

REDRAFT 6-27-2003

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ORDINANCE

03-O-

AN ORDINANCE OF THE CITY OF WAUKEGAN, ILLINOIS, MAKING AMENDMENTS TO THE GENERAL BUSINESS LICENSE, APPLICABLE TO ALL BUSINESSES IN THE CITY OF WAUKEGAN NOT OTHERWISE REQUIRED TO MAINTAIN A LICENSE, EXCEPTING THOSE BUSINESSES WHICH ARE EXEMPT FROM LICENSING BY LAW, AND INCLUDING RENTAL HOUSING

WHEREAS, the City of Waukegan is a home-rule unit of the State of Illinois, and as such has those powers pursuant to the Constitution of the State of Illinois which are not specifically reserved to the State itself; and

WHEREAS, the City Council of the City of Waukegan desires to make certain amendments to the General Business License, which is in effect in the City, to require all businesses operating within the City to obtain such a license, unless such business is exempt from licensing by State law; and

WHEREAS, the City Council wishes to continue the requirement that among those businesses which are required to be licensed shall be all non owner-occupied residential rental properties except owner-occupied two-units; and ~~shall be required to be licensed; which contain three or more units, and further the City Council wishes to institute an inspection requirement for all such properties as a prerequisite to obtaining a General Business License; and~~

WHEREAS, the City Council finds licensing and inspection of residential rental properties in accordance with the provisions of this ordinance will act to protect the public health, safety and welfare of the people of the City by ensuring rental units comply with minimum housing standards of City ordinances; and

WHEREAS, the City Council finds further that this program of inspection and licensing will act to protect the character and stability of residential areas; and

WHEREAS, the City Council finds further that this program of inspection and licensing will act to correct and prevent housing conditions that currently adversely affect and/or are likely to adversely affect the life, safety, general welfare and health of persons occupying residential rental dwellings; and

WHEREAS, the City Council wishes to ensure that all businesses operating in the City which are not currently licensed by the City Collector and Licensing Office, which are not otherwise exempt as above, be now licensed as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Waukegan, as follows:

Section 1: Chapter 14 of the City Code of the City of Waukegan is hereby amended as follows:

Sec. 14 – 1. Licenses – Required.

All persons who conduct, engage in, maintain, operate, carry on, or manage a business or occupation for which a license is not required under any other provisions of this code, other than those businesses or occupations which are exempt from city licensing pursuant to law, shall be required to apply for and obtain a General Business License from the City Collector and Licensing Office for such business or occupation, prior to commencing operation of such business or occupation in the City of Waukegan. The license fee for said license shall be \$50.00 per calendar year for each business having a total of twenty-five (25) employees or less; \$100.00 per calendar year for each business having a total of twenty-five (25) up to one hundred (100) employees; and \$150.00 per calendar year for each business having a total of greater than one hundred (100) employees. Businesses listed in Section 14-632 herein shall pay those fees specifically set forth in that Section. The license fee for vending machines shall be \$25.00 per vending machine per calendar year. The license fee for General Business Licenses for businesses engaged in rental housing shall be those fees as set forth in Section 14-4(b) of this ordinance.

Sec. 14-2. Same – Application.

(a) All businesses or occupations licensed hereunder or under any other provision of this Code shall provide the following information to the City Collector and Licensing Office: (1) The names and street addresses (post office box numbers are not sufficient) of the owners, general partners and officers of the business or occupation, where applicable; (2) the addresses of all such business or occupation located within the City; (3) a detailed and comprehensive description of such business or occupation; (4) notification of an emergency contact, including name and 24-hour telephone number, who is available to handle emergencies at the business location; (5) with the exception of rental housing businesses, evidence of an ~~current year~~ occupancy permit for the premises in which the business will take place, or pending application for same, issued by or applied for with the Waukegan Building Department under Sec. 118.1 of the BOCA National Building Code, as adopted by the City of Waukegan, and no General Business License will be issued until such a Occupancy Permit has been obtained by the Applicant; (6) in the case of a rental housing business, such other items as set forth in Section 14-4 of this ordinance; (7) any other information as may be required by the Licensing Official for the protection of the public health, safety or welfare of the patrons of such businesses

or occupations, their employees and the general public, including those items as are required by Section 14-3 below. Further no person shall engage in any trade, profession, business or privilege for which a license is required by any provision of this Code without first obtaining such license from the City in the manner provided in this Chapter.

