

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL BUSINESS LICENSING

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Editor's Note:

Please refer to Title XVII: Village Regulations for local material on similar topics.

CHAPTER 110: GENERAL BUSINESS LICENSING

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§ 110.01 APPLICATION OF GENERAL LICENSING PROVISIONS.

The policies, procedures and regulations contained in this chapter shall be known as the general licensing provisions of the village. These policies, procedures, and regulations shall govern all situations where a more specific licensing section is silent, except where a specific licensing section is exempted by its terms from the general provisions or is in conflict with these general provisions.

§ 110.02 LICENSE PERMIT OR REGISTRATION REQUIRED.

No person shall operate any business, occupation, activity, or establishment, either by himself or itself or through an agent, employee, partner, or corporate officer for which a license, permit, or registration is required by this code or by any village ordinance, without first having obtained the required license, permit, or registration for the business, occupation, activity, or establishment.

Penalty, see § 110.99

Statutory reference:

For state law as to power of village relative to the issuance and revocation of licenses, see ILCS Ch. 65, Act 5, § 11-60-1

§ 110.03 LICENSE FEES.

Each business, occupation, activity, or establishment for which a license, permit, or registration is required shall also be required to pay a fee as set and determined by the Board of Trustees and set forth in Title XVII of this Code of Ordinances.

§ 110.04 ISSUANCE OF LICENSES, PERMITS, AND REGISTRATIONS; COLLECTION OF FEES; REFUNDS.

(A) All licenses and permits shall be signed by the President and all licenses, permits, and registrations shall be issued by the Clerk, unless otherwise provided in this code.

(B) All fees shall be payable to the village and shall be collected by the Clerk.

(C) Any license, permit, or registration fees paid in accordance with the provisions of this chapter shall not be refunded unless otherwise provided in this code.

§ 110.05 APPLICATION AND ISSUANCE OF LICENSES, PERMITS, AND REGISTRATIONS.

(A) Application for any license or permit shall be filed with and on the form provided by the Clerk, which form shall include the business address and telephone number of the establishment for which the license or permit is sought, and the business address and telephone number of the applicant unless otherwise provided in this code. The application form shall contain the required information as to each person applying for a license or permit, and be signed by the applicant. Where the applicant is a corporation, group, or association, the chief executive and chief fiscal officers shall sign, indicating their official capacity, and verify the application. Where a partnership is an applicant, all partners shall sign and verify the application.

(B) The Clerk shall review all applications and conduct or cause to be conducted inspections when necessary to verify information contained in any application.

(C) If the provisions of this code have been complied with, the Clerk shall recommend to the President that the application be approved. If the provisions have not been complied with, he shall recommend denial.

(D) The President shall be responsible for approving or denying any license or permit for which he is designated in this code to approve or deny. Upon receipt of any application, the President shall approve it provided that the requirements of this code have been complied with. He shall immediately forward the approved application to the Clerk who will notify the applicant. The Clerk shall issue the license or permit upon receipt of proof from the applicant that the required fees have been paid.

(E) If, after due consideration, the President determines that the provisions of this code have not been satisfied, he shall deny the application. He shall notify the applicant and the Clerk, in writing, that the application has not been approved and the reasons therefore.

(F) Within ten days from service of the President's notice of denial, the applicant may request, in writing, to the President a hearing before the Board of Trustees, at which the applicant may explain why the application should be approved. A hearing under this division shall take place within 30 days of the receipt of the applicant's request for a hearing. The applicant shall be permitted to be represented by counsel at no expense to the Village.

(G) If the applicant does not request a hearing within ten days, the applicant shall have waived the opportunity for a hearing before the Board of Trustees.

(H) Upon presentation of any evidence by the applicant, the Board of Trustees shall decide whether the application should be approved or denied.

(I) Provided that the requirements of the code are satisfied, the Board of Trustees shall approve the application. The approved application shall be forwarded to the Clerk. The Clerk shall notify the applicant and issue the license or permit upon receiving proof of payment of fees by the applicant.

(J) In the event the Board of Trustees denies an application, the applicant shall be informed by the Clerk, in writing, the reason for denial.

§ 110.06 LICENSE PERMIT OR REGISTRATION TERM, EXPIRATION, AND RENEWAL

(A) Each license, permit, or registration shall indicate its term. Such term shall commence on January 1 of each year, unless otherwise provided in this code. No license, permit, or registration shall be granted for a period longer than one year. Every annual license, permit, or registration shall expire at the end of December 31 following the date of issuance, unless otherwise provided in this code. Any licensee or permittee shall pay the full fees for any annual license, permit, or registration issued from the first day of the license or permit term through the end of the last day of the first six months of the term and pay one-half of the fees from the first day of the second six months of the license or permit term through the last day of the annual term, unless otherwise provided in this code.

(B) The Clerk shall notify all licensees and permittees, no less than 30 days before the expiration of the existing license or permit, that they need to file an application for renewal of their license or permit. A renewal application shall be filed and processed in the same manner as an original application.

§ 110.07 DISPLAY OF LICENSE, PERMIT, OR REGISTRATION

Unless otherwise provided in this code, every person who is issued a license, permit, or registration shall display such license, permit, or registration in a conspicuous place accessible to the public on the premises where the business, occupation, activity, or establishment is operated.

