

## COUNCIL WORKSHOP ITEM

**ITEM:** Amendment to Municipal Code, Background/Fingerprinting Fees  
**DATE:** June 15, 2004  
**PREPARED BY:** Enza Petrarca, Village Attorney  
Ann Marie L. Perez, Staff Attorney  
**PURPOSE:** Revisions to the Ordinance

### DISCUSSION:

Recently, the Illinois State Police sent out notification of an increase in the fingerprinting fees they charge a municipality for completing background checks on individuals who are employed by or licensed by the Village. This fee increase goes into effect July 1, 2004. In most cases, the Village passes on the fee to the licensee. Various sections of the municipal code set out the fee charged by the Village. This proposed amendment changes the wording of the various sections of the code that deal with such fees. Specifically, this amendment changes the fee for amusement license fingerprinting, entertainment license fingerprinting, massage licenses (both for the establishment and therapist) fingerprinting, taxicab company license fingerprinting and taxi driver license fingerprinting. The liquor manager fingerprinting fee/amount is not specifically defined and, therefore, does not need change. The proposed wording does not specify the actual amount charged, but refers to the cost assessed by the Village for such service. By leaving an actual number out of the ordinance, the Village will not have to make ordinance changes every time the fee structure is changed by the Illinois State Police.

### ATTACHMENT:

The Notification of the Fee Increase by the Illinois State Police  
An Ordinance Amending Background Investigation Fees

### RECOMMENDATION:

Place this matter on the June 22<sup>nd</sup> Workshop for Council consideration.

1\mw\agenda04.itm\fingerprints



Illinois State Police  
Bureau of Identification

**FEE INCREASE NOTICE**

Due to increased processing costs and in an effort to provide improved services, effective July 1, 2004, the Illinois State Police (ISP), Bureau of Identification, will implement the following fee increases for the services listed below:

Court-ordered expungement or sealing of a criminal record	\$60 per court order
Fee Applicant fingerprint inquiries and Uniform Conviction Information Act (UCIA) fingerprint inquiries submitted electronically	\$15 per submission
Fee Applicant fingerprint inquiries submitted on paper forms	\$20 per submission
Uniform Conviction Information Act (UCIA) and school employment electronic name inquiries	\$10 per name
Uniform Conviction Information Act (UCIA) name inquiries submitted on paper forms	\$16 per inquiry
Uniform Conviction Information Act (UCIA) fingerprint inquiries submitted on paper forms	\$20 per inquiry
School employment name inquiries submitted on paper forms	\$13 per inquiry
FBI Criminal History Background Checks remain	\$24 per inquiry

Electronic submissions are encouraged. Benefits derived from submitting inquiries electronically include an expedited processing time, reduction in the potential for errors, as well as overall costs to the submitting entity.

Please contact ISP, Bureau of Identification, Customer Support Unit, 260 North Chicago Street, Joliet, Illinois 60432-4072 or by telephone at (815)740-5160 with any questions concerning the new fee schedule.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING BACKGROUND INVESTIGATION FEES**

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

**Section 1. That Section 8.13. is hereby amended to read as follows:**

**8.13. 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 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 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.

(6) The 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 8-12.

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

(11) In the event applicant is made aware that any information or document submitted as

## Background Investigations

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.

(12) 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 Village Clerk. Applicants are required to pay a fingerprinting fee ~~of fourteen (\$14.00) dollars~~ assessed by the Village. 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.

### **Section 2. That Section 8.31.07. is hereby amended to read as follows:**

#### **8.31.07. Fees.**

(a) The annual fee for a pre-adolescent entertainment facility license shall be \$1,925.00 per year and such license shall be valid from July 1 through the following June 30.

(b) The annual fee for an adolescent entertainment facility license shall be \$1,925.00 per year and such license shall be valid from July 1 through the following June 30.

(c) The annual fee for an adult entertainment facility license shall be \$1,925.00 per year and such license shall be valid from July 1 through the following June 30.

(d) The annual fee for an mixed entertainment facility license shall be \$1,925.00 per year and such license shall be valid from July 1 through the following June 30.

(e) A fingerprint fee equal to that from time to time assessed ~~to~~ by the Village ~~by the federal and/or state authorities~~ shall be paid for each person required to submit fingerprints under this ordinance.

(f) A fee for a request for a variance shall be \$100.00.

### **Section 3. That Section 8.2007. is hereby amended to read as follows:**

#### **8.2007. Fees.**

(a) Administrative Processing Fee. From and after October 1, 1999, every applicant for a new (non-renewal) Massage Establishment License shall pay an Administrative Processing Fee in the amount of \$250.00 to the Village at the time of filing such application. Every applicant for a new (non-renewal) Massage Therapist Permit shall pay an Administrative Processing Fee in the amount of \$100.00 to the Village at the time of filing such application. The Administrative Processing Fee shall be non-refundable.