(b) As set forth in Section 14-14 herein, home occupations as those are defined in the Zoning Code, except for home day care businesses under Section 4-4.3(4)(d)(4), shall not be required to obtain an occupancy permit. Home day care businesses shall be required to obtain an occupancy permit.

Sec. 14-3. Same – Qualifications of Applicants.

The general standards herein set out relative to the qualifications of every applicant for a City license shall be considered and applied by the Licensing Official. Such standards shall include the following:

- (a) *Penal history.* The Applicant's criminal conviction history shall be considered.
- (b) *License history.* The Applicant's license history, whether such person, in previously operating in this or another state under any license has had such license revoked or suspended, the reasons therefor.
- (c) *No obligations to City.* The Applicant shall not be in default under the provisions of this article or indebted or obligated in any manner to the City except for current taxes and/or current water bill.
- (d) *Compliance with zoning, building and health regulations.* With the exception of rental housing businesses, the Applicant shall furnish such proof as may be required to the effect that the proposed license activity, including the premises in which the activity is to be carried out (see requirement of occupancy certificate in Section 14-2 above), is not in violation of City Zoning, Building, or other regulations. In addition, the premises and proposed license activity must comply with any other applicable State or Federal requirements.

Sec. 14-4. Rental Unit Business License.

- (a) All owners of rental housing properties in the City, except those properties of two units or less in which the owner resides, shall be required to be licensed by the City Collector and Licensing Official.
- (b) The fee schedule for said units on a per building basis shall be as follows:

1-2 units -- ~~\$25.00-10.00~~

3-10 units	-- \$10.00 per unit
Over 10 units	-- \$100 <u>per building</u>
<u>Contiguous complex of multi-family buildings</u>	
(Totaling more than 20 Units)	
owned by the same	
person or entity	--\$200 for entire complex

Owners who reside in their own licensed building shall not be required to pay a unit fee for the unit in which they reside, nor shall the unit in which the owner resides be subject to inspection. Owner-occupied two-units are also exempt from the terms of this ordinance.

- (c) Owners of such properties shall be required to provide all the information required in Section 14-2 above for General Business Licenses, and shall also advise as to the number of units at each location. in addition provide the following information:

~~Total number of properties owned by the Applicant, and number of units at each premises, whether the units are occupied or vacant at the time of license application, and the Applicant shall provide a copy of the current City of Waukegan Zoning Letter or Certificate for each premises, or evidence that the individual has owned the premises continuously since prior to the enactment of the City of Waukegan Zoning Code in December, 1987.~~

- (d)(i) All rental residential property except those units occupied by the owner shall be subject to ~~an annual inspection, in accordance with this ordinance, for compliance with all applicable codes, as a condition to the issuance of the license. An inspection shall be scheduled on an annual basis by the Code Official at a time during the same month as the original inspection. The inspection fee, to be paid at the time of filing the license application, shall be \$25.00 per unit. New construction, defined as those residential rental buildings which have received an occupancy permit from the City of Waukegan within the twelve (12) month period immediately preceding the date of application for the rental unit business license, shall not be required to undergo an inspection for the initial annual business license. Prior to obtaining a renewal license for the second and subsequent years after occupancy, an inspection shall be required, unless it is waived by the City based on 100% compliance under Sec. 14-6(c) herein, or is placed on a biennial inspection schedule under Sec. 14-6(b) herein. Initial and subsequent annual licensing inspections shall include the building exterior, common areas, basement, and not less than 33 1/3 % of the individual dwelling units. All units within the structure shall be~~

inspected every three (3) years. At the special request of the owner 100% of the units may be inspected in the first year if such a schedule is able to be accommodated by the City of Waukegan. If such a request is made and 100% of the units are inspected in the first year, the property shall not be subject to inspection for the following two years. The inspection fee for all properties, to be paid annually at the time of filing the license application, shall be \$10.00 per unit to be inspected.

