

ORDINANCE #18-42

**AN ORDINANCE AMENDING CHAPTER 22,
"BUSINESS AND BUSINESS REGULATIONS", ARTICLE II, "LICENSES
AND PERMITS", TO REPEAL CURRENT SECTION 22-29, "REVOCATION"
AND REPLACE IT WITH NEW SECTION 22-29, "DENIAL, SUSPENSION,
REVOCATION AND APPEAL" OF THE VILLAGE CODE OF THE VILLAGE OF
LYNWOOD, COOK COUNTY, ILLINOIS.**

WHEREAS, the Board of Trustees of the Village of Lynwood, Illinois, pursuant to the powers granted to it, have reviewed Chapter 22, Section 22-29 of the Village Code and have determined that it is in the best interest of the citizens of Lynwood, Illinois to amend the same to set forth more complete procedures for the denial, suspension, revocation or appeal of any business licenses in the Village and;

SECTION 1: NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lynwood, Cook County, Illinois, that Chapter 22, "Business and Business Regulations", Article II, "Licenses and Permits", Section 22-29, "Revocation" is hereby repealed in its entirety and replaced with new Section 22-29, "Denial, Suspension, Revocation and Appeal", of the Village Code of the Village of Lynwood, Cook County, Illinois, to read as follows;

Sec. 22-29. - Denial, suspension, revocation and appeal.

- (a) Licenses or permits may be denied, suspended or revoked following proper notice from the Village Clerk and opportunity for a hearing before the designated Village Hearing Officer for any of the following causes:
 - (1) Any fraud, misrepresentation, or false statement contained in the application for the license or permit;
 - (2) After review of the license or permit application it is determined that the applicant does not meet requirements established in the relevant sections of this code to hold the license or permit applied for;
 - (3) Any violation by the licensee or permittee of the provisions relating to the license or permit, the subject matter of the license or permit, or any village code

regarding the premises occupied for the licensed or permitted business activity;

(4) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

(5) Failure of the licensee or permittee to pay any fines or sums owed to the village;

(6) Refusal to permit inspection or, the taking of samples or, interference with an authorized village officer or employee while in the performance of his duties in making inspections regarding the enforcement of this article or any other provisions of this code.

- (b) The Village Clerk is hereby authorized to deny an application for a license or permit or to suspend or revoke a license or permit already issued provided the Village Clerk has reasonable cause to believe the applicant or license holder has falsified information or does not meet the standards provided for in this code for issuance of the license applied for or; that an existing licensee or permit holder has violated any of the causes for suspension or revocation as stipulated in subsection (a) of this section. The notice of denial, suspension or revocation from the Village Clerk shall be in writing and shall specifically list the substantive deficiencies which led to the Village Clerk's decision to deny or the specific causes for the pending suspension or revocation of an existing license or permit. Further, the written notice shall provide the applicant or license/permit holder a period of ten (10) business days during which the applicant or license/permit holder shall be provided the opportunity to provide proof that they have remedied the cause which has led to the denial, suspension or revocation or provide additional documentation to the Village Clerk to show that no such defect or cause for suspension or revocation exists.
- (c) Following the ten-day period during which the applicant or license/permit holder has been afforded an opportunity to provide additional evidence or correct the defect, the Village Clerk shall issue the formal notice of denial, suspension or revocation, if warranted, which shall take effect five (5) business days following service. The notice shall include the right to seek a hearing before the Village Hearing Officer. Following the date of service unless the applicant or license/permit holder during that period of time provides a written request for a hearing to the Village Clerk, the denial, suspension or revocation shall take effect. If such a request for hearing is received, the order of the Village Clerk shall be stayed pending the hearing of the case by the Village Hearing Officer and the matter shall be scheduled for a hearing by the Village Hearing Officer no sooner than ten (10) business days following receipt of the request for a hearing.
- (d) Upon filing of a request for hearing, the Village Hearing Officer shall convene a hearing and shall accept such evidence and hear such testimony from the Village officials, the applicant or license/permit holder and such other interested parties as may have relevant information to offer regarding the case before the Village

Hearing Officer. The Village Hearing, following the hearing, shall, make a finding based upon the testimony and evidence submitted and if the Village Hearing Officer determines that the violation(s) or reasons for denial, suspension or revocation occurred shall deny such applicant or suspend or revoke the existing license/permit holder, effective immediately. The decision of the Village Hearing Officer shall be final and binding. A copy of such order shall be promptly served upon the applicant or licensee/permittee.

A court reporter shall be provided by the village for all hearings held pursuant to this chapter.

- (e) All notices related to the denial, suspension or revocation of a business license and subsequent correspondence regarding any hearings, including the final decision by the Village Hearing Officer shall be in writing and shall be delivered to the applicant or license/permit holder personally or by mail. A copy of the notice shall be mailed by certified mail, return receipt requested, to the applicant or licensee at the business address identified in the latest license application or renewal form on file with the office of the Village Clerk.
- (f) Any applicant or license holder whose license is suspended, refused issuance, or revoked by the Village Hearing Officer shall have the right to seek judicial review of the decision pursuant to a writ of certiorari. Any applicant or license holder who files such an action for writ of certiorari shall pay the costs of the preparation of the hearing transcripts.
- (g) Revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the Village or to collect any previously imposed fines and/or costs. In any such action to collect unpaid fines or costs, the Village shall be entitled to claim and/or seek the payment of, reasonable attorney's fees and court costs, from the Defendant, associated with the litigation. No person whose license has been revoked shall be eligible for a new license for a period of twelve (12) months from the date of revocation.

SECTION 2: The above and foregoing Ordinance shall be in full force and effect from and after its adoption, approval and publication, as provided by law. Publication in pamphlet form is authorized.

THIS ORDINANCE IS ADOPTED AND APPROVED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF LYNWOOD THIS 27th DAY OF November, 2018.

Voting Aye: Sims, Stephens, Dunlap, Dillingham, Leboer, Hurston.

Voting Nay: None

Absent: None

Abstain: None

APPROVED:


Village President

ATTEST:


Village Clerk

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