

COUNCIL WORKSHOP ITEM

ITEM: Amendments to the Municipal Code - Chapter 8, Licenses, and Chapter 22, Taxis

DATE: November 20, 2002

PREPARED BY: April K. Holden, Village Clerk
Ann Marie Perez, Staff Attorney

PURPOSE: To amend fees for tree removal and taxi licenses, to revise amusement licensing provisions, and to amend the appeals processes for various licenses

DISCUSSION:

This is to recommend amendments to the licensing provisions of the Downers Grove Municipal Code. We are recommending changes to the fee structure for tree removal, taxi, and amusement licenses as well as changes to the amusement licensing provisions.

We currently have 12 tree removal companies licensed in the Village. The current tree removal license fee is \$10.00 per year. This rate has been in effect for more than ten years. Based on information from other communities, I am recommending increasing our fee structure to \$40.00 per year. As a part of the licensing, we require all companies to show proof of liability insurance.

Taxi cab drivers are currently charged \$15.00 for a two-year license. The application procedure for taxi cab drivers is involved in that we require all drivers to submit fingerprints, have cabs and cab meters inspected on an annual basis, and provide proof of insurance annually. Applicants are investigated by the Police Department. Upon approval they are issued a license from the Village as well as a photo identification card. We are recommending increasing this fee to \$50.00 for a two-year license.

Amusement licenses are required for psychic readers as well as for theatrical or musical performances. We are recommending more specific licensing provisions in order to provide for a thorough criminal background check of all applicants. Further, we are recommending the fees be increased from \$100 per year to \$500 per year.

Presently, our Code provides a method for appeal if issuance of a license is denied under Chapters 8 and 22. However, each of these licenses provides for a different way to appeal. Further, with regard to these licenses, our Code provides a separate method to appeal a suspension or revocation for any license previously issued. Again the manner of appeal varies with each individual type of license. As a consequence of the various appeal processes in play, many times the wrong appeal method has been utilized. In an effort to codify the appeal system for both the issuance of a license and for the suspension or revocation of a license, we recommend unifying the appeal system so that the wrong system is not employed in the future. We propose, in the case for appeal of a request for issuance of a license, that the appeal process consist of merely a written request submitted by the potential licensee and a written response by

the Village Manager (or Police Chief in the case of the Entertainment License) that either affirms or denies the initial decision. In the case for appeal for a suspension or revocation of license, we propose the process consist of the filing of a petition for an informal public hearing along with a response to the notice of suspension/revocation. Thereafter, an informal public hearing will be held to determine the future status of the license at issue.

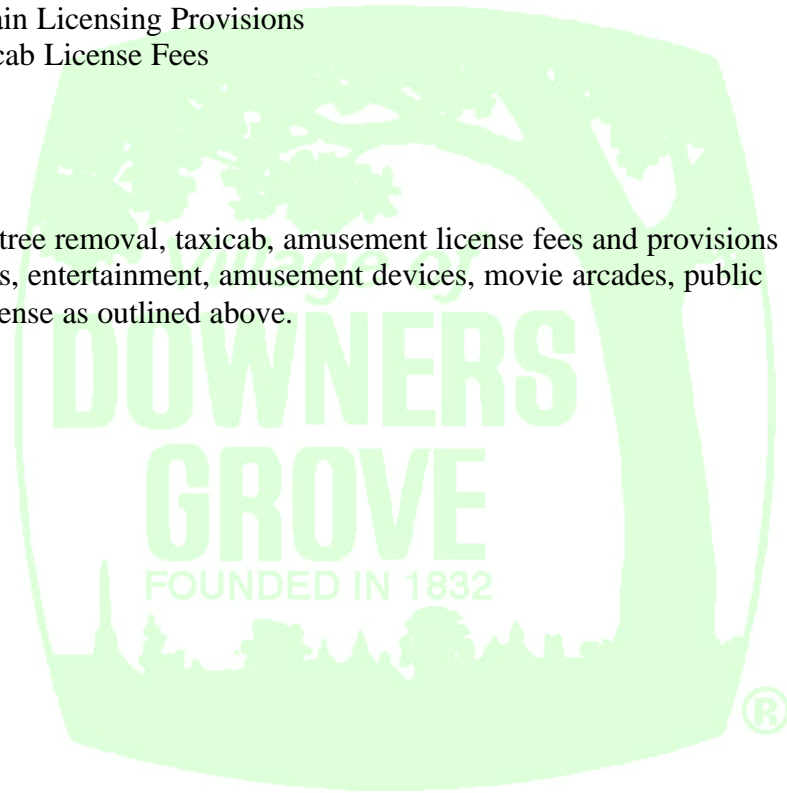
ATTACHMENTS:

An Ordinance Amending Certain Licensing Provisions
An Ordinance Amending Taxicab License Fees

RECOMMENDATION:

We recommend amending our tree removal, taxicab, amusement license fees and provisions and the appeals processes for raffles, entertainment, amusement devices, movie arcades, public gatherings and for a taxicab license as outlined above.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN LICENSING PROVISIONS

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 8-8 of the Downers Grove Municipal Code is hereby amended as follows:

8-8. Appeals.

(a) Any applicant ~~or licensee~~ **for a license** who receives a notice of denial ~~or a notice of revocation or suspension~~ may file ~~an~~ **written** appeal with the Village Manager as ~~provided herein.~~ Such appeal shall ~~be filed with the Village Manager, in writing, no later than ten business days following receipt of the notice of denial, revocation or suspension, and shall include a response to the notice. Such response shall include a brief statement addressing the substantive deficiencies cited in the Village Clerk's notice and shall set forth the basis for why the license or permit should not be denied, revoked or suspended.~~ **within ten (10) business days upon receipt of the decision. The written appeal shall set forth the reasons why the applicant believes the decision to deny the license should be reversed. The Village Manager shall respond to the appeal within fourteen (14) days either affirming or reversing the decision to deny the license.**

(b) Any licensee who receives a notice of revocation or suspension may file a written appeal with the Village Manager as provided herein. Such appeal shall be filed with the Village Manager, in writing, no later than ten (10) business days following receipt of the notice of revocation or suspension, and shall include: (1) a petition for an informal public hearing, and (2) a response to the notice. Such response shall include a brief statement addressing the substantive deficiencies cited in the notice of suspension or revocation and shall set forth the basis for why the license or permit should not be revoked or suspended.

(bc) The Village Manager shall schedule an informal public hearing as soon as possible following receipt of such appeal. The purpose of the hearing will be to offer the applicant or licensee an opportunity to show cause why the application should not be denied, or why the license or permit should not be suspended or revoked. A record shall be made of the informal public hearing and documents may be submitted and/or testimony given, either in person or through sworn affidavit. This record may be made by electronic recording. The Village Manager shall have the power to administer oaths and to continue the hearing from time to time to permit the applicant to provide additional information.

(ed) Within thirty days after such hearing, the Village Manager shall make written findings of fact and issue an appropriate order. If the Village Manager determines that the license or permit should be revoked or suspended, or issuance or renewal denied, the reasons supporting such determination shall be included in the written order. A copy of such order shall be served upon the licensee, permittee or applicant as the case may be.

(de) The decision of the Village Manager as provided in subsection (c) above shall be the final administrative action of the Village with respect to the license, permit or application, and shall be subject to the immediate appeal by the licensee, permittee or applicant to the circuit court. Such appeal to the circuit court shall be filed not later than thirty-five days following receipt of the Village Manager's findings and order. Failure to timely file such appeal as provided herein shall render the Village Manager's decision final.

(ef) The Village Manager may delegate any duty or power set forth in this section, including but not limited to the conduct of the informal hearing and issuance of any final order, to such Village official as the Village Manager may designate. (Ord. No. 2167, § 6.)

8-12. Same—License fees.

License fees to be charged for the purpose of licensing and regulating the activities listed in Section 8-11 hereof shall be as follows:

(a) ~~\$100~~**500.00** per year or ~~\$10~~**50.00** per day for theatrical or musical performances and other live entertainment on the streets and public ways of the Village and for readings in the art of divination.

(b) \$100 per day for circuses, carnivals or other shows of a similar nature out of doors or under canvas or a temporary shelter. (Ord. No. 2167, § 6; Ord. No. 2549, § 3; Ord. No. 2691, § 2.)

8-13. through 8-15. Reserved**Application for License.**

(a) Application for a license shall be made in writing to the Village Clerk, upon forms provided, and shall include the following:

(1) The name (including any nicknames or aliases), date of birth, address, including current and all prior addresses in last five years, telephone number, and social security number of the applicant. In addition, the application shall include the registered agent of the applicant if the applicant is a corporation, and the general or managing partners, if the applicant is a partnership.

(2) The location of the ~~entertainment facility~~ **amusement activities**.

(3) A complete statement of all convictions of the applicant as provided in this section. If the applicant is a corporation, such statement shall include applicant's officers, and directors thereof, and any stockholder or stockholders owning in the aggregate more than twenty percent of the stock of such corporation. If the applicant is a partnership, such statement shall include all general partners, and any limited partner owning more than twenty percent of the aggregate limited partner interest in such partnership. Such listing shall include the following:

(i) Any offense involving sexual misconduct with children or other sex offenses as defined in Article 11 of the Criminal Code of 1961, as amended.

(ii) A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past ten years; or

(iii) A felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape, within the past five years; or

(iv) A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years.

(4) A description of the proposed ~~entertainment facility~~ **amusement activities**, including the anticipated age and number of patrons, hours of operation and all activities and business conducted at the same location, and the physical facilities to be used.

(5) A written statement setting forth all measures proposed to ensure that adequate traffic control, crowd protection and security, both inside and outside the **amusement area**, will be maintained; ~~and that the ages of the patrons admitted to the entertainment~~ **amusement facility will be monitored.**

(6) ~~A statement of whether the business will be conducted by a manager. In such case t~~ **The manager's name, address, telephone number and age of all managers shall be provided, along with a statement of any convictions as set forth under subsection (3), above. A manager is required to be on duty during business hours.**

(7) A statement whether applicant has made similar application for a similar other license at a location other than described in this application and the disposition of such application.

(8) A current certificate of inspection for the location from the DuPage County Board of Health, if applicable.

(9) The license fee as provided in Section 8-31-712.

(10) The fingerprinting fee as provided in Section 8-13(12)

~~(10) A site plan for the licensed premises, including a floor plan showing all entrances, exits and public areas.~~

~~(11) The operation and training manuals to be used for the establishment, setting forth procedures for complying with this ordinances, including, but not limited to, security and age verification.~~

(b11) In the event applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the Village and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

(e12) In addition to the requirements of subsections (a) and (b) above, the applicant shall submit their fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken by the Downers Grove Police Department as provided by the Chief Village Clerk. Applicants are required to pay a fingerprinting fee of fourteen (\$14.00) dollars. Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file, unless the Village determines in its sole discretion that cause exists to have the applicant fingerprinted. If the applicant is a corporation, fingerprints shall be required of applicant's officers, directors, and any stockholder or stockholders owning in the aggregate more than twenty percent of the stock of such corporation. If the applicant is a partnership, fingerprints shall be required of all general partners, and any limited partner owning more than twenty percent of the aggregate limited partner interest in such partnership. Applicant shall pay the fingerprint fee as provided in Section 8-31.7 for each person required to submit fingerprints. Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file, unless the Chief determines that there may be reason to believe that the renewal applicant may have unreported convictions.

8-14. Processing of Application.

(a) An application shall not be considered proper or filed until all information and material required of the applicant pursuant to Sections 8-31.3-13 has been submitted.

(b) Upon receipt of a proper application, the Chief Village Clerk shall investigate the information contained in the application and shall determine whether the applicant and location designated, if applicable, are in full compliance with all applicable laws of the Village. The nature and scope of the investigation shall be within the discretion of the Chief Village Clerk, and may include, but is not limited to, a criminal history background check and premise inspection. Provided, the application shall be referred to the Fire Department and the Code Enforcement Department to determine if the proposed entertainment facility complies with all applicable fire, building and zoning ordinances of the Village.

(c) The investigation, including any required inspections and background checks, shall be completed within 60 days after receipt of a proper application. Provided, the Chief Village Clerk may extend this investigation period an additional period, not to exceed an additional 60 days, upon a finding that such additional period is needed to properly complete the investigation. Provided, whenever such an extension period is invoked, notice shall be provided to the applicant along with the specific reasons for such extension.

(d) If, within 10 days following completion of the investigation, the Chief Village Clerk determines that the applicant and location are in compliance with the applicable ordinances of the Village, the Chief Village Clerk shall issue the license.

(e) If, within 10 days following completion of the investigation, the Chief Village Clerk determines that the applicant or location are not in compliance with the applicable ordinances of the Village, the

~~Chief Village Clerk~~ shall notify the applicant in writing that its license has been denied, setting forth the reasons therefore, and advising the applicant of his or her right to appeal pursuant to Section 8-31-178. Unless a timely appeal is filed as provided in Section 8-31-178, such denial shall be final and effective on the 11th day following receipt of the notice by the applicant. ~~The fee paid by the applicant pursuant to Section 8-31-7 shall be returned, less the fingerprint fee and \$100.00 which will be retained as a processing fee.~~

8-15. Limitation on Issuance and Renewal of License.