(ii) Upon receipt of a completed application for a license or renewal license for a rental residential property, including the payment of all required fees and the scheduling of a required licensing inspection, the License Administrator shall notify the Code Official within 48 hours. The property owner will be given at least 30 days advance written notice of the date and time for the initial inspection of one-third of his or her units. The property owner shall be allowed to pick which particular units he or she wishes to have inspected, so long as the number of units inspected equals no less than 33 1/3 % of the total. Once the owner has designated the units to be inspected, he or she shall notify the tenants/occupants of each unit to be inspected of the date and time for the inspection by placing a form (available from the City or created by the owner) stating this information under or on the door of the unit at least 72 hours prior to the time for the inspection. The owner shall request permission of the tenant/occupant to provide access to the residential rental unit in the event the tenant/occupant is not at home when the inspector arrives. In the event the tenant/occupant is not at home, but does grant permission for the inspection, the owner or owner's representative shall accompany the City inspector at the time of the inspection.

(iii) Licensing inspections of rental residential property shall be conducted within sixty (60) days of the issuance of an initial license or renewal license. The licensing inspection shall determine whether the residential rental property is in conformance with the applicable codes of the City of Waukegan, and shall include a physical inspection of the rental residential property including the building exterior, common areas, basement, and the interior of each residential unit to be inspected. Inspections for purposes of this ordinance shall be limited to the following code sections (identified as follows: PM= BOCA Property Maintenance Code, 1996 and ordinance adopting same 96 -- O--153; LSC= Life Safety Code, 2000; WEC= Waukegan Electrical Code, Ord. 03-O-056; BOCA NBC= BOCA National Building Code, 1996 and ordinance adopting same 99 -- O--34; NFPA= National Fire Prevention Association Standards):

EXTERIOR VIOLATIONS

PM 304.12 Chimney not kept in sound condition.

PM 304.7 Roof damaged or in disrepair.

PM 304.7 Missing gutters and/or downspouts.

PM 304.7 Gutters and/or downspouts in need of repair.

PM 304.2 Gutters and/or downspouts need paint.

PM 304.9 Canopies and/or awnings not maintained in a sound condition.

PM 304.2/9 Wood or metal in overhang extension needs paint.

PM 304.6 Walls need repair.

PM 304.1/8 Broken trim/corner boards.

PM 304.1/8 Deteriorated/damaged shutters.

PM 304.6 Deteriorated/rotten siding.

PM 304.8 Deteriorated fascia/soffit boards.

PM 304.2 Painted surfaces cracked or peeling.

PM 304.3 No street address numbers installed on house.

PM 304.3 Street address numbers in need of repair.

PM 304.3 Street address numbers not visible from street.

PM 304.15 Screens in need of repair.

PM 304.14 Window frames in need of repair.

PM 304.15 No window screens present.

PM 304.14.1 Broken/cracked glass.

PM 304.14 Deteriorated frame/sash

PM 304.2 Frames need paint.

PM 304.14 Missing glass in windows and/or doors.

PM 304.16 Doors and/or door frames in need of repair.

PM 304.16 Hinges/latches on doors in need of repair.

PM 304.11 Patio or porch is deteriorating.

PM 304.2 Peeling, faded, flaking paint on patio or porch.

PM 304.7 Roof or covering is deteriorating.

PM 304.5 Foundation in need of repair.

PM 304.2 Faded and/or flaking paint on walks/steps.

PM 304.11 Holes, cracks and/or breaks in walks/steps.

PM 702.9 No handrails/guards provided.

PM 304.13 Handrails/guards in poor condition and/or not firmly fastened.

PM 304.2 Fading/flaking paint on sheds/carports.

PM 304.7 Deteriorating doors/windows on sheds/carports.

PM 304.7 Deteriorating roof/siding on sheds/carports.

PM 304.2 Fading/flaking paint on garage.

PM 304.7 Deteriorating doors/windows in garage.

PM 304.7 Deteriorating roof/siding on garage.

PM 303.3 Driveway in disrepair.

PM 304.2 Fading/flaking paint on fences/retaining walls.

PM 303.7 Fences/retaining walls not properly anchored to ground.

PM 303.7 Fences/retaining walls leaning and/or inadequate supports.

PM 306.1 Accumulation of rubbish and/or garbage in exterior yard areas.

PM 303.4 Overgrown weeds or grass.

