

**10-O-71
ORDINANCE**

Sponsored by

THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER

GENERAL BUSINESS LICENSE ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 54, Licenses, Permits and Miscellaneous Business Regulations, Sec. 54-391, 54-392 and 54-395 of the Cook Code are hereby amended as follows:

ARTICLE X. GENERAL BUSINESS LICENSES

Sec 54-391 License denial, non-renewal, suspension, & revocation

(a) Any County department or agency issuing citations pursuant to applicable Cook County Code of Ordinances shall have the authority to issue to the applicant or licensee a notice of violation recommending denial, non-renewal, suspension, or revocation of an applicant's or licensee's General Business License.

- (1) After an authorized County department or agency issues a notice of violation recommending denial, non-renewal, suspension or revocation to the applicant or licensee, a copy of this notice of violation, along with copies of any documents supporting the above recommendation shall be forwarded to the Department of Revenue. The notice of violation and documents supporting the recommendation shall be "Prima Facie" or on its face legally sufficient to deny issuance, deny renewal, suspend or revoke the license, until disproved by documentary evidence.
- (2) The Director of Revenue or his or her designee shall have the authority to deny, renew, suspend, or revoke a General Business License issued under the provisions of this Article if he or she determined the applicant or licensee violated any Federal or State statute or any provision of the Cook County Code of Ordinances.
- (3) However, no General Business License shall be denied issuance or renewal, suspended, or revoked except after a License Administration Hearing. The applicant or licensee shall be given written notice at least seven days prior to the date of the hearing, where the Director of Revenue or his or her designee shall make a determination based on the documentation provided by both the

applicant or licensee and the Department(s) issuing the citation. The Director of Revenue or his or her designee may upon a show of good cause grant the applicant or licensee one continuance. The Director of Revenue or his or her designee shall have the right to authorize the examination of the books and records of any applicant or licensee who appears before him or her for a Determination Hearing.

- (4) If the Director of Revenue or a designee determines, after the License Administration Hearing, the license shall be denied, not renewed, suspended, or revoked, a written notice of determination and order to close the applicant or licensee's business, pursuant to Section 54-393 of this Article, shall be issued to the applicant or licensee and the Sheriff. The Department of Revenue, with the assistance of the Sheriff, will immediately close the business.
- (5) An applicant or licensee who disagrees with the determination issued by the Director of Revenue or his or her designee may file an appeal for an administrative hearing, with the Cook County Department of Administrative Hearings in accordance with Cook County Code of Ordinances, Chapter 2, Administration, Article IX, Administrative Hearings. The filing of an appeal does not stop or prevent the physical closing of the applicant or licensee's business. The business shall remain closed unless an order to reopen is issued by the Department of Administrative Hearings or the Cook County Circuit Court
- (6) If after the administrative hearing the Department of Administrative Hearings determines the license shall be denied, not renewed, suspended or revoked the Department of Administrative Hearings shall immediately prepare and issue a written determination informing the applicant or licensee that the Notice of Determination issued by the Director of Revenue or his designee is upheld and the business will remain closed.
- (7) An applicant or licensee who wishes to appeal the determination of the Cook County Department of Administrative Hearings must provide written notice to the Department of Administrative indicating an appeal has been filed with the Circuit Court pursuant to Sec. 2-917 of this Code.
- (8) If after the administrative hearing the Department of Administrative Hearings issues a written determination indicating the license shall not be denied, suspended, revoked, or shall be renewed, the license shall be reinstated in accordance with Department of Revenue policy or procedures. However, a determination issued by the Department of Administrative Hearings in favor of the applicant or licensee does not forfeit the Department of Revenue's right to file an appeal with the Circuit Court.

(b) The license of any person who has failed to pay any fine, assessment of costs or other sum of money owed to the County pursuant to an order of the Department of Revenue, an order of the Department of Administrative Hearings or a court order, by the due date indicated in the order, or within 30 calendar days of becoming a debt due and owing may be suspended by the Department of Revenue, in accordance with its rules and after affording a hearing. The license shall be suspended until such time that the fine, assessment of costs or other sum of money has been fully paid.

(c) A Person whose license has been denied renewal, suspended or revoked may seek re-issuance or reinstatement of the license the in accordance with procedures prescribed by Department of Revenue

Sec. 54-392. License not required.

(a) A General Business License shall not be required in unincorporated Cook County if the Person, doing business in Cook County as defined in this Ordinance, is:

(1) Required to obtain a County business license pursuant to any other County ordinance or regulation, or

(2) exempt by any Federal or State law or County ordinance.

Sec 54-395 Effective date.

This Ordinance takes effect March 1, 2011.

Approved and adopted this 16th day of November 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk