

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #361H

AN ORDINANCE AMENDING CHAPTER 26, BUSINESSES OF
THE CITY OF BELVIDERE MUNICIPAL CODE.

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 17th DAY OF JULY 2017.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 20TH DAY OF JULY 2017.

Published in Pamphlet Form this 20th day of July 2017.

ORDINANCE #361H
AN ORDINANCE AMENDING CHAPTER 26,
BUSINESSES OF THE CITY OF BELVIDERE MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belvidere as follows:

SECTION 1: Chapter 26, Businesses of the City of Belvidere Municipal Code is amended to insert a new Article III as set forth in the attached Exhibit A which is incorporated herein by this reference.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

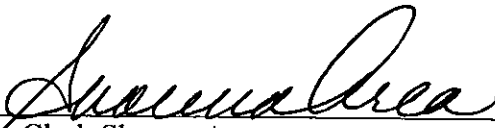
Voting Aye: Brooks, Crawford, Freeman, Porter, Ratcliffe and Mayor Chamberlain.
Voting Nay: Stevens, Borowicz, Frank and Snow.
Absent: Sanderson.

APPROVED:



Mayor Michael W. Chamberlain

ATTEST:



City Clerk Shauna Arco

(SEAL)

Passed: July 17, 2017
Approved: July 20, 2017
Published: July 20, 2017



Article III. General Business Registration License

Sec. 26-76. Purpose.

Each Business establishment located within the City is an integral part of, and affects, the physical and economic development of the City. This Article is intended to keep a current listing of all businesses doing business in the City, aid the Police Department, Fire Department and other departments in their responsibilities and to ensure proper zoning compliance.

Sec. 26-77. Definitions.

Business. The term Business, for purposes of this Article, means any occupation or endeavor resulting in or intending to sell any commodity, whether at wholesale or retail or the provision of any service from a fixed location within the City, or territory subject to the City's ordinances, except businesses, trades or occupations which have been preempted from municipal regulation. The term Business excludes any not for profit organization, or other organization that does not receive compensation for its services or goods.

Person. The term Person, for purposes of this Article, shall include any person, partnership, corporation, association, firm or other association.

Sec. 26-78. Business Registration License Required (BRL).

It shall be unlawful for any Person to operate, conduct or engage in any Business within the City of Belvidere, or any territory subject to its ordinances, without first having obtained a Business Registration License from the City of Belvidere. The Business Registration License shall be specific to a single location within the City. If a Person operates more than one location for the same Business or multiple Businesses, each location must obtain a separate Business Registration License. If one Person operates more than one Business from a single location only one Business Registration License is required. However, if multiple Persons operate legally unrelated Businesses from the same location, each Business must obtain an individual Business Registration License.

Sec. 26-79. Business Registration License Issuance (BRL).

The Business Registration License shall be issued by the City Clerk, upon application, on forms provided by the City Clerk. At a minimum, the application shall identify the name of the business, require the property owners' and business' owners' name, address, email address including a home address or outside corporate address, phone number. If the business is operated by a manager (not the owner), then the same contact information is required for the manager. The applicant shall also describe the nature of the proposed Business and the type of goods to be offered for sale or services offered. No fee shall be charged for issuance of a Business Registration License nor is any background check required. However, any other license and/or fee required by another section (eg. Second Hand stores etc.) must obtain that license permit and pay the applicable fee.

The Business Registration License is not transferable and in the event of the sale or transfer of the Business, the sale or transfer of a majority of the stock of any Person owning the Business, or upon the sale or transfer of the majority of the assets of the Business (including good will), a new Business Registration License must be obtained within sixty (60) days of the sale or transfer by the Person then owning or operating the Business.

The BRL shall be prominently displayed at the location for which it is issued. The issuance of a BRL shall not relieve the Person or Business, to whom it is issued, from complying with any other relevant ordinance or statute, including but not limited to the City of Belvidere Zoning Ordinance. Issuance of the BRL does not guarantee compliance with such other laws and ordinances and it is the responsibility of the Person or Business to whom the BRL is issued to ensure compliance with such laws and ordinances.

Sec. 26-80. Term of License.

Each Business Registration License shall expire on April 30th of each year. Each Business must apply for a new license or a renewal of an existing license prior to April 15th of each year. It is the responsibility of each Business to comply with the terms of this Article. If an existing Business moves to a new location, it must apply for a new Business Registration License for the new location.

Sec. 26-81. Suspension or Revocation of a Business Registration License.

- (a) A Business Registration License may be suspended or revoked for any of the following reasons:
 - 1) The making of any false or misleading statement on the application for the Business Registration License.
 - 2) Use of the Business or the premises on which the Business is located for any purpose in violation of the Criminal Code of the State of Illinois (720 ILCS 5/1-1 et seq.) with the knowledge or consent of the Business, any principal of the Business, any employee of the Business or the owner of the property at which the Business is located. For purposes of this section, a Person shall be deemed to have knowingly allowed a criminal use of the Business or location if a similarly situated reasonable person would have suspected the existence of criminal activity.
- (b) Suspension of a Business Registration License shall begin immediately upon the ruling of suspension and shall be for a term of not more than thirty (30) days after the reason for the suspension is cured.
- (c) A Person or Business whose Business Registration License has been revoked may not apply for a new Business Registration License for a period of six (6) months which term shall not begin until after the reason for the revocation is cured.
- (d) A Person or Business whose Business Registration License is revoked based a violation of: child pornography (720 ILCS 5/11-20.1), the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.), the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 et seq.), the Sale of Immoral Publications to Children Act (720 ILCS 670/0.01 et seq.), or Prostitution

Offenses, Subdivision 15 of Article 11 of the Criminal Code of 2012 (720 ILCS 5/11-14 et seq.) shall be ineligible for any future Business Registration License.

- (e) No Business Registration License shall be issued for any Business at a location, for a period of six (6) months where two or more Business Registration License's for the same location have been revoked in the previous two (2) years.
- (f) The penalties contained herein are in addition to and not exclusive of any other remedy the City or the State of Illinois may have for an underlying violation of local ordinance, County ordinance or State law.

Sec. 26-82. Hearing.

- (a) Any Person whose Business Registration License is subject to revocation or suspension is entitled to a hearing before a Commission comprised of the Mayor and the two most senior aldermen (determined by total years of service as an alderman) (the Commission). In the event one of the Members of the Commission cannot or chooses not to serve as a member of the Commission, the position will be filled by the next most senior alderman until a full Commission is available. The Mayor, or the most senior Alderman in his absence, shall serve as Chairman. Upon a complaint of a violation identified in Section 26-81, the City shall provide Notice of Hearing, to any Person owning the Business identified on the application for a Business Registration License or any renewal application, of a hearing to consider the suspension or revocation of the Business Registration License. The Notice of Hearing shall be served by certified mail and first class mail addressed to the Person(s) identified as the Owner(s) or managers on the application. Service on any Person identified as an Owner or Manager on the Business Registration License Application shall be sufficient notice on the entire Business and all Owners. Proof of mailing, in the United States mail, postage pre-paid, is sufficient evidence of service and service shall be deemed effective the date of mailing.
- (b) The Hearing shall be initiated not less than five (5) days, nor more than thirty (30) days, from the time a Notice of Hearing is served. The Hearing shall not be conducted under the formal rules of evidence and the Commission may consider any evidence which a reasonable person would find relevant, ~~including but not limited to, hearsay evidence~~. The Chairman shall rule upon any objections to evidence. The Business, any Person owning the Business or their representative may cross examine any witness presented by the complainant or the City and may introduce any relevant information within the sound discretion of the Chairman. Any party to the Hearing may request a reasonable continuance to obtain additional evidence or obtain counsel. The burden of proof necessary to find against a Person or Business shall be a preponderance of the evidence and the burden shall lie on the complainant or City. In the event the Person or Business is found guilty or pleads guilty in Circuit Court of a violation contained in Sec. 26-81, it shall be presumed that the City or complainant has met their burden of proof for the infraction for purposes of this Article.
- (c) The Commission shall enter a written order, upon the conclusion of the Hearing, either revoking or suspending or finding insufficient reason to revoke or suspend the Business Registration License. In making the decision, the Commission may consider whether the reasons articulated

and presented for revocation or suspension have been cured and a finding that there is no reason to further suspend or revoke a Business Registration License is not necessarily a finding that a violation identified in Section 26-81 did not occur. The Commission shall serve a copy of the decision either personally or by first class mail addressed to any Person identified on the Application or renewal application.

- (d) In the event of any revocation or suspension (including one that is ultimately overturned by a court of competent jurisdiction) neither the City, nor its officers, elected officials, appointed officials, employees or independent contractors shall be liable for any damages incurred by any Person or the Business unless a Court finds that the revocation or suspension was issued in wanton or willful disregard of this Article.
- (e) Any Business or Person may appeal a decision of the Commission pursuant to the Administrative Review Law.
- (f) The Mayor may appoint any employee, officer or official of the City, or an Administrative Hearing Officer to conduct the Hearing and render applicable decisions.

Sec. 26-83. Penalties.

- (a) Any Person who operates any Business within the City of Belvidere, or any territory subject to its ordinances, without a valid Business Registration License shall be fined not less than \$100.00 plus court costs per offense with each day, or part thereof, that a violation exists or continues shall be deemed a separate offense. Prior to assessment of any fine, the City shall provide a Business or Person a warning that failure to obtain or renew a Business Registration License may result in fines under this Article. If the Business or Person renews or obtains the Business Registration License within sixty (60) days of the giving of the warning, no fines shall be assessed.
- (b) Any Person who operates any Business during a period of suspension of the Business Registration License, or after revocation of the Business Registration License shall be fined not less than \$500.00 plus court costs per offense with each day, or part thereof, that a violation exists or continues to exist shall be deemed a separate offense.
- (c) The Court may, in addition to any other remedy, including the fines above, may order injunctive relief prohibiting operation of any Business in violation of this Article and may enforce such injunctive relief through contempt proceedings.
- (d) The City may, if an Administrative Hearing Officer is approved by the City Council, refer prosecutions of operation of a Business without a Business Registration License, or with a suspended or revoked Business Registration License, to administrative adjudication in lieu of a proceeding before the Circuit Court.

AFFIDAVIT

STATE OF ILLINOIS)

COUNTY OF BOONE)

Shauna Arco, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #361H of the City of Belvidere, Illinois, in pamphlet form on July 20, 2017 and as a convenience for the public; I posted the pamphlet form of Ordinance #361H on the bulletin board outside the City Clerk's office at 401 Whitney Blvd, Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's office.


Shauna Arco
City Clerk

Subscribed and sworn
before me this 20th day
of July 2017.



Notary Public

