

CHAPTER 4

BUSINESS CODE

ARTICLE I - ADMINISTRATION

4-1-1 APPLICATIONS. Applications for all licenses and permits required by this Chapter shall be made in writing to the City Clerk in the absence of provision to the contrary.

Each application shall contain: (1) the name of the applicant, (2) the permit or license desired, (3) the location to be used, if any, (4) the time covered, and (5) the fee to be paid.

Each application shall also contain the number of the certificates of registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.

4-1-2 PERSONS SUBJECT TO LICENSE. Whenever in this code or in any municipal ordinance, a license or permit is required for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this municipality.

4-1-3 TERM AND FORM OF LICENSE. No license shall be granted for a longer term than one year, and all licenses, unless otherwise provided by ordinance shall expire on the last day of April next following their issue. Every license shall be signed by the Mayor and attested by the Village Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

4-1-4 INVESTIGATIONS.

(A) Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Village Clerk, within forty-eight (48) hours shall refer the application to the appropriate official(s) for the making of such investigation or inspection.

(B) The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise, within ten (10) days after receiving such application or a copy thereof.

(C) The Village Police shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The Zoning Officer shall make or cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations. All other investigations, except where otherwise provided shall be made by the Chief of Police or by some other officer designated by the Mayor.

(D). Upon receipt of all related investigative reports, the City Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(E) If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Village Clerk for the inclusion of such additional information as may be specified, necessary and appropriate.

(F) If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefor. Thereupon, the Village Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

4-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Village Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity

until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

4-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this municipality shall commence on the first day of May of each year and shall terminate on the last day of April of the following year, where no provision to the contrary is made.

The Village Clerk shall notify all licensees of this municipality of the time of expiration of the license held by the licensee (if an annual), three weeks prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

4-1-7 BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code of this municipality.

4-1-8 CHANGE OF LOCATION. The location of any licensed business or occupation, or the location of any permitted act, may be changed provided that ten days notice thereof is given to the Village Clerk, in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the municipality shall be complied with.

4-1-9 LOCATION. No license for the operation of a business or establishment in this municipality shall be construed to permit the operation of a licensed business or establishment in more than one location in this municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the

principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

4-1-10 NUISANCES PROHIBITED.

4-1-10.1 GENERALLY. No business or establishment, whether or not licensed shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises, or part thereof, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

4-1-10.2 UNSAFE OR UNHEALTHFUL BUSINESS.

(A) No building or structure, utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe, or dangerous condition.

(B) No substance, matter, or thing of any kind whatever which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this municipality.

4-1-10.3 REFUSE DISPOSAL.

A. Refuse Containers. The standard refuse container required by this code shall be a receptacle of not less than twenty, nor more than fifty-five gallons capacity, of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

(B) Duty to Provide Refuse Containers. The occupant of every building, structure, or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

(C) Refuse Removal. It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.

(D) Removal of Restaurant Garbage. Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than thirty-two gallons of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

4-1-11 WORKING CONDITIONS.

4-1-11.1 HEALTH REQUIREMENTS. No owner, lessee, manager or superintendent of any store, factory, workshop, or other place where persons are employed shall cause or permit such place or any room or part thereof, to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

4-1-11.2 SANITATION. All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

4-1-11.3 INSPECTION. The Mayor shall visit or cause to be visited all places of employment in this municipality as often as they shall deem necessary to assure compliance with the provisions of this section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

4-1-13 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

4-1-13.1 NUISANCE. When the conduct of operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

4-1-13.2 HEARING. Within eight (8) days after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

4-1-13.3 REVOCATION. Licenses and permits issued under the ordinances of this municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in subsections 4-1-13.4 and 4-1-13.5 of this section for any of the following causes:

(A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;

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

(C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

(D) Failure of the licensee or permittee to pay any fine or penalty owing to this municipality;

(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in Section 4-1-12.

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

4-1-13.4 HEARING NOTICE. 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 days prior to the date set for the hearing.

4-1-13.5 COUNSEL. At the hearing, the Village Attorney shall present the complaint and shall represent this municipality. The licensee or **permittee** shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

4-1-14 APPEAL. Any person aggrieved by the decision of the Mayor in regard to the denial of an application for a business license, as provided in Section 4-1-4 herein, or in connection with the revocation of a license or permit, as provided in Section 4-1-13 hereinabove, shall have the right to appeal to the municipality. Such appeal shall be taken by filing with the City Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath, setting forth specifically the grounds for appeal. The municipality shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 4-1-13 hereof. The decision of the municipality on such appeal shall be final.

4-1-15 LICENSE TO BE POSTED. It shall be the duty of every person conducting a licensed business in this municipality to keep his license posted in a prominent place on the premises used for such business at all times.