

ORDINANCE NO. MC- 1007

AN ORDINANCE AMENDING CHAPTERS 14 AND 26 OF THE HOMEWOOD MUNICIPAL CODE AUTHORIZING SUSPENSION OR REVOCATION OF BUSINESS OR AMUSEMENT LICENSES FOR FAILURE TO PAY DEBT OWED TO THE VILLAGE

WHEREAS, the Illinois Municipal Code and other state statutes grant municipalities express authority to license, tax, and/or regulate certain businesses and amusements; and

WHEREAS, Section 11-60-1 of the Illinois Municipal Code (65 ILCS 5/11-60-1) authorizes the corporate authorities of each municipality to fix the amount, terms, and manner of issuing and revoking licenses; and

WHEREAS, the President and Board of Trustees of the Village of Homewood have determined it necessary to amend the Homewood Municipal Code to clarify the manner of issuing and revoking business and amusement licenses within the village.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, as follows:

SECTION ONE - AMENDMENTS TO THE HOMEWOOD MUNICIPAL CODE:

A. Chapter 14 of the Homewood Municipal Code is amended by addition of new sections 14-8, 14-9, and 14-10 as follows:

Sec. 14-8. Suspension and revocation of licenses and permits.

(a) Any license or permit issued by the village may be suspended or revoked by the village manager or board of trustees for any of the following causes:

(1) Fraud, misrepresentation or incorrect statement contained in the application for license, or made in carrying on the licensed activity.

(2) Conviction of a felony or offense involving moral turpitude by the licensee, any corporate officer of the licensee, any partner of the licensee in the licensed business, or any agent of the licensee acting in behalf of the licensee in connection with the licensed activity.

(3) Conducting such licensed activity in such manner as to constitute a breach of the peace; a menace to the health, safety or welfare of the public; or a disturbance of the peace or comfort of residents of the

village, upon recommendation of the fire chief, police chief, or other appropriate village official.

(4) Expiration or cancellation of any required bond or insurance.

(5) Actions unauthorized or beyond the scope of the license granted.

(6) Violation of any regulation or provision of this chapter applicable to the activity for which the license has been granted, or any state or federal statute or administrative regulation so applicable.

(7) Failure to continuously comply with all conditions required as precedent to the approval of the license and all conditions specifically stated in the license.

(8) Conviction of a felony or offense involving moral turpitude by any lessee or agent of the lessee of the licensee, if such conviction was the result of conduct or activity occurring on the licensed premises.

(9) A clear and present danger to the welfare of village residents arising out of any violation by the licensee of this Code, its license or permit or the statutes of the state or the United States.

(10) Failure to pay within sixty (60) days of the due date any outstanding debt to the village other than water and sewer charges, including but not limited to places for eating tax, hotel accommodations tax, amusement tax, or fines imposed after administrative adjudication of a local ordinance violation.

(b) No license or permit shall be suspended or revoked, except as provided in subsection (c) of this section until notice has been given to the licensee, provided in this section, a reasonable time not to exceed seven days has elapsed to enable the licensee to comply with the provisions of this Code and applicable state statutes, and the licensee has been given the opportunity to appear at a hearing as provided in section 14-9. Such suspension or revocation of a license or permit may be in addition to any fine imposed by this Code. No licensee or permit holder whose license or permit has been revoked shall be eligible for a new license or permit during the period for which the revoked license was originally issued.

(c) Anything in this section or following this section notwithstanding, the village manager may suspend, for a period not to exceed 30 days, without prior warning, notice or hearing, any license or permit issued under this article during the terms of such license or permit, for the failure of any licensee or permit holder to comply with any provision of this Code, any statutes of the state or its license or permit, relating to the business, occupation or activity for which such license or permit was issued if, in the

judgment of the village manager, such failure constitutes a clear and present danger to the public health or safety.

(d) Any licensee or permit holder whose license or permit is suspended or revoked shall immediately discontinue the business, occupation or activity for which the license or permit was issued. Each day the licensee or permit holder continues to do business after a license suspension or revocation shall constitute a separate violation of this Code.

(e) Any licensee or permit holder whose license or permit is suspended may, at any time, either petition in writing the village manager or village board for a hearing or make written application to the village manager for reinspection for the purpose of reinstatement of the license or permit. Any such hearing shall be held as soon as possible and shall be conducted at a time and place designated by the village manager except that if the license in question was one initially granted by the board of trustees, any such hearing shall be before the board of trustees. Based upon the record of such hearing, the village board or village manager, as the case may be, shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the licensee or permit holder within seven days after the hearing is concluded.