No ~~entertainment facility~~ **amusement activity** license shall be issued or renewed as follows:

- (a) **To an applicant providing false or misleading information on the application.**
- (b) To an applicant who has been convicted of the following offenses:
 - (1) Any offense involving sexual misconduct with children or other sex offenses as defined in Article 11 of the Criminal Code of 1961, as amended.
 - (2) A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past ten years; or
 - (3) A felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape, within the past five years; or
 - (4) A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years.
- ~~(b)~~ (c) To an applicant whose license issued under this ordinance has been revoked for cause.
- ~~(c)~~ (d) To an applicant who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- ~~(d)~~ (e) To an applicant under the age of eighteen years of age.
- ~~(e)~~ (f) To an applicant where grounds for revocation exists as provided under Section 8-31-15.
- (f) To a partnership, if any general partner thereof, or any limited partner owning more than 20% of the aggregate limited partner interest in such partnership, would not be eligible to receive a license hereunder.
- (g) To a corporation, if any officer or director, or any stockholder or stockholders owning in the aggregate more than 20% of the stock of such corporation, would not be eligible to receive a license hereunder.
- (h) To a corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois.
- (i) To an applicant whose place of business is conducted by a manager unless the manager possesses the same qualifications required by the licensee.
- (j) To an applicant who is not a beneficial owner of the business to be operated by the licensee.

8-27. Same—Issuance, denial.

Within fourteen calendar days from the date of an application for a license, the Village Manager or his designee shall either issue a license or advise the applicant in writing of the reason for denial of a license. No such license shall be issued except as authorized under the Act. ~~Provided, the Village Manager shall give notice to the Mayor and Village Council not less than 48 hours before the license becomes effective. Within such 48 hour period, the Mayor or any member of the Village Council may, through notice to the Village Manger, cause this issuance to be stayed. In such case the matter will be formally presented to the Village Council at their next regular council meeting for decision.~~ **Any appeal from a notice of denial shall be pursuant to Section 8-8.**

8-31.1. Administration - Variations.

(a) The Chief shall be responsible for interpretation and administration of this ordinance and may establish rules and regulations consistent with the ordinance.

(b) In the event the Chief fails to act upon any application, request or other matter within the time period set forth in the ordinance, such inaction shall be deemed a denial of such application, request or other matter.

(c) The Chief may grant a variance from the strict compliance with the provisions of this ordinance. Such variance may include expanding the hours of operations during the special event and/or modifying the age restrictions on patrons. No other provision of the ordinance may be varied under this section. A variance application fee shall be paid at the time of such requests in an amount set forth in Section 8-31.7. The following shall govern any request for variation:

(1) Not less than twenty-one days before a proposed special event, the licensee shall submit a request for variation detailing the proposed special use, including hours and manner of operation, age of patrons and security measures. The Chief may require such additional information as the Chief determines to be necessary to evaluate the request.

(2) The Chief shall deny a request for a variation if the Chief determines that it poses a threat to the public health safety or welfare. In determining whether such a threat exists, the Chief may consider the following: past operations and problems of the licensed establishment; security; crowd control; parking; neighborhood impact; proposed manner of operation.

(3) The Chief shall review the request and approve, approve as modified or deny such request within 10 days following receipt. Any denial shall be in writing, setting forth the reasons therefore, and advising the applicant of his or her right to appeal pursuant to Section ~~8-31.178-8~~. Unless a timely appeal is filed as provided in Section ~~8-31.178-8~~, such denial shall be final and effective on the 11th day following receipt of the notice by the applicant. In the event the Chief approves such request, the Chief may condition the approval upon such changes in the special event and manner of operation as determined necessary to protect the public health safety and welfare. This may include, but is not limited to, requiring additional security or other measures as determined necessary or desirable to reduce any potential adverse impacts or problems as a result of the variance. In the event the Chief notifies the applicant that the request is approved subject to conditions, and the licensee refuses to accept such conditions, the notice shall be treated as a denial.

(4) A variance may be granted for up to twelve days. Provided, no variance, either individually or in combinations with all other variances granted to a licensed premises, shall be granted for more than twelve days in any license year. In the event a license is issued after the beginning of the license year, the maximum number of days for which a variance may be granted shall be reduced by one for each month or part thereof between such issuance date and the commencement of the license year.

(5) The variance may be revoked by the Chief in the event the licensed premises fails to conduct the special event in accordance with operational plan as approved by the Chief; or in the event such operation, once commenced, creates or threatens to create a breach of the peace.

8-31.4. Processing of Application.

(a) An application shall not be considered proper or filed until all information and material required of the applicant pursuant to Sections 8-31.3 has been submitted.

(b) Upon receipt of a proper application, the Chief shall investigate the information contained in the application and shall determine whether the applicant and location designated, if applicable, are in full compliance with all applicable laws of the ~~V~~Village. The nature and scope of the investigation shall be within the discretion of the Chief, and may include, but is not limited to, a criminal history background check and premise inspection. Provided, the application shall be referred to the Fire Department and the Code Enforcement Department to determine if the proposed entertainment facility complies with all applicable fire, building and zoning ordinances of the Village.

