

**AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO THE ESTABLISHMENT OF A LICENSE REQUIREMENT FOR TIRE
BUSINESSES**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF PEORIA, ILLINOIS, as follows:**

Sec. 18-725. Definition.

As used in this article, the term "tire business" shall mean every person, organization, company, or business who shall sell or offer for sale, barter, or exchange all type of motor vehicle tires. In addition, this includes any person, organization, company or business that fixes or replaces tires as part of a transaction. Tire business shall also mean any person, organization, company, or business that disposes of tires in service to other businesses.

Sec. 18-726. License required.

All tire businesses in the City of Peoria are required to obtain a license before operation. Licenses are required annually based on the calendar year.

Sec. 18-727. Application.

An application for a tire business shall be made in writing to the Finance Department which shall set forth the following:

- (1) The name, address, and phone number of the individual applying for the license.
- (2) The business name, address, and phone number that the tire business will operate. In the case of a partnership, corporation-for-profit, or club, the applicant must also provide the date of incorporation and the names, addresses, and ages of the officers, directors, managers and any stockholders owning or controlling the voting rights to more than five percent of the stock of such corporation.
- (3) If such application is made on behalf of a partnership, firm, association, club, or corporation, then the same shall be signed and sworn to by at least two members of such partnership or the president and secretary of such corporation or club.
- (4) No person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license required by this article nor knowingly cause or suffer another to furnish or withhold such information on his behalf.
- (5) The Finance Department will review and approve all license applications.

Sec. 18-728. Fees.

An annual \$50 license fee will be required. The fee is for the calendar year and is not prorated.

Sec. 18-729. Possession and display.

All licensees under this division shall be posted at the location the work is occurring.

Sec. 18-730. License Requirements.

All tire businesses are required to adhere to the following guidelines:

- (1) Tire businesses must keep detailed records of tire disposal including the dates of disposal, number of tires disposed, location of disposal, and contact information of a third-party vendor, if applicable.
- (2) Tire businesses agree to exclusively dispose of tires at an approved ILEPA/EPA facility. If tire businesses are contracting out disposal, they agree only to use a licensed City of Peoria tire business.
- (3) Tire businesses are required to record and maintain updated disposal records.
- (4) Tire businesses agree to allow the City of Peoria to audit required disposal records when requested by the City of Peoria.
- (5) Tire businesses are required to report suspicious activities such as the improper disposal of tires.
- (6) Tire businesses agree to follow all applicable state and federal guidelines.
- (7) Tire businesses agree to adhere to all applicable City of Peoria ordinances and laws including provisions of the Zoning code related to use.

Sec. 18-731. Penalties

Any person found guilty of violating, disobeying, neglecting, resisting, or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than \$750.00 nor more than \$5,000.00. Each day the tire business is found to be in non-compliance of any section of this code shall constitute a separate penalty. Penalties will be enforced through the Administrative Adjudication process as defined in Chapter 32 of the City of Peoria code.

Sec. 18-732. Revocation, suspension, and fines.

- (a) Any license issued pursuant to this division may be revoked, suspended, and/or imposed a fine in an amount not exceeding \$1,000.00 by the city manager or his/her designee if the city manager or his/her designee finds that:
 - (1) The licensee has violated any of the provisions of this article, the laws of the state, or ordinances of the city at the licensed location.
 - (2) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this division or during any investigation into any such application.
- (b) The licensee shall be responsible for the acts of his agents and employees in the operation of any licensed establishment. Prior to holding a hearing concerning the question of whether a license issued pursuant to this division shall be revoked or suspended, the city manager or his/her designee shall provide ten days' written notice to the licensee setting forth the alleged violations specifically. The licensee may present evidence at such hearing and cross-examine witnesses.
- (c) Any person, business, or organization that has had their license revoked after being found guilty of violation may not hold a license for 180 days.

Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this _____
day of _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel