

## Ordinance 2024-29

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois, THAT:

### **An Ordinance Amending Chapter 15 of the Northbrook Municipal Code, as Amended, Regarding Business Licensing and Registration**

shall be, and is hereby, adopted as follows:

#### Section 1. BACKGROUND.

Chapter 15, entitled “Licenses, Permits and Miscellaneous Business Regulations,” of the Northbrook Village Code, as amended (“*Village Code*”) establishes regulations and requirements for the licensing and permitting of certain businesses and activities in the Village.

The Village desires to amend the Village Code to streamline and clarify the licensing and registration process for business activities in the Village.

The President and Board of Trustees have determined that it will serve and be in the best interest of the Village and its residents to amend the Village Code in the manner set forth herein.

#### Section 2. AMENDMENT TO CHAPTER 15 OF THE VILLAGE CODE.

Chapter 15 of the Village Code shall be amended as set forth in *Exhibit A* attached to, and by this reference made a part of, this Ordinance.

#### Section 3: EXTENSION OF EXISTING LICENSES.

All business licenses issued by the Village that are in good standing as of the effective date of this Ordinance shall remain valid through November 1, 2024.

#### Section 4: EFFECTIVE DATE.

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

Adopted: 5/28/2024

<b>RESULT:</b>	<b>ADOPTED [6 TO 0]</b>
<b>MOVER:</b>	Robert Israel, Trustee
<b>SECONDER:</b>	Michelle Kohler, Trustee
<b>AYES:</b>	Israel, Ross, Pepoon, Hebl, Ebhomielen, Kohler
<b>NAYES:</b>	None
<b>ABSTAIN:</b>	Kathryn Ciesla, President
<b>ABSENT:</b>	None

      
      
/s/ Kathryn Ciesla  
Village President

ATTEST:

/s/ A.C. Buehler III  
Village Clerk

## **EXHIBIT A**

### **AMENDMENTS TO CHAPTER 15**

**Existing Articles I and II of Chapter 15 of the Village Code will be repealed and replaced in their entirety the following new provisions:**

#### **ARTICLE I – LICENSES AND REGISTRATIONS**

##### **Sec. 15-1. Purpose; Authority.**

The purpose of this chapter is to promote the general health, safety, and welfare of the Village and its residents by establishing regulations for the licensing and registration of businesses, occupations, and places of business within the Village. The regulations set forth herein are adopted pursuant to Village's home rule authority under Section 6(e) of Article VII of the Illinois Constitution and the Village's regulatory powers granted by the Illinois Municipal Code (65 ILCS 5/1 *et seq.*). All fees and fines authorized by this chapter are regulatory in nature and not imposed for the purpose of collecting revenue.

##### **Sec. 15-2. Definitions; Construction.**

- (a) The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

**BUSINESS:** Any vocation, occupation, profession, enterprise, establishment, concern, or other type of activity, together with all devices, machines, equipment, vehicles, and appurtenances used therein.

**FLOOR AREA:** The sum of the gross horizontal areas of all floors of a building or of such area devoted to a to retailing activities, to the production or processing of goods, or to business or professional offices, measured from the exterior face of exterior walls or from the center line of walls separating two buildings or uses. Gross floor area shall include areas such as basement floors, but not cellar floors; elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical and plumbing equipment, except equipment located in a cellar or on the roof; penthouses; attic floors, except where the clear ceiling height is less than seven feet; interior balconies and mezzanines; enclosed porches and floor space used for accessory uses.

**PERSON:** Any individual, firm, association, partnership, corporation, limited liability company, trust, or other legal entity, except for governmental bodies properly organized under the law of the state of Illinois or the United States of America.

**PLACE OF BUSINESS:** Any parcel, zoning lot, building, structure, or portion thereof, whether owned, leased, or licensed, that is used by a business for the purpose of conducting all principal and accessory activities of the business.

- (b) With the exception of those duties and responsibilities assigned to the Village President or the Board of Trustees, wherever a responsibility is assigned to a specific officer, official or employee of the Village in this chapter, that responsibility may be carried out by that officer, official, or employee, or his or her designee.

### **Sec. 15-3. License or registration required**

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage a business for which a license or registration is required by any provision of this Code without a license or registration first having been issued by the Village for such business.