(c) The investigation, including any required inspections and background checks, shall be completed within 60 days after receipt of a proper application. Provided, the Chief may extend this investigation period an additional period, not to exceed an additional 60 days, upon a finding that such additional period is needed to properly complete the investigation. Provided, whenever such an extension period is invoked, notice shall be provided to the applicant along with the specific reasons for such extension.

(d) If, within 10 days following completion of the investigation, the Chief determines that the applicant and location are in compliance with the applicable ordinances of the ~~v~~Village, the Chief shall issue the license.

(e) If, within 10 days following completion of the investigation, the Chief determines that the applicant or location are not in compliance with the applicable ordinances of the ~~v~~Village, the Chief shall notify the applicant in writing that its license has been denied, setting forth the reasons therefore, and advising the applicant of his or her right to appeal pursuant to Section ~~8-31.178-8~~. Unless a timely appeal is filed as provided in Section ~~8-31.178-8~~, such denial shall be final and effective on the 11th day following receipt of the notice by the applicant. The fee paid by the applicant pursuant to Section 8-31.7 shall be returned, less the fingerprint fee and \$100.00 which will be retained as a processing fee.

8-49. Same—Application; issuance.

(a) Application for the issuance of the licenses required by Section 8-48 shall be filed on a form or forms approved by the Village Manager for the purpose of providing reasonable information concerning the applicant. An application for an amusement device business license shall be signed by (i) the applicant, if the applicant is an individual; (ii) the president and secretary, if the applicant is a corporation; (iii) a general partner, if the applicant is a partnership. Such application shall contain the following information:

1. Principal kind of business engaged in and what percentage of the business will be attributable to the amusement devices.

2. Statement of whether the business will be conducted by a manager or managers, and the name, address, date of birth and authority of each such manager.

3. Statement of personal history of each manager conducting business, each of whom shall meet the personal standards for issuance of a license required of an applicant pursuant to Section 8-2(a)(b) of this Chapter.

4. The location of the place of business, the place where the amusement devices are to be kept or displayed, and the total number of devices which are to be kept or displayed on the premises.

(b) If the applicant is a corporation, the applications filed shall contain the following information in addition to such information as is required in paragraph (a) herein:

1. Corporate name and address and date of incorporation.

2. Name, date of birth and address of each corporate officer and director and of each person, firm or organization owning directly or indirectly five percent or more of the corporation's stock.

3. Statement of whether any officer, manager, director or shareholder owning directly or indirectly five percent or more of the stock of the corporation has ever been convicted of any of the offenses enumerated in Section 8-2(b) of this Chapter.

(c) If the applicant is a partnership, the applications filed shall contain the following information in addition to such information as is required in paragraph (a) herein:

1. Name, date of birth and address of each general partner and each limited partner owning directly or indirectly five percent or more interest in the partnership.

2. Statement of whether any general partner or any limited partner owning directly or indirectly five percent or more interest in the partnership or any manager of the partnership has ever been convicted of any of the offenses enumerated in Section 8-2(b) of this Chapter.

(d) If the applicant is an individual, the applications filed shall contain the following information in addition to such additional information as is required in paragraph (a) herein:

1. Name, date of birth and address of the applicant.
2. Statement of whether the applicant has ever been convicted of any of the offenses enumerated in Section 8-2(b) of this Chapter.

(e) The Village Clerk, the Chief of Police and the Director of Code Enforcement shall investigate the information contained in the application and shall determine the following:

1. That the premises designated by the applicant as the location of the business comply with the provisions of the Zoning Ordinance of the Village; and
2. That the premises and the managers comply with the provisions of Section 8-51(a) of this Chapter; and
3. That the applicant and each manager meet the standards for issuance of licenses established pursuant to Section 8-2 of this Chapter.

(f) Subject to the limitation established as to the maximum number of amusement device business licenses to be issued by Section 8-49.1 of this Chapter, if the investigation shows the compliance of the applicant, its business and its managers with each of the requirements established in paragraph (e) herein, the Village Clerk shall issue the license upon payment by the applicant of the license fee required hereunder.

(g) If a license is denied, the applicant may file a written appeal of the decision to the Village Manager within ten (10) days of receipt of the decision. The written appeal shall set forth the reasons why the applicant believes the decision to deny the license should be reversed. The Village Manager shall respond to the appeal within fourteen (14) days either affirming or reversing the decision to deny the license. (Ord. No. 2167, § 6; Ord. No. 2399, § 2; Ord. No. 2494, § 2; Ord. No. 2541, § 12; Ord. No. 2685, § 2; Ord. No. 2816, § 1.)

8-52. Suspension or revocation of license.

Nothing in the provisions of this Chapter shall preclude the right of the Village Clerk to suspend or revoke the license of the licensee, as follows:

(a) The Village Clerk may temporarily suspend any license issued under the terms of this Article when ~~he has~~there is reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community or create an imminent danger of violation of applicable law. In such case, ~~he~~the Village Clerk may, upon the issuance of a written order stating the reason for such determination, and without notice or hearing, order the licensed premises closed for not more than seven days; provided that the licensee shall be given an opportunity to ~~be heard in a~~petition the Village Manager for an **informal** public hearing during the seven day period, and further provided that if such licensee shall also be engaged in the conduct of other businesses on the licensed premises, such order shall not be applicable to such other businesses.

(b) The Village Clerk may suspend or revoke any license issued under the terms of this Article pursuant to the provisions of Section 8-4 of this Chapter. (Ord. No. 2167, § 6; Ord. No. 2244, § 1; Ord. No. 2816, § 1.)

8-55. Same—Application; standards of issuance.

(a) Application for the license required in Section 8-54(a) shall be made in writing and shall state the following:

- (1) The name, address and telephone number of the applicant, or of the registered agent of the applicant if the applicant is a corporation.
- (2) The location of the movie arcade.
- (3) A statement of whether the business will be conducted by a manager, and if so, the name, address and telephone number of the manager.

(b) The Village shall review the information contained in the application and shall determine the following:

(1) That the premises designated by the applicant as the location for the business fully comply with all applicable building and zoning ordinances of the Village.

(2) That the premises comply with the provisions of Section 8-56 hereof.

(c) Any denial of the issuance of any license may be appealed pursuant to Section 8-8(a). (Ord. No. 3101, § 1.)

8-56. Same—Conditions and regulations; violation; penalty.

(a) The following regulations shall govern and control the business of operating a movie arcade in the Village:

(1) All viewing areas must be visible from a continuous main aisle. No viewing area may be obscured by any curtain, door, wall, or other enclosure.

(2) The licensee shall maintain illumination in that portion of the premises in which the viewing areas are located, which illumination shall be generally distributed in all parts of such premises which are available for use by the public. Such illumination shall be not less than five foot candles at floor level within the viewing areas and not less than ten foot candles at floor level within the aisle area of a movie arcade, at all times when the premises are open or when any member of the public is permitted to enter and remain there.

(3) Signs shall be prominently posted in the arcade area stating that public sexual activity is prohibited in such area.

(4) No opening shall be permitted in the wall located between any two viewing areas.

(5) The licensee shall not provide paper towel dispensers, other paper supplies, or cloth towels in the viewing areas or aisle areas of the arcade.

(b) It shall be unlawful for any person licensed to engage in the business of operating a movie arcade within the Village to fail to comply with the conditions and regulations set forth in paragraph (a) of this section or to suffer or permit noncompliance with such conditions and regulations on or within the premises.

(c) Any licensee who receives a notice of suspension or revocation of their license may appeal pursuant to Section 8-8(b). (Ord. No. 3101, § 1; Ord. No. 3206, § 1.)

15-51. Same—Time for approval or denial.

Following receipt of an application or reapplication, the Manager shall within five (5) days either issue such permit or deny same. Permits shall be denied only for failure to comply with the standards for issuance set forth in 15-50 of this ordinance or for improper or incomplete application, and the applicant shall be informed in writing of the reasons for denial.

In the event the Manager denies the application, the applicant may, if he so chooses, appeal the decision to the Village Council at a regularly scheduled or special meeting within fourteen (14) days. The Village Council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal. The burden shall be on the applicant to show cause why his permit should not be denied. In the event the Council concurs in the Manager's denial, the manager shall notify the applicant in writing of the action taken by the Council within three (3) days after rendering its decision. **as provided herein. The applicant shall appeal by filing with the Village Manager a written appeal, no later than ten (10) business days following receipt of the notice of denial, and shall include: (1) a petition for an informal public hearing, and (2) a response to the notice of denial. Such response shall include a brief statement addressing the substantive deficiencies cited in the denial notice and shall set forth the basis why the permit should not be denied.** (Ord. No. 2113, § 2; Ord. No. 2833, §§ 3, 5.)

22-20. Denial, suspension or revocation of licenses.

