

ORDINANCE NO. 1330-2006

**AN ORDINANCE AMENDING ORDINANCE NO. 190, "THE REVISED CODE," CHAPTER 8, "BUSINESS REGULATIONS," BY ADDING ARTICLE X "BUSINESS REGISTRATION."**

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS as follows:

ARTICLE X

BUSINESS REGISTRATION

**SECTION 1. AMENDMENT.** Amending Ordinance No. 190, "The Revised Code," Chapter 8 by adding Article X "Business Regulations" reading as follows:

**SECTION 8-10-1 DEFINITIONS.** As used in this Ordinance, unless otherwise required, the following words shall have the meaning hereinafter ascribed to them:

- (A) "Business", means any for profit business operated by a sole proprietor, partnership, corporation or organization within the City of Fairview Heights;
- (B) "City" means the City of Fairview Heights, St. Clair County, Illinois;
- (C) "Owner(s)" means any sole proprietor, partner(s), corporation or organization;
- (D) "Registration Year" means the period of time commencing with 12:01 A.M., January 1 of each calendar year and ending 11:59 P.M., the succeeding December 31 calendar year.
- (E) "Temporary", means any business located within the City of Fairview Heights for a period of three or less business days, whether it is consecutive or spaced throughout the registration year.

**SECTION 8-10-2 REGISTRATION REQUIRED.** Any Business domiciled in the City, conducting or wishing to conduct business from a location or locations

within the City must register said Business with the City.

SECTION 8-10-3 FEE. The annual Registration Fee is Twenty Five Dollars (\$25.00) and shall be submitted with the registration application. This fee is non-refundable and is used solely for the administration of this article.

SECTION 8-10-4 DURATION. Businesses must be registered during the month of January every year. Registrations are effective for one (1) year, beginning the first day of January each year and terminating on the last day of December of the following year.

- (1) The City Clerk shall notify all registered Businesses of registration expiration during the month of November. However, it is the obligation of each Business to renew its registration and failure to receive an expiration notification is not a defense for operating without a registration.
- (2) The City Clerk shall issue a Certificate of Registration for each registered Business. This certificate shall be posted in a prominent visible location in each Business at all times.

SECTION 8-10-5 REGISTRATION NOT ASSIGNABLE: UNLAWFUL USE

No registration granted under the provisions of this article shall be assigned or transferred. Each registration is only valid for the person and/or business location named in the registration.

SECTION 8-10-6 APPLICATION EXISTING BUSINESS.

1. Each registration application shall be made to the City Clerk in writing on a form provided by the City Clerk;
2. Each application will contain no less than the following information:
  - (a) Registration Fee
  - (b) Type of business
  - (c) Business name, address and phone number; Parent

- Corporation name, address and phone number
- (d) Date business began operations in the City of Fairview Heights
- (e) Contact name(s) and telephone number(s)
- (f) Hours of operation
- (g) An after hour (emergency) contact name and telephone number
- (h) The number of the Certificate of License as required under the Retailers Occupation Tax Act, the Service Occupation Tax Act and/or the Use Tax Act, if applicable
- (i) Federal Income Tax Number
- (j) Type and location of any toxic, flammable or hazardous materials stored or used at said location
- (k) Name, type and contact information for any burglar/hold-up alarm on premises.

3. Every application for a food-related business shall provide evidence of the required Health Certificates issued by the St. Clair County Health Department.

4. Any business required by law to be bonded or or insured shall provide evidence of such bond or insurance.

5 Significant changes during the registration year to information submitted are to be reported to the City Clerk as soon as possible and registration shall be amended at no additional charge to the registrant.

SECTION 8-10-7 APPLICATION NEW BUSINESS Each registration application shall be made to the City Clerk in writing on a Form provided by the City Clerk.

1. Each application will contain no less than the following information:

- (a) Registration Fee
- (b) Description of business activity, services performed and/or goods to be sold/marketed
  - (1) Standard Industrialization Classification (SIC) codes may be utilized where appropriate
- (c) Business name, address and phone number; Parent Corporation name, address and phone number
- (d) Date business anticipates beginning operations in the City of Fairview Heights
- (e) Contact name(s) and telephone number(s)
- (f) Hours of operation
- (g) An after hour (emergency) contact name and telephone number
- (h) The number of the Certificate of License as required under the Retailers Occupation Tax Act, the Service Occupation Tax Act

- and/or the Use Tax Act, if applicable
- (i) Federal Income Tax Number
  - (j) Type and location of any toxic, flammable or hazardous materials stored or used at said location
  - (k) Name, type and contact information for any burglar/hold-up alarm on premises.
2. Every application for a food-related business shall provide evidence of the required Health Certificates issued by the St. Clair County Health Department.
  3. Any business required by law to be bonded or insured shall provide evidence of such bond or insurance.
  4. Significant changes during the initial registration process are to be reported to the City Clerk as soon as possible and registration shall be amended at no additional charge to the registrant.

#### SECTION 8-10-8 SUSPENSION, REVOCATION AND APPEAL.

1. The City Clerk is hereby authorized to suspend or revoke a Business Registration thereby causing the cessation of a business when;
  - a. The business operation constitutes a clear and present danger to the public safety, health or general welfare
  - b. The registration application information is fraudulent, false, incomplete or deceptive
  - c. The business fails to maintain all applicable taxes imposed by the City of Fairview Heights or State of Illinois.
2. If a registration is suspended or revoked the business will be notified in person by an Officer of the City with written notice issued by the City Clerk. A follow-up notice will be issued to the Owner and be sent by Certified Mail within two (2) business days of the suspension or revocation of the Business Registration. The notification(s) will include the reason or reasons as outlined above in (1) a through c that caused the action. A suspension or revocation shall remain in place unless rescinded by the City Clerk or reinstated by a successful appeal to the City Council.

3. An appeal of the suspension must be requested by the registrant and filed with the City Clerk within three (3) business days and will be heard at;

- a. The next regularly scheduled City Council Meeting, provided that the notice of appeal has been filed three (3) business days prior to the next scheduled meeting, or
- b. The meeting immediately following the notice of appeal should the time constraints listed in "a" above not be met, or
- c. A special meeting of the City Council, if requested by the business owner, provided that:

- 1. The special meeting must meet City Ordinances and public notice requirements. Special meetings of the Council require no less than five (5) business days notice.

4. The City Attorney shall present the complaint and represent the City.

The registrant is allowed counsel and has the right to submit evidence and cross-examine witnesses. A two-thirds corporate majority vote of the City Council is required to rescind or continue the suspension or revocation. In case of a tie, the Mayor will cast the deciding vote.

5. The City will keep an electronic record of the hearing. If either party requires a transcript that party shall pay the cost of the transcription.

6. Revocation of a Business Registration shall not preclude prosecution or imposition of other penalties for the violation of any other Ordinance of the City.

SECTION 8-10-9 PENALTY. Any business operating in violation of this Ordinance, once notified in writing by the City Clerk of the violation shall be fined Five Hundred Dollars (\$500.00) per day for each offense. Each calendar day of operation a business without the requisite certificate shall be considered a separate offense.

SECTION 8-10-10 ENFORCEMENT OF OTHER ORDINANCES. Any

businesses issued a registration certificate must still comply with all other City Ordinances and codes. By issuing a registration the City has not waived the full enforcement of any other ordinances nor is the possession of a valid registration a defense to any other violation.

**SECTION 2. PASSAGE.** This Ordinance is in full force and effect upon its passage, approval and publication as provided by law.

READ FIRST TIME: August 1, 2006

READ SECOND TIME: August 15, 2006

READ THIRD TIME: September 5, 2006

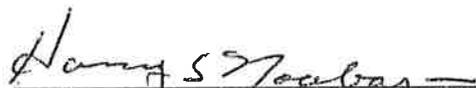
PASSED: November 7, 2006

APPROVED: November 8, 2006

PUBLISHED: November 10, 2006

  
GAIL D. MITCHELL, MAYOR  
CITY OF FAIRVIEW HEIGHTS

ATTEST:

  
HARVEY S. NOUBARIAN, CITY CLERK

ROLL CALL ON ALDERMEN VOTING "YEA"

Carol Warner  
Scott Rich  
Norman Miller  
Roger Lowry  
Lydia Cruz

Kent Rataj  
Bonnie Crossley  
Gil Klein  
Speed Allen  
Pat Baeske

Sponsored by: Finance Committee