



# Agenda Cover Memorandum

Meeting Date: February 6, 2017

Meeting Type:  COW (Committee of the Whole)  City Council  Budget Workshop

Item Title: Approve Final Reading of An Ordinance of the City Council of the City of Park Ridge Amending Article 10, Chapter 2 of the Municipal Code of Park Ridge Regarding Livery Certificates of Operation

Action Requested:  Approval  For Discussion  Feedback Requested  For Your Information

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Background:

A majority of the business license regulations enforced by the City are codified in Article 12 of the City Code. Generally applicable eligibility rules that apply to all Article 12 business licenses are set out in Chapter 17. Specifically, Section 12-17-2(D) describes the conditions which disqualify a business from receiving an Article 12 business license, including when:

Any of the following persons have not paid any fees, fines, judgment or forfeitures due and owing the City: (a) manager, owner or beneficial owner of the building or zoning lot in or on which the establishment is to be located; (b) applicant; (c) owner of the business; (d) landlord; (e) prior license holder for the same premises; (f) any predecessor to the business interest of the applicant; or (g) the current license holder.

Because the regulation of livery vehicles has been codified in a separate Article (Article 10), the general conditions of eligibility in Article 12, Chapter 17 that apply to other business licenses do not apply to livery licenses. Therefore, an applicant for a livery license may qualify for a license despite owing fees or fines to the City. The intent of this ordinance is to close that loophole so that the City can refuse to issue a livery license if the applicant is indebted to the City.

This item was discussed and the first reading approved at the Committee of the Whole meeting of January 23, 2017.

Recommendation:

Approve Final Reading of An Ordinance of the City Council of the City of Park Ridge Amending Article 10, Chapter 2 of the Municipal Code of Park Ridge Regarding Livery Certificates of Operation

Attachment(s), if any:

- An Ordinance of the City Council of the City of Park Ridge Amending Article 10, Chapter 2 of the Municipal Code of Park Ridge Regarding Livery Certificates of Operation

**CITY OF PARK RIDGE**

**ORDINANCE NO. 2017- \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE  
AMENDING ARTICLE 10, CHAPTER 2 OF THE MUNICIPAL CODE OF PARK RIDGE  
REGARDING THE LIVERY CERTIFICATES OF OPERATION**

**WHEREAS**, the City of Park Ridge is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, the City has heretofore adopted application procedures and eligibility requirements for Certificates of Operation for Livery vehicles within the City of Park Ridge; and

**WHEREAS**, the City applies a condition on the eligibility for persons to receive any other business license that the person remain current on the payment of any debts due and owing the City, including but not limited to any fee, fine, judgment, lien, locally administered tax, contract sum or service charge; and

**WHEREAS**, the City Council finds it reasonable and equitable to apply the same eligibility requirement to Livery Certificates of Operation.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

**SECTION 1:** Recitals. The foregoing recitals represent the City Council's findings of fact and shall be incorporated as though fully set forth herein.

**SECTION 2:** Certificates of Operation. Article 10, Chapter 2 of the City Code of the City of Park Ridge (Certificate of Operation) is hereby amended in the manner described below:

**10-2-2 - QUALIFICATIONS OF APPLICANT FOR CERTIFICATE OF OPERATION**

No Certificate of Operation shall be issued to or held by any person who is not of legal age or who is not a person of good character or who has been convicted of a felony, nor shall such Certificate of Operation be issued to or held by any corporation if any officer or stockholder or director thereof would be ineligible for a certificate under the foregoing conditions. No Certificate of Operation shall be issued to or held by any person who is delinquent on the payment of any debts due and owing the City, including

but not limited to any fee, fine, judgment, lien, locally administered tax, contract sum or service charge.

\* \* \*

### **10-2-5 - CONSIDERATIONS FOR ISSUANCE OF CERTIFICATE OF OPERATION**

In considering the issuance of the proposed Certificate of Operation, the Procedures and Regulations Committee shall consider the following:

- A. Protests, complaints and testimony in favor of;
- B. The character of the applicant;
- C. The experience of the applicant;
- D. The public need for operators;
- E. The type of service proposed by the applicant;
- F. Financial responsibility of the applicant;
- G. Inventory of vehicles;
- H. Current demand and anticipated future demand for service;
- I. Number of vehicles in operation;
- J. Whether the person is delinquent on the payment of any debts due and owing the City, including but not limited to any fee, fine, judgment, lien, locally administered tax, contract sum or service charge.
- JK. Other facts considered relevant by the Procedures and Regulations Committee.

\* \* \*

### **10-2-9 - REVOCATION OF CERTIFICATE**

- A Certificate of Operation may be revoked by action of the City Council; provided, however, that no such revocation shall be made without cause and without a hearing before the Procedures and Regulations Committee. At least five days notice of the time and place of such hearing shall be published in a newspaper of general distribution within

the City. The Procedures and Regulations Committee may give such other notice to parties who may be interested as in its discretion is advisable. In the event that said Procedures and Regulations Committee finds that a good cause exists for the revocation of said Certificate of Operation, it shall so report its findings and recommendations to the City Council, and thereupon said Certificate of Operation may be revoked by action of the City Council. Cause for revocation of a Certificate of Operation shall be the violation by the operator of the Statutes of the State of Illinois, the United States or the ordinances of the City, the violations of which reflect unfavorably on the fitness of the operator to offer public transportation, the violation of the operator of any provisions of this Chapter, proof of fraud or misrepresentation in obtaining the Certificate of Operation, ~~or~~ failure to comply with the terms of the Certificate of Operation or any agreement therein contained, or delinquency on the payment of any debts due and owing the City, including but not limited to any fee, fine, judgment, lien, locally administered tax, contract sum or service charge.

\* \* \*

#### **10-2-18 - CONSIDERING REQUESTED AMENDMENT**

In considering the proposed amendment, the City Council shall, among other matters, consider the following:

- A. Protests, complaints and testimony in favor of;
- B. Manner of service theretofore rendered;
- C. The public need for more or fewer livery vehicles or for any other proposed amendment;
- D. The financial statement of applicant in the operation theretofore conducted within the City;
- E. The financial statement of other operators, if available;
- F. The equipment of all operators;
- G. The possible effect of the proposed amendment on any of the foregoing matters;
- H. Whether the person is delinquent on the payment of any debts due and owing the City, including but not limited to any fee, fine, judgment, lien, locally administered tax, contract sum or service charge.

H. Other facts considered relevant by the Procedures and Regulations Committee.

Upon the conclusion of the public meeting provided for in this Chapter, the City Council shall promptly report in writing to the City Council setting forth its findings and making recommendations as to the amendments of said Certificate of Operation. The City Council may thereupon, without further public meeting, adopt the recommendations of said City Council in whole or in part and thereupon the Certificate of Operation shall be amended in accordance with such action of the City Council.

**SECTION 3:** Severability. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions and any other enforcement of this Ordinance.

**SECTION 4:** Repealer and Effective Date. All prior ordinances and parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in the manner provided by law.

**SECTION 5:** The City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2017.

VOTE:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved by me this  
\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Acting Mayor Marty Maloney

Attest:

\_\_\_\_\_  
City Clerk