



VILLAGE OF OAK PARK  
LAW DEPARTMENT

MEMORANDUM

To: Village President Vicki Scaman and Board of Trustees  
From: Paul L. Stephanides, Village Attorney *Paul L. Stephanides*  
Tammie Grossman, Development Customer Services Director  
Copy: Kevin J. Jackson, Village Manager  
Date: November 1, 2022  
Re: Special Use Permit for 6212 Roosevelt Road

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INTRODUCTION

Trustee Taglia has that the following question from a resident be answered:

In addition, the Village Attorney suggested that once a special use permit and business license is issued, the individual would be under more scrutiny. What does "more scrutiny" mean, how are fines and enforcement handled differently to prevent further issues that we have been dealing with? What happens if the license is revoked and the applicant continues to operate without a license?

DISCUSSION

The above suggestion was made during the discussion of Board meeting item AC from the October 17, 2022 agenda ("Concur with the Zoning Board of Appeals' Recommendation and Adopt an Ordinance Granting a Special Use Permit to Operate a Vehicle Repair-Minor Business at 6212 Roosevelt Road"). If a special use permit and business license were issued to the Applicant, BM Custom LLC ("Applicant"), this would bring the Applicant under the purview of the Village Code's requirements for business licensees.

For example, the Applicant would need to obtain a business license on annual basis from the Village for the specific premises where the Applicant seeks to conduct business as required by Section 8-1-1 of the Village Code. Because the license would be for a specific location, it would subject that premises to the operational requirements of the Village Code and subject the license to suspension and revocation for a failure to comply with those requirements. Section 8-1-14 of the Village Code provides as follows:

**8-1-14: SUSPENSION AND REVOCATION OF LICENSE:**

A. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance or a clear and present danger to the public health, safety or general welfare, the Village Manager shall have the authority to

summarily order the cessation of business and the closing of the premises, and the suspension of any valid license or permit for a period not to exceed ten (10) days.

B. Within five (5) days after he has so acted, the Village Manager shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

C. Licenses issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village Manager after notice and hearing as provided in subsections 8-1-14D and E of this section for any of the following causes:

1. Any fraud, misrepresentation, or false statement contained in the application for the license or permit;

2. Any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

3. Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

4. Failure of the licensee or permittee to pay any fine or penalty owing to the Village;

5. Refusal to permit an inspection or product sampling, or any interference with a duly authorized Village officer or employee while in the performance of his duties in making such inspections, as provided in subsection 8-1-12A of this article.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.

D. Notice of the hearing for revocation of a license or permit shall be given 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 licensee or permittee at his last known address at least five (5) days prior to the date set for hearing.

E. The Village Attorney shall present the complaint and shall represent the Village. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The Village Manager shall preside and shall render the decision. A transcript shall be made of the hearing.

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Per this section of the Code, the Village has the additional authority to suspend or revoke a business license and enforce such a suspension or revocation, including on an emergency basis. If a business continued to operate after a license was suspended or revoked, the Village could take steps to ensure the business ceased to operate, including shutting down the business. The Village also adopted a new ordinance, Ordinance 22-63 ("An Ordinance Amending Chapter 16 ("Nuisances"), Article 3 ("Criminal Nuisance Abatement") of the Oak Park Village Code"), which requires any business that is required to obtain a business license from the Village to operate in such a manner as not to cause be a criminal nuisance business. Ordinance 22-63 contains very specific requirements regarding a business licensee's obligation to not allow its business to be a criminal nuisance business.

The operation of a business without a license does subject a business to fines, but the difficulty with this particular location on Roosevelt Road has been determining exactly what if any business is operating illegally and causing the noise complaints from the neighbors. If the Board were to grant the special use permit for the 6212 Roosevelt Road location, the Village could take enforcement action against the business if that business were causing or allowing nuisance activities at its premises and the Village was able to determine that the business was actually the cause of such activities.

Please let us know if there are any additional questions.