

# Committee of the Whole

## Agenda Cover Memorandum

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Meeting Date: August 23, 2010

Item Title: Modifications to Municipal Code Article 12 to change fees for Businesses and Occupations

Action Requested:

- Approval
- For discussion
- Feedback requested
- For your information

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Background:

Attached is an ordinance making modifications to Article 12 of the Municipal Code. City fees for licenses and inspections for businesses and occupations have either not been increased since November 2006 or no fees are being assessed and should be. Also, based on department changes, modifications have been made in the ordinance to reflect that the Community Preservation and Development Manager issues the licenses and not the Director of Finance. Several chapters are impacted by these changes.

Proposed modifications to Chapter 1, regarding transient businesses, include changes to how certain businesses are classified. For example, plumbers are licensed by the state and are, therefore, exempt from the City's licensing.

Proposed modifications to Chapter 2 include adding temporary food service and swimming pools to the list of Business Establishments. The City currently issues licenses and conducts inspections, but charges no fee for these services. The Health Division used to inspect each food facility twice a year regardless of the type of establishment and/or menu. As of October 2007, the Health Division switched to a Risk Based inspection system. Risk based inspections are determined on the type of menu, food preparation and people group the establishment is serving. Most municipal and all county and state level health inspections are risk-based inspections. Some municipalities, including Park Ridge, determine the fee for each establishment based on square footage. The proposed change determines the fees based on the risk type. Proposed fees are based on fees established in neighboring communities. Included in your packet is a synopsis of local communities and their fees for food establishments only. At the bottom of the sheet you will see examples of Park Ridge facilities, their risk type and what their fees are with us and what they would be in other communities either using square footage or risk type.

Park Ridge food establishments by Risk Type:

	Current Revenue	Proposed Revenue
Risk 1: 24 Facilities	\$4,255	\$10,800
Risk 2: 78 Facilities	\$11,425	\$23,400
Risk 3: 10 Facilities	\$1,395	\$2,500
<i>Total: 112 Facilities</i>	<i>\$17,075</i>	<i>\$36,700</i>

Proposed modifications to Chapter 5 regarding coin-operated machines include increased fees for these devices.

Proposed modifications to Chapter 9 reflect adjustments to the fees for tobacco dealer licenses.

Recommendation:

Move approval of an ordinance to modify Article 12 of the Municipal Code to change fees for Businesses and Occupations and place on the next City Council agenda for approval.

Budget Implications:

Does Action Require an Expenditure of Funds:  Yes  No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:  Yes  No

Attachments:

- Draft Ordinance reflecting modifications to Municipal Code Article 12, Chapters 1, 2, 5 and 9.
- Chart of food establishment fee information

# ARTICLE 12

## BUSINESSES AND OCCUPATIONS

### CHAPTER 1 TRANSIENT BUSINESSES

*(Ordin 2006-83, Entire Re-write, 10/9/06, S24)*

#### SECTION

12-1-1	Definitions
12-1-2	License Required
12-1-3	Transient Business License Insurance
12-1-4	Term of License
12-1-5	Fee Required
12-1-6	Amount of Fee
12-1-7	Exclusion
12-1-8	Homeowner Building Contractor
12-1-9	Electrical Contractor
12-1-10	Contractor Insurance
12-1-11	Revocation of Transient Business License
12-1-12	Penalty

#### 12-1-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

**TRANSIENT BUSINESS:** Any of the following activities of commerce or commercial activity conducted within the City.

- A. **ESTATE SALESPERSON** is a person employed to sell or put up material goods, chattels or real estate on behalf of an estate or personal representative of an estate or any person employed to assist in the proceedings of an estate sale.
  
- B. **BUILDING CONTRACTOR** is a person or firm engaged in the several building trades and other types of activities involving manual labor including, but not limited to, the trades and activities of excavators, ~~plumbers~~, sewer construction and maintenance, concrete or mason work, carpenters, metal working activities, ~~roofing trades, glazing activities~~, heating or air conditioning, electricians, **drywall installation, lawn sprinkler installation and fire sprinkler installation**, ~~plastering and lathing activities, tiling activities, painters and decorators, catch basin cleaners, landscaping, forestry or tree services or alarm system installation~~ except those

professions or trades licensed by the State of Illinois.

- C. FOOD TRUCK FIRM is the owner, operator, or lessor of any vehicle, or portion thereof, motorized or otherwise, used for the collection, delivery, carrying or transportation of food, foodstuff, food products, nonalcoholic beverages or drink, or ice for sale or incident to sale at retail to persons within the City from the right of way or private property not owned, controlled, or leased by the owner or operator of said truck.
- D. MERCHANDISE TRUCK FIRM is the owner, operator, or lessor of any vehicle, or portion thereof, motorized or otherwise, used for the collection, delivery, carrying or transportation of merchandise, material goods, chattels, wares, or printed material for sale or incident to sale at retail to persons within the City from the right of way or private property not owned, controlled, or leased by the owner or operator of said truck.
- E. RESIDENTIAL SERVICES FIRM is the owner, operator, or lessor of any **lawn maintenance, tree maintenance or alarm services** firm that provides or engages in, any service other than a building contractor, a profession or occupation licensed by the State of Illinois or a utility provider at a residential property within the City.
- F. REFUSE AND JUNK TRUCK FIRM is the owner, operator, or lessor of any vehicle or container, or portion thereof, motorized or otherwise, used for collection, delivery, carrying or transportation of litter, including but not limited to dry or wet garbage, refuse, junk, trash, rubbish, debris, wood, oil, grease, paper, metal, bricks, clothes, furniture, bottles or glassware, for disposal, sale or otherwise.
- G. OWNER: Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in transient business to maintain or manage its operation.
- H. PERSON: An individual, firm, association, partnership, corporation, trust, or any other legal entity.
- I. **BUILDING OFFICIAL: The individual responsible for making the final determination regarding the classification of a business.**

#### 12-1-2 LICENSE REQUIRED

No person shall engage in, operate, carry on, or practice any transient business within the City who does not have a valid license issued by the **Community Preservation and Development Manager**. ~~Director of Finance~~ If any transient business engages in commercial solicitation, said transient business shall also obtain a certificate of registration in accordance with Article 14 Chapter 20 of the Park Ridge Municipal Code.

The current license shall be securely and permanently affixed to the window of each vehicle used by the transient business.

(Ord 2007-02, 1/8/07, S25)

### 12-1-3 TRANSIENT BUSINESS LICENSE INSURANCE

The **Community Preservation and Development Manager** ~~Director of Finance~~ shall issue a license to operate a transient business unless he or she finds that the applicant is in violation of any conditions that would be cause for revocation of a license or does not meet the terms and provisions of this Chapter and any other applicable requirements in the Municipal Code.

(Ordin. 2001-01, 01/15/2001, Supp 21)

### 12-1-4 TERM OF LICENSE

Any person applying for a license with the **Community Preservation and Development Manager** ~~Director of Finance~~ to operate a transient business shall complete a form that is provided by the City and pay a nonrefundable license fee as outlined in this Chapter. The **Community Preservation and Development Manager** ~~Director of Finance~~ shall cause to be issued a license to operate a transient business within the City for a period of one year. The license year shall begin on January 1 of the year for which such license is issued and shall terminate on December 31 of the same year. No license shall be issued at less than the yearly fee regardless of the period of the year at which the license may be issued.; provided, however, that for a license issued on or after September 1 of any year for the classification of building contractor, the fee shall be one half (1/2) the yearly fee.

### 12-1-5 FEE REQUIRED

The required license fee shall be collected in full at the time of licensure. In no event shall any rebate or refund be made of any fee by reason of the death of the applicant or by any reason of non-use or discontinuance of the operation of the transient business.

### 12-1-6 AMOUNT OF FEE

Yearly License fees shall be as follows:

<u>Business Classification</u> <i>Classification</i>	<u>License Unit</u>	<u>Yearly Fee</u>
Building Contractor	per firm	<del>\$50.00</del> <b>\$100.00</b>
Food Truck Firm	per truck	<del>\$40.00</del> <b>\$80.00</b>
Refuse and Junk Truck Firm	1 to 5 trucks	\$100.00
Refuse and Junk Truck Firm	over 5 trucks	\$300.00
Estate Salesperson	per person	<del>\$25.00</del> <b>\$50.00</b>
Merchandise Truck Firm	per truck	<del>\$40.00</del> <b>\$80.00</b>
Residential Services Firm	per firm	<del>\$50.00</del> <b>\$100.00</b>

(Ordin. 92-73, 9/21/1992)

## **12-1-7 EXCLUSION**

The terms and provisions of this Chapter shall not be made applicable to any activity carried on or operated by a governmental institution or jurisdiction or by a religious or charitable institution or organization.

## **12-1-8 HOMEOWNER BUILDING CONTRACTOR**

Homeowners are not required to obtain a building contractor license. A homeowner upon receiving permission and obtaining a building permit from the Building Official, may in his own home install, alter or repair any building or structure, equipment, plumbing system and/or electrical system, provided the homeowner shall reside in the residence being altered or repaired for a period of at least six (6) months following the final inspection for said building permit. If during any scheduled inspections it is found that the homeowner is not complying with the Building Code, the Building Official may require a licensed building contractor to complete the construction specified in the building permit.

## **12-1-9 ELECTRICAL CONTRACTOR**

It shall be unlawful for any person to engage in the business of electrical contracting without being licensed as an electrician or an electrical contractor for the current year in another city or village within the State of Illinois approved by the building official. The electrician or electrical contractor license must be obtained from a city or village that administers a competency exam based upon the National Electrical Code or City of Chicago Electrical Code. Such electrician or electrical contractor shall be required to show proof of such license before a building contractor license will be issued to engage in the business of electrical contracting in the City of Park Ridge.

## **12-1-10 CONTRACTOR INSURANCE**

Any person or firm engaged in the business as a building contractor shall obtain and maintain in full force and effect during the operation of the business liability and property damage insurance in the amount of \$1,000,000 for general liability per occurrence, \$1,000,000 for bodily injury and \$2,000,000 for general aggregate from an insurance company licensed to do business in the State of Illinois and with a minimum insurance rating of B++ as found in the current edition of A.M. Best's Key Rating Guide.