(a) If a license is denied ~~this Chapter~~, the applicant may file a written appeal of the decision to the taxicab commissioner within ~~seven~~ **ten (10)** days of receipt of the decision. The written appeal shall set forth

the reasons why the applicant believes the decision to deny the license should be reversed. The taxicab commissioner shall respond to the appeal within 14 days either affirming or reversing the decision to deny the license.

(b) A license issued under the provisions of this chapter may be revoked or suspended by the commissioner for a violation of any provision of this chapter. If the commissioner determines after investigation that cause exists for the suspension or revocation of a license, the commissioner shall notify the licensee in writing that its license will be revoked or suspended, setting forth the reasons therefor, and advising the licensee of the right to appeal pursuant to Section 22-21 of this Chapter. Unless a timely appeal is filed as provided in Section 22-21, such revocation or suspension shall be final and effective on the eleventh business day following receipt of the notice by the licensee. If a timely appeal is filed as provided in Section 22-21, such revocation or suspension shall not be final and effective until the appeal has been processed.

(c) Any cab company license or taxicab driver's license issued to a cab company or driver shall be automatically revoked as follows:

(1) If owners of the cab company or a driver is convicted of such offenses as are enumerated in Section 22-15(e) (1) and (2) and Section 22-19 (d) (1) and (2);

(2) If an owner of the cab company or driver is found in possession of narcotics;

(3) If the driver of any taxicab is convicted of drunken driving or reckless driving;

(4) If a driver's state driver's license has been suspended.

(d) Suspension of a license shall be for a period of not to exceed 30 days. No revocation or suspension shall require return by the Village of any license fee.

(e) Any revocation of a license shall preclude the licensee (or any subsequent cab company that has 20% or more common identity/ownership interest with the licensee) from receiving another license under this Chapter for two years from the date of revocation; except that upon automatic revocation, as provided above, the license (or any subsequent cab company that has 20% or more common identity/ownership interest with the licensee) shall not be permitted to receive another license for ten years from the date of revocation for violations of Section 22-20 (c) (1) and (2) and five years for violation of Section 22-20 (c) (3) and (4).

(f) Revocation or suspension of a license shall not preclude the imposition of a fine by a court of competent jurisdiction for violation of any part of this Chapter.

(Ord. No. 2002, § 1; Ord. No. 2579, § 12.)

22-21. Appeals.

(a) Any permit holder who receives a notice of revocation or suspension may file an appeal with the Village Manager as provided herein. Such appeal shall be filed with the Village Manager, in writing, no later than ten (10) business days following receipt of the notice of revocation or suspension, and shall include ~~a~~: (1) a petition for an informal public hearing, and (2) a response to the notice. Such response shall include a brief statement addressing the substantive deficiencies cited in the Village Clerk's notice and shall set forth the basis for why the license should not be revoked or suspended.

(b) The Village Manager shall schedule an informal public hearing as soon as possible following receipt of such appeal. The purpose of the hearing will be to offer the applicant or licensee an opportunity to show cause why the license should not be suspended or revoked. A record shall be made of the informal public hearing and documents may be submitted and/or testimony given, either in person or through sworn affidavit. This record may be made by electronic recording. The Village Manager shall have the power to administer oaths and to continue the hearing from time to time to permit the applicant to provide additional information.

(c) Within thirty days after such hearing, the Village Manager shall make written findings of fact and issue an appropriate order. If the Village Manager determine that the license or permit should be revoked

or suspended, the reasons supporting such determination shall be included in the written order. A copy of such order shall be served upon the permittee.

(d) The decision of the Village Manager as provided in subsection (c) above shall be the final administrative action of the Village with respect to the permit and shall be subject to the immediate appeal by the permittee to the circuit court. Such appeal to the circuit court shall be filed not later than thirty-five days following receipt of the Village Manager's findings and order. Failure to timely file such appeal as provided herein shall render the Village Manager's decision final.

(e) The Village Manager may delegate any duty or power set forth in this section, including but not limited to, the conduct of the informal hearing and issuance of any final order, to such Village officer as the Village Manager may designate. (Ord. No. 2002, § 1; Ord. No. 2579, § 13.)

8-73. Same—Fee for license.

The **annual** license fee for a tree removal license shall be ~~ten~~**forty** dollars **(\$40.00)** per company. (Ord. No. 2167, 6; Ord. No. 2277, § 2; Ord. No. 2523, § 1.)

Mayor

Passed:

Published:

Attest: _____
Village Clerk

[LIC-MISC]

ORDINANCE NO. _____

AN ORDINANCE AMENDING TAXICAB LICENSE FEES

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 22-19 of the Downers Grove Municipal Code is hereby amended as follows:

22-19. Application for and issuance of taxicab driver's license.

