuant to Section 3-5 of the Code, a cigarette and tobacco product license pursuant to Section 3-16 of this Code, or any alarm license pursuant to Section 9-11 of this Code, are required to obtain a separate general business license.

3-31-3: **APPLICATION:**

An application for a license required by this chapter shall be made in writing under oath to the City on a form prescribed by the City Collector. Each application shall contain the following information and such other information as may be required to determine whether the license should be granted:

- (A) The name, residential address and phone number of the applicant, who shall be the principal owner in the case of a non-corporate entity or the president in the case of a corporate entity.

- (B) The name of the company/business and the address(es) of the permanent place(s) of business within the City covered by the application, or, if there are no permanent places within the City, the address of the permanent place or location most closely involved with the business or activity covered by the application.
- (C) A description of the business or activity for which the license is requested.

3-31-4: ISSUANCE OF LICENSE:

The City Collector shall issue the license pursuant to the application if the application is in proper form, and the license fee is paid in advance. All existing businesses subject to this license shall pass a fire inspection by January 2005. Businesses established in 2001 or later shall pass fire inspections prior to issuance of a new license. The City Collector may also issue a conditional license when an investigation or inspection discloses a condition which must be corrected, when the applicant has provided satisfactory assurance that the condition will be corrected within a reasonable time, and the conduct of the business or activity pending the correction of the condition will not endanger the public health, safety or welfare.

3-31-5: TERM OF LICENSE; RENEWAL:

All licenses provided in this Chapter shall expire on December 31 following the date of issuance. Failure to comply with any provisions of this Chapter shall constitute grounds for nonrenewal.

3-31-6: LICENSE FEES:

(A) GENERAL FEE:

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| (1) | Contractors and others not maintaining a place of business within the City | \$ 40.00 per year |
| (2) | Business with a gross floor area of 0 – 3,000 square feet | \$ 40.00 per year |
| (3) | Business with a gross floor area in excess of 3,000 – 10,000 sq. ft. | \$100.00 per year |
| (4) | Business with a gross floor area in excess of 10,000 square feet | \$200.00 per year |

- (B) **PRORATION OF FEES:** The fee to be paid for any license which shall expire less than six (6) months from the date such license was required to be issued, shall be one-half (1/2) the annual fee provided by this Code.
- (C) **LATE PAYMENT PENALTY:** Failure to pay the annual renewal fee on any business license within six (6) weeks of license expiration shall result in an additional late charge of fifty percent (50%).

3-31-7: **REGULATIONS:**

- (A) No license shall be assigned, sold or transferred, nor shall any license authorize any person other than the applicant to conduct business under such license.
- (B) The applicant or licensee shall have a duty to notify the City Collector of any changes in the information contained in an application which is pending or which was the basis for the issuance of a license.
- (C) All licenses shall be prominently displayed on the business premises at all times.
- (D) No person shall add to, alter, deface, forge or counterfeit any license which has been issued by the City.
- (E) All licensees shall comply with all applicable City, State and Federal laws.

3-31-8: **SUSPENSION AND REVOCATION:**

In addition to any other penalty which may be authorized by this chapter or other City Ordinances, the Finance Director may suspend or revoke any license issued pursuant to this Chapter for:

- (A) Failure to comply with any provisions of this Chapter and any applicable ordinances;
- (B) Failure to comply with any applicable State and Federal laws;
- (C) Failure to allow a required inspection.

3-31-9: SUMMARY SUSPENSION:

Where the Finance Director presents to the City Manager sufficient evidence demonstrating probable cause to believe that the licensee has violated the provisions of this Code or of the laws of the United States or the State of Illinois, and that said violation will immediately threaten the public health, safety or welfare, the City Manager may, upon the issuance of a written order stating the reason for such conclusion and without prior notice or hearing, order the licensed premises closed and the license summarily suspended pending a public hearing and determination on suspension or revocation. Said hearing shall be commenced not more than seven (7) days following entry of such an order, unless the licensee shall agree to a longer period of time. Upon entry of an order of summary suspension, the licensee shall be served with a copy of the order and notice of violation and hearing in the manner provided in this Chapter.

3-31-10: NOTICE OF HEARING:

Prior to suspension or revocation of a license under this Chapter, the licensee shall be notified in writing of the nature of the violations and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Finance Director by the holder of the license within ten (10) days. If a written request is filed within ten (10) days, a hearing date shall be set within ten (10) days of receipt of the request. If no written request for a hearing is filed within ten (10) days, the suspension or revocation is sustained.

3-31-11: HEARINGS:

As provided in this Chapter, a hearing shall be conducted by the Finance Director or his designee affording the licensee an opportunity to appear and defend the charges. The Finance Director shall make a final decision in writing, including reasons for such decision and shall serve said decision on the licensee ten (10) days after conclusion of the hearing.

3-31-12: PENALTIES AND REMEDIES:

- (A) Any person who violates or fails to perform any duty imposed by this Chapter may be fined not less than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each day that a violation occurs.

- (B) The Finance Director or designee of the City Manager may seek to enjoin violations of this Chapter.

3-31-13: SEVERABILITY:

The provisions of this Chapter shall be interpreted so as not to be in conflict with the laws of the State of Illinois or any other limitations imposed by law. In the event, however, that any Chapter, provision, sentence, or clause of this Chapter is declared unconstitutional by a court of competent jurisdiction, that determination will not affect the other remaining provisions of this Chapter.

SECTION 2: That Section 3-13-3 of the Evanston City Code, 1979, as amended, is further amended by increasing the license fees for pack peddlers and push cart peddlers to fifty dollars (\$50.00).

SECTION 3: That Section 3-17-4 of the Evanston City Code, 1979, as amended, is further amended by increasing the license fees for dry cleaners and spotter and retail outlets to fifty dollars (\$50.00) per annum.

SECTION 4: That Sections 3-20-3 and 3-21-3 of the Evanston City Code, 1979, as amended, are further amended by increasing the license fees for all motor vehicle repair shops and public garages to one hundred fifty dollars (\$150.00) per annum.

SECTION 5: That Section 8-12-4 of the Evanston City Code, 1979, as amended, is further amended by increasing the license fees for all laundries, launderettes, and laundromats to one hundred fifty dollars (\$150.00) per annum.

SECTION 6: That Chapter 14 of Title 8 of the Evanston City Code, 1979, as amended, is hereby deleted in its entirety.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: That this ordinance shall be in full force and effect upon passage.

Introduced: January 24, 2000

Adopted: February 14, 2000

Approved: February 17, 2000
Lorraine H. Norton
Mayor

ATTEST:
Mary P. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