PM 306.2/306.2.1 Failure to properly dispose of and/or store rubbish.

INTERIOR VIOLATIONS

BATHROOM

PM 505.1 Toilet not in good working order.

PM 505.1 Bathtub/shower not in good repair.

PM 506.3 Water pressure not adequate.

PM 505.1 Drains not functioning properly.

PM 605.3 At least one electric light fixture present.

WEC 03-O-056 Electric light fixtures not enclosed and/o in good repair.

PM 605.2 At least one receptacle present.

PM 605.1 Outlets/receptacles not in good repair.

PM 404.2 Ventilation not adequate.

PM 305.3 Window(s) not in good repair.

PM 304.15 Screens/storm windows not in good repair.

PM 305.3 Doors not in good repair.

PM 305.3 Walls not in good repair.

PM 305.3 Ceiling not in good repair.

PM 305.3 Floor not in good repair.

NEC 210-8 No G. F. I outlets.

KITCHEN

PM 505.1 Sink not in good repair

PM 505.1 Drains not functioning properly

PM 506.3 Water pressure not adequate.

WEC 03-O-056 Electric light fixtures not enclosed and/or in good repair.

PM 605.2 At least one receptacle present.

PM 605.1 Wall outlet/counter receptacles not in good repair

PM 404.2-1 Ventilation not adequate.

PM 305.3 Windows not in good repair.

PM 304.15 Screens/storm windows not in good repair.

PM 305.3 Door(s) not in good repair.

PM 305.3 Walls not in good repair.

PM 305.3 Ceiling not in good repair.

PM 305.3 Floor not in good repair.

PM 307.1 Insects/rats present.

LIVING ROOM AND/OR DINING ROOM

WEC 03-O-056 Light fixtures not enclosed and/or not in good repair.

PM 605.2 At least two receptacles present.

PM 605.1 Electrical outlets not in good repair.

PM 605.1 (Alt.) 1/1 switch/outlet not in good repair.

PM 305.3 Window(s) not in good repair.

PM 304.15 Screens/storms not in good repair.

PM 305.3 Door(s) not in good repair.

PM 305.3 Walls not in good repair.

PM 305.3 Ceiling not in good repair.

PM 305.3 Floor not in good repair.

SLEEPING ROOMS

WEC 03-O-056 Light fixtures not enclosed and/or in good repair

PM 605.2 At least two receptacles present.

PM 605.1 Electrical outlets not in good repair.

PM 605.1 (Alt.) 1/1 switch/outlet not in good repair.

PM 305.3 Window(s) not in good repair.

PM 305.3 Door(s) not in good repair.

PM 305.3 Walls not in good repair.

PM 305.3 Ceiling not in good repair.

PM 305.3 Floor not in good repair.

NFPA 73, Sec. 2.5 Illegal use of extension cords present

WEC Sec. 410.8 Fixtures in clothes closet—lamp must be enclosed

BASEMENT

PM 405.7 Basement being used for sleeping purposes.

NFPA 54 Improper gas shut off valve.

PM 603.4 Flues not in good condition and secured.

PM 603.5 Improper storage around furnace/water heater

IL Plumbing Code Emergency discharge pipe not of proper length

NEC 110-12A Hanging wiring

NEC 110.-26A Not a clearance of 3' in front of electrical panel and meters. Use of 30 amp fuses (20 amp. maximum)

PM 306.1 Basement not clean.

PM 305.5 Improper stairs and handrails.

PM 305.3 Slab not in good condition.

PM 304.5 Foundation not in good condition.

PM 304.7 Evidence of dampness in basement.

BOCA NBC 116.4/116.5 Illegal construction in basement

OTHER

LSC 31-3.6.3 Required fire doors not self-closing and/or equipped with latches for keeping doors tightly closed.

LSC 31-34.5.1 Working smoke detectors not provided within 10 feet of all sleeping rooms.

PM 405.5 Apparent density violation

PM 405.7 Attic space inadequate for sleeping purposes.

COMMON AREAS

LSC 31-2.10 Exit signs not properly maintained.

LSC 31-2.8/PM 605.3 Illumination in all corridors/stairwells not provided.

LSC 31.2.9 Emergency lights not maintained in operating condition at all times.

