

**120-O-20**

**AN ORDINANCE**

**Amending Portions of Title 3, "Business Licenses" of the Evanston City Code of 2012**

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

**SECTION 1:** City Code Title 3, Chapter 1, Section 1, "Issuance of Registration," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**3-1-1. - ISSUANCE OF REGISTRATION.**

Unless otherwise provided in this Code or other applicable laws, all registration shall be approved by the City Manager or his/her designee issued by the City Manager's Office Community Development Department. In all cases where it is not otherwise expressly provided, the City Manager or his/her designee Community Development Director shall have the power to hear and grant applications for said registration upon the terms specified in any of the provisions of this Code or other ordinances of the City.

**SECTION 2:** City Code Title 3, Chapter 1, Section 4, "Payment of Fee; Proration; Rebate; Late Payment Penalty," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**3-1-4. - PAYMENT OF FEE; PRORATION; REBATE; LATE PAYMENT PENALTY.**

- (A) *Payment of Fee.* Each and every registration authorized or required by provision of this Code or other ordinance of the City and granted by the City Manager shall be issued by the City Manager's Office Community Development Department upon payment to the City Collector of the prescribed registration fee or tax.
- (B) *Proration of Fee.* The fee to be paid for any registration which shall expire less than six (6) months from the date such registration was required to be issued, shall be one-half (½) the annual fee provided by this Code.
- (C) *Rebate or Refund of Fees.* In no event shall any rebate or refund be made of any registration fee or permit fee or any part thereof.

(D) *Late Payment Penalty.* Failure to pay the annual renewal fee on any business registration within six (6) weeks of registration expiration shall result in an additional late charge of ten percent (10%).

**SECTION 3:** City Code Title 3, Chapter 5, Section 2, "Registration Required; Application" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**3-5-2. - REGISTRATION REQUIRED; APPLICATION.**

No person shall manage, conduct, operate or carry on a public place of amusement without first having obtained a license therefore.

The application for a license for the business of managing, conducting, operating or carrying on a public place of amusement shall conform to the provisions of this Code relating to applications for food establishment business license and/or a liquor license. Such application shall specify the location of the building or place in which it is proposed to keep such public place of amusement and the seating capacity of such building or other place. Every such application shall be approved by the City Manager's Office ~~Director of Community Development~~ and the Public Health Director, or their designees, before a license shall be issued.

**SECTION 4:** City Code Title 3, Chapter 6, Section 2, "Business Registration Required; Application" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**3-6-2. - BUSINESS REGISTRATION REQUIRED; APPLICATION**

It shall be unlawful for any person to give, conduct, produce, present or offer any of the entertainments mentioned in this Chapter for gain without a business registration for that purpose first had and obtained. For entertainment given by citizens of the City, not engaged in the giving of such entertainments as a business nor for personal gain or entertainment, the proceeds of which are for the benefit of any charitable object, no fee shall be required to be paid for such license registration.

Any person desiring to produce, present, conduct, operate or offer for gain or profit any of the classes of entertainment described in Section 3-6-1 at any place within the City shall make application for a business registration in the City Manager's Office ~~Community Development~~, in writing, setting out the full name and address of the applicant, if an individual, and if a corporation the full name and residence of its principal officers. Such application shall contain a description of the place where it is intended to produce, present, conduct, operate or offer such entertainment and a description of the kind and class of entertainment.

**SECTION 5:** City Code Title 3, Chapter 6, Section 3, "Prerequisites to Issuance of Business Registration" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**3-6-3. - PREREQUISITES TO ISSUANCE OF BUSINESS REGISTRATION**

- (A). Examination of Applicant's Place. Upon application being made for a business registration to register a business, as provided in the preceding Section, the City Manager or his/her designee shall make or cause to be made an examination of the applicant's premises, and if all of the provisions of this Code and other ordinances of the City relating to the giving of entertainments and the location, construction and maintenance of the premises or building where such entertainments are given are complied with, the City Manager or his/her designee shall cause to be issued a business registration to such applicant, which registration shall entitle the Registered Business to conduct, produce, present, operate or offer the class of entertainment specified in Section 3-6-1 at the premises designated in the application and for the period of time specified in such application, upon the payment of the business registration.
- (B). *Approval of City Manager; Grounds for Refusal of Business Registration.* If the premises or building at which it is desired to offer any of the entertainments described in Section 3-6-1 hereof be not a fit or proper place and not constructed, maintained, operated or conducted in accordance with the provisions of this Code and other ordinances of the City governing and controlling such places, or if the granting of the business registration would, in the sole discretion of the City Manager or his/her designee, be contrary to the public health, safety or general welfare, such application may be denied. No business registration shall be issued by the City Manager's Office Community Development Department except with the prior approval of the City Manager or his/her designee.