The driver of any taxicab to be operated within the Village for a cab company licensed to operate taxicabs in the Village, shall apply for a taxicab driver's license before driving a taxicab in the Village. The application for a taxicab driver's license shall be approved by the commissioner and a taxicab driver's license issued pursuant to the following rules and regulations:

(a) Application shall be made by the driver in writing to the Village Clerk on a form as reasonably required and approved by the commissioner. Prior to issuance of the license, a license fee of ~~fifteen~~**fifty** dollars (**\$50.00**) shall be submitted. **The taxicab driver's license shall be valid for a period of two (2) calendar years extending from April 1 to March 31. The full license fee shall be paid no matter when the license is applied for or issued.**

(b) The driver shall be required to include in the application a true statement of certain facts including but not limited to, the age of the driver, the driving convictions of the driver, the type of state driver's license of the driver, any felony convictions of the driver, the address and home telephone number of the driver.

(c) At the time of application, the driver shall submit his or her driving abstract obtained from the Illinois Secretary of State's Office within thirty (30) days prior to the submittal of the application for a license.

(d) The Village shall investigate the applicant for a taxicab driver's license. If this investigation or the application materials uncover information showing any of the following, the application shall not be approved and no taxicab driver's license shall be issued to that applicant:

(1) The applicant has been convicted of a felony based upon his conduct or involvement in such business or activity or related or similar business or activity within the past ten years;

(2) The applicant has been convicted of a felony or misdemeanor unrelated to his conduct or involvement in such business or activity or related or similar business or activity, but which felony or misdemeanor involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including criminal sexual assault and sexual abuse, within the past ten years;

(3) The applicant has been convicted of a misdemeanor or licensing ordinance violation based upon his conduct or involvement in such business or activity or related or similar business or activity within the past two years;

(4) The applicant has been convicted of driving under the influence of drugs or alcohol within the past five years.

(5) The applicant has been convicted of reckless driving within the past five years;

(6) The applicant's driver's license has been suspended for violations concerning his operation of a motor driven vehicle within the past five years; or

(7) The owner(s) or applicant(s) has misrepresented facts in the application for a license.

(e) The driver shall submit his/her fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken by the Downers Grove Police Department. Driver shall pay a fingerprint fee of fourteen dollars (\$14.00). Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file, unless the Village determines that there may be reason to believe that the renewal applicant may have unreported convictions.

(f) The applicant for a taxicab driver's license shall provide to the Village Clerk with his application evidence that he holds a valid Illinois operator's license that allows him to operate taxicabs under the laws of the state.

(g) The taxicab to be driven by the driver applying for the license shall pass a taxicab safety inspection within thirty days of application for a taxicab driver's license. Such inspections shall be conducted by Village approved testing stations according to the standards established by the Village. For taxicabs validly operating in the Village on April 1, 1997, the driver shall have the taxicab inspected on or before April 1, 1998. Upon successful completion of the inspection, a certificate of safety inspection will be issued and must be placed on the windshield of the taxicab. These safety inspections shall be valid for one year. Taxicabs shall be reinspected during the term of the driver's license whenever the certificate of inspection expires. If the driver changes taxicabs, the new taxicab shall be inspected pursuant to this subsection before it can be operated in the Village. No taxicab shall be operated within the Village without displaying a current and valid Village certificate of safety inspection. Upon issuance of a taxicab driver's license, the driver shall at all times when operating a taxicab in the Village carry a license card that contains his name, license number and year for which the license is valid. The taxicab driver shall exhibit this card upon the request of any passenger or police officer. ~~The taxicab driver's license shall be valid for a period of two (2) calendar years extending from April 1 to March 31. The full license fee shall be paid no matter when the license is applied for or issued.~~

(h) Failure to comply with the application and disclosure requirements of this section shall constitute grounds for the commissioner to deny issuance of a taxicab driver's license to any driver.

(i) Issuance or Denial - Taxi Driver's License. The Taxi Cab Commissioner shall, within 45 days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue or deny issuance of a taxi cab driver's license pursuant to this Ordinance. Provided, if after 45 days a criminal history background investigation has not been completed, the Taxi Cab Commissioner may issue a temporary taxi cab driver's license during the investigation period. The temporary taxi cab driver's license shall only be valid for 90 days from the date of issuance and shall automatically terminate at the end of the 90 day term. The Taxi Cab Commissioner has the right to revoke the temporary taxi cab driver's license immediately upon an unsatisfactory completion of a criminal history background investigation. (Ord. No. 2002, § 1; Ord. No. 2579, § 10.)

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:
Published:

Attest: _____
Village Clerk

[taxilic]