**Section 390.240 Municipal Licensing**

a) Municipalities that have adopted a licensing ordinance as provided under Section 3-104 of the Act and this Part shall adopt this Part by complying with Article I, Division 3, of the Illinois Municipal Code [65 ILCS 5/1-3].

b) Expiration dates on licenses issued by municipalities shall be distributed throughout the calendar year. The month the license expires shall coincide with the date of original licensure of the licensee.

c) The municipality shall notify the Department within 10 days following the date of issuance or denial of a license that the municipal license has been issued or denied. If the license is issued, the notice shall include the facility name, address, the date of issuance, and the number of beds by level of care for which the license was issued. If the license is denied, the notice shall indicate reason for denial and the current status of licensee's (applicant's) application for municipal license.

d) The municipality shall use the same licensing classifications as the Department, and a municipality shall not issue a license to a facility for a different classification from the license issued by the Department*.*

e) The Department and the municipality shall have the right at any time to visit and inspect the premises and personnel of any facility for the purpose of determining whether the applicant or licensee is in compliance with the Act, this Part, or with the local ordinances that govern the regulation of the facility. The Department may survey any former facility that once held a license to ensure that the facility is not operating without a license. Municipalities may charge a reasonable license or renewal fee for the regulation of facilities, which shall be in addition to the fees paid to the Department*.*

f) *The licensing and enforcement provisions of the municipality shall fully comply with* the *Act* and this Part *and the municipality shall make available information as required by* the *Act.* (Section 3-104 of the Act)

g) Municipalities *which may have ordinances requiring the licensing and regulation of facilities with at least the minimum standards established by the Department under* the *Act, shall make periodic reports to the Department* as required by the Department. *This report shall include a list of those facilities licensed by* the *municipality, the number of beds of each facility and the date the license of each facility is effective.* (Section 3-105 of the Act)

h) *The Department* will *not issue a license to any person who has failed to qualify for a municipal license. If the issuance of a license by the Department antedates regulatory action by a municipality, the municipality shall issue a local license unless the standards and requirements under its ordinance or resolution are greater than those prescribed under* the *Act* and this Part. (Section 3-106(a) of the Act)

i) *In the event that the standards and requirements under the ordinance or resolution of the municipality are greater than those prescribed under* the *Act* and this Part, *the license issued by the Department shall remain in effect pending reasonable opportunity provided by the municipality, which shall not be less than 60 days, for the licensee to comply with the local requirements.* (Section 3-106(b) of the Act)

(Source: Amended at 46 Ill. Reg. 8192, effective May 6, 2022)