## **12-1-11 REVOCATION OF TRANSIENT BUSINESS LICENSE**

- A. The **Community Preservation and Development Manager** ~~Director of Finance~~ may, after providing an opportunity for a hearing, revoke a transient business license for violating any of the requirements in each and every Article and Chapter of the Park Ridge Municipal Code including, but not limited to:
- a. Violating terms and provisions of the Health Code; or
  - b. Violating terms and provisions of the Building Code; or
  - c. Failing to pay any taxes, fees or fines owed the City; or
  - d. Creating any condition or conducting or performing any act, practice, or trade that would be classified as a nuisance, or would result in an annoyance or discomfort to the public, or be detrimental to the health or safety of the inhabitants of the City; or
  - e. Committing any act considered home repair fraud or aggravated home repair fraud as defined in Chapter 815 Act 515 Section 3 and 5 of the Illinois Compiled Statutes (815 ILCS 515/3 and 5); or
  - f. Making false statements on the original contractor license application; or
  - g. Making false statements on a building permit application; or
  - h. Failing to meet the requirements of this chapter; or
  - i. Interfering with the Building Official, Health Authority, or **Community Preservation and Development Manager** ~~Finance~~ in the performance of his or her duties.
  - j. Conviction of any Felony as defined in Chapter 720 Act 5 Section 2-7 of the Illinois Compiled Statutes (720 ILCS 5/2-7).
- B. Prior to revocation, the **Community Preservation and Development Manager** ~~Director of Finance~~ shall notify, in writing, the holder of the transient business of the specific reasons for which the license is to be revoked and that the license shall be revoked at the end of ten (10) days following service of such notice; unless, a written request for a hearing is filed with the **Community Preservation and Development Manager** ~~Director of Finance~~ by the license holder within such ten (10) day period. If no request for a hearing is filed within the ten (10) day period, the revocation of the license becomes final.

#### 12-1-12 PENALTY

- A. It shall be unlawful for any person or owner or operator of any transient business to violate any of the terms or provisions of this Chapter. Any person who violates any provision of this Chapter shall be fined in an amount not less than **fifty dollars (\$50.00)**, ~~twenty five (\$25.00)~~ nor more than **two thousand, five hundred dollars (\$2,500)** ~~one thousand dollars (\$1000.00)~~.
- C. A separate offense shall be deemed committed for each day such violation is committed or permitted to continue and shall be punishable as such hereunder.

## ARTICLE 12

# BUSINESSES AND OCCUPATIONS

## CHAPTER 2 COMMERCIAL BUILDINGS

*(Ord2006-83, Entire Re-write,*

*10/9/06,S24)*

### SECTION

12-2-1	Definitions
12-2-2	License Required
12-2-3	Commercial Business License Issuance
12-2-4	Term of Licensure
12-2-5	Transfer/Assignment of License
12-2-6	Payment and Relocation
12-2-7	Amount of Fee
12-2-8	Computation
12-2-9	License
12-2-10	Site Covered
12-2-11	Multiple Classifications
12-2-12	Exclusions
12-2-13	Suspension/Revocation or Refusal to Issue a Commercial Business License
12-2-14	Appeal Procedure
12-2-15	Penalty

### 12-2-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use of a building and located on the same lot with the principal use of the building.

**BASEMENT:** The portion of a building located partly underground but having less than one-half (1/2) its clear floor to ceiling height below the average grade of the adjoining ground.

**CELLAR:** The portion of a building located partly or wholly underground but having one-half (1/2) or more than one-half (1/2) of its clear floor to ceiling height below the average grade of the adjoining ground.

**COMMERCIAL BUSINESS ESTABLISHMENT:** Any building or portion thereof used for the exchange, or buying and selling of a commodity or service, including but not

limited to the following:

- A. FOOD ESTABLISHMENT is a building or premises or a portion thereof which is used for the sale or dispensing or distribution or serving of food, food stuff or drink for consumption on or off the premises.
  
- B. SERVICE ESTABLISHMENT is a building or premises or a portion thereof which is used for the business of rendering personal commercial services, including, but not limited to:
  - 1. The cutting, styling, setting or washing of human hair or wig;
  - 2. The wholesale distribution or storage of material goods or chattels;
  - 3. The sale or servicing or storage of motor equipment or motor vehicles;
  - 4. The washing or cleaning or dyeing or repair of fabrics or wearing apparel or footwear;
  - 5. The storage or assembly or distribution or servicing or repair of building materials or electrical equipment or mechanical equipment;
  - 6. The storage or distribution of fuels or petroleum products;
  - 7. The services of printing or blueprinting or photocopying or multi-lithing or publishing or duplicating or similar reproduction services;
  - 8. The provision of facilities for a hotel, motel or apartment hotel, rooming house, nursing home or similar housing facilities for transient or permanent guests or persons;
  - 9. The provision of facilities for education, instruction or training or participation in or presentation including but not limited to the fine arts, athletic skills or dexterity or physical skills or dexterity, entertainment or recreation, computers or business skills, excluding any schools operated under the authority of the State School Code;
  - 10. Funeral homes;
  - 11. Childcare facilities; and
  - 12. Contractor's shops and material storage yards.
  