City of Waukegan Ord. 02-O-37 Business license not posted.

PM 305.3 Ceiling in hallway/stairwell in need of repair..

PM 305.3 Walls in hallway/stairwell in need of repair.

PM 305.3 Floor in hallway/stairwell in need of repair.

PM 305.5 Repair stairway.

PM 305.5 Repair/install handrails.

PM 306.1 Clean hallway/stairwell.

PM 307.1 Insect/rat infestation.

LSC 31-3.6.3 Doors between corridors not self-closing and/or not equipped with latches for keeping doors tightly closed.

(iv) When a licensing inspection of a rental residential property reveals any violations of applicable codes, a compliance period will be set by the code official, based on the minimum reasonable amount of time necessary to correct all violations given their number and severity. ~~This compliance period shall in no event exceed thirty (30) days.~~ This period shall typically be thirty (30) days. In the event an extension is necessary due to unforeseen circumstances, the inspector may grant an additional up to thirty (30) day period for compliance as needed. Exterior items such as painting, hard-surfacing or cement work on chimneys or foundations may be postponed until weather conditions will permit their completion.

(v) A licensing re-inspection will be conducted at the end of the compliance period. If the re-inspection reveals that outstanding code violations remain, the applicant will be charged a ~~\$15.00~~ \$50.00 re-inspection fee for each non-compliant unit to be re-inspected. The Code Official shall set another compliance date for remediation of all remaining code violations. The license shall remain in effect during this re-inspection time period. If at the time of the re-inspection the code official finds that the requirements of all applicable City codes have not been met, or that any information provided in the license application is false, the license shall be suspended and revocation proceedings shall commence in accordance with this Chapter. Each additional re-inspection required due to non-compliance shall be charged a \$50.00 re-inspection fee for each non-compliant unit to be re-inspected.

~~(vi) Individual units in a licensed premises that become vacant during the course of a license year may not be re-occupied until they are re-inspected and approved for occupancy. Such re-inspection shall be conducted by the City at no charge.~~

Sec. 14-5. License Extension Upon Full Compliance.

A residential rental property which is in total compliance at the time of the licensing inspection shall receive a license with no additional inspections. Re-inspection periods, suspension periods or revocation periods shall not alter the original annual inspection date of the property. The property will become due for an annual inspection under the terms of this ordinance during the same month as the originally selected inspection month.

Sec. 14-6. Renewal Licenses; Suspension and Revocation for Non-payment.

(a) Existing licenses in good standing are able to be renewed annually. Prior to the expiration of each license on December 31 of the calendar year, the applicant shall submit an application for license renewal, which shall include all the information required in Section 14-2 above, or a statement indicating that such information is still current. At the time of submittal of the renewal application and fee, the property shall be scheduled for inspection. One-half of those units which were not inspected in the initial year shall be inspected in the second year. The units to be inspected in the second year shall be designated by the owner, and the provisions of Sec. 14-4(d) with regard to scheduling inspection and re-inspection, shall apply. In the third year, the remaining units which have not been inspected in previous years shall be subject to inspection, again in accordance with the provisions of Sec. 14-4(d). Renewal license fees shall be paid at the time of the renewal application, in the same amounts as the initial license fee. Renewal fees paid after December 31 of the calendar year shall be considered delinquent, and the existing license shall be suspended until such time as a renewal application is made and the fee, plus a 25 percent (25%) late fee, is paid. Any such suspension shall only remain in effect until February 1 of each calendar year, at which time if the renewal application, renewal fee and late fee are not received by the office of the City Collector and License Official, the license shall be revoked. Such revocation shall be automatic, and shall not be subject to the hearing process set out in Section 14-11 and 14-12 below. Individuals or companies whose licenses are revoked for nonpayment of fees and penalties shall be so notified by the License Official, and shall immediately cease operating under the revoked license. The provisions of Section 14-8(c) below regarding termination of water service shall also apply in those instances where licenses are revoked for non-payment of fees and penalties, except in cases of buildings which are equipped with an automatic fire sprinkler system. In such cases, water service will not be terminated, but an additional penalty of \$500 per day shall be imposed on businesses whose licenses are revoked for non-payment of fees and penalties.

