

An Ordinance Amending the Chapter 22, "Businesses"

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the Code of Ordinance to provide for the suspension of a business license in addition to the ability of the City Manager to have the ability to revoke a business license.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Rolling Meadows, Illinois, as follows:

Section One: Section 22-40 of Chapter 22, "Businesses" is hereby repealed.

Section Two: Chapter 22, "Businesses" is hereby amended by adding thereto, the following:

Sec. 22-40. - Suspension, revocation of license or permit; appeal.

(a) When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare or where the holder of any license or permit shall have refused to allow an inspection of his premises or has refused to furnish a sample of his goods for testing, the city manager shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.

(b) Within eight days after a license or permit is suspended, the city manager shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

(c) Licenses and permits issued by the city, unless otherwise provided, may be revoked or suspended by the city manager after notice and hearing as provided in subsections (d) and

(e) of this section for any of the following causes:

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

(2) Any violation by the licensee or permittee of any section of this Code or other city ordinance relating to the license or permit, the subject matter of the license or permit or the premises occupied.

(3) Conviction of the licensee or permittee of any felony or of a misdemeanor where such conviction indicates his inability to operate a safe, honest and legitimate business operation within the city.

(4) Failure of the licensee or permittee to pay any fine, penalty or charge owed to the city.

(5) Refusal to permit an inspection or sampling or any interference with a duly authorized city officer or employee while in the reasonable performance of his duties in making such inspections.

Such suspension or revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable sections of this Code or other city ordinances.

(d) Notice of the hearing for suspension or revocation of a license or permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail, return receipt requested, to the licensee or permittee at his last known address at least five days prior to the date set for the hearing. If the licensee shall request a continuance in the date of the hearing, the ten-day suspension shall be in effect until two days after the final hearing date.

(e) At the hearing, the authorized city official shall present the complaint and shall represent the city. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The city manager shall preside and shall render the decision.

The form and technical rules of evidence shall not apply. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(f) A stenographic or electronically recorded record of the hearing shall be kept. The city shall pay the cost of attendance fees of the reporter and the cost of the transcript, if such transcript shall be ordered by the city. The licensee or permittee shall pay the cost of any transcript ordered by him.

(g) Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the city manager shall file a written decision in which he has

summarized the evidence and has stated the reasons for his decision. The decision and order of the city manager shall be final and binding.

Section Three: This ordinance shall be printed and published in pamphlet form by order of the City Council.

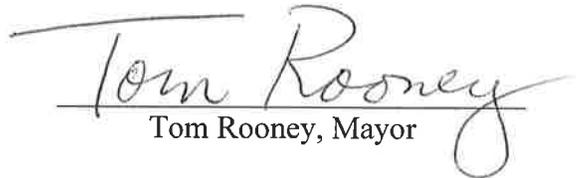
Section Four: This ordinance shall be in full force and effect from and after its passage approval and publication as provided by law.

AYES: Cannon, Prejna, Judd, Banger, D'Astice, Veenbaas

NAYS: 0

ABSENT: Majikes

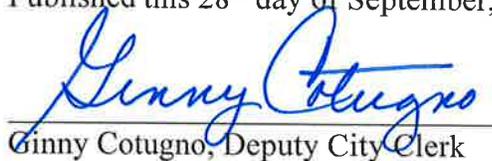
Passed and approved this 27th day of September, 2016.


Tom Rooney, Mayor

Attest:


Ginny Cotugno, Deputy City Clerk

Published this 28th day of September, 2016


Ginny Cotugno, Deputy City Clerk

