

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, from a fixed location or from a wagon, van, pack, cart or other vehicle, or the application of skilled labor to the property of any other person by the person conducting such trade or business, or the provision of any service, whether professional or technical, or any other occupation involving the maintenance of any office, store or other facilities 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 specifically includes 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.

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 require the name, address, including home address or outside corporate address of any Person owning or operating the Business, phone number, corporate documents for any corporation (articles of incorporation), EIN number if issued, partnership documents, if applicable. Each partner of a partnership, member of a LLC, member of an unincorporated association or any shareholder of a corporation holding 40% or more of an interest in

the corporation shall be identified with address. The applicant shall also describe the nature of the proposed Business and the type of goods to be offered for sale or services offered. In certain cases, the City may also require a sketch layout of the proposed Business which identifies all areas of the Business including storage areas and the type of materials to be stored.

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. bowling allies etc.) must obtain that license permit and pay the applicable fee.

Upon filing of a complete application, the Business Registration License shall be issued unless the Business is prohibited by law or prohibited at the location applied for. Notwithstanding the foregoing, the City shall not be estopped from enforcing any ordinance or law (including its Zoning Ordinance) even if a Business Registration License is issued for an illegal use, non-complying use or location.

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 ten (10) 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. The City Clerk need not send renewal notices or reminders. 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) The Mayor (or his designee) of the City, after a hearing, may suspend or revoke any Business Registration License 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) Upon credible evidence of a violation identified in Sec. 26-81 the Mayor (or his designee) may temporarily close (for a period of not more than thirty (30) days), without a hearing or notice, any Business pending a hearing on whether a Business Registration License should be revoked or suspended. If after a hearing, the Mayor (or his designee) finds sufficient evidence of a violation as identified in Sec. 26-81, the Business Registration License may be suspended or revoked.
- (c) Suspension of a Business Registration License shall begin immediately upon the ruling of the Mayor (or his designee) and shall be for a term of not more than thirty (30) days after the reason for the suspension is cured.
- (d) 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.
- (e) A Person or Business whose Business Registration License is revoked based upon a violation of Sec. 26-81(4) shall be ineligible for any future Business Registration License where the violation constituted 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.).
- (f) 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.
- (g) 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 the Mayor (or his designee). 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 first class mail addressed to the Person(s) identified as the Owner(s) on the application. Service on any Person identified as an Owner 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 Mayor (or his designee) may consider any evidence which a reasonable person would find relevant, including but not limited to, hearsay 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 Mayor (or his designee). Any party to the Hearing may request a reasonable continuance to obtain additional evidence or obtain counsel. However, any temporary suspension then in effect shall continue regardless of the time frame set forth in section 26-81(b).
- (c) 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.
- (d) The Mayor (or his designee) 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 Mayor (or his designee) 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 Mayor (or his designee) 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.
- (e) 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.
- (f) Any Business or Person may appeal a decision of the Mayor (or his designee) pursuant to the Administrative Review Law.
- (g) 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.
- (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.