~~(b) If a residential rental property is licensed for a period of three (3) years of successful annual inspection and renewal, renewal inspections shall be required only every other year after the fifth year, and shall continue on a biennial basis. If at any time the property fails its biennial inspection, the property shall revert to an annual inspection schedule for another five-year period. The term~~

~~“fails” shall be defined to mean less than 90% compliance with all applicable City codes in any single unit.~~

(b) New construction, defined as those residential rental buildings which have received an occupancy permit from the City of Waukegan within the twelve (12) month period immediately preceding the date of application for the rental unit business license, shall not be required to undergo an inspection for a three-year period following the date of issuance of the occupancy permit. ~~for the initial annual business license.~~ Prior to obtaining a renewal license for the ~~second and subsequent~~ fourth years after occupancy, an inspection shall be required, and the property shall be placed on an inspection schedule under the terms of this ordinance. ~~unless it is waived by the City based on 100% compliance under Sec. 14-6(e) herein, or is placed on a biennial inspection schedule under Sec. 14-6(b) herein.~~

~~(c) If a property passes its initial licensing inspection with a 100% code compliance rate, such property shall be exempt from the inspection requirement for the following license year. So long as the property maintains a 90% or better code compliance rate, inspections shall be required only on a biennial basis.~~

Sec. 14-7. Bonds and Insurance.

All bonds required by any provision of this Code shall be executed by two sureties, or a surety company, and be approved as to form by the Corporation Counsel. Where policies of insurance are required, such policies shall be approved as to substance and form by the Corporation Counsel. Satisfactory evidence of coverage by bond or insurance shall be filed with the City Collector and License Official before the license is issued.

Sec. 14.8. Conditions Precedent to Issuance.

- (a) Where the approval of any City Officer or State or Federal officer or entity is required prior to the issuance of any license required by any provision of this Code, such approval must be presented to the City Collector and License Official before any license is issued. When all conditions for issuing a license are fulfilled, the License Official shall issue the license.
- (b) No license shall be issued if the conduct of the licensed activity will be contrary to the public health, safety or welfare of the public.
- (c) Businesses which continue to operate in violation of the provisions of this ordinance shall be subject to water service termination, pursuant to procedures as set forth in the ordinances of the City of Waukegan having to do with water service, except for those businesses, as set forth in Sec. 14-5 above, which have an automatic fire sprinkler system, and except for rental housing businesses, in addition to any

and all remedies available to the City under the provisions of the City Code, the Statutes of the State of Illinois or other applicable law and regulations, including, but not limited to, the ability of the License Official, acting in conjunction with the Police Department, to arrest any and all individuals who operate a business in the City of Waukegan without a current business license, and charging them with a misdemeanor under Sec. 14-15 herein. Such business shall be immediately closed down and not reopened until such time as all laws and regulations are complied with, including all the requirements of this Article.

Sec. 14-9. Exhibition of License on Premises.

Every licensee under provisions of this Code shall carry his license upon his person at all times when engaged in the trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is conducted at a fixed place or establishment, the license shall be exhibited at all times in a conspicuous place at the business location. The Licensee shall produce the license upon demand of any police officer or person representing the City of Waukegan. For residential rental properties the license shall be available for inspection on request.

Sec. 14-10. No Transfer of License.

Unless otherwise provided, no license required by any provision of this Code shall be transferable. Licenses for residential rental properties may be transferable with the prior notification of and approval of the City of Waukegan License Administrator.

Sec. 14-11. Suspension or Revocation of Licenses.

Any license required by any provision of this Code that is issued by the City may be suspended or revoked by the City for any of the following causes:

- (a) Fraud, misrepresentation or incorrect statement contained in the application for license, or made in carrying on the licensed activity.
- (b) Conviction of any crime, misdemeanor, or the violation of any ordinance by an individual licensee or the officers and/or shareholders and agents of a corporate licensee or the partners of a partnership license.