**SECTION 6:** City Code Title 3, Chapter 27, Section 3, "Application" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**3-27-3.-APPLICATION.**

An application for a general business registration shall be made in writing under oath to the City on a form prescribed by the City Manager or his/her designee Director of Community Development. Each application shall contain the following information and such other information as may be required to determine whether the business registration should be granted.

- (A). The name, residential address, and phone number, and email address of the applicant, who shall be the principal owner in the case of a noncorporate 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). The name, phone, and email address of business manager or primary business contact.
- (D). A description of the business for which the license is requested.
- (E). Minority Women Evanston Business Enterprise (MWEBE) status
- (F). Total number of employees

**SECTION 7:** City Code Title 3, Chapter 27, Section 4, "Business Registration" of the City Code of 2012, as amended, is hereby further amended to read as follows:

**3-27-4. - BUSINESS REGISTRATION.**

The Community Development Director may issue a general business registration pursuant this Chapter if the application is in proper form, the use is compliant with zoning regulations, and the appropriate business registration fee is paid in advance. All new businesses must undergo a Fire Life Safety inspection in order to complete the registration process, unless a certificate of occupancy is issued. The inspection is administered by the City of Evanston Fire Department staff. The City Manager or his/her designee ~~Community Development Director~~ may also issue a conditional business registration when an investigation or inspection discloses a condition which must be corrected, provided that 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.

**SECTION 8:** City Code Title 3, Chapter 27, Section 5, "Term of Business Registration Renewal" of the City Code of 2012, as amended, is hereby further amended to read as follows:

**3-27-5.-TERM OF BUSINESS REGISTRATION RENEWAL.**

All business registrations issued pursuant to this Chapter shall expire on March 31 ~~December 31~~ following the date of issuance. General business registrations may be renewed upon payment of the required fees at least six (6) weeks prior to the expiration of the business registration; however, the failure of any business registered under this Chapter to comply with any provisions of this Chapter, or with any applicable provision of local, state, or federal law, may constitute grounds for nonrenewal of the business registration, in the sole discretion of the City Manager or his/her designee.

**SECTION 9:** City Code Title 3, Chapter 27, Section 6, "License

Registration Fees" of the City Code of 2012, as amended, is hereby further amended to read as follows:

**3-27-6.-LICENSE REGISTRATION FEES.**

(A). General Fee

1.Home Based Businesses	\$0.00	Per Year
2.Evanston-based businesses	<del>\$50.00</del> 75.00	Per Year
<del>3. Contractors and others not maintaining a place of business within the City</del>	<del>\$50.00</del>	<del>Per Year</del>
43. Pop Up Retailers	\$25 per location	Per 90 day period
54. Fire Life Safety Inspection	\$150.00	As required <sup>1</sup>

<sup>1</sup> Required for all new businesses unless a Certificate of Occupancy is issued

(B). *Proration Of Fees.* The fee to be paid for any business registration which shall expire less than six (6) months from the date such registration business registration was required to be issued, shall be one-half (1/2) the annual fee provided by this Section.

(C). *Late Payment Penalty.* Failure to pay the annual renewal fee on any business registration within six (6) weeks of business registration expiration shall result in an additional late charge of ten percent (10%).

**SECTION 10:** City Code Title 3, Chapter 27, Section 7, "Regulations" of

the City Code of 2012, as amended, is hereby further amended to read as follows:

**3-27-7.-REGULATIONS.**

(A). No business registration shall be assigned, sold or transferred, nor shall any business registration authorize any person other than the applicant to conduct business under such business registration.

- (B). The applicant or business registration shall have a duty to notify the City Manager or his/her designee ~~Community Development Director~~ of any changes in the information contained in an application which is pending or which was the basis for the issuance of business registration.
- (C). Registration certification will be provided in electronic format as a receipt upon payment of the business registration fee and shall be made available for review.
- (D). No person shall add to, alter, deface, forge or counterfeit any registration which has been issued by the City.
- (E). All registered businesses shall comply with all applicable City, State and federal laws. Failure to do so may result in the revocation of nonrenewal of a general the business registration as provided herein.

**SECTION 11:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 12:** If any provision of this Ordinance 120-O-20 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

**SECTION 13:** Ordinance 120-O-20 shall be in full force and effect after its passage and approval.

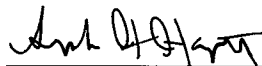
**SECTION 14:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: December 14, 2020

Approved:

Adopted: January 11, 2020

December 31, 2020




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Stephen H. Hagerty, Mayor

Attest:



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Devon Reid, City Clerk

Approved as to form:



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Kelley A. Gandurski, Corporation Counsel