(b) License Fee. Every applicant for a Massage Establishment License, or for the renewal of an existing Massage Establishment License, shall pay a License Fee in the amount of \$100.00 to the Village at the time of filing such application. The License Fee shall be refunded in the event the License application is denied.

(c) Permit Fee. Every applicant for a Massage Therapist Permit, or for the renewal of an existing Massage Therapist Permit, shall pay a Permit Fee in the amount of \$25.00 to the Village at the time of filing such application. The Permit Fee shall be refunded in the event the Permit application is denied.

(d) A fingerprint fee ~~of \$20.00~~ assessed by the Village shall be paid for each person required to submit fingerprints under this ordinance. The Fingerprint Fee shall be non-refundable.

### **Section 4. That Section 22.15. is hereby amended to read as follows:**

**22.15. Application for and issuance of cab company license.**

The cab company shall apply to the Village Clerk for a cab company license before operating any taxicabs within the Village. The application for a cab company license shall be approved by the commissioner and a cab company license issued pursuant to the following rules and regulations:

(a) Application shall be made by the cab company in writing to the Village Clerk on a form as reasonably required and approved by the commissioner. A license fee of two hundred dollars shall be submitted with the application. A cab company license shall be valid for a period of three (3) calendar years except for the license term beginning January 1, 1996, and extending through March 31, 1998. Each license term thereafter will be for three 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. If the application is for renewal of a cab company license, the application shall be submitted to the Village Clerk by March 1 of the year in which the license will expire. Applications filed after this deadline shall be considered a late filing but shall be accepted by the Village Clerk provided a late filing fee of \$50.00 is submitted with the application and the license fee.

(b) The cab company shall be required to include in the application a true statement of certain facts including, but not limited to, the state of incorporation of the cab company if the cab company is a corporation; whether the cab company is organized and qualified to do business under the laws of the state if the cab company is a corporation; the cab company's principal place of business; the names of the individuals who own the cab company; whether the cab company is a corporation, partnership or sole proprietorship; the registered agent of the corporate cab company, and the principal office of the cab company.

(c) The cab company shall, with its application for a cab company license, register or cause to be registered each taxicab operated by or operated for, such company within the Village. The following information for each taxicab to be registered shall be provided:

(1) The year, make, color and vehicle identification number of the taxicab.

(2) Name, address, and telephone number of the owner of the taxicab.

(3) Written certification that required safety inspections of the taxicab and inspection of the taximeter have been completed within thirty days prior to application and that these inspections find the taxicab to be safe and the taximeter to be in proper working order and accurate.

(d) The Village shall investigate the owner(s) of the applicant cab company. If this investigation or the application materials uncovers information showing any of the following, the application shall not be approved and no license shall be issued to the cab company:

(1) An owner(s) 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) An owner(s) 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) An owner(s) 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; or

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

(e) The owner(s) or applicant(s) shall submit his/her fingerprints to be used in completing the investigation. Owner(s)/applicant(s) are required to present themselves for fingerprints to be taken by the Downers Grove Police Department. Applicant shall pay a fingerprint fee of ~~fourteen dollars (\$14.00)~~ assessed by the Village. Provided, in the case of a renewal application, fingerprints and the fingerprinting fees 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 cab company shall be required to file with the Village Clerk, along with its application for a cab company license, a certificate of insurance showing that the cab company, its drivers and employees, are adequately insured against public liability, property damage and workmen's compensation claims on account

of its operation of taxicabs in the Village, and shall provide proof of automobile liability insurance for each taxicab registered pursuant to this section. Taxicab companies with independent contractors as taxicab drivers must cause each driver to provide proof of automobile liability insurance for each taxicab registered pursuant to this section. The limits for the required automobile liability insurance shall be not less than \$100,000 for injury to any one person or \$300,000 for personal injuries in any one occurrence, and not less than \$25,000 for property damage in any one occurrence. If the insurance expires or is otherwise terminated during the term of the license, the cab company shall submit to the Village, within 15 days of receipt thereof, a new certificate of insurance showing that the policy has been renewed or a new policy obtained which meets the requirements of this section.

(g) Failure to fully comply with the application and disclosure requirements of this section shall constitute grounds for the commissioner to deny issuance of a cab company license to any cab company.

(h) Issuance or Denial - Taxi Cab Company 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 company 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 company license during the investigation period. The temporary taxi cab company 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 company license immediately upon an unsatisfactory completion of a criminal history background investigation. (Ord. No. 2002, § 1; Ord. No. 2355, § 5; Ord. No. 2579, § 6; Ord. No. 3174, § 1.)

**Section 5. That Section 22.19. is hereby amended to read 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 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;

## Background Investigations

(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)~~ assessed by the Village. 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.

(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 6.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7.** That this ordinance shall be in full force and effect from and after its passage and publication in

Background Investigations

the manner provided by law.

---

Mayor

Passed:

Published:

Attest:

---

Village Clerk