- (c) Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety, or welfare of the public, or a disturbance of the peace and comfort of the residents of the City, or upon recommendation of any official charged with approving health requirements on the licensed premises.
- (d) Expiration or cancellation of any required bond or insurance, and/or expiration or cancellation of the City of Waukegan occupancy permit.
- (e) Actions unauthorized or beyond the scope of the license granted.
- (f) Violation of provisions of this Code applicable to the trade, profession, business or privilege, for which the license has been granted, or regulations or laws of the state so applicable.
- (g) Failure to continuously comply with all conditions required as precedent to the approval of the license, including, but not limited to, failure to comply with all requirements of the licensing inspection/re-inspection.

Sec. 14-12. Same - Procedure.

- (a) When a license is suspended for any of the items set forth in Sec. 14-11 the ~~Code Official~~ License Administrator shall send notice to the licensee at the address provided on the most recent license application. Said notice shall be sent by certified mail, return receipt requested, or personally served upon the licensee. The notice shall include the following:
 - (i) Description of the property at which the licensed activity is taking place sufficient for identification;
 - (ii) A statement of the reasons for the suspension;
 - (iii) An explanation of the licensee's right to appeal the suspension;

The license suspension shall be effective as of the date of service on the licensee in the case of personal service, or as of the date of postmark in the case of service by certified mail.

- (b) If the license was suspended based upon a re-inspection failure, the licensee may request another re-inspection prior to revocation. If, upon re-inspection, the City finds that the licensed residential rental property in connection with which the notice was issued is now in compliance with this Chapter, the Code Official may reinstate the license.

(c) Any person whose license has been suspended shall be entitled to appeal the suspension by filing an appeal of the license suspension with the Development Review Board of the City of Waukegan. A request in letter form to appeal the suspension shall be sufficient to cause the Development Review Board to set a time and place for hearing of the appeal. Such an appeal shall operate as a stay of the ~~revocation~~ suspension until such time as the Board renders a decision on the appeal. The Development Review Board shall conduct a hearing according to its rules and regulations, and may immediately revoke the license, continue the suspension for a definite compliance date with revocation being the penalty for noncompliance, or dismiss the charges and reinstate the license. The Board's decision shall be in writing and shall be mailed to the person making the appeal with ten (10) days after the conclusion of the hearing, by certified mail, return receipt requested.

(d) Decisions of the Development Review Board with regard to license suspensions and revocations may be appealed directly to the City Council, by filing an appeal, which may be in the form of a letter request, within ten (10) days of receipt of the Board's written decision.

(e) A license may be revoked when an appeal has not been filed within twenty (20) days following the issuance of an order of suspension, or if the suspension is sustained after an appeal. A license may also be revoked when in the opinion of the Code Official emergency conditions exist in a rental residential property that require the immediate vacating of a structure as specified in the Waukegan Property Maintenance and Housing Code.

(f) A license that has been properly revoked as herein provided shall not be reinstated. The licensee may, however, obtain a new license after all violations have been corrected and following the procedures for obtaining a new license as set forth in this Chapter, including the payment of all applicable fees.

(g) Whenever a license is revoked, following a hearing or twenty days after suspension where no hearing was requested, the Code Official shall send notice to the licensee at the address provided on the most recent license application on file with the City. Said notice shall be sent by certified mail, return receipt requested. In the case of revocation of a license for rental residential property the Code Official shall also notify all tenants and occupants of the property by posting a notice on all entrances of the rental residential structure. The notice to be posted shall contain the following language:

“You are hereby notified that the license for this building has been revoked pursuant to the ordinances of the City of Waukegan. You must vacate this building within sixty (60) days of the date of this notice. If you fail to vacate this building you will be in violation of the ordinances of the City of Waukegan, and could also be subject to fines not to exceed \$750.00 per day of violation.”

(h) Whenever an owner or property agent of a rental residential property fails to license said property with the City, the Code Official shall notify all tenants or occupants of the rental residential property by posting a notice on all entrances to the rental residential property. The notice to be posted shall contain the following language:

“You are hereby notified that the owner or agent for this building has failed to obtain a license for this rental residential property as required by the ordinances of the City of Waukegan. You must vacate this building within sixty (60) days of the date of this notice. If you fail to vacate this building you will be in violation of the ordinances of the City of Waukegan, and could also be subject to fines not to exceed \$750.00 per day of violation.”

Sec. 14-13. Inspection Access.