Penalty, see § 110.99

§ 110.08 NATURE AND TRANSFERABILITY OF LICENSE, PERMIT, OR REGISTRATION; UNLAWFUL USE.

(A) Any license, permit, or registration required and described in this code shall be a purely personal privilege, not to exceed its designated term. It shall not constitute property and shall not be transferable except as provided in this code.

(B) In the case of the death of any person licensed or permitted under the provisions of this code or other ordinances of the village, before the term of the license or permit shall have expired, his surviving partners in the case of a partnership, or the legal representative, may continue to act under such license or permit for the unexpired term thereof, subject, however, to the conditions imposed on the person to whom it was originally issued.

(C) In the case of the sale of a licensed or permitted business by the current licensee or permittee, the current licensee or permittee may designate the purchasing person or entity to succeed him as licensee or permittee. Upon application of the purchaser, a new license or permit may be issued by the President provided that the applicant meets all the criteria applicable to a new licensee or permittee. The purchaser shall pay the required fees for the duration of the license or permit term prior to being issued any license or permit.

(D) No person shall alter, deface, forge, counterfeit, or duplicate any license, permit, or registration issued by the village.

Penalty, see § 110.99

§ 110.09 NAME AND PLACE OF BUSINESS; CHANGE OF BUSINESS LOCATION.

(A) No person granted a license or permit pursuant to this chapter shall operate under any name or operate his business under any designation not specified on his license or permit.

(B) Where a license, permit, or registration issued under the provisions of this code is only valid for a particular location, the location of the licensed or permitted business, activity, occupation, or establishment may be changed provided that the licensee or permittee makes application to the Clerk not less than 14 days prior to the change of location and that the proposed location complies with all applicable zoning, building, or similar ordinances and that the application is approved by the President.

(C) Where application for change of location is denied, the denial may be reviewed pursuant to the hearing procedures contained in § 110.05.

Penalty, see § 110.99

§ 110.10 INSPECTIONS; ADMISSION TO PREMISES; SAMPLES.

(A) The village shall have authority to inspect any establishment that contains any business occupation or activity for which a license, permit, or registration is required by this code.

(B) Whenever inspection of any establishment used for or in connection with the operation of a licensed or permitted business, activity, or occupation is provided for or required by ordinance or is reasonably necessary to secure compliance with any ordinance or to detect violations thereof, the licensee, permittee, or person in charge of the establishment shall admit thereto at any reasonable time any village official who is authorized or directed to make the inspections by the President.

(C) Whenever an analysis of any commodity or material is reasonably necessary to secure compliance with the provisions of any ordinance or to detect violations thereof, the licensee, or permittee or person in charge of the establishment shall, upon request, give to any authorized village official samples of the material or commodities sufficient for this analysis.

(D) Written reports of any inspection conducted pursuant to this section shall be made available to the licensee or permittee of the inspected establishment upon written request to the Clerk.

§ 110.11 REVOCATION OR SUSPENSION OF LICENSE OR PERMIT.

(A) Any licensee or permittee found to be in violation of the provisions of this code, as hereinafter provided, may have the license or permit suspended by the President for a period not to exceed 90 days, or have the license or permit revoked by the President.

(B) Any license or permit may be suspended or revoked in accordance with the provisions of this chapter for any of the following reasons, or for those reasons specified in other applicable licensing chapters:

(1) The licensee or permittee has knowingly made materially fraudulent or misleading statements in his application for any license or permit;

(2) The licensee or permittee has violated ordinance provisions relating to the license, permit, or registration, related thereto the subject matter of the license, permit, or registration, or the establishment occupied;

(3) The licensee or permittee has failed to pay the license, permit, or registration fee or any penalty owing the village;

(4) The licensee or permittee has refused to permit the inspection or investigation or sampling as authorized by this code.

(C) The Clerk is authorized to receive allegations and issue notifications of noncompliance with the provisions of this chapter. Upon receipt of any allegation he shall cause an investigation to

determine the accuracy of the allegations. Upon completion of the investigation the Clerk shall recommend to the President any action to be taken.

(D) Upon receipt of the recommendation, the President shall take appropriate action which may include the suspension or revocation of the license or permit. Any notice shall be set forth in writing and be served in person, or be mailed by certified mail return receipt requested, to the licensee or permittee.

(E) Upon receipt of a notice, the licensee or permittee may within three working days request in writing to the Clerk a hearing before the President. A hearing under this subsection shall take place within ten days of the receipt of the licensee's or permittee's request for a hearing. At any hearing conducted in accordance with this chapter, the President shall hear evidence that is material and relevant to the allegations in the complaint and shall render a decision as to the validity of the complaint. The licensee or permittee shall be permitted to be represented by counsel at no expense to the Village and shall have the right to submit evidence and cross-examine all witnesses called.

(F) Where a licensee or permittee does not request a hearing within three working days, the licensee or permittee shall have waived the opportunity for a hearing.

(G) The President shall render a decision in accordance with the provisions of this Chapter.

(H) Any license or permit suspension or revocation, if ordered, shall not be in lieu of any penalty imposed for violation of any provision of this code or other ordinance of the Village.

§ 110.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$750 for each offense. Each day's violation constitutes a separate offense.