Sec. 14-9. Hearing – Generally.

Hearings as to license or permit suspension or revocation shall be conducted by the board of trustees or village manager, as appropriate, at a time and place designated by the board of trustees or village manager. Hearing as to any suspension or revocation of a license initially granted by the board of trustees shall be before the board of trustees. Based upon the record of such hearing, the board of trustees or village manager, as the case may be, shall take whatever action is deemed appropriate within their respective powers as found in this Code and under the laws of the state. A written report of the hearing decision shall be furnished to the licensee or permit holder within seven days of the hearing. The license holder or permit holder may appeal from any decision of the village manager at any such hearing, to the board of trustees, by giving written notice of a request for consideration by the board of trustees of the manager's decision. The notice must be received by the village within seven working days from the receipt by the license holder or permit holder of the written decision of the hearing.

Sec. 14-10. Hearing--Notice.

(a) When the board of trustees or village manager are aware of conditions that may justify suspension or revocation of a license or permit, the village manager shall schedule a hearing to determine whether such action is

appropriate. Written notice of the hearing shall be given to the licensee or permit holder at least seven (7) days before the hearing. The notice shall include the specific nature of the noncompliance, violation or other reason for the hearing, a reasonable period of time to correct the situation, and a statement that failure to remedy the situation within that time may result in suspension or revocation of the license or permit.

(b) Notice shall be effective when delivered personally to the licensee or permit holder or upon the date of mailing by Registered or Certified Mail to the licensee's or permit holder's last known residence or business address.

B. Section 26-45 of the Homewood Municipal Code is amended by the addition of paragraph 26-45 (a)(10) (additional language underlined):

Sec. 26-45. Suspension and revocation of licenses and permits.

(a) Any license or permit issued by the village may be suspended or revoked by the village manager or board of trustees for any of the following causes:

(1) Fraud, misrepresentation or incorrect statement contained in the application for license, or made in carrying on the licensed activity.

(2) Conviction of a felony or offense involving moral turpitude by the licensee, any corporate officer of the licensee, any partner of the licensee in the licensed business, or any agent of the licensee acting in behalf of the licensee in connection with the licensed activity.

(3) Conducting such licensed activity in such manner as to constitute a breach of the peace; a menace to the health, safety or welfare of the public; or a disturbance of the peace or comfort of residents of the village, upon recommendation of the fire chief, police chief, or other appropriate village official.

(4) Expiration or cancellation of any required bond or insurance.

(5) Actions unauthorized or beyond the scope of the license granted.

(6) Violation of any regulation or provision of this chapter applicable to the activity for which the license has been granted, or any state or federal statute or administrative regulation so applicable.

(7) Failure to continuously comply with all conditions required as precedent to the approval of the license and all conditions specifically stated in the license.

(8) Conviction of a felony or offense involving moral turpitude by any lessee or agent of the lessee of the licensee, if such conviction was the result of conduct or activity occurring on the licensed premises.

(9) A clear and present danger to the welfare of village residents arising out of any violation by the licensee of this Code, its license or permit or the statutes of the state or the United States.

(10) Failure to pay within sixty (60) days of the due date any outstanding debt to the village other than water and sewer charges, including but not limited to places for eating tax, hotel accommodations tax, amusement tax, or fines imposed after administrative adjudication of a local ordinance violation.

C. Section 26-47 of the Homewood Municipal Code is amended by deletion of the entire section and substitution of the following:

Sec. 26-47. Hearing--Notice.

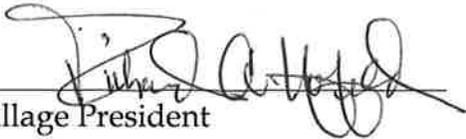
(a) When the board of trustees or village manager are aware of conditions that may justify suspension or revocation of a license or permit, the village manager shall schedule a hearing to determine whether such action is appropriate. Written notice of the hearing shall be given to the licensee or permit holder at least seven (7) days before the hearing. The notice shall include the specific nature of the noncompliance, violation or other reason for the hearing, a reasonable period of time to correct the situation, and a statement that failure to remedy the situation within that time may result in suspension or revocation of the license or permit.

(b) Notice shall be effective when delivered personally to the licensee or permit holder or upon the date of mailing by Registered or Certified Mail to the licensee's or permit holder's last known residence or business address.

SECTION TWO - EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 8th day of January, 2019.


Village President

ATTEST:


Village Clerk

Ayes: 5 Nays: 0 Abstain: - Absent: 1