- C. RETAIL SALES ESTABLISHMENT is a building or premises or portion thereof which is used for the retail sale or distribution of material goods or chattels not included with or related to the sale or the provision of services of food

establishments or service establishments.

- D. PROFESSIONAL OR OTHER ESTABLISHMENT is a building or premises or portion thereof which is used for the business of rendering professional services including, but not limited to health, medical or dental care, banking or financial affairs, travel, insurance, legal affairs, real estate, clerical or data processing affairs, advertising, brokering, construction, architecture, engineering, planning, or accounting.
- E. HOME OCCUPATION is a commercial business establishment that is permitted to operate within a residential zoning district and complies with the home occupation provisions of the Park Ridge Zoning Ordinance.
- F. **TEMPORARY FOOD SERVICE is required for outdoor food festivals, school lunch programs and other events where food is served to the public on a temporary basis.**
- G. **SWIMMING POOL is required for any pool that's open to the public and is mandated for inspection from the Illinois Department of Public Health.**

FLOOR AREA: The sum total of the gross horizontal areas of all the several floors of a building and its accessory buildings and the land area around the building that is used for the operation of the commercial business establishment measured in square feet. Building area shall be measured from the exterior faces of the exterior walls or from the center line of party walls separating two (2) buildings or business establishments on each of the respective floors and shall include the basement floor, cellar floor, elevator shafts and stairwells at each floor, floor space used for the operation of the commercial business, whether open or enclosed, including such areas as may be located on the roof, penthouse, attic space, balconies, mezzanines, porches, verandas, and any floor area devoted to and occupied by accessory uses. In computing such floor area, open area devoted to employee and customer vehicular parking, loading or landscaping or roof areas occupied by mechanical equipment, tanks and the like shall not be included.

OWNER: Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in a commercial establishment to maintain and manage its operation.

PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

SERVICE: Useful labor that does not produce a tangible commodity.

No person shall operate a commercial business establishment within the City who does not have a valid license issued by the **Community Preservation and Development Manager**. ~~Director of Finance~~ No new license shall be issued without approval of the Health Authority (as defined in Article 5) and Director of Community Preservation and Development. Licensure shall consist of payment of a nonrefundable license fee and submission of an application to the **Community Preservation and Development Manager** ~~Director of Finance~~, on a form provided by the City. The application form shall include the following information:

- A. The name of the business;
- B. The address of the building in which it is conducted, and the location of the business within said building, if applicable;
- C. The name of the person operating or managing the business;
- D. The name, home address and home telephone number of the person(s) to be contacted in case of emergency during non-business hours;
- E. The name, address and telephone number of the building owner or his agent;
- F. The nature of the business activity conducted therein and the type of commercial business establishment(s);
- G. If a food establishment, service establishment, professional and other establishment or retail sales establishment, as defined herein, the floor area of the business computed as prescribed herein;
- H. A statement as to whether licenses granted by any state, municipality or other licensing authority have ever been revoked for the establishment or the owner, or whether a license issuance or renewal has been refused to the establishment or the owner and the reasons for such revocation or refusal to issue;
- I. A statement as to whether the applicant seeking such a license or the principal officer or officers of the organization he/she represents has ever been convicted of a felony, and, if so, the nature thereof and the penalty assessed therefore; and
- J. Any additional information required by the **Community Preservation and Development Manager**. ~~Director of Finance~~

### 12-2-3 COMMERCIAL BUSINESS LICENSE ISSUANCE

The **Community Preservation and Development Manager** ~~Director of Finance~~ shall issue a license to operate a commercial business establishment unless he or she finds that:

- (a) the applicant does not have the approval of the Health Authority (as defined in

Article 5) and Director of Community Preservation and Development;

- (b) the establishment is in violation of any condition that would be cause for revocation of a license;
- (c) the establishment does not meet the terms and provisions of this Chapter or any other applicable requirement in the Municipal Code or Zoning Ordinance;
- (d) the application contains any false, fraudulent or misleading material statement;
- (e) the applicant has suffered a revocation or refusal to issue or renew a license by any state, municipality or licensing authority; or
- (f) the applicant did not pass any required inspections

In addition, no license shall be issued to any applicant if the applicant, license holder, prior license holder for the same premises or any predecessor to the business interest of the current license holder has not paid any fees, fines, judgment or forfeitures due and owing to the City. The license issued hereunder shall serve as the license or permit required for any commercial business establishment required in any other section of the Municipal Code, however, nothing in this Code shall be construed to limit the City's authority to regulate a commercial business establishment granted in any other section of the Municipal Code. The license will be dated and state the date of expiration. In addition, the license shall include a unique number that represents the specific commercial business establishment, license holder, type of establishment(s), and the location of the establishment for that current year. The current license shall be displayed ~~on the exterior door or window of the establishment in a location conspicuous to the public; or if there is no exterior door or window, the license shall be displayed on the door leading into the establishment or posted~~ within the establishment in a conspicuous location.

#### **12-2-4 TERM OF LICENSURE**

Subject to the terms of this Chapter, the **Community Preservation and Development Manager** ~~Director of Finance~~ shall cause to be issued a license for a commercial business establishment for a period of one year; which shall begin on January 1 of the year for which such a certificate is issued and shall terminate on December 31 of the same year. No license shall be issued at less than the yearly fees; ~~provided, however, that where such license is issued on or after July 1, the fee shall be one half (1/2) of the yearly fee.~~ A penalty of twenty percent (20%) of the fee set forth in Section 12-2-7 shall be added for late payment of the license. Any commercial business establishment operated by a governmental or religious institution shall be exempt from the license fee.

#### **12-2-5 TRANSFER/ASSIGNMENT OF LICENSE**

No license may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person shall use or display any license certificate, tag, badge or sticker which has been improperly acquired.

## 12-2-6 PAYMENT AND RELOCATION

The required fee for each license issued shall be collected in full at the time of the issuance and delivery thereof. In no event shall any rebate or refund be made of any fee, or part thereof, by reason of the death of the registrant or by any reason of non-use or discontinuance of the operation of the commercial establishment. In the event a commercial establishment moves its place of operation from one location in the City to another location in the City, a new license and license fee shall be required for the new location in accordance with the terms and provisions of this Chapter.

## 12-2-7 AMOUNT OF FEE

Yearly fees for registration of commercial establishments shall be as follows:

<u>Classification</u>	<u>Step</u>	<u>Floor Area in Square Feet</u>	<u>Annual Fee</u>	
A-Food Establishment-Risk 1	1	0—1,000	<del>\$105.00</del>	<b>450.00</b>
A-Food Establishment-Risk 2	2	1,000—5,000	<del>175.00</del>	<b>300.00</b>
A-Food Establishment-Risk 3	3	5,000—10,000	<b>250.00</b>	
<del>A-Food Establishment</del>	4	10,000—20,000	350.00	
<del>A-Food Establishment</del>	5	20,000— <del>and over</del>	450.00	
B-Service Establishment	1	0 - 1,000	<del>\$75.00</del>	<b>150.00</b>
B-Service Establishment	2	1,000 - 5,000	<del>100.00</del>	<b>200.00</b>
B-Service Establishment	3	5,000 - 10,000	<del>150.00</del>	<b>300.00</b>
B-Service Establishment	4	10,000 - 20,000	<del>200.00</del>	<b>400.00</b>
B-Service Establishment	5	20,000 - and over	<del>275.00</del>	<b>550.00</b>
C-Retail Sales Establishment	1	0 - 1,000	<del>\$50.00</del>	<b>100.00</b>
C-Retail Sales Establishment	2	1,000 - 5,000	<del>75.00</del>	<b>150.00</b>
C-Retail Sales Establishment	3	5,000 - 10,000	<del>100.00</del>	<b>200.00</b>
C-Retail Sales Establishment	4	10,000 - 20,000	<del>125.00</del>	<b>250.00</b>

C-Retail Sales Establishment	5	20,000 - and over	<del>175.00</del>	<b>350.00</b>
D-Professional and Other	1	0 – 1,000	<del>\$25.00</del>	<b>50.00</b>
	2	1,000 – 5,000	<del>45.00</del>	<b>90.00</b>
	3	5,000 – 10,000	<del>65.00</del>	<b>130.00</b>
	4	10,000 – 20,000	<del>85.00</del>	<b>170.00</b>
	5	20,000 – and over	<del>105.00</del>	<b>210.00</b>
E-Home Occupations			<del>\$20.00</del>	<b>35.00</b>
<b>F-Temporary Food-Risk 1</b>				<b>75.00</b>
<b>F-Temporary Food-Risk 2</b>				<b>50.00</b>
<b>F-Temporary Food-Risk 3</b>				<b>25.00</b>
<b>G-Swimming Pool</b>				<b>100.00</b>

**12-2-8 COMPUTATION**

Total floor area for the determination of the yearly fee shall be determined in accordance with the definition of “floor area” in Section 12-2-1. All measured area expressed in square feet shall be to the nearest integral square foot, if a fraction is one-half (1/2) square foot or more the integral square foot next above shall be taken. **Fees for food establishments and temporary food events shall be determined based on risk type.**

**12-2-9 LICENSE**

The **Community Preservation and Development Manager** ~~Director of Finance~~ shall cause to be maintained a record of all commercial establishments as from time to time may be deemed necessary for the purpose of classifying, inspecting, and serving all commercial establishments in the City. Subject to the terms and provisions of this Chapter, upon payment in full of the required license fee to the City, the City shall issue a tag or sticker or certificate or similar evidence of licensure that shall be displayed by the owner of the commercial establishment in a conspicuous place.

**12-2-10 SITE COVERED**

A separate license shall be required for each location of a commercial establishment or portion thereof. For the purposes of this Chapter, the determination of one location shall be construed that all buildings containing the principal or accessory uses be connected or on the same lot or parcel, be operated and managed by the same person or owner, and be a commercial establishment with the same classification; provided, however, that two (2) or more buildings separated by one or more dedicated public rights-of-way or by one or

more buildings or vacant lots or parcels shall not be considered as one location.

