

AN ORDINANCE
AMENDING CHAPTER 18
OF THE URBANA CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA,
ILLINOIS, as follows:

1. Sections 18.1 through 18.15 of Chapter 18 of the Urbana City Code are hereby repealed upon the taking effect of this ordinance.

2. The following new Sections 18.1 through 18.15 are hereby enacted:

Article I. Business Licensing and Regulation

Sec. 18.1. Application.

Nothing in this ordinance shall be construed to apply to liquor licenses, except the fees for such licenses shall be as set forth in the schedule in Section 22.

Sec. 18.2. Persons subject to license.

Whenever in any ordinance of the City of Urbana, a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm or corporation shall be subject to the requirement if such person, firm or corporation, either directly or through an agent, employee or partner, is held forth as being engaged in the business, activity or occupation or solicits patronage therefor, actively or passively or performs or attempts to perform any part of such business, activity or occupation in the City of Urbana.

Sec. 18.3. Forms and signature.

Forms for all licenses and permits, and applications therefor, shall be made available by the Comptroller. Each license or permit issued shall bear the signature of the City Clerk in the absence of any provision to the contrary. A facsimile signature shall be permitted.

Sec. 18.4. Applications.

Applications for all licenses and permits required by ordinance of the City of Urbana shall be made in writing. Each application shall contain 1) the name of the applicant; 2) the license or permit desired; 3) the location at which such is to be used, if any; 4) the time covered; and 5) the fee to be paid. Each application

shall also contain the number of the Certificate of Registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable to the applicant's proposed business, occupation or activity. Each application shall contain such additional information as may be needed for the proper guidance of the City officials in the issuing of the license or permit applied for.

Sec. 18.5. Investigations.

A. The Mayor or his/her designee shall assign some officer of the City to be the approving authority for each permit or license required by the City under this Ordinance. The approving authority so designated shall be the person responsible for conducting a proper investigation to determine whether such license or permit should be issued.

B. If, after due consideration of the information contained within the application and the related investigative reports, the approving authority determines that the application is satisfactory, he/she shall approve the application. The City Clerk shall attest to the authenticity of the license and approving signature, affix the City Seal, and forward the license to the Comptroller. The Comptroller shall issue the license and collect the appropriate fees.

C. If, after due consideration of the information contained within the application and the related investigative reports, the approving authority shall determine that the matters concerning the application are unsatisfactory, he/she may disapprove such application, indicating the reasons therefor, and shall promptly notify the applicant that the application is disapproved, and that no license or permit will be issued. This notice shall be sent to the applicant at the address provided by the applicant on the application form. If applicant requests in writing the reason(s) for the denial, they shall be furnished to the applicant in writing within ten (10) days of receipt of the applicant's request therefor and the applicant shall be advised of the rights of appeal of such denial.

D. Any applicant whose application for a license or permit is denied may appeal the denial of the application to the Mayor. Such appeal shall be in writing and received by the Mayor within twenty-one (21) days after the mailing of the notice referred to in (C) above. The Mayor shall, within ten (10) days of receipt

of such written appeal, convene a hearing thereon. After receipt of evidence, the Mayor may affirm the disapproval or direct that the license be issued. The burden of proof that the application was properly denied shall be on the approving authority.

Sec. 18.6. Fees.

In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid at the time of issuance of the license or permit applied for in the amounts prescribed in the schedule set forth in Section 22 or other ordinance setting such fees; when an applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated by quarters and no fee shall be paid for that quarter(s) during which the proposed business or activity was not conducted; provided, however, no single fee of less than One Hundred Dollars (\$100.00) will be prorated as provided herein. Except as otherwise provided, all license and permit fees shall become part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business, or activity.

Sec. 18.7. Termination of licenses.

All annual licenses shall be operative and the license year for the City shall commence on the first day of July of each year and terminate on the last day of June of the following year, unless provision to the contrary is made.

The Comptroller shall notify all licensees of the City of the time of expiration of an annual license held by the licensee three (3) weeks prior to the date of such expiration. Provided, however, that a failure to make such notification, or the failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

Sec. 18.8. Building and premises.

No license shall be issued for the conduct of any business, and no permits shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the City and the State of Illinois.

Sec. 18.9. Change of location.

The location of any licensed business or occupation, or the location of any permitted act, may be changed provided that ten (10) days notice thereof is given to the Comptroller in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the City shall be complied with at the new location.

Sec. 18.10. Location.

No license for the operation of a business or establishment in the City shall be construed to permit the operation of a licensed business or establishment in more than one location in the City; a separate license shall be required for each location of a licensed establishment. For the purpose of this Ordinance, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

Sec. 18.11. Inspections.

A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the City, or to detect violations thereof, it shall be the duty of the licensee or person in charge of the premises to admit thereto for the purpose of making the inspection any

officer or employee of the City who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

B. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give any duly authorized officer or employee of the City requesting the same sufficient samples of such commodity or material.

C. In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a business licensed by the City who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity or material, or who interferes with such officer or employee while in the performance of his/her duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the City after first having presented in writing a request for entry or sampling.

Sec. 18.12. Suspension, revocation of license or permit.

A. Suspension.

1. The approving authority may suspend any license for which he/she is the approving authority for any period up to thirty (30) days for any of the following causes:

(a) Any fraud, misrepresentation, or false statement contained in the application for the license or permit;

(b) Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

(c) After issuance of such license, the applicant has been convicted of any crime involving moral turpitude; the approving authority shall have the burden of showing the relevancy of such conviction to the license held;

(d) Failure of the licensee or permittee to pay any fine or penalty owing to the City.

2. The license or permit shall be suspended effective upon delivery of a copy of a written order of suspension together with the reasons therefor to the license or permit holder, or if upon due diligence he/she cannot be found, by delivery of such written order to any agent or employee of such license holder; if none of the above can be accomplished, then service shall be by registered or certified mail addressed to the license holder at the address provided in the application for license; if the last method of delivery is used, the effective date and time of suspension shall be the time of posting plus twenty-four (24) hours. The approving authority shall certify on the original order that service of a copy of such order was delivered as provided for herein, and in what manner as provided herein.

3. The license holder may appeal such order of suspension to the Mayor as provided below.

(a) An appeal from a suspension order shall be in writing and state the reasons why the suspension should not be imposed, or why such suspension should be of shorter duration, or both.

(b) The written appeal provided for above must be delivered to the Mayor's Office within ten (10) days of the effective date of suspension.

(c) If an appeal is taken, the Mayor shall convene a hearing within ten (10) days of receipt of the written appeal. The burden of proof shall be on the approving authority to prove that the license was suspended for cause. The Mayor shall make a written finding of fact and may either affirm the suspension order, or modify such in any manner, or disaffirm the suspension order.

B. Revocation.

Licenses or permits issued by the City of Urbana may be revoked as provided for herein, unless other revocation proceedings are expressly applicable.

1. If the approving authority suspends a license and recommends revocation, or

2. If the approving authority suspends a license and the reason for suspension still exists at the end of thirty (30) days after the effective date of such suspension (or in the case of

an appeal at the end of thirty (30) days after the Mayor's affirmation of such suspension) the approving authority shall recommend revocation.

If the approving authority recommends revocation, he/she shall so state on the written suspension order together with his/her reasons therefor; or if it is not determined until a later time, he/she shall send a true and correct copy of his/her recommendation for revocation together with his/her reason(s) therefor to the license holder by registered or certified mail at his/her address given in the license application and at the same time send to the Mayor a copy thereof.

Upon receipt of a recommendation for revocation from the approving authority, the Mayor shall cause the time and date of receipt to be noted thereon. The Mayor shall set a date, time and place for a hearing on the recommendation for revocation and shall notify the license holder thereof as provided below. The hearing shall be held not less than five (5) days after nor more than fourteen (14) days after receipt of the recommendation for revocation by the Mayor. Notice of hearing on a recommendation for revocation shall be by personal service on the license holder, or if the license holder cannot be found, by registered or certified mail addressed to the license holder at the address listed in the application.

At the hearing the burden of proof shall be upon the approving authority to show why the license or permit should be revoked. The Mayor shall make a written finding of fact and may revoke the said license or permit or not, based upon the evidence and the public health, safety and welfare.

C. Status of License Pending Appeal from Suspension Order or Recommendation of Revocation.

If a license holder appeals a suspension order issued under this Section, or if revocation proceedings are initiated, the license shall be regarded as legally still in effect as follows:

1. In the case of suspension, from the time the written appeal provided for in Section 12(A)(3) above is received by the Mayor, until the Mayor signs the written order regarding the suspension.

2. In case of revocation, until the written order ordering revocation is signed by the Mayor.

Sec. 18.13. License to be posted.

It shall be the duty of every person conducting a licensed business in the City to keep his/her license posted in a prominent place on the premises used for such business at all times. If any machine or device requires a City license, such license shall be conspicuously posted on the said machine or device.

Sec. 18.14. Business vehicle sticker.

Whenever the number of vehicles used is the basis, in whole or part, for a license fee, the Comptroller shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each such vehicle.

Sec. 18.15. Penalty.

Any person, firm or corporation who shall be convicted of violating any provision of this Ordinance shall be fined not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00) for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

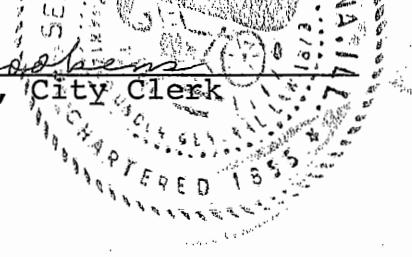
3. The City Clerk of the City of Urbana, Illinois, is hereby authorized and directed to cause this ordinance to be published in pamphlet form.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 18th day of February, 1980.

PASSED by the City Council this 18th day of February, 1980.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



APPROVED by the Mayor this 21st day of February,

1980.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATION OF PUBLICATION

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, do herewith certify that I caused the above ordinance to be duly published in pamphlet form on the 26th day of February, 1980.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