~~If any owner, property agent, tenant, occupant or other person in control of a rental residential property or a dwelling unit therein fails or refuses to consent to free access and entry to the property or dwelling unit under his control for any inspection pursuant to this ordinance, the Code Official or his designee may apply to the Circuit Court for a search an administrative warrant or other appropriate court order authorizing such inspections.~~

When the person in control of a rental residential unit does not allow inspection of that unit the City may apply for an administrative warrant to allow the City to proceed with inspection under the terms of this ordinance. Prior to applying for an administrative warrant, the City staff will present the matter for review to the City of Waukegan’s Task Force on Rental Licensing. This Task Force shall be comprised of the City of Waukegan Building Commissioner, two property owners licensed under this ordinance, two tenants, two City officials, and a representative from the Fair Housing Center of Lake County. The Task Force’s objective will be to establish guidelines and make recommendations to the City concerning disputes relating to the rental property inspection process. At the time of the presentation the property owner and/or person in control of the property will be requested to be present and will be given an opportunity to be heard.

Sec. 14-14. Occupancy Permits for Premises of Exempt Businesses.

All businesses, including those that are otherwise exempt by law from the requirement of obtaining a General Business License, must obtain an occupancy permit from the City of Waukegan Building Department for the premises in which the business will take place. Included in this requirement are home day care businesses operated as home occupations under Section 4-4.3(4)(d)(4) of the Zoning Code of the City of Waukegan. This requirement shall not apply to any other home occupations operated under the Zoning Code. Those businesses which are exempt by law from the General Business License requirements shall have a period of one year from the date of passage of this Ordinance to obtain the occupancy certificate required by this Ordinance. The fee for obtaining this Occupancy-only Permit shall be \$50.00.

Sec. 14-15. Operating a business without a license – Misdemeanor.

Pursuant to the provisions of Illinois Consolidated Statutes, Chapter 65, Section 5/1-2-1.1, the operation of a business in the City of Waukegan without a business license when the same is required under the terms of the code of ordinances of the City of Waukegan, including this Chapter, is hereby declared to be a misdemeanor, punishable by incarceration in a penal institution other than the penitentiary not to exceed six (6) months. This penalty shall be in addition to any and all other penalties and fines provided by law.

Sec. 14-612. Outdoor sales not permitted by those holding a hawkers or peddlers license.

Under no circumstances may the sale of items under Section 14-606 through 14-611 take place in the out-of-doors. This shall include push-carts, mobile carts, mobile or stationary stands, or other outside sales. This requirement shall not affect the provisions of Section 14-481 herein regarding Mobile Food Vendors.

Section 2. Existing Section 14-15 is hereby deleted.

Section 3. Sections 14--17, 14-18 and 14-19 are hereby removed from this Chapter and placed into Chapter 15 of the City Code regarding Offenses. These sections are hereby renumbered as Sections 15-23, 15-24, and 15-25 respectively.

Section 4. Section 14-153(t) is hereby deleted.

Section 5. Section 14-281(4) is hereby deleted.

Section 6. Section 14-396 is hereby amended to read as follows:

Sec. 14-396. Inspections.

The License Official from time to time shall inspect and examine all places where cigars, cigarettes, and tobacco are licensed to be sold, for the purpose of ascertaining whether the laws of the state and ordinances of the city in relation to the same are being complied with. Any person licensed to sell cigars, cigarettes, or tobacco upon the demand of such official shall furnish to him or her for inspection samples of cigars, cigarettes, or tobacco sold or offered for sale by him, which such samples may be sent for analysis under the direction of the Licensing Official. A record of such analysis shall be kept in his or her office available for inspection of the public.

Section 7. Section 14-413(a) is hereby amended to read as follows:

Sec. 14-413. Fees.

(a) *Generally.* The annual fee for the license required by this division shall be \$100.00.

Section 8. Sections 14-436 and 14-437 are hereby deleted.

Section 9. All other portions of Chapter 14 that are not changed or amended by this Ordinance shall remain in full force and effect.

Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

Section 11. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

MAYOR RICHARD H. HYDE

ATTEST:

WAYNE MOTLEY, City Clerk

Presented and read at a regular meeting of the Waukegan City Council on the _____ day of _____, 2003.

Passed and approved at a regular meeting of the Waukegan City Council on the _____ day of _____, 2003.

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN: