

TITLE X: BUSINESS REGULATIONS**CHAPTER 100: GENERAL PROVISIONS****100-1: APPLICATIONS.**

(A) Applications for licenses and permits required by this Title shall be made in writing to the Municipal Clerk in the absence of provision to the contrary.

(B) Each application shall contain:

(1) The applicant's name, permanent business address (which must include a street address), residence address of the principal (and, if the applicant is a corporation, the residence addresses of its officers.)

(2) The location at which the applicant intends to do business.

(3) The nature of the business the applicant intends to conduct.

(4) A copy of the applicant's Certificate of Registration under the Illinois Retailer's Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable.

(5) A general description of the goods to be offered or sold by applicant

(6) A list of all licenses to conduct business obtained by the applicant in the State of Illinois in the twelve (12) months preceding the date of filing of the application.

(7) 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.

100-2: PERSONS SUBJECT TO LICENSE.

(A) Whenever a license or permit is required in this Code or in any municipal ordinance 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.

(B) No license is needed to conduct business activities in the City unless specifically required in this Title.

100-3: TERM AND FORM OF LICENSE. No license shall be granted for longer than a one (1) year term, and all licenses, unless otherwise provided by ordinance, shall expire on the last day of the next April following their issue. Every license shall be signed by the Mayor and attested by the 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.

100-4: 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 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) Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(D) 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 Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(E) If, after due consideration of the information contained with the application and the related investigative reports, the Mayor, by and with the advice and consent of the City Council shall determine that the matters concerning the application are unsatisfactory, he may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(F) If, after due consideration of the information contained within the application and the related investigative reports, the Mayor, by and with the advice and consent of the City Council shall determine that the application is satisfactory, he shall approve the application. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

100-5: 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 Clerk in the amounts prescribed by the corporate authorities.

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.

100-6: TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this Municipality shall commence on May 1st of each year and shall terminate on April 30th of the following year, where no provision to the contrary is made.

The Clerk shall notify all licensees of this Municipality of the time of expiration of the license held by the licensee (if an annual), three (3) 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.

100-7: ZONING CODE AND LAWS. 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 and/or other applicable regulations of this Municipality.

100-8: CHANGE OF LOCATION. The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that ten (10) days notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with.

100-9: 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 (1) 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.

100-10: NUISANCES PROHIBITED.

(A) GENERALLY. No business or establishment, whether licensed or not, 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.

(B) UNSAFE OR UNHEALTHFUL BUSINESS.

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

(2) No substance, matter or thing of any kind whatsoever, 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.

(C) REFUSE DISPOSAL.

(1) Refuse Containers. The standard refuse container shall be constructed of impervious material and sturdy construction with a tight-fitting cover.

(2) 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.

(3) 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 their own cost and expense, all refuse produced therein.

100-11: INSPECTIONS.

(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of this Municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this Municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of this Municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in this Municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this Municipality after having first presented a warrant authorizing such entry.

100-12: SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

(A) NUISANCE. When the conduct or 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.

(B) 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.

(C) REVOCATION. Licenses and permits issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in Sections 100-12(D) and 100-12(E) 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 Code 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 owed to this Municipality;

(5) 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 100-11.

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

(D) 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 (5) days prior to the date set for the hearing.

(E) COUNSEL. At the hearing, the attorney for the Municipality shall present the complaint and shall represent the 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.

100-13: APPEAL. Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in Section 100-4 or in connection with the revocation of a license or permit as provided in Section 100-12 shall have the right to appeal to the Municipality. Such appeal shall be taken by filing with the 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 100-12 hereof. The decision of the Municipality on such appeal shall be final.

100-14: 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.

100-15 to 100-16: RESERVED.

65 ILCS 5/11-60-1