### **Sec. 15-4. Determination of number of businesses conducted; separate locations.**

- (a) If multiple businesses requiring a license or registration operate in a single place of business, each business will be required to obtain its own license or submit a registration.
- (b) Businesses requiring a license or registration that operate multiple places of business within the village will be required to obtain a license or submit a registration for each location at which they conduct a regulated activity. A place of business consisting of multiple buildings or structures will be considered a single location if all of the buildings or structures: 1) are under common ownership, control, management, or operation; and 2) are located on the same parcel or zoning lot or contiguous parcels or zoning lots and are physically connected with common access points from the public right of way.

### **Sec. 15-5. Supplemental.**

The licenses and registration required in this chapter shall be in addition to any vehicle license, alcoholic beverage license, building permit, inspection fees, zoning or subdivision approval or any other fees that may be required by any other chapter of this Code, the building code, or any village ordinance.

### **Sec. 15-6. Application.**

- (a) Applications for all licenses and registration shall be made to the village manager on a form provided for that purpose.
- (b) The application form shall require the following:
  - (1) name of the business as registered with the secretary of state of Illinois as well as any assumed names under which the applicant conducts business;
  - (2) physical address, phone number, and email address of person submitting the application on behalf of the business;
  - (3) location of the existing or proposed place of business;
  - (4) nature or kind of business or activity engaged in;
  - (5) Illinois business tax (IBT) certificate number and the federal employee identification number (FEIN), if applicable, for business;
  - (6) the floor area of the place of business in square feet;
  - (7) the name, physical address, phone number, and email address for a designated emergency contact person; and
  - (8) any other information as may be needed for the proper guidance of village officials.

(c) Form of Business

- (1) If the business is a partnership or an unincorporated association, the application must include the names and residential addresses of each partner or member thereof;
- (2) If the business is a corporation, the application must include the names and residential addresses of its principal officers.
- (3) If the business is a limited liability company, the application must include the names and residential addresses of each member or manager.

(d) A new application must be submitted to renew any license or registration upon its expiration.

(e) All applicants may be required to swear any statement made in connection with the application for the issuance of any license or registration.

**Sec. 15-7. Fees.**

- (a) The fees for all licenses and registrations required or offered under this chapter 15 will be as set forth in the annual fee ordinance.
- (b) The fee for all licenses and registrations will be due in the full amount at the time of application. Acceptance by the village of a fee for a license or registration will not constitute the issuance of the license or registration and will not entitle the applicant to any of the rights or privileges conferred by the issuance of any license or registration.
- (c) If the village denies issuance of a license or registration, no refund of the application fee will be made to the applicant.
- (d) In the case of licenses or registrations issued on an annual basis, if an applicant submits an application on or after October 1 of any year, the fee will be in an amount equal to 50% of the fee set forth in the annual fee ordinance. Applications submitted before October 1 will be required to pay the full amount of the fee set forth in the annual fee ordinance.

**Sec. 15-8. Investigations and inspections prior to issuance.**

- (a) Upon receipt of an application for any license or registration, the village manager shall immediately cause an investigation to be made to secure information as to the applicant's character and to ascertain whether or not the applicant has complied with all the requirements of law. A reasonable time shall be allowed for the purpose of conducting this investigation.
- (b) Applicant must agree to permit authorized village officials (1) to enter the applicant business's place of business, including those areas of the premises not open to the general public, during regular business hours and (2) to take necessary samples of any commodity or material for the purpose of determining whether or not the applicant has complied with all regulatory requirements for the issuance of a license or registration.
- (c) Failure by an applicant to cooperate with an investigation or inspection authorized by this section will constitute immediate and sufficient grounds for denial of a license or registration.

**Sec. 15-9. Issuance or denial.**

- (a) Issuance: If the village manager's investigation reveals that the applicant has complied with all the requirements of law, the village manager shall sign and issue a license or registration certificate for the applicant business no later than seven (7) days after the completion of the investigation. The village manager shall promptly inform the applicant of the issuance of the license or registration.
- (b) Denial: In the event the village manager determines that the applicant or the application does not meet the standards and requirements for the issuance of a license or registration, the village manager will promptly issue a written notice of denial to the applicant. The notice of denial will state the grounds for denial. Grounds for denial of a license or registration may include the following:
  - (1) Fraud, misrepresentation of a material fact, or false statement by the applicant on the application;
  - (2) The existence of an outstanding indebtedness of the business to the village, in the form of any unpaid fees, taxes, or fines that are in arrears more than thirty (30) days from the date they were accrued;
  - (3) A determination that the business or use proposed is not a permitted or approved special use of the place of business pursuant to the Northbrook Zoning Code; and
  - (4) The presence of a violation of any zoning, building, fire, or health code or any other applicable ordinances and regulations at the place of business.
- (c) Resubmission: An applicant may submit a revised application after correcting any of the deficiencies or issues identified in the notice of denial and, if the original fee has been refunded, paying a fee in the full original amount set forth in the annual fee ordinance for a new application.
- (d) Appeal: An applicant may appeal a decision to deny issuance of a license or registration in accordance with the appeal procedures set forth in section 15-18 of this chapter.

**Sec. 15-10. Term.**

- (a) No license or registration may be granted for a period longer than one year, with the exception of licenses and registrations issued on or after the effective date of this ordinance, which shall be valid through and until April 30, 2026. After April 30, 2026, the Village will issue annual licenses and registrations for a period commencing on May 1<sup>st</sup> each year and ending on April 30<sup>th</sup> of the following year.
- (b) All applications for licenses and registrations, as well as renewals thereof, must be filed with the village no later than 30 days before the end of the annual license period. Applications submitted after that date will be subject to a late penalty fee as set forth in the annual fee ordinance.

**Sec. 15-11. Renewal.**

Applications for renewals of licenses and registrations shall be made in the same manner as described for new applications in this article. Applications for renewals must clearly state if any relevant information has changed since the original application.

**Sec. 15-12. Displaying certificates of license or registration.**

A business must display its current and effective license or registration certificate in a prominent location in its place of business at all times. It shall be unlawful to display an expired, revoked or suspended license or registration certificate. The village has the right to enter upon a licensed or registered place of business at any time for the purpose of removing an expired, revoked or suspended license or registration certificate.

**Sec. 15-13. Change of location.**

The location of any licensed or registered business may be changed upon written notice served ten days in advance to the village manager, providing the new business location is in compliance with all building, zoning and other applicable requirements of all village ordinances.

**Sec. 15-14. Transfer.**

No business may assign, sell, loan, convey, or transfer a license or registration to any other person, even if such other person intends to conduct the same business at place of business. Such other person must apply and pay the fee for a new license or registration in accordance with the provisions of this article

**Sec. 15-15. Periodic Regulatory inspections**

- (a) It shall be the duty of the village manager to determine whether or not at all licensed and registered businesses are complying with all applicable regulatory requirements during the annual licensing and registration period. The village manager may authorize other village personnel to make whatever inspections of the premises that are reasonably necessary to secure compliance with any code or ordinance provision or to detect violations thereof, or to protect the public's health and safety.
- (b) As a condition of the maintenance of any license or registration, each applicant shall agree to permit authorized village officials to enter the place of business, including those areas of the premises not open to the general public, and to take necessary samples of any commodity or material for the purpose of determining whether or not the business has maintained compliance with all regulatory requirements.
- (c) It shall be the duty of the person in charge of a licensed or registered business to admit the authorized inspector into the place of business for the purpose of making such inspection at any reasonable hour. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any code or ordinance provision or to detect violations thereof, it shall be the duty of the person whose business is governed by such provisions to give to any authorized village officer or employee requesting the same, sufficient samples of such material or commodity for such analysis.
- (d) In addition to any other penalty which may be provided, the village manager may revoke the license or registration of any person who refuses to permit any authorized inspector to take adequate samples or to make inspections, or who interferes with such inspector in the performance of their duty. No license or registration may be revoked for such cause unless written demand by the village is made upon the business or person in charge of the place of business, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

**Sec. 15-16. Operational violations**

No licensed or registered place of business in the Village may be operated or used:

- (a) In a manner that constitutes a nuisance in fact;
- (b) In violation of any local zoning, building, fire, or health codes or any other applicable ordinances and regulations, or any state or federal laws, rules, or regulations;
- (c) In an unsanitary or unsafe manner; or
- (d) Without first obtaining and maintaining any required licenses or certifications required by the State of Illinois.

#### **Sec. 15-17. Penalties**

- (a) Fines: Any person violating any provision of this chapter shall be subject to a fine set forth in the annual fee ordinance. In the event that no other penalty is specifically provided in this chapter or the annual fee ordinance, violations shall be fined as provided in the general penalty in section 1-13 of this code for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.
- (b) Emergency suspension of business license or registration: When the operation of any place of business shall constitute a nuisance in fact and a clear and present danger to the public's health, safety, or general welfare, the village manager shall be authorized to summarily order the cessation of business, the closing of the place of business, and the suspension of the business license or registration for a period not to exceed ten (10) days. Within seven (7) days after the village manager has so acted, the manager shall call a hearing for the purpose of determining whether the license or registration should be suspended for an additional period of time or revoked.
- (c) Suspension or revocation: Business licenses and registrations may be suspended for up to thirty (30) days or revoked by the village manager after notice and hearing as provided below for any of the following causes:
  - (1) Fraud, misrepresentation of a material fact, or false statement by the applicant on the application for the license or registration certificate;
  - (2) Any operational violation listed in section 15-16; and
  - (3) Refusal to permit an inspection or any interference with a duly authorized village officer or employee while in the performance of their duties in making an inspection of the place of business.

The suspension or revocation of a license or registration may be in addition to any fine imposed pursuant to subsection (a) of this section.

- (d) Effect of suspension or revocation: Any business whose license or registration is suspended or revoked must immediately discontinue operations. No person whose license or registration has been revoked as herein provided shall be eligible to license or register the same place of business during the period for which the revoked license or registration was originally issued.
- (e) Hearings: The hearings on a license or registration suspension or revocation shall be conducted by the village manager at a time and place designated by the village manager. Notice of the hearing for suspension or revocation shall be provided to the business in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return

receipt requested) to the business at the address of the place of business provided in the most recently submitted license or registration application no later than five (5) days prior to the date set for the hearing. Based upon the record of such hearings, the village manager shall make a finding and shall sustain, modify, or rescind any official notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the business.

#### **Sec. 15-18. Appeal**

Any person aggrieved by the decision of the village manager in regard to the denial of an application for a license or registration, or the suspension or revocation of a license or registration, shall have the right to appeal to the board of trustees. Such appeal shall be taken by filing with the village manager no later than ten (10) days after the notice of denial, suspension, or revocation, a written statement under oath setting forth specifically the grounds for appeal. The board of trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the business in the same manner as provided in subsection 15-17(e) of this chapter. The decision of the board of trustees on such appeal shall be by a vote of a majority of all trustees and shall be final.

*Sections 15-17 through 15-20 Reserved*

## **ARTICLE II. LICENSE AND REGISTRATION CLASSES**

### **DIVISION 1. - CLASS 1 - GENERAL BUSINESS LICENSES**

#### **Sec. 15-21. License required.**

General business licenses, or “class 1 licenses,” are required for categories of businesses that regularly interact with the public and warrant regular inspection and regulation by the village to ensure compliance with the requirements of this code. It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage a class of business identified in this division without first obtaining and maintaining in good standing a class 1 license.

#### **Sec. 15-22. Application requirements.**

Businesses required to obtain a class 1 license must complete the application process set forth in Section 15-16 and pay all fees required by section 15-9.

#### **Section 15-24. Fees.**

The annual fee for a class 1 license shall be as established by the annual fee ordinance. Class 1 license fees may vary based on the floor area occupied by the business or on heightened inspection and regulatory costs incurred by the village.

#### **Section 15-24. Businesses required to obtain class 1 licenses.**

The following classes of business are required to obtain and maintain a class 1 license:

(a) Amusements, including:

a. Golf courses, driving ranges, and miniature golf courses

- b. Bowling alleys and bocce courts
  - c. Carnivals or circuses
  - d. Coin operated amusement devices
  - e. Public dances
  - f. Motion pictures theaters
- (b) All retail sales and retail service establishments, including, but not limited to:
- a. Dry cleaners, laundries, and laundromats
  - b. Automobile sales and service establishments
- (c) Food establishments, including food service establishments, food processing establishments, and food stores
- (d) Hotels; Motels
- (e) Health clubs, spas, and sports/athletic training facilities

**Section 15-25. Additional regulations.**

In addition to satisfying the requirements for a class 1 license, businesses may be subject to additional regulations and requirements set forth in subsequent articles of this chapter.

*Sections 15-25 through 15-30 Reserved.*

## **DIVISION 2. - CLASS 2 - SPECIALIZED BUSINESS LICENSES**

**Sec. 15-31. License required.**

Specialized business licenses, or “class 2 licenses,” are required for categories of businesses that, due to their unique potential impacts on the health, safety, and welfare of the Village and its residents, are required to provide the village with additional information and assurances of qualifications and competence. These businesses are also subject to local regulations that are specific to their respective sectors in addition to state and federal regulations. It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on or manage a class of business identified in this division without first obtaining and maintaining in good standing a class 2 license.

**Sec. 15-32. Application requirements.**

Businesses required to obtain a class 2 license must complete the application process set forth in Section 15-16 and pay all fees required by section 15-9. Businesses required to obtain a class 2 license may also be required to submit additional information, documentation, and materials required by subsequent articles of this chapter pertaining to their specific category of business.

**Section 15-33. Fees.**

The annual license fee for each class 2 license shall be as established by the annual fee ordinance. Class 2 license fees may vary based on the floor area occupied by the business or on heightened inspection and regulatory costs incurred by the village.

**Section 15-34. Businesses required to obtain class 2 licenses.**

The following classes of business are required to obtain and maintain a class 2 license:

- (a) Raffles subject to the regulations set forth in article XIV of this chapter;
- (b) Secondhand dealers subject to the regulations set forth in article XVII of this chapter;
- (c) Retail sales of tobacco subject to the regulations set forth in article XVIII of this chapter;
- (d) Retail sales of cannabis subject to the regulations set forth in the Northbrook Zoning Code;
- (e) Retail sales of firearms, subject to the regulations set forth in article XXII of this chapter;
- (f) Special events subject to the regulations set forth in article XXIV of this chapter;
- (g) Massage establishments, subject to the regulations set forth in article XXVI of this chapter;
- (h) Mobile food service establishments, subject to the regulations set forth in division 4 of article XXIX of this chapter; and
- (i) Scavengers and waste collection from commercial facilities subject to the regulations set forth in chapter 21 of this code.

*Sections 15-35 through 15-40 Reserved.*

**DIVISION 3. – MANDATORY BUSINESS REGISTRATION**

**Section 15-41. Purpose.**

The purpose of this division is to promote the general health, safety, and welfare of the village and its residents by identifying and registering places of business located within the village. The village requires the registration of places of business for certain classes of business to ensure the efficient delivery of Village services, including police, fire, and emergency medical services, and to promote compliance with all zoning, building, fire, and health codes as well as federal and state licensure or certification.

**Section 15-42. Registration required.**

Mandatory business registration is required for businesses maintaining a fixed place of business in the village that may be otherwise licensed at the federal, state, or county levels. It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on or manage a class of business identified in this division without first submitting and maintaining in good standing a mandatory business registration.

**Section 15-43. Application requirements.**

Businesses required to submit a mandatory registration must complete the application process set forth in Section 15-16 and pay all fees required by section 15-9. State or federally licensed or certified facilities will be required to provide proof of current and valid licensure or certification.

**Section 15-44. Fees.**

The annual fee for a mandatory business registration shall be as established by the annual fee ordinance.

**Section 15-45. Businesses required to register.**

The following classes of business are required to submit and maintain a mandatory business registration:

- (a) All industrial and manufacturing businesses maintaining a place of business in the village;
- (b) Day care homes;
- (c) Nursing homes and personal care facilities, including home-based care facilities; and
- (d) Solicitors, subject to the regulations set forth subject to the regulations set forth in article XXI of this chapter.

**Section 15-46. Additional regulations.**

In addition to satisfying the requirements for a mandatory business registration, business may be subject to additional regulations and requirements set forth in subsequent articles of this chapter.

*Sections 15-47 through 15-50 Reserved.*

**DIVISION 4. – OPTIONAL BUSINESS REGISTRATION****Section 15-51. Registration optional.**

Businesses not required to obtain a license or submit a mandatory registration to the village are encouraged to submit an optional business registration to ensure the efficient delivery of Village services, including police, fire, and emergency medical services and assist the village in disseminating information regarding such services to the business community.

**Section 15-52. Application requirements.**

Businesses submitting an optional business registration will be required to complete an application in a form provided by the village manager.

**Section 15-53. No fee.**

No fee will be charged to submit an optional business registration.

**Section 15-53. Eligibility.**

The following businesses, persons, and organizations may submit an optional business registration to the Village.

- (a) Offices of professional services licensed by the state, including medical, dental, engineering, accounting, counseling, investing, banking, real estate, and home-based professional offices;
- (b) Not-for-profit organizations including civic and fraternal organizations;
- (c) Educational institutions;
- (d) Faith-based institutions; and
- (e) Governmental offices and facilities not associated with the village.

*Sections 15-54 through 15-55 Reserved.*