

**PROPOSED SUBSTITUTE FOR ITEM 14-0157**

**PROPOSED ORDINANCE AMENDMENT**

**BUSINESS, LICENSE AND PERMIT FEES**

**BE IT ORDAINED**, by the Forest Preserve District of Cook County Board of Commissioners, that Title 6 – Business, Licenses and Permit Provisions, Chapter 1 – Application for Permits of the Forest Preserve District of Cook County Code is hereby amended as Follows:

**6-1-1. APPLICATION FOR PERMITS.**

A. Permits may be issued in accordance with Title 2 and Title 7 of this Code, for temporary access to District lands and facilities, and for the purposes of conducting restoration, research or education activities.

B. Applications for permits ~~for setting of guy poles and anchors for existing installations, or for tree trimming~~ may be made directly to the General Superintendent of the District, who may directly grant such permit to the applicant ~~without requiring a deposit as provided for in Section 6-1-2 of this Chapter~~, upon such additional fees, terms and conditions as said General Superintendent may from time to time specify; however, no permit shall be granted for more than a one year period (or 365 consecutive days) without Board approval.

**6-1-2: DEPOSIT.**

A. *Deposit Required:*

1. Before the issuance of a license authorized by the Board of Commissioners to other than:

A public utility company;

The City of Chicago or another unit of local government;

The State of Illinois;

The Federal government;

The County of Cook, Illinois;

Sanitary District of Chicago; or

A department of any of the foregoing,

to do or perform any act for which a license is required under any section of this Code or any other ordinance of the District, the applicant for such license shall deposit with the Comptroller of the District a sum of money determined by the District Planning and Development Department in the form of a certified or cashier's check made payable to the Forest Preserve District. Such deposit shall be held by the Comptroller as a guaranty that all the conditions and provisions prescribed in such

license with respect to restoring the premises to their former condition shall be kept and complied with.

2. Where the applicant for a license is:

A public utility company;  
The City of Chicago or another unit of local government;  
The State of Illinois;  
The Federal government;  
The County of Cook, Illinois;  
Sanitary District of Chicago; or  
A department of any of the foregoing,

and the work, or any part thereof, is to be performed by an independent contractor, then such independent contractor shall comply with all the requirements of this subsection before such license is issued.

B. Refunding Deposit: After the work shall have been done for which such license ~~or permit~~ was issued, all excavations caused thereby shall be refilled and the premises restored to its former condition, if necessary by the employees of this District, at the sole expense of the person to whom such license ~~or permit~~ was issued.

After deducting the actual expenses incurred by the District in connection with any restoration work done related to such license ~~or permit~~, the Comptroller shall refund to the persons entitled thereto the balance, if any, of the amount deposited.

### **6-1-3: INSURANCE AND BOND REQUIREMENTS.**

A. Before the issuance of a license authorized by the District Board of Commissioners to other than:

A public utility company;  
The City of Chicago or another unit of local government;  
The State of Illinois;  
The Federal government;  
The County of Cook, Illinois;  
Sanitary District of Chicago; or  
A department of any of the foregoing,

to do the work provided for in the Code, the General Superintendent of the District shall take from the applicant a certificate of insurance coverage satisfactory to the District and/or, if required by the Board of Commissioners, a surety bond in a sum fixed by the Board by resolution or by the terms of the license, indemnifying the Forest Preserve District, its Commissioners, officers, agents and employees against any loss, claim, expense, damage or claim for damages on account of any injury to persons or property, whether that of the District or otherwise, which may be occasioned by or result from the issuance of such license; provided however, in addition thereto, if the work or any part thereof is to be performed by an independent contractor, then said independent contractor shall, before such license is issued, comply with all the requirements of any applicant under this subsection A. The separate undertaking of the licensee and of the independent contractor shall be supplemental to and not be in lieu of each other.

B. Where the Board of Commissioners authorizes the issuance of such license to:

- A public utility company;
- The City of Chicago or another unit of local government;
- The State of Illinois;
- The Federal government;
- The County of Cook, Illinois;
- Sanitary District of Chicago; or
- A department of any of the foregoing,

the General Superintendent shall, prior to the issuance thereof, require the applicant to accept the terms and conditions of the said license by official or otherwise authorized signature or signatures to the form of license wherein the applicant shall be required to fully indemnify and hold harmless the Forest Preserve District, its President, its Commissioners, officers, agents and employees against any loss, claim, expense, damage or claim from damages on account of any injury to persons or property, whether that of the District or otherwise, which may be occasioned by or result from the issuance of such license; provided however, in addition thereto, if the work or any part thereof is to be performed by an independent contractor, then said independent contractor shall, before such license is issued, comply with all the requirements of an applicant under subsection A of this Section. The separate undertaking of the licensee and of the independent contractor shall be supplemental to and not in lieu of each other.

#### **6-1-4: REVOCATION OF LICENSES OR PERMITS.**

Excepting licenses which by their term are granted for a specified period, any license issued under the provisions of this Chapter by authority of the District Board of Commissioners of the District may be revoked at any time upon the order of said Board by the General Superintendent of the District and any permit issued under the provisions of this Chapter directly by the General

Superintendent may be revoked at any time by order of said Board or by order of the General Superintendent. Such right of revocation shall be contained in printed provisions of each license or permit.

#### **6-1-5: EFFECT OF TAX OR FEE DELINQUENCY.**

A. *Disqualification for Tax and Fee Delinquency:* No person or business entity shall be granted a license ~~for permit for a non-recreational activity~~ by the District if such person or business entity is delinquent in the payment of any tax levied by or fee charged by the District. No person or business entity will be prohibited from obtaining a license if the individual or entity is contesting, in accordance with the appropriate procedures, its liability for the tax or fee or the amount of the tax or fee, and shows proof of the contest to the District.

B. *Statement Under Oath:* Before granting a license, the District shall obtain a statement under oath from the person or business entity that none of the taxes or fees contested, or other taxes or fees, are delinquent. The statement shall agree in substance with the following form:

#### Verification of Payment of Forest Preserve District of Cook County Taxes and Fees

[Name of Person or Entity] is/are not an owner(s) of real property in Cook County, or a party responsible for the payment of any tax or fee owed to the Forest Preserve District of Cook County, for which such tax or fee is delinquent.

[Name of Person or Entity] represents that the following is a complete list of real estate owned by [Name of Person or Entity] in Cook County:

[List by Permanent Index Number]

C. *False Statements:* The effect of any person or entity making a false statement under oath shall be to suspend any license or permit until such delinquencies are paid and to make that person or entity subject to any penalty authorized by the appropriate District ordinance, for operating or acting without a license or permit, including any criminal, civil or monetary penalty.

D. *Applicability:* This Section applies to all licenses ~~and permits~~ granted by the District ~~for non-recreational activities~~ and required by law or by ordinance to be obtained from any officer or department of the Forest Preserve District of Cook County. For purposes of this Section, "taxes levied and fees imposed" by the District shall mean any and all taxes or fees which are levied, imposed or collected by or on behalf of the District, its officials or departments, including but not limited to taxes levied on real estate, and fees and charges imposed by ordinance or by law which are payable to the District, or an officer or department of the District, for any license, service or any other purpose. Taxes and fees shall be construed to include any and all interest and penalties authorized or imposed by law or by ordinance for a late payment or nonpayment of taxes or fees. Taxes or fees shall be considered delinquent if a claim, notice or demand for payment has been made for such taxes or fees by or on behalf of the District or any of its officers or agencies, boards, commissions or departments without

timely payment, except in those cases where authorized procedures for protesting or contesting such taxes or fees have been timely and properly initiated and where such protest or contest remains pending.

**Effective date:** This ordinance shall be in effect immediately upon adoption .