#### **12-2-11 MULTIPLE CLASSIFICATIONS**

Should the operation and management of a commercial establishment in one location by the same owner or person involve the operation of two (2) or more commercial business establishment classifications as defined in this Chapter, then and in that event the yearly license fee shall be determined as follows:

- A. If the multiple classifications include a food establishment, then the food establishment fees shall apply for the total floor area of all classifications.
- B. If the multiple classifications include a food establishment that sells, distributes, or serves only non-perishable and non-potentially hazardous prepackaged food and the amount of said food display area occupies less than thirty (30) square feet of floor space, such area shall not be considered a food establishment classification and the other classification shall be used to determine the annual license fee.
- C. If the multiple classifications include a service establishment, but not a food establishment, then the service establishment fee shall apply for the total floor area of all classifications.
- D. If the multiple classifications include a retail sales establishment but not a service establishment or food establishment, then the retail sales establishment fee shall apply for the total floor area.

#### **12-2-12 EXCLUSIONS**

The terms and provisions of this Chapter shall not be made applicable an outdoor café, a massage therapy establishment, or a Children's Hospital, which are licensed as prescribed in Article 5 Chapter 3.1, Article 5 Chapter 15, and Article 5 Chapter 14, respectively, in the Park Ridge Municipal Code.

#### **12-2-13 SUSPENSION/REVOCAION OR REFUSAL TO ISSUE A COMMERCIAL BUSINESS LICENSE**

- C. The ~~Director of Finance or~~ **Health Authority** may, after providing an opportunity for a hearing, refuse to issue, suspend for a period of time or revoke a commercial establishment business license for violating any of the requirements in each and every Article and Chapter of the Park Ridge Municipal Code including, but not limited to:
  - a. Violating terms and provisions of the Health Code; or
  - b. Violating terms and provisions of the Building Code; or

- c. Violating terms and provisions of the Zoning Ordinance; or
  - d. Violating terms and provisions of the Fire Regulations; or
  - e. Failing to pay any taxes, fees or fines owed the City; or
  - f. Creating any condition or conducting or performing any act, practice, or trade that would be classified as a nuisance, or would result in an annoyance or discomfort to the public, or be detrimental to the health or safety of the inhabitants of the City; or
  - g. Making false statements on the commercial business license application; or
  - h. Failing to meet the requirements of this chapter; or
  - i. Interfering with the Building Official, Health Authority, Director of Finance or any duly authorized employee of the City in the performance of his or her duties; or
  - j. The owner or operator has been Convicted of any Felony as defined in Chapter 720 Act 5 Section 2-7 of the Illinois Compiled Statutes (720 ILCS 5/2-7).
  - k. The owner or operator or his or her employees are practicing a profession without the required State License.
  - l. Refusal to permit inspections by City staff as required for the issuance of the license.
- B. Prior to revocation, suspension or refusal to issue a license, the ~~Director of Finance or~~ **Health Authority** shall notify, in writing, the applicant or holder of the commercial business license of the specific reasons for which the license is to be suspended, revoked or which will not be issued and of the applicant or license holder's right to request a hearing before the Administrative Adjudication Hearing Officer or his/her designee regarding the proposed action. Unless a written request for a hearing is filed with the ~~Director of Finance or~~ **Health Authority** by the license holder within such ten (10) calendar day period, the license shall be revoked at the end of ten (10) calendar days following service of such notice. If no request for a hearing is filed within the ten (10) calendar day period, the decision of the ~~Director of Finance or~~ **Health Authority** becomes final.
- C. The notice shall be personally served or mailed, postage prepaid, to the applicant or license holder at the last known address of the license holder or applicant listed on the most recent application for a license.
- D. The Administrative Adjudication Hearing Officer, within seven (7) calendar days of receipt of a request for a hearing, will set a date, place and time for the hearing and shall notify the applicant or license holder of the date, place and time of the hearing via a notice personally delivered or sent by U.S. mail, postage prepaid. The initial date for a hearing shall be no more than twenty-one (21) calendar days after receipt of the written request for a hearing.
- E. The applicant or license holder shall have the right to be represented by legal counsel at such hearing.

- F. At the conclusion of the hearing, the Administrative Adjudication Hearing Officer shall issue a written decision and findings of fact and shall mail the same to the applicant or license holder. The written decision shall state that the applicant or license holder may seek judicial review of the decision pursuant to the Illinois Administrative Review Law. The decision and findings of fact shall be mailed within five (5) business days following the conclusion of the hearing or the receipt of any transcript thereof, whichever is the latest to occur.
- G. Twenty-four (24) hours before the commencement of any suspension or revocation, the City of Park Ridge Health Authority or Police Department shall post on all entrances to the licensed premises a placard entitled, "Notice of Closure." The title shall be in letters not less than one inch (1") high. In the case of a suspension, the notice of closure shall give the times of the suspension and in the case of a revocation state the exact time when the revocation goes into effect. The notice of closure shall also state the section number and title of the city code or state law, which has been violated along with the telephone number of appropriate City department that may be called for additional information. The notice of closure shall not be removed before the suspension period or less than seven days after the posting of a revocation notice.
- H. Any suspension, revocation or penalty for food service establishments or retail food establishments shall be done in accordance with Article 5 of the Code and the provisions in this Chapter shall not apply to any suspension, revocation or penalties for food service establishments.
- I. A court reporter will be provided by the City for all hearings held pursuant to this Chapter.

#### **12-2-14 APPEAL PROCEDURE**

Any applicant or license holder whose license is suspended, refused issuance or revoked by the Administrative Adjudication Hearing Officer shall have the right to seek judicial review of the decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.* Any applicant or license holder who files such an action for judicial review shall pay the costs of preparing and certifying the record of proceedings pursuant to Section 5/3-109 of the Administrative Review Law, 735 ILCS 5/3-109.

#### **12-2-15 PENALTY**

In addition to the revocation and suspension procedure outlined above, any person or any owner of a commercial establishment in the City violating any of the terms or provisions of this Chapter or of the Park Ridge Municipal Code, upon conviction thereof, shall be fined in an amount not less than twenty-five dollars (\$25.00) nor more than two thousand

five hundred dollars (\$2,500.00). A separate offense shall be deemed committed for each day such violation is committed or permitted to continue and shall be punishable as such hereunder.

# ARTICLE 12

## BUSINESSES AND OCCUPATIONS

### CHAPTER 5 COIN-OPERATED MACHINES

#### SECTION

12-5-1	Definitions
12-5-2	License Required
12-5-3	Applications
12-5-4	Limitation on Number of License
12-5-5	Revocation of License
12-5-6	Term of License
12-5-7	Fee Required
12-5-8	Amount of Fee
12-5-9	License Tag or Insignia
12-5-10	Penalty

#### 12-5-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

**COIN-OPERATED AMUSEMENT DEVICE:** Any amusement machine or device operated by means of insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines, children's rides or musical devices.

**INSPECTOR:** That person designated by the City staff to inspect vending machines or coin-operated amusement devices and enforce the provisions of this Chapter.

**MAINTAIN:** The placing or exhibiting, or allowing the placing or exhibiting, or otherwise keeping a coin-operated amusement device or vending machine for the purpose of use or play.

**MALFUNCTION:** Malfunction occurs whenever a member of the general public does not receive the item sought in the vending machine or does not receive the game or

amusement provided by said coin-operated amusement device after depositing money in said machine or device.

OPERATOR: Any person who by contract, agreement or ownership takes responsibility for furnishing, installing, servicing, operating or maintaining one or more vending machines or coin-operated amusement devices.

PERSON: Any individual, partnership, corporation, company, firm, institution, trustee, association or any other public or private entity except a governmental institution.

PROPRIETOR: Any person, firm, partnership, corporation or association that, as owner, lessee, proprietor or otherwise controls any establishment, place or premises in or at which a coin-operated amusement device or vending machine is maintained within the City.

VENDING MACHINE: Any self-service mechanical container or device used for the sale or dispensing of any beverage; article of food; cigarettes; candy or gum; cleaning ingredient, solution, detergent; newspapers; movies; any tangible property related to personal hygiene; children's rides; the operation of which is governed or controlled by the deposit of a coin or token. Vending machine shall also mean any contrivance or device, which, upon insertion of a coin, slug, token, plate, disc or key into any slot or other opening, produces, plays or emits songs, music or other prerecorded entertainment, movie or television entertainment.

## **12-5-2 LICENSE REQUIRED**

It shall be unlawful for any operator or proprietor to maintain a coin-operated amusement device or vending machine without having first obtained the license required hereby.

## **12-5-3 APPLICATIONS**

Any person desiring to operate one or more vending machines or coin-operated amusement devices in the City shall make application in writing to the **Community Preservation and Development Manager** ~~Director of Finance~~ on a form provided by the City and shall specify:

- A. The name and address of the applicant, and if a firm, partnership, corporation or association, the principal officers thereof and their addresses.
- B. The address of the premises where the licensed device is to be operated, together with the character of the business as carried on at such place, and the square footage of floor space open to the general public.
- C. The trade name and general description of the device to be licensed, the name of

the manufacturer and the serial number.

The proper license fee shall accompany such application. If the license is denied, the fee shall be returned to the applicant. Such license shall be non-assignable and nontransferable, and in the case of the proprietor shall apply only to the premises for which such license is issued.

#### **12-5-4 LIMITATION OF NUMBER OF LICENSES**

It shall be unlawful for any proprietor to have more than one license for a coin-operated amusement device for the first two thousand (2,000) square feet of floor space open to the general public and one additional license for one thousand (1,000) additional square feet thereafter, except that additional devices may be licensed as an accessory use to a restaurant when authorized by a special use permit issued pursuant to the Zoning Code of the City. In addition to the provisions of this Chapter, any license issued pursuant to a special use permit may be revoked for violation of any of the conditions of that permit.

#### **12-5-5 REVOCATION OF LICENSE**

The City shall have the right to revoke any license issued hereunder for any malfunction, for the violation of any of the provisions of Article 5 of this Code pertaining to the sanitary vending of food and beverages.

#### **12-5-6 TERM OF LICENSE**

Subject to the terms and provisions of this Chapter, the **Community Preservation and Development Manager** ~~Director of Finance~~ shall cause to be issued a permit for the operation of each vending machine and coin-operated amusement device located within the City for a period of one license year which shall begin on January 1 and shall terminate on December 31 of the same year of issuance. No license shall be issued at the yearly rate of license fees, except for the full license year; provided, however, that where such permit is issued on or after July 1, the license shall be one-half (1/2) of the yearly fee for the unexpired term of the license year.

#### **12-5-7 FEE REQUIRED**

The required fee for each permit issued shall be collected in full at the time of the issuance and delivery thereof. In no event shall any rebate or refund be made of any license fee or part thereof by reason of the death of the permittee or by any reason of nonuse of a license or discontinuance of the operation of the vending machine or coin-operated amusement device.

**12-5-8 AMOUNT OF FEE**

Yearly fees for licenses to permit the operation of vending machines and coin-operated amusement devices located within the territorial limits of the City shall be as follows:

Vending machines requiring a deposit (in coins)	Fee
\$0.01 through \$0.09	<del>\$ 5.00</del>
<del>0.10</del> <b>0.01</b> through 0.49	<del>15.00</del> <b>30.00</b>
0.50 or more	<del>25.00</del> <b>75.00</b>
Coin-operated amusement device	<del>125.00</del> <b>250.00</b>

**12-5-9 LICENSE TAG OR INSIGNIA**

The operator's permit number, of a size and style approved by the vending machine inspector, shall be conspicuously displayed on each vending machine and coin-operated amusement device operated by him. The proprietor of any vending machine shall, in a conspicuous location on the vending machine, place the following notice:

"In the event of machine malfunction or unsanitary conditions, contact the Health Inspector of the City of Park Ridge."

The notice shall also contain the name, address and phone number of the operator.

**12-5-10 PENALTY**

Any person, operator, proprietor or owner of any vending machine or coin-operated amusement device located within the City violating any of the terms and provisions of this Chapter shall be fined in an amount not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each day such violation is committed or permitted to continue and shall be punishable as such hereunder.

# ARTICLE 12

## BUSINESSES AND OCCUPATIONS

### CHAPTER 9 TOBACCO PRODUCTS

#### SECTION

12-9-1	Definitions
12-9-2	License Required
12-9-3	License Application
12-9-4	License Fee
12-9-5	Prohibited Sales, Delivery - Signs
12-9-6	Purchases by Minors Prohibited
12-9-7	Possession by Minors Prohibited
12-9-8	Free Distributions Prohibited
12-9-9	Vending Machines - Locking Devices
12-9-10	Responsibility for Agents and Employees
12-9-11	Suspension; Revocation of License; Hearing; Fines, Appeals

#### 12-9-1 DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

#### **12-9-2 LICENSE REQUIRED**

It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products within the City without having first obtained a tobacco dealer's license required by this Code.

#### **12-9-3 LICENSE APPLICATION**

Application for a license hereunder shall be made in writing to the Health Officer on forms provided.

#### **12-9-4 LICENSE FEE**

The license fee for a tobacco dealer's license shall be ~~\$100.00~~ **\$200.00**

<u>Classification</u>	<u>Step</u>	<u>Square Footage</u>	<u>Fee</u>			
<b><u>Park Ridge</u></b>						
Food Establishment	1	0-1,000	\$105.00	Proposed Based On Risk	Square Footage	Fee
				Risk 1	N/A	\$450.00
	2	1,000-5,000	\$175.00	Risk 2	N/A	\$300.00
	3	5,000-10,000	\$250.00	Risk 3	N/A	\$250.00
	4	10,000-20,000	\$350.00			
	5	20,000- and over	\$450.00			

<b><u>Evanston</u></b>		
Food Establishment		
Risk 1	5000 ft or more	\$1,228
Risk 1	Less than 5000 ft	\$553
Risk 2	N/A	\$430
Risk 3	N/A	\$246

<b><u>Wilmette</u></b>		
Food Establishment		
Category 1	N/A	\$435.00
Category 2	N/A	\$305.00
Category 3	N/A	\$175.00

<b><u>Des Plaines</u></b>		
Food Establishments		
	0-2500	\$162.00
	2501-5000	\$244.00
	5001-7500	\$322.00
	7501-10000	\$408.00
	10001-12500	\$484.00
	12501-15000	\$561.00
	15001-17500	\$645.00
	17501-20000	\$728.00
	20001 and over	\$805.00

<u>Examples</u>	<u>Risk</u>	<u>Park Ridge</u>	<u>Wilmette</u>	<u>Evanston</u>	<u>Des Plaines</u>
Dominicks (40,500 sq.ft.)	1	\$450.00	\$435.00	\$1,228.00	\$805.00
Maki Sushi (3,000 sq.ft.)	1	\$450.00	\$435.00	\$553.00	\$244.00
5 Guys (4,000 sq. ft.)	2	\$300.00	\$305.00	\$430.00	\$244.00
Romanos Pizza(5,200 sq.ft.)	2	\$300.00	\$305.00	\$430.00	\$322.00
Pickwick Theater	3	\$250.00	\$175.00	\$246